


# The Ins and Outs of Qualifying for Social Security Disability, SSI and DAC Benefits

Presented by

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Formed Families Forward  
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# About Sheri R. Abrams

- ▶ Practicing Social Security Disability Law, Estate Planning, Elder Law and Special Needs Planning for more than 20 years
  - ▶ Rated “AV Preeminent,” “Super Lawyer,” “Best Lawyers in America”
  - ▶ Board of Directors of Virginia Academy of Elder Law Attorneys (VAELA)
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# About Sheri R. Abrams

- ▶ Author of the Book “Don’t Gamble with Your Social Security Disability Benefits”
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    - [www.sheriabrams.com](http://www.sheriabrams.com)
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- ▶ Free Monthly Newsletter
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# Social Security Disability Benefits

- ▶ There are 3 separate programs that Social Security administers.
  - Social Security Disability also known as **SSDI**, **Title II** or **DIB**.
  - Supplemental Security Income for adults and children also known as **SSI** or **Title XVI** .
  - Disabled Adult Child Benefits also known as **DAC**.

# Social Security Disability (SSDI, TITLE II or DIB)

- ▶ Monthly Cash Benefit
- ▶ Must have worked long enough and recently enough.
  - ▶ Generally need 40 quarters of coverage.
    - ▶ A quarter of coverage (QC) in 2017 is \$1,300.
  - ▶ Worked 5 of the last 10 years.
    - ▶ Date Last Insured Problem.
- ▶ Comprised of all your FICA Earnings.
- ▶ Payment amount dependent on wage history.
  - ▶ Full retirement age amount.

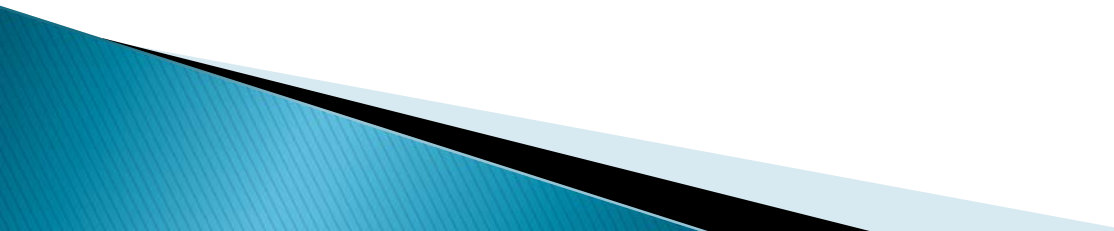
# Social Security Disability (SSDI, Title II or DIB)

- ▶ Can receive up to \$2,687 per month (2017).
- ▶ Your children will get extra benefits up until age 18 (19 if in school) (usually ½ more).
- ▶ Qualify for Medicare after two years of SSDI eligibility (29 months after “onset date”).
  - ▶ Medicare not free.
- ▶ 5–Month waiting period.
  - SSA can pay Retroactive Benefits up to 1 year before your application date.

# Supplemental Security Income (SSI or Title XVI)

- ▶ Welfare Type Program (limited to U.S. Citizens with some exceptions).
- ▶ Never had to work.
- ▶ Very limited income and resources. (\$2,000 for 1 person, \$3,000 for a couple).
- ▶ Can receive up to \$735 per month for 1 person, \$1,103 per month for a couple (2017), but this varies by State.

# Supplemental Security Income (SSI or Title XVI)

- ▶ Will receive Medicaid immediately (only need \$1 of SSI to get Medicaid)
    - Medicaid is free
  - ▶ SSI Benefits start at date of application
    - No waiting period
  - ▶ SSI does not pay any dependent benefits
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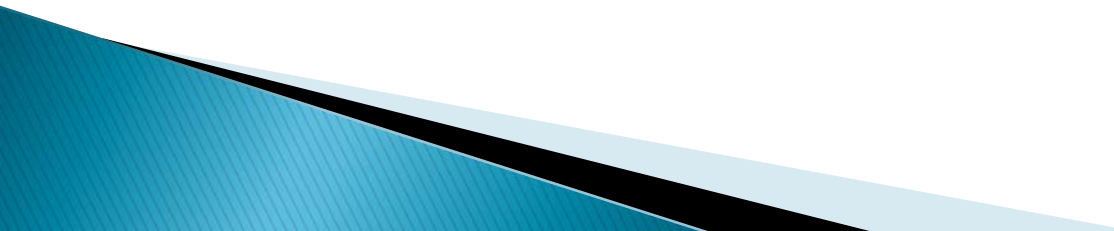
# SSI For Children

- ▶ Eligible for child SSI benefits beginning at birth.
- ▶ Eligible for child SSI benefits until age 18.
  - Can then be determined eligible for adult SSI.
- ▶ Deemed Income.
  - Parents income used to determine child's financial eligibility.
    - Only until age 18.

# Disabled Adult Child Benefits (DAC)

- ▶ Adults who were disabled before age 22.
- ▶ Eligible if parent is deceased or are receiving Social Security Disability or Retirement benefits.
- ▶ Can receive Social Security Disability benefits (not SSI) and Medicare.
  - -----no income/resource limitation.
- ▶  $\frac{1}{2}$  parent's amount if disabled or retired.
- ▶  $\frac{3}{4}$  parent's amount if deceased.
- ▶ Strict rules on marriage.

# Social Security's Definition of Disability

- ▶ Severe mental or physical impairment.
  - ▶ Medically verifiable.
  - ▶ Has lasted or is expected to last twelve consecutive months, or result in death.
  - ▶ Claimant unable to engage in Substantial Gainful Activity (SGA) (\$1,170 in 2017).
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# 5 Step Sequential Evaluation Process

- ▶ Step 1) Is the individual currently engaging in SGA? (\$1,170 in 2017).
- ▶ Step 2) Does the individual have a severe impairment(s)?
- ▶ Step 3) Does the individual have any impairment(s) which meets or equals a listed impairment?
  - Federal Register.

# 5 Step Sequential Evaluation Process

- ▶ Step 4) Does the individual have any impairment(s) which prevents past relevant work? (last 15 years)
- ▶ Step 5) Does the individual's impairments prevent them from doing any other work in the national economy
  - This last step considers age, education, and work experience
    - “Grids”
    - Compassionate Allowances

# SSI For Children Sequential Evaluation

- ▶ Same as for Adult except:
- ▶ Step 3---Separate set of “Listings” for child impairments
  - Federal Register
- ▶ Step 5---Child must have a mental or physical impairment which result in marked & severe functional limitations
  - Including emotional & learning problems
  - Compassionate Allowances

# The Social Security Disability Process

- ▶ Almost everyone is denied Social Security Disability & SSI benefits when they first apply.
  - Initial Application (80% denial rate).
  - Reconsideration (90% denial rate).
  - Hearing before an Administrative Law Judge (43% approval rate)
  - Appeals Council Review.
  - Federal District Court.

# The Hearing

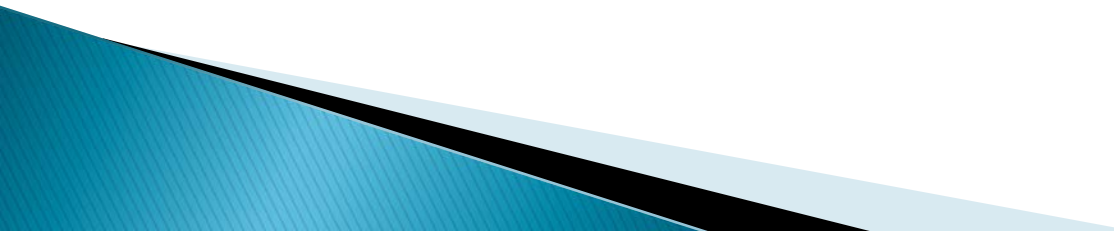
- ▶ The average waiting time varies from office to office.
- ▶ DC Hearing Office—22 Months Wait
- ▶ What's involved at the hearing?
  - Not scary
  - The claimant, the judge, Vocational Experts, Medical Experts, Attorney, sworn testimony
- ▶ What should be done to prepare for the hearing?
  - Electronic claim file, medical records, letters/interrogatories from treating **specialists**



# Why Hire An Attorney?

- ▶ Greatly increases your chance of approval.
- ▶ What will my attorney normally do for me?
  - Complete all paperwork for you.
  - Help obtain medical records/documents.
  - Prepare you to testify before the judge.
  - Attend hearing with you and represent you in front of the Administrative Law Judge.
- ▶ What does it cost to hire an attorney for a Social Security Disability case?
  - Attorney Fee must be approved by SSA.
  - Attorney Fee set by SSA.
  - Contingency (only pay if you receive benefits).
  - 25% or \$6,000 whichever is less of back benefits, no future benefits.

# How and When Should You Apply for Benefits

- ▶ Apply as soon as possible---do not wait
  - ▶ Apply online at [SSA.GOV](https://www.ssa.gov) or
  - ▶ Call SSA at 1-800-772-1213 and arrange for a telephone or in person appointment.
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# Working After Receiving Benefits

- ▶ Very tricky
- ▶ Many times not a good idea
- ▶ 9 month trial work period (SSDI only)--  
Trial Work Month-----\$840 (2017)
- ▶ Work incentives & programs (ex. Ticket to Work)

# Social Security Disability Reviews

- ▶ Don't Panic.
- ▶ Everyone Gets Reviewed---Notebook System.
- ▶ Sort of like an IRS Audit---your number comes up.
- ▶ Review is all on paper---no need to go through the hearing process again.
- ▶ If you are still not working and are still receiving treatment from a **specialist**---no worries.
- ▶ Reviews will stop at your full retirement age.

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