

SSI and Social Security Disability

WHAT IS SSI?

Go to <http://www.ssa.gov>, the Social Security Administration website, for an excellent explanation. SSI stands for the Supplemental Security Income program run by the federal government. SSI provides a monthly check for aged, blind, or disabled persons who are needy, and who can't work. SSI pays a low income individual \$771 per month or a couple \$1,157 per month (as of 2019). You must have little money or property (up to \$2,000 for a single person and \$3,000 for a couple) along with being aged, blind, or disabled. Your house doesn't count.

WHAT IS THE DIFFERENCE BETWEEN SSI AND SOCIAL SECURITY?

Social Security disability benefits are available for disabled workers who have paid in enough money to the Social Security fund over enough quarters to have insured status. SSI has no work history requirement. Some people who have a small amount of social security disability coverage will also be able to get a check for SSI.

WHAT DO THEY MEAN BY DISABLED?

The test for disability is the same for Social Security and SSI. Basically you must have a medical or mental health problem which keeps you from working full-time for at least a year. The Department of Health and Human Services, which runs the Social Security Administration, has rules and regulations which they use to define disability.

When you apply for disability, Social Security checks to see if you are working. People who work and earn over a certain amount per month (\$1,220 for 2019) are considered to be able to do "substantial gainful activity" (SGA) and they are denied disability. Social Security will look at the medical condition to see if it is "severe." A severe condition must be expected to result in death or last a year before they consider you disabled. There are 14 types of super severe conditions recognized by the Social Security Administration. If your condition matches any of the ones

described in these 14 categories, you will qualify for benefits. If you have a severe impairment that does not match any of the 14 types of conditions, then the Social Security Administration will look at your age, education, and work experience to see if there is other work that you can do.

HOW TO APPLY

Any citizen or legal permanent resident can apply for SSI benefits at a local Social Security District Office. Call the following toll free number if you don't have a district office in your area and a service representative will assist you with the application. 1-800-772-1213.

A claims representative will assist you in filling out the application. You don't need to personally fill the entire form out. A friend or relative can help you, but you must sign it unless you are mentally or physically unable to sign your name. The application form asks information such as:

- when you last worked;
- the nature of your condition;
- what doctors and hospitals treated you;
- medications you are taking;
- information about income and resources.

The application form is sent to the Disability Determinations Service in Boise, who recommend disability decisions for the Social Security Administration.

MEDICAID

You are eligible for Medicaid if you qualify for SSI, but you must file a separate application. An application for Social Security or SSI is **not** an application for Medicaid. Medicaid is a government run medical insurance program that pays for medical care. You should apply for Medicaid at your local Idaho Department of Health and Welfare Office at the same time as you apply for SSI.

HOW TO APPEAL

Most SSI disability applications are denied at first. If your application is denied you have 60 days to appeal. Forms are available at the local Social Security office for appealing. Social Security has informal hearings at the reconsideration level in some

cases. If you are turned down at reconsideration, you can ask for a hearing in front of an administrative law judge (ALJ). The ALJs travel to Idaho on a monthly basis to hear cases. They will listen to your testimony and your witnesses and review the evidence in your file. It usually takes six weeks to three months for them to issue a written decision. If they turn you down you may appeal to the Appeals Council in Washington D.C. and then to federal court.

DO YOU NEED AN ATTORNEY?

If you are denied disability benefits and feel that you are disabled, you should see an attorney. Idaho Legal Aid Services, Inc. represents hundreds of claimants for SSI disability. Your chances of winning an SSI appeal are much better if you have an attorney.

Here are 10 good reasons for getting an attorney:

1. Your attorney knows the laws and regulations involved.
2. Your attorney will help you get all the medical and other evidence that you need.
3. Your attorney will contact your doctors and explain the requirements of the Social Security regulations.
4. Your attorney will review the file Social Security has put together on your case and make sure it is complete.
5. Your attorney will assist you with the special rules that apply to termination cases and overpayment cases and income or resource denials.
6. Your attorney can seek a waiver of a time limit or seek to reopen a prior claim.
7. Your attorney will prepare you to testify at your hearing.
8. Your attorney can subpoena witnesses for your hearing and cross-examine experts that Social Security hires.
9. Your attorney will argue for you at your hearing.
10. Your attorney will review your hearing decision if you lose and help you appeal if it is necessary.

HOW DO I GET AN ATTORNEY?

For SSI and Social Security Disability claims, contact the nearest Idaho Legal Aid Services office listed on the back of this pamphlet, or the National Organization of Social Security Claimant's Representatives, 1-800-431-2804, or the Idaho State Bar, 334-4500, to receive a referral.

This page is for information only. If you have questions about your disability claim, contact an attorney.

Last updated on August 03, 2020.

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