



# **Social Security 911: Understanding Your Rights and Resources**

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*Tools for Life*  
[www.gatfl.org](http://www.gatfl.org)

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# **Are you thinking about filing for disability benefits?**

Presentation by Alonzo Davis

**THE ACCIDENT AND DISABILITY ATTORNEYS**

**O F M O N G E & A S S O C I A T E S**

**BECAUSE YOU WANT TO WIN!**

# Before you file a claim ...

- Are you disabled?
  - Does your disability affect your work performance?
  - Are you capable of performing some other, less demanding job?
  - Be aware of and understand your limitations; act upon that knowledge.



# Before you file a claim ...

- Dealing with doctors
  - Has your doctor told you that you cannot or should not work?
  - Has your doctor recommended work restrictions?
  - GET IT IN WRITING
    - Get documentation of these recommendations and conversations so it is noted in your medical records.
    - It is important to have an understanding of what your doctor thinks of your claim for disability.

# Before you file a claim ...

- Medical treatment
  - Work may stop, but medical treatment never should.
    - If you are certain that work will stop due to your disability, plan ahead!
    - If you have insurance through your employer, be sure to obtain as much medical treatment before you stop working and your insurance coverage ends.
    - Treatment is necessary and important in all disability claims.

# Understanding the Financial Aspect

- Disability income will not be equal to the money you can earn while working.
- Consider what your primary Insurance Amount is.
  - Primary Insurance Amount is used to determine the amount of benefits payable to an individual receiving Social Security.



# Understanding the Financial Aspect

- Do you have enough credits to qualify for Title II Benefits?
  - How you earn credits:
    - You can earn 4 credits per year. One for each quarter.
    - The amount of income required to earn a credit changes each year. In 2010 an individual needed to have earned \$1,120 of taxable to earn a credit for that quarter.
    - Being paid cash for work does not earn you credits. You must have paid Social Security Taxes on the income you received.

# Understanding the Financial Aspect

- You must have 20 of 40 quarters of coverage to qualify for Title II.
  - If you are short, you might consider working a little longer so you can qualify.
  - If you don't have enough credits, you may qualify for Title XVI (SSI).
    - To qualify for SSI, you must meet certain income and resource limitations. Income wages, pensions, other short/long-term disability benefits, Workers' Compensation, rental property income, other retirement accounts, and some other general liquid assets.

# **SSI – What are the resource limitations?**

- Resources are defined as any of the following:
  - Cash
  - Bank accounts, stocks, U.S. savings bonds
  - Land
  - Life insurance
  - Personal property
  - Vehicles
  - Anything else you own which could be changed to cash and used for food or shelter

# SSI – What are the resource limitations?

- Deemed resources:
  - Portions of a spouse/parent/parent's spouse can be counted toward the resource limitations. Most applicable to children, if a child under 18 resides with a parent, the first \$2,000 of the parent's total countable resources do not count. If the child lives with both parents, the first \$3,000 does not count. Resources in excess of these amounts are counted toward the resource limit.

# **SSI – What are the resource limitations?**

- What is the Resource Limit?
  - The limit is \$2,000 for an individual
  - \$3,000 limit for a couple



# **SSI – What are the resource limitations?**

- What is NOT counted for the SSI Resource Limit?
  - Your home and the land it is on
  - Household goods and personal belongings (i.e. inherited silverware, jewelry, etc.)
  - One vehicle, regardless of the value, if used for transportation for you or your family
  - Certain educational funds up to 9 months
  - Federal tax returns not counted for 12 months

# SSI – Can I work?

- If your countable income is over the allowable limit, you cannot receive SSI benefits. And generally, the more income you make, the less your SSI benefits will be.
- How does Social Security determine your countable income:
  - Total income - income not counted = Countable income

# SSI – Can I work?

- What types of income does not count for SSI?
  - The first \$20 of most income received in a month.
  - The first \$65 of earnings and half of earnings of \$65 received in a month.
  - Income tax refunds
  - Small amounts of income received irregularly or infrequently
  - Interest or dividends earned on countable resources
  - Loans that you must repay
- \* Source: Understanding Supplemental Security Income, SSI Home Page, 2013 Edition. [www.socialsecurity.gov/ssi/text-understanding-ssi.htm](http://www.socialsecurity.gov/ssi/text-understanding-ssi.htm)

# How much do I receive from SSI?

- The Supplemental Security Income Federal Benefit Rate (FBR) is \$710 per month for an eligible individual and \$1,066 for an eligible couple.

# Can I apply for Medicaid?

- In most states, if you receive SSI, you may be automatically eligible for Medicaid. An SSI application is also an application for Medicaid. However, in other states you must apply for and establish your eligibility for Medicaid with another agency.
- In all REGION 4 states, you are automatically eligible for Medicaid if you are an SSI beneficiary
  - Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee

# **Social Security Disability: Waiting it Out**

- There are 4 administrative levels that can review your application:
  - Initial determination (in Georgia, the agency responsible for review is the Disability Adjudication Services [DAS])
  - Reconsideration (DAS reviews and makes decisions at this stage as well)
  - Hearing before an Administrative Law Judge (ALJ)
  - Appeals Council

# Social Security Disability: Waiting it Out

- How long is the waiting game and what are my chances?
  - Initial Determination
    - Denies about 70% of initial applications
    - After denial, you have 60 days to file an appeal for reconsideration



# Social Security Disability: Waiting it Out

## – Reconsideration

- Nationally, only about 13% of applications are approved
- After denial, you have 60 days to file an appeal for reconsideration

## – ALJ Hearing

- Nationally, about 67% of claims are approved
- The average wait time to obtain a scheduled hearing after requesting is about 365 days.
- After denial, you have 60 days to file an appeal to the Appeals Council



# **Social Security Disability: Waiting it Out**

- Appeals Council
  - Only about 2% of appeals are reversed favorably.
  - Only about 22% are remanded back to the ALJ
  - And about 75% of all requests for review are denied or dismissed.

# Communicating with Medical Providers

- Are you communicating with your medical providers about your disability process? It's important to keep your doctors apprised of what's going on.
- Social Security gives special consideration to a treating doctor's opinion (20 C.F.R. § 404.1527, SSR 96-2p)

# Communicating with Medical Providers

- Things to consider when obtaining a treating doctor's opinion:
  - Doctor's expertise
  - Length of treatment
  - Multiple doctors – do they all agree?
  - In-patient vs. Out-patient treatment
  - Chiropractor vs. MD



# **Social Security Disability: The Process**

- It's important to understand that if you're applying for disability benefits, you are alleging that you are unable to sustain gainful employment.

# **Social Security Disability: The Process**

- Working is not technically or entirely precluded.
  - However, you should understand the impact working will have on your:
    - Type of work and duties/responsibilities
    - How many hours per day/week you are working
    - How long have you been working the job
    - Did you work and have to stop because of your impairments

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