

# UNDERSTANDING SUPPLEMENTAL SECURITY INCOME (SSI)

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## INTRODUCTION

We created *Understanding Supplemental Security Income (SSI)* to inform beneficiaries, potential beneficiaries, advocates and other interested agencies and organizations about SSI eligibility requirements and processes.

We hope this knowledge will help people:

- apply for;
- establish eligibility for; and
- continue to receive SSI benefits for as long as they remain eligible.

*Understanding SSI* is a training manual and reference tool. It is not necessary for you to know everything in *Understanding SSI*. You may simply use and refer to those sections that are most useful to you.

If you have any questions while using *Understanding SSI*, please contact your local Social Security office or call our toll-free number 1-800-772-1213. We can answer your questions. We can help you find your local field office at: , [www.secure.ssa.gov/apps6z/FOLO/fo001.jsp](http://www.secure.ssa.gov/apps6z/FOLO/fo001.jsp)

You should refer any potentially eligible individuals to us to apply for SSI or to get an answer to any question about which you are unsure. If you have any doubts about a person's eligibility, always refer him or her to us immediately to avoid a possible loss in benefits.

*Understanding SSI* is not a complete review of all SSI related rules and policies. It provides general information and does not replace the experts at Social Security. **You must** contact us for individual case information.

The *Understanding SSI* publication is available online at [www.socialsecurity.gov/ssi/text-understanding-ssi.htm](http://www.socialsecurity.gov/ssi/text-understanding-ssi.htm)

You may also access this publication in Spanish "Comprendiendo el programa de Seguridad de Ingreso Suplementario" at [www.socialsecurity.gov/espanol/comprendiendoSSI](http://www.socialsecurity.gov/espanol/comprendiendoSSI)

# INFORMATION ABOUT THE SOCIAL SECURITY ADMINISTRATION

## SOCIAL SECURITY OFFICES

Social Security has a national network of more than 1,300 local field offices. In addition, we have 10 regional offices, 7 centralized processing centers, 154 hearing offices (plus 5 National Hearing Centers), the Appeals Council, and many teleservice centers that you can reach by calling a national toll-free number. Our national headquarters is in Baltimore, MD.

We administer the Social Security, Supplemental Security Income (SSI) and Special Veterans Benefits (SVB) programs. We will answer questions about those programs on the telephone or in person at your local office. Informational booklets are available upon request or can be obtained at [www.socialsecurity.gov](http://www.socialsecurity.gov). The Social Security policy manual called the Program Operations Manual System (POMS) is available to the public online at: <http://secure.ssa.gov/poms.nsf/home/readform>.

## CONTACTING SOCIAL SECURITY

Service is available by telephone, mail, in person at an office, or electronically through the Internet at: [www.socialsecurity.gov/reach.htm](http://www.socialsecurity.gov/reach.htm).

The toll-free number is **1-800-772-1213**. Teleservice representatives are on duty to answer your calls between 7:00 a.m. and 7:00 p.m. Monday through Friday. Recorded information and services are available 24 hours a day and on weekends. Spanish speaking representatives are available to speak with callers who prefer to do business with us in Spanish.

If you contact the local office or call the 1-800 number service and you need an interpreter to communicate with us, we will provide at no cost one upon request. We have a nationwide contract for telephone interpreter services in more than 150 languages and dialects. Interpreters are available immediately, with no appointment necessary.

If you are deaf or hard of hearing, we will take your telecommunications relay services (TRS) assisted calls at 1-800-772-1213. If you prefer, you may call Social Security's toll-free TTY-TDD number at 1-800-325-0778 from 7:00 a.m. to 7:00 p.m., Monday through Friday.

The fastest way to obtain service is to contact us by telephone through the toll free number. Our representatives can answer most questions. If an additional interview is necessary, we will make an appointment for you with a local field office at a time convenient to you.

If you are applying for SSI disability benefits, we will send you an Adult Disability Starter Kit, or a Child Disability Starter Kit, if you are applying for a child. Both Kits are available in Spanish. The Starter Kits, which are also available on our website, will help you prepare for your interview. The Kits provide a fact sheet that answers questions about the disability program, a checklist of items you will need to pursue your claim, and a worksheet for you to use to prepare for some of the questions we will ask you at your interview.

We can schedule most interviews either by telephone or in person at a local Social Security office. If you do not want to wait for a scheduled appointment, you may visit any Social Security office and we will serve you as quickly as possible.

When you call or visit us, note the name of any representative you speak with and the date of contact. Put your name and Social Security number on written correspondence with us and keep a copy for your records.

## SOCIAL SECURITY WEBSITE

Social Security's website at [www.socialsecurity.gov/](http://www.socialsecurity.gov/) provides links to our publications, information on Social Security, the benefits we administer, our online claims process and other services. Information on benefits is available in many languages by accessing our website at [www.socialsecurity.gov/multilanguage](http://www.socialsecurity.gov/multilanguage). We provide public information materials in many languages.

## FIND A SOCIAL SECURITY OFFICE

If you need **to find the closest Social Security office**, you can get this information online at <http://www.socialsecurity.gov/locator/> by providing your ZIP code. The information will include a map showing directions to the office.

## YOU CAN FILE FOR SOCIAL SECURITY ONLINE

You **can find out if you might be eligible for Social Security or SSI** by using our Benefit Entitlement Screening Tool at [www.benefits.gov/ssa](http://www.benefits.gov/ssa).

You can file for Social Security retirement, spouse's, disability, or Medicare benefits using our Internet application online at [www.socialsecurity.gov/applyforbenefits](http://www.socialsecurity.gov/applyforbenefits). Applications for SSI benefits are not available online at this time.

If you want to file for disability benefits, you can begin the process by completing the disability starter kit available on SSA's website at: [www.socialsecurity.gov/disabilitystarterkits](http://www.socialsecurity.gov/disabilitystarterkits).

The Adult Disability Report is available online at [www.socialsecurity.gov/adultdisabilityreport](http://www.socialsecurity.gov/adultdisabilityreport). The Child Disability Report is available at [www.socialsecurity.gov/childdisabilityreport](http://www.socialsecurity.gov/childdisabilityreport).

This report is only one part of the filing process. You will still need to contact us by phone or in person to apply for SSI. Also, you may need to complete an application for Social Security benefits, which can be done online.

If you file for Social Security benefits, you can register a password with us to obtain information about your benefits on the Internet and on our automated telephone service. See our website at [www.socialsecurity.gov/password](http://www.socialsecurity.gov/password).

If you file for SSI when you apply for Social Security benefits and we also award you SSI benefits, you can obtain information online about your SSI as well at [www.socialsecurity.gov/pcyb](http://www.socialsecurity.gov/pcyb).

If we award you SSI benefits **only**, you cannot register a password at this time. We are moving toward an electronic environment and we will be offering this service to SSI-only beneficiaries in the future. While individuals are not able to file for SSI by completing an application over the Internet at this time, some of the forms needed to file are available on the Internet.

For the most recent information about what you can do online, see [www.socialsecurity.gov/onlineservices](http://www.socialsecurity.gov/onlineservices).

## PROOF OF YOUR MONTHLY SSI PAYMENT

If you receive SSI, and you need a letter to **verify your monthly benefit amount**, you can request it on the Internet and we will mail it to you. See our website at [www.socialsecurity.gov/beve/](http://www.socialsecurity.gov/beve/).

# SUPPLEMENTAL SECURITY INCOME (SSI) OVERVIEW

## WHAT IS SSI?

SSI stands for Supplemental Security Income. The Social Security Administration (SSA) administers this program. We pay monthly benefits to people with limited income and resources who are disabled, blind, or age 65 or older. Blind or disabled children may also get SSI.

## HOW IS SSI DIFFERENT FROM SOCIAL SECURITY BENEFITS?

Many people who are eligible for SSI may also be entitled to receive Social Security benefits. In fact, the application for SSI is also an application for Social Security benefits. However, SSI and Social Security are different in many ways.

- Unlike Social Security benefits, SSI benefits are not based on your prior work or a family member's prior work. Social Security benefits may be paid to you and certain members of your family if you are "insured" meaning you worked long enough and paid Social Security taxes.
- SSI is financed by general funds of the U.S. Treasury—personal income taxes, corporate and other taxes. Social Security taxes collected under the Federal Insurance Contributions Act (FICA) or the Self Employment Contributions Act (SECA) do **not** fund the SSI program.
- In most States, SSI beneficiaries also can get medical assistance (Medicaid) to pay for hospital stays, doctor bills, prescription drugs, and other health costs.
- Most States also provide a supplemental payment to certain SSI beneficiaries.
- SSI beneficiaries may also be eligible for food assistance in every State except California. In some States, an application for SSI also serves as an application for food assistance.
- SSI benefits are paid on the first of the month.
- To get SSI, you must be disabled, blind, or at least 65 years old and have "limited" income and resources.
- In addition, to get SSI, you must also:
  - be a resident of the United States; and
  - not be absent from the country for a full calendar month or more or for 30 consecutive days or more; and
  - be either a U.S. citizen or national, or in one of certain categories of eligible non-citizens.

## HOW IS SSI LIKE SOCIAL SECURITY BENEFITS?

- Both programs pay monthly benefits.

- The medical standards for disability are the same in both programs for individuals age 18 or older. There is a separate definition of disability under SSI for children from birth to age 18.
- SSA administers both programs.

**NOTE:** For more information on Social Security benefits, see page 68.

# SUPPLEMENTAL SECURITY INCOME GENERAL INFORMATION

## **SSI MONTHLY FEDERAL BENEFIT RATES (FBRs) AND LIVING ARRANGEMENTS**

See the chart below to determine the maximum monthly SSI benefit you can get in the following living arrangements if:

- your State does not add to the SSI monthly FBR; **and**
- you have no countable income. See SSI Income on page 19 for more information.

However, depending on what State you live in, you may receive a supplemental payment. Some States contribute to the total amount payable to SSI beneficiaries. This amount varies from State to State. See SSI Benefits on page 15 for more information on the State supplement. The chart below refers to the amount you get from the federal government only, provided you or your spouse does not receive any other countable income.

### **Live alone or pay your share of food and housing costs:**

#### **January 2012**

- Individual/Child \$ 698
- Couple \$ 1,048

### **Live in the household of another:**

#### **January 2012**

- Individual/Child \$ 465.34
- Couple \$ 698.67

### **Live in a Medicaid Institution:**

#### **January 2012**

- For each Individual/Child \$ 30

**NOTE: Amounts given are general guidelines only. For more information about living arrangements, see pages 23 and 74.**

**SSI RESOURCE LIMITS – You can get SSI in all States if we count the things that you own and they are worth less than the following:**

#### **January 2012**

- Individual/Child \$2,000
- Couple \$3,000

**NOTE: We do not count all of the things you own as a resource. For more information about Resources, see pages 16 and 75.**

## SSI ELIGIBILITY REQUIREMENTS

### WHO IS ELIGIBLE FOR SSI?

Anyone who is:

- aged (age 65 or older);
- blind; or
- disabled.

And who:

- has limited income; and
- has limited resources; and
- is a U.S. citizen or national, or a certain category of alien (**Note:** In general, an alien who is subject to an active warrant for deportation/removal does not meet the citizenship/alien requirement); and
- is a resident of one of the 50 States, the District of Columbia, or the Northern Mariana Islands; and
- is not absent from the country for a full calendar month or for 30 consecutive days or more; and
- applies for any other cash benefits or payments for which he or she may be eligible, (for example, pensions, Social Security benefits); and
- gives SSA permission to contact any financial institution and request any financial records about you; and
- files an application; and
- meets certain other requirements.

### WHAT DOES "AGED" MEAN?

"Aged" means age 65 or older.

### WHAT IS "BLINDNESS" FOR AN ADULT OR CHILD?

Blindness in our disability programs is "statutory blindness," which means:

- you have a central visual acuity of 20/200 or less in your better eye with use of a correcting lens; or
- you have a visual field limitation in your better eye, such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

If you have a visual impairment that is not "statutory blindness" as defined above, you may still be eligible for SSI benefits on the basis of disability. See the definitions of disability for children and adults below.

### WHAT DOES "DISABLED" MEAN FOR A CHILD?

If you are age 18 and older we may consider you "disabled" if you have a medically determinable physical or mental impairment, which:

- results in marked and severe functional limitations; and
- can be expected to result in death; or
- has lasted or can be expected to last for a continuous period of not less than 12 months.

If you are age 18 or older, the adult definition of disability explained below applies.

See SSI for Children on page 26 and page 39 for more information on the childhood disability evaluation.

### **WHAT DOES “DISABLED” MEAN FOR AN ADULT?**

If you are age 18 and older we may consider you “disabled” if you have a medically determinable physical or mental impairment which:

- results in the inability to do any substantial gainful activity (see definition of substantial gainful activity on page 37); and
- can be expected to result in death; or
- has lasted or can be expected to last for a continuous period of not less than 12 months.

### **WHAT DOES “LIMITED INCOME” INCLUDE?**

Income includes:

- money you earn from work;
- money you receive from other sources, such as Social Security benefits, workers compensation, unemployment benefits, Department of Veterans Affairs, friends or relatives; and
- free food or shelter.

**NOTE:** We do not count all kinds of income for SSI, but income that we do count reduces your SSI benefit amount. For more information about SSI Income, see page 19.

### **WHAT ARE “LIMITED RESOURCES”?**

Resources are things you own such as:

- cash;
- bank accounts, stocks, U.S. savings bonds;
- land;
- vehicles;
- personal property;
- life insurance; and
- anything else you own that could be converted to cash and used for food or shelter.

**NOTE:** We do not count the value of all of your resources for SSI. See SSI Resources on page 16.

The SSI limits for resources that we do count are:

<b>Individual/Child</b>	<b>\$2,000</b>
<b>Couple</b>	<b>\$3,000</b>

### **CITIZEN/NON-CITIZEN STATUS**

To get SSI, you must be:

- a citizen or national of the U.S.; or

- a non-citizen who meets the alien eligibility criteria under the 1996 legislation and its amendments.

## **WHEN IS A NON-CITIZEN ELIGIBLE FOR SSI?**

Beginning August 22, 1996, most non-citizens must meet two requirements to be eligible for SSI:

1. the non-citizen must be in a **“qualified alien”** category; and
2. meet a **condition** that allows qualified aliens to get SSI.

A non-citizen must also meet all of the other requirements for SSI eligibility, including the limits on income, resources, etc.

## **WHO IS A “QUALIFIED ALIEN”?**

There are seven categories of non-citizens who are qualified aliens. You are a “qualified alien” if the Department of Homeland Security (DHS) says you are in one of these categories:

1. Lawfully admitted for permanent residence (LAPR) in the U.S., including “Amerasian immigrant” as defined in section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988, as amended;
2. Granted conditional entry under section 203(a)(7) of the Immigration and Nationality Act (INA) as in effect before April 1, 1980;
3. Paroled into the U.S. under section 212(d)(5) of the INA for a period of at least 1 year;
4. Refugee admitted to the U.S. under section 207 of the INA;
5. Granted asylum under section 208 of the INA;
6. Deportation is being withheld under section 243(h) of the INA as in effect before April 1, 1997, or removal is being withheld under section 241(b)(3) of the INA;
7. “Cuban or Haitian entrant” under section 501(e) of the Refugee Education Assistance Act of 1980 or in a status that is to be treated as a “Cuban/Haitian entrant” for SSI purposes.

In addition, you can be a “deemed qualified alien” if, under certain circumstances, you, your child, or your parent has been subjected to battery or extreme cruelty by a family member while in the United States.

## **UNDER WHAT CONDITIONS IS A “QUALIFIED ALIEN” ELIGIBLE FOR SSI?**

If you are in one of the seven “qualified alien” categories listed above, or have been determined to be a “deemed qualified alien” because you have been subjected to battery or extreme cruelty, you may be eligible for SSI if you have limited income and resources and are aged, blind or disabled and also meet one of the following conditions:

1. You were receiving SSI and lawfully residing in the U.S. on August 22, 1996.
2. You are a LAPR with 40 qualifying quarters of earnings. Work done by your spouse or parent(s) may also count toward the 40 quarters of earnings, but only for getting SSI.

We cannot count quarters of earnings earned after December 31, 1996 if you, your spouse, or your parent(s) worked or received certain benefits from the U.S. government based on limited income and resources during that period.

**IMPORTANT:** If you entered the U.S. on or after August 22 1996, then you may not be eligible for SSI for the first 5 years as a LAPR, even if you have 40 qualifying quarters of earnings.

3. You are currently on active duty in the U.S. Armed Forces or you are an honorably discharged veteran and your discharge is not because you are an alien. This condition may also apply if you are the spouse, widow(er), or dependent child of certain U.S. military personnel.
4. You were lawfully residing in the United States on August 22, 1996 **and** you are blind or disabled.
5. You may receive SSI for a maximum of 7 years from the date DHS granted you qualified alien status in one of the following categories, and the status was granted within 7 years of filing for SSI:
  - Refugee admitted to the United States (U.S.) under section 207 of the Immigration and Nationality Act (INA);
  - Asylee admitted to the U.S. under section 208 of the INA;
  - Alien whose deportation was withheld under section 243(h) of the INA or whose removal is withheld under section 241(b)(3) of the INA;
  - Admitted as a "Cuban or Haitian entrant" as defined under section 501(e) of the Refugee Education Assistance Act of 1980 or in a status that is to be treated as a "Cuban/Haitian entrant" for SSI purposes; or
  - "Amerasian immigrant" admitted under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as amended.

**IMPORTANT:** You may be eligible for SSI beyond the 7-year period if you are in one of these categories and you also meet one of the other conditions in 1-4 above, or if you qualify for a two year extension under P.L. 110-328 enacted October 1, 2008, or up to three years under the same law if you qualify for and have shown good faith in pursuing U.S. citizenship, as determined by the Department of Homeland Security.

## **EXEMPTION FROM THE AUGUST 22, 1996 LAW FOR CERTAIN NON-CITIZEN INDIANS**

Certain categories of non-citizens may be eligible for SSI and are not subject to the August 22, 1996 law. These categories include:

- American Indians born in Canada who were admitted to the U.S. under Section 289 of the INA; or
- Non-citizen members of a Federally recognized Indian tribe who fall under Section 4(e) of the Indian Self-Determination and Education Assistance Act.

## **ADDITIONAL ELIGIBLE ALIEN CATEGORIES**

Victims of Severe Forms of Human Trafficking: You may be eligible for SSI under certain circumstances if the Department of Health and Human Services' Office of Refugee Resettlement and the Department of Homeland Security determine that you meet the requirements of the Trafficking Victims Protection Act of 2000.

Iraqi/Afghani Special Immigrants: You may also qualify for SSI for a period of seven years if you are an Iraqi or Afghani special immigrant admitted to the United States.

**NOTE:** See the SSI Spotlight on Benefits for Aliens, page 104.

## **WHAT IS RESIDENCY?**

### **You must:**

- Live in the U.S., or the Northern Mariana Islands with the intent to continue living within these geographic limits; or
- Be a child living with a parent in the military service assigned to permanent duty ashore anywhere outside of the U.S. **NOTE:** See the SSI Spotlight on Special SSI Rules for Children of Military Personnel Living Overseas, page 102; or
- Be a student temporarily abroad for the purpose of conducting studies as part of an educational program.

## **WHO IS NOT ELIGIBLE FOR SSI?**

Some examples of who is not eligible for SSI include, but are not limited to:

### **SOMEONE WHO IS A FUGITIVE**

An individual is ineligible to receive SSI benefits for any month during which he or she has an unsatisfied arrest warrant for:

- escape from custody; or
- flight to avoid prosecution or confinement; or
- flight-escape; or
- violating a condition of parole or probation imposed under Federal or State law. However, effective March 18, 2011, we no longer suspend or deny payments based solely on an outstanding warrant for a violation of probation or parole.

In addition, we cannot pay any retroactive payments to you if you have one of these unsatisfied arrest warrants. We will hold the retroactive payments until you contact SSA and provide proof that you satisfied the arrest warrant.

SSA will continue to pay an individual's benefit if a court of competent jurisdiction has found the individual not guilty, dismissed the charges, vacated the warrant for arrest, or issued any similar exonerating order or taken similar exonerating action. SSA also will continue to pay an individual's benefit if the individual was erroneously implicated in connection with the criminal offense by reason of identity fraud.

Also, SSA may continue to pay an individual's benefit if the individual establishes that the offense underlying the warrant or imposition of the probation or parole (as well as the violation of probation or parole) was both nonviolent and not drug related and there were mitigating circumstances for not satisfying the warrant.

## **SOMEONE WHO IS IN PRISON OR JAIL**

If you are receiving SSI and you go to prison or jail, (this also includes correctional institutions, such as detention centers, halfway houses, boot camps, etc. but does not necessarily include home confinement) you are not eligible to receive SSI for any full calendar month you are incarcerated. In addition, we cannot pay any retroactive payments for benefits due before you were incarcerated. We will hold the retroactive payments until you contact SSA and provide proof that you are no longer a prisoner.

Please see our pamphlet, 'What Prisoners Need to Know', or view it online at [www.socialsecurity.gov/pubs/10133.html](http://www.socialsecurity.gov/pubs/10133.html) if you want more information about how being in jail or prison affects your SSI benefits.

In most instances, you can apply for SSI benefits and food stamps several months before you expect to be released from prison or jail. See the Spotlight on the Prerelease Procedure, page 101.

## **SOMEONE WHO IS IN A PUBLIC INSTITUTION**

If you are in any institution for a whole month that is run by a Federal, State or local government, you are not eligible for SSI for that month unless an exception applies such as residence in a public emergency shelter for the homeless or publicly operated community residence. If you expect to leave the institution, you may use the prerelease procedure described in the Spotlight on page 101.

## **SOMEONE WHO GIVES AWAY RESOURCES**

If you give away a resource or sell it for less than it is worth in order to reduce your resources below the SSI resource limit, you may be ineligible for SSI for up to 36 months.

**NOTE:** See SSI Resources on page 16 and the SSI Spotlight on Transfers of Resources, page 95.

## **SOMEONE WHO IS A NON-CITIZEN SSI BENEFICIARY WHO FAILS TO MEET THE ALIEN STATUS REQUIREMENTS**

- If you are receiving SSI as a non-citizen and you lose your status as an eligible alien, you are not eligible to receive SSI. For example, your SSI will stop if you lose your status as a "qualified alien" (see page 11) because there is an active warrant for your deportation or removal from the U.S.
- If you are a qualified alien but you no longer meet one of the conditions that allow SSI eligibility for qualified aliens (see page 11), then your SSI benefits will stop.

## **SOMEONE WHO IS AN SSI BENEFICIARY WHO IS ABSENT FROM THE U.S. FOR A FULL CALENDAR MONTH OR FOR 30 CONSECUTIVE DAYS OR MORE**

Except for certain students temporarily abroad for study purposes or a child of military parents stationed overseas, an individual is not eligible for SSI benefits for any month during all of which he or she has been outside the U.S. Once an individual has been outside the U.S. for 30 consecutive days or longer, he or she must be back in the U.S. for 30 consecutive days to be eligible for SSI benefits.

## SSI BENEFITS

Generally, the maximum Federal SSI benefit changes yearly. SSI benefits will automatically increase in 2012 because there was an increase in the Consumer Price Index from the third quarter of 2009 to the third quarter of 2011. Effective January 1, 2012, the Federal benefit rate is \$698 for an individual and \$1,048 for a couple.

Some States supplement the Federal SSI benefit with additional payments. This makes the total SSI benefit levels higher in those States. SSI benefit amounts and State supplemental payment amounts vary based upon your income, living arrangements, and other factors.

The following States or territories do not pay a supplement to people who receive SSI:

Arizona	Northern Mariana Islands
North Dakota	West Virginia
Mississippi	

Social Security administers the State supplement for the following States. You may contact us about your total benefit amount.

California	Michigan*	Rhode Island*
Delaware*	Montana	Utah
District of Columbia*	Nevada	Vermont
Hawaii	New Jersey	
Iowa*	New York*	
Massachusetts	Pennsylvania*	

\*Dual administration State. In these States, Social Security administers some categories of State supplement payments, while the State administers other categories of supplemental payments.

The following States pay and administer their own supplemental payments and you may contact the State for payment information.

Alabama	Louisiana	Oklahoma
Alaska	Maine	Oregon
Arkansas	Maryland	South Carolina
Colorado	Massachusetts	South Dakota
Connecticut	Minnesota	Tennessee
Florida	Missouri	Texas
Georgia	Mississippi	Virginia
Idaho	Nebraska	Washington
Illinois	New Hampshire	Wisconsin
Indiana	New Mexico	Wyoming
Kansas	North Carolina	
Kentucky	Ohio	

**NOTE:** See page 29 for more information on States that supplement Federal SSI benefits to children.

See the publication titled, "State Assistance Programs for SSI Recipient, January 2012" on our website at <http://www.socialsecurity.gov/pubs/statessi.html> for more information.

## SSI RESOURCES

### WHAT ARE RESOURCES?

Resources are things you own such as:

- cash;
- bank accounts, stocks, U.S. savings bonds;
- land;
- life insurance;
- personal property;
- vehicles;
- anything else you own that could be changed to cash and used for food or shelter; and
- deemed resources.

### WHAT ARE DEEMED RESOURCES?

Sometimes we “deem” a portion of the resources of a spouse, parent, parent’s spouse, sponsor of an alien or sponsor’s spouse as belonging to the person who files for SSI. We call this process the deeming of resources. If a child under age 18 lives with one parent, \$2,000 of the parent’s total countable resources does not count. If the child lives with 2 parents, \$3,000 does not count. We count amounts over the parents’ limits as part of the child’s \$2,000 resource limit.

### WHY ARE RESOURCES IMPORTANT IN THE SSI PROGRAM?

The value of your resources is one of the factors that determine whether you are eligible for SSI benefits. However, not all resources count for SSI. If the value of your resources that we count is over the allowable limit at the beginning of the month, you cannot receive SSI for that month. If you decide to sell the excess resources for what they are worth, you may receive SSI beginning the month after you sell the excess resources. You may even be able to receive benefits while you try to sell the excess resources in certain situations. See SSI Spotlight on Getting SSI While You Try to Sell Excess Resources, page 99.

### WHAT IS THE RESOURCE LIMIT?

The limit for countable resources is \$2,000 for an individual and \$3,000 for a couple.

### WHAT RESOURCES DO NOT COUNT FOR SSI?

For SSI, we do **not** count:

- the home you live in and the land it is on;
- household goods and personal effects (e.g., your wedding and engagement rings);
- burial spaces for you or your immediate family;
- burial funds for you and your spouse, each valued at \$1,500 or less (See the SSI Spotlight on Burial Funds, page 77);
- life insurance policies with a combined face value of \$1,500 or less;
- one vehicle, regardless of value, if it is used for transportation for you or a member of your household;

- retroactive SSI or Social Security benefits for up to 9 months after you receive them (including payments received in installments);
- grants, scholarships, fellowships, or gifts set aside to pay educational expenses for 9 months after receipt.

## **WHAT ARE INSTALLMENTS?**

When an individual is eligible for past-due SSI benefits, Social Security must first reimburse the State if you received any monetary Interim Assistance while you were waiting for your SSI decision. If the remaining past-due benefits are large, we must pay them in installments. The installment payments are made in no more than 3 payments, at 6 month intervals.

There is an exception that allows the amount of the first and second payment to be increased because of certain debts. There are also 2 exceptions that would permit payment of all unpaid benefits due an individual to be paid in one lump sum:

- if you have a medical condition that is expected to result in your death within 12 months; or
- you become ineligible for SSI and you are likely to remain ineligible for 12 months.

## **WHAT OTHER RESOURCES DO NOT COUNT FOR SSI?**

- property essential to self-support (See the SSI Spotlight on Property You Need for Self-Support, page 94);
- resources that a blind or disabled person needs for an approved plan for achieving self-support (PASS). (See the SSI Spotlight on Plans to Achieve Self-Support, page 92);
- money saved in an Individual Development Account, or IDA (See the SSI Spotlight on IDAs, page 91);
- support and maintenance assistance and home energy assistance that we do not count as income;
- cash received for medical or social services that we do not count as income is not a resource for 1 month. (**EXCEPTION:** Cash reimbursements of expenses already paid for by the person are evaluated under the regular income and resources rules);
- State or local relocation assistance payments are not counted for 9 months;
- crime victim's assistance is not counted for 9 months;
- earned income tax credit payments are not counted for 9 months;
- dedicated accounts for disabled or blind children (see page 28);
- disaster relief assistance that we do not count as income;
- cash received for the purpose of replacing an excluded resource (for example, a house) that is lost, damaged, or stolen is not counted for 9 months;
- All Federal tax refunds and advanced tax credits received on or after January 1, 2010 are not counted for 12 months;
- The first \$2,000 of compensation received per calendar year for participating in certain clinical trials and
- some trusts (see SSI Spotlight on Trusts, page 79).

## **WHAT IF I WANT TO SELL A RESOURCE?**

If you are trying to sell real property or other resources that put you over the resource limit, you may be able to get SSI while you are trying to sell them. When you sell the resource, you must pay back the SSI benefits you received for the period in which you were trying to sell the property or other resource. We call these "conditional benefits". You must sign a "conditional benefits agreement" form and we must accept that agreement before conditional payments can begin. You can get the form from your local Social Security office.

**NOTE:** See the SSI Spotlight on Getting SSI While You Try to Sell Excess Resources, page 99.

### **WHAT HAPPENS IF I GIVE AWAY OR SELL A RESOURCE?**

If you, your spouse, or a co-owner give away a resource or sell it for less than it is worth, you may be ineligible for SSI for up to 36 months. How long you are ineligible for SSI depends on the value of the resource you transferred.

**NOTE:** See the SSI Spotlight on Transfers of Resources, page 95.

# SSI INCOME

## WHAT IS INCOME?

- **Earned Income** is wages, net earnings from self-employment, certain royalties/honoraria and sheltered workshop payments.
- **Unearned Income** is all income that is not earned such as Social Security benefits, pensions, State disability payments, unemployment benefits, interest income, dividends, and cash from friends and relatives.
- **In-Kind Income** is food or shelter that you get for free or for less than its fair market value.
- **Deemed Income** is the part of the income of your spouse with whom you live, your parent(s) with whom you live, or your sponsor (if you are an alien), which we use to compute your SSI benefit amount.

## WHY IS INCOME IMPORTANT IN THE SSI PROGRAM?

Generally, the more countable income you have, the less your SSI benefit will be. If your countable income is over the allowable limit, you cannot receive SSI. Some of your income may not count as income for the SSI program.

## WHAT INCOME DOES NOT COUNT FOR SSI?

Examples of payments or services we do **not** count as income for the SSI program include but are not limited to:

- the first \$20 of most income received in a month;
- the first \$65 of earnings and one-half of earnings over \$65 received in a month;
- the value of food stamps;
- income tax refunds;
- home energy assistance;
- assistance based on need and funded by a State or local government;
- small amounts of income received irregularly or infrequently;
- interest or dividends earned on countable resources or resources excluded under other Federal laws;
- grants, scholarships, fellowships or gifts used for tuition and educational expenses;
- food or shelter based on need provided by nonprofit agencies;
- loans to you (cash or in-kind) that you have to repay;
- money someone else spends to pay your expenses for items other than food or shelter (for example, someone pays your telephone or medical bills);
- income set aside under a Plan to Achieve Self-Support (PASS). See the SSI Spotlight on Plans to Achieve Self-Support on page 88;
- earnings up to \$1,700 per month to a maximum of \$6,840 per year (effective January 2012) for a student under age 22. See the Spotlight on the Student Earned Income Exclusion on page 96;
- the cost of impairment-related work expenses for items or services that a disabled person needs in order to work. See Spotlight on Impairment-Related Work Expenses on page 88;

- the cost of work expenses that a blind person incurs in order to work. See Special SSI Rules for Blind People Who Work on page 90;
- disaster assistance;
- The first \$2,000 of compensation received per calendar year for participating in certain clinical trials;
- Federal tax refunds and advanced tax credits received on or after January 1, 2010; and
- certain exclusions on Indian trust fund payments paid to American Indians who are members of a federally recognized tribe.

## HOW DOES YOUR INCOME AFFECT YOUR SSI BENEFIT?

Step 1: We subtract any income that we do not count from your total gross income. The remaining amount is your "**countable income**".

Step 2: We subtract your "countable income" from the SSI Federal benefit rate. The result is your monthly SSI Federal benefit as follows:

$$\begin{array}{r}
 1) \text{ Your Total Income} \\
 \quad - \text{Your income that we do not count} \\
 \hline
 = \text{Your countable income}
 \end{array}$$

$$\begin{array}{r}
 2) \text{ SSI Federal benefit rate} \\
 \quad - \text{Your countable income} \\
 \hline
 = \text{Your SSI Federal benefit}
 \end{array}$$

## THE FOLLOWING EXAMPLES ARE BASED ON SAMPLE DOLLAR AMOUNTS.

### **EXAMPLE A - SSI Federal Benefit with only UNEARNED INCOME**

Total monthly income = \$300 (Social Security benefit)

$$\begin{array}{r}
 1) \$300 \text{ (Social Security benefit)} \\
 \quad - \underline{20 \text{ (not counted)}} \\
 \hline
 = \$280 \text{ (countable income)}
 \end{array}$$

$$\begin{array}{r}
 2) \$698 \text{ (SSI Federal benefit rate)} \\
 \quad - \underline{280 \text{ (countable income)}} \\
 \hline
 = \$418 \text{ (SSI Federal benefit)}
 \end{array}$$

### **EXAMPLE B - SSI Federal Benefit with only EARNED INCOME**

Total monthly income = gross wages of \$317

$$\begin{array}{r}
 1) \$317 \text{ (wages)} \\
 \quad - \underline{20 \text{ (not counted)}} \\
 \hline
 \$297 \\
 \quad - \underline{65 \text{ (not counted)}} \\
 \hline
 = \$232 \text{ divided by } 1/2 = \$116 \text{ (countable income)}
 \end{array}$$

$$\begin{array}{r}
 2) \$698 \text{ (SSI Federal benefit rate)} \\
 \quad - \underline{116 \text{ (countable income)}} \\
 \hline
 = \$582 \text{ (SSI Federal benefit)}
 \end{array}$$

### **EXAMPLE C - SSI Federal Benefit and STATE SUPPLEMENT with only UNEARNED INCOME**

The facts are the same as example A, but with federally administered State Supplementation.

- 1) \$300 (Social Security benefit)  
- 20 (not counted)  
=\$280 (countable income)
- 2) \$698 (SSI Federal benefit rate)  
- 280 (countable Income)  
=\$418(SSI Federal benefit)
- 3) \$418 (SSI Federal benefit)  
+ 15 (State supplement payment for an individual living alone)  
=\$433 (total Federal and State SSI benefit)

### **EXAMPLE D - SSI Federal Benefit and STATE SUPPLEMENT with only EARNED INCOME**

- 1) \$317 (wages)  
- 20 (not counted)  
\$297  
- 65 (not counted)  
=\$232 divided by 1/2 = \$116 (countable income)
- 2) \$698 (SSI Federal benefit rate)  
- 116 (countable income)  
=\$582 (SSI Federal benefit)
- 3) \$582 (SSI Federal benefit)  
+ 15 (State supplement payment for an individual living alone)  
=\$597(total Federal and State SSI benefit)

**NOTE:** For information on how your living arrangement affects your SSI benefit, see Living Arrangements on page 23.

### **HOW WILL WINDFALL OFFSET AFFECT MY BENEFIT?**

- We will reduce your retroactive Social Security benefits if you are eligible for Social Security and SSI benefits for the same months.
- We reduce your Social Security benefits by the amount of SSI you would not have received if we had paid you Social Security benefits when they were due.

**NOTE:** For more information, see the SSI Spotlight on Windfall Offset on page 114.

### **WHEN DOES DEEMED INCOME APPLY?**

- When a person who is eligible for SSI lives with a spouse who is not eligible for SSI, we may count some of the spouse's income in figuring the SSI benefit.
- When a disabled or blind child under age 18 lives with parent(s) (or a parent and a stepparent), and at least one parent does not receive SSI, we may count some of the parents' income in figuring the child's SSI benefit.
- When an alien has a sponsor, with certain exceptions, we count some or all of the sponsor's income in figuring the SSI benefit.

## **WHEN DOES DEEMED INCOME NOT APPLY?**

- When you no longer live with a spouse or parent.
- When a disabled or blind child reaches age 18.
- When an alien's sponsorship ends.

**NOTE:** See SSI Resources on page 16 and the section How Does Deeming Work for a Child? on page 26 for more information. Also, see the SSI Spotlight on Deeming Parental Income and Resources on page 83.

## **LIVING ARRANGEMENTS**

### **WHY IS MY LIVING ARRANGEMENT IMPORTANT?**

Your living arrangement is another factor used to determine how much SSI you can get.

This means your SSI benefits may vary depending on whether you live:

- in your own place such as a house, apartment, or mobile home; or
- in someone else's household; or
- in a group care or board and care facility; or
- in an institution such as a hospital or a nursing home.

**NOTE:** For more information on living arrangements, see the SSI Spotlight on Living Arrangements, page 74 or the spotlight on the one-third reduction provision on page 116.

We may reduce your SSI benefits because of your living arrangements when you:

- live in another person's house, apartment, or mobile home, and you pay less than your fair share of your food or housing costs;
- live in your own house, apartment, or mobile home, and someone else pays for all or part of your food, rent, mortgage, or other things like electricity and heating fuel;
- are in a hospital or nursing home for the whole month and Medicaid pays for over one-half of the cost of your care;
- are a minor child in a hospital or nursing home for the whole month and private insurance and/or Medicaid together pay over one-half your cost of care; or
- are in an institution run by a Federal, State, or local government for the whole month and Medicaid is paying 50% or more of your expenses. In most government institutions, you cannot get any SSI unless Medicaid is paying more than one-half of your bills. If you are in a medical treatment facility and Medicaid is paying 50% or more of your expenses, you may be eligible for \$30 a month.

**NOTE:** If you will be in a medical institution for 90 days or less, you may be able to receive your regular SSI benefit. See the SSI Spotlight on Continued Benefits for Persons Who Are Temporarily Institutionalized on page 100.

### **WHAT IF YOU ARE HOMELESS?**

We figure your benefit amount the same as we do for a person who lives in his or her own house, apartment, or mobile home.

### **CAN YOU RECEIVE SSI WHILE LIVING IN A PUBLIC SHELTER FOR THE HOMELESS?**

Yes, you can receive up to the maximum SSI payable in your State while living in a public shelter for up to 6 months out of any 9-month period.

### **WHERE WILL YOU GET YOUR SSI IF YOU DO NOT HAVE AN ADDRESS?**

You do not need an address to get SSI. We will make arrangements to pay you.

For more information, see the SSI Spotlight on Homelessness on page 113.

## WHAT IS IN-KIND SUPPORT AND MAINTENANCE?

In-kind support and maintenance is food or shelter that somebody else provides for you. We count in-kind support and maintenance as income when we figure the amount of your SSI benefits. For example, if someone helps pay for your rent, mortgage, food, or utilities, we reduce the amount of your SSI benefits. Receiving in-kind support and maintenance can reduce your monthly SSI benefits as much as \$252.66, depending on the value of the help you receive.

We do not count in-kind support and maintenance if you:

- live alone and pay for your own food and shelter;
- live only with your spouse and minor children and nobody outside the household pays for your food and shelter; or
- live with other people and pay your share of the food and shelter expenses.

## HOW DOES MY LIVING ARRANGEMENT AFFECT MY SSI BENEFIT AMOUNT?

Your living arrangement is where you live, if you live alone or with someone else, or if you live in an institution, such as a nursing home. Your living arrangement also depends on who pays for your food and shelter. Whether you live alone or with someone else, we need to know who pays for your food, shelter, and utilities. Here are some examples of common living arrangement situations.

### EXAMPLE A: If you live alone in an apartment

Suppose you live alone and your only income is SSI. Your brother pays your rent of \$800. We count this payment as in-kind support and maintenance. Although the rent is \$800, we limit how much of the \$800 we count by using a presumed maximum value rule. The presumed maximum value is equal to 1/3 of the Federal benefit rate plus \$20. Here are the steps we use to figure the SSI benefit amount.

1. The SSI Federal Benefit Rate is \$698.00
2. One third of the SSI Federal Benefit Rate of \$698 is \$232.66.
3. 
$$\begin{array}{r} \$232.66 \text{ (1/3 of the Federal Benefit Rate)} \\ +20.00 \text{ (from the presumed maximum value rule)} \\ \hline =\$252.66 \text{ (the presumed maximum value of in-kind support and maintenance)} \end{array}$$
4. 
$$\begin{array}{r} \$252.66 \text{ (the presumed maximum value of in-kind support and maintenance)} \\ -20.00 \text{ (general exclusion)} \\ \hline = \$232.66 \text{ (the amount of the reduction due to in-kind support and} \\ \text{maintenance)} \end{array}$$
5. 
$$\begin{array}{r} \$698.00 \text{ (Federal Benefit Rate)} \\ -232.66 \text{ (reduction due to in-kind support and maintenance)} \\ \hline = \$465.34 \text{ (your SSI benefit amount)} \end{array}$$

### EXAMPLE B: If you live alone in a home that you own

Suppose you live alone in a home that you own and your only income is SSI. Your son pays your electric bill of \$100, your phone bill of \$50 per month, and your cable television bill of \$75 per month. We do not count the payment of the phone bill or the cable television bill as

in-kind support and maintenance so these payments do not affect your SSI benefits. However, we count payment of the \$100 electric bill as in-kind support and maintenance. Because SSI is your only income, we apply the \$20 general exclusion to the \$100 electric bill payment. This leaves \$80 as countable in-kind support and maintenance. We determine you SSI benefit amount as follows:

$$\begin{array}{r}
 \$698.00 \text{ (the SSI Federal Benefit Rate)} \\
 \\
 \$100.00 \text{ (in-kind support and maintenance)} \\
 \underline{-20.00 \text{ (general exclusion)}} \\
 = \$80.00 \text{ (the reduction due to in-kind support and maintenance)} \\
 \\
 \$698.00 \text{ (SSI Federal Benefit Rate)} \\
 \underline{-80.00 \text{ (the reduction due to in-kind support and maintenance)}} \\
 = \$618.00 \text{ (your SSI benefit amount)}
 \end{array}$$

**EXAMPLE C: If you live in another person’s household and share expenses.**

Suppose you live with your brother, and 2 uncles in a home that your brother is buying and your only income is SSI. There are 4 people in the household. The mortgage payment is \$700. The average monthly bills are \$200 for electricity, \$100 for water and sewer, and \$600 for food. The total monthly expenses are \$1600. Because there are 4 people in the household, your share of the expenses is \$400 per month.

If you pay your full share of \$400 for the household expenses there would be no reduction of your benefit and you would get the full \$698 on your SSI check.

If you pay less than \$400, then you would be receiving in-kind support and maintenance. We would apply the one-third reduction rule and the \$698 would be reduced by \$232.66 so your SSI benefit would be \$465.34.

**EXAMPLE D: SSI recipient lives in a house rent-free**

Suppose you live in a house owned by your sister who allows you to live there rent-free. You receive \$300 per month in Social Security benefits. You pay all the utilities and buy all the food. We determine that the house would rent for \$900 per month if your sister rented it on the open market. The rent free house is counted as in-kind support and maintenance. Although the value of the rent free house is \$900 per month, we count \$252.66 as in-kind support and maintenance. We would determine your SSI benefit as follows:

$$\begin{array}{r}
 \$698.00 \text{ (SSI Federal benefit rate)} \\
 \\
 \$300.00 \text{ (Social Security benefits)} \\
 \underline{- 20.00 \text{ (general exclusion)}} \\
 = \$280.00 \text{ (countable Social Security benefits)} \\
 \\
 \$698.00 \text{ (SSI Federal benefit rate)} \\
 \underline{- 280.00 \text{ (countable Social Security benefits)}} \\
 = \$418.00 \text{ (sub-total)} \\
 \\
 \$418.00 \text{ (sub-total)} \\
 \underline{- 252.66 \text{ (the reduction due to in-kind support and maintenance)}} \\
 = \$165.34 \text{ (your SSI benefit amount)}
 \end{array}$$

## SSI FOR CHILDREN

### WHO IS A "CHILD" FOR SSI?

A person who is neither married (as determined by Social Security) nor head of a household and:

- is under age 18; or
- is under age 22 and is a student regularly attending school (as determined by Social Security).

### HOW DOES THE SSI DISABILITY PROGRAM WORK FOR A CHILD?

To be eligible for SSI benefits, a child must be either blind or disabled.

- A child may be eligible for SSI disability benefits beginning as early as the date of birth; there is no minimum age requirement.
- A child may be eligible for SSI disability benefits until attainment of age 18 (see definition of disability for children on page 9).
- When the child turns age 18, we evaluate impairments based on the definition of disability for adults (see page 10 for the definition of disability for adults).
- A child with a visual impairment may be eligible for SSI blindness benefits if the impairment meets the definition of blindness (see discussion of statutory blindness on page 9).

### WHAT ARE THE CRITERIA FOR A "DISABLED" OR "BLIND" CHILD?

- If under 18, whether or not married or head of household, the child has a medically determinable physical or mental impairment or impairments which result in **marked and severe** functional limitations; and
- The condition(s) must have lasted or be expected to last for a continuous period of at least 12 months or be expected to result in death; or
- If the child is blind, the same definition of "blind" applies as for adults (see page 9 for definition).

SSA has an obligation to provide benefits quickly to applicants whose medical conditions are so serious that their conditions obviously meet disability standards. The Compassionate Allowance initiative allows Social Security to target the most obviously disabled individuals for claims approval based on objective medical information that we can obtain quickly. Fifty medical conditions were initially selected for this initiative. Since that time we have added 63 conditions bringing the total number of conditions to 113. The list may expand over time. A complete listing of Compassionate Allowance conditions may be viewed online at: [www.socialsecurity.gov/compassionateallowances/conditions.htm](http://www.socialsecurity.gov/compassionateallowances/conditions.htm).

### HOW DOES DEEMING WORK FOR A CHILD?

If a child is under age 18, not married, and lives at home with parent(s) who do not receive SSI benefits, we may consider a portion of the parents' income and resources as if they were available to the child. We may also count a portion of a stepparent's income and resources if the child lives with both a natural or adoptive parent **and** a stepparent. We also do this when a child is temporarily away at school, returns home during weekends, holidays or during the summer and remains subject to parental control. We call this process "deeming."

We make deductions from deemed income for parent(s) and other children living in the home. After we subtract these deductions, we use the remaining amount to decide if the disabled child meets the SSI income and resource requirements for a monthly benefit.

**NOTE:** For more information, see the SSI Spotlight on Deeming Parental Income and Resources on page 83.

## **WHEN DOES DEEMING NOT APPLY?**

Deeming from the parent stops when a child reaches age 18, marries, or no longer lives with a parent. Deeming does not apply and we may pay up to \$30 plus the applicable State supplement when:

- a disabled child receives a reduced SSI benefit while in a medical treatment facility; and
- the child is eligible for Medicaid under a State home care plan; and
- deeming would otherwise cause ineligibility for SSI.

Also, we do not consider the income of a parent for deeming purposes if the parent receives a public income maintenance (PIM) payment such as Temporary Assistance for Needy Families (TANF) and their other income was used to compute the PIM payment.

**NOTE:** See page 65 for information on TANF.

If either child or parent is temporarily absent from the household (less than 60 days), the rules about deemed income still apply.

## **CAN A CHILD GET MEDICAID?**

In most States, a child who gets SSI can get Medicaid to help pay medical bills.

In some cases, a child may be eligible for Medicaid while in an institution, but not be eligible when living at home either because of the parents' income and resources or because of other income.

At the State's option, children under age 18 who need institutional-level care and live at home may keep Medicaid eligibility while getting home care, if that care is less costly to the government.

Even if a child is not eligible for SSI, the child still may be eligible for Medicaid under other State rules. Always check on Medicaid eligibility with the State.

For more information about Medicaid, you can look on the Internet on the Centers for Medicare & Medicaid Services webpage [www.medicaid.gov/index.html](http://www.medicaid.gov/index.html) or call toll free, 1-800-633-4227.

In addition, other State services may also be available.

If you have children or grandchildren under age 19 who are not covered by health insurance, there is a Children's Health Insurance Program that may help. To find out more, you can look on the Internet at [www.insurekidsnow.gov](http://www.insurekidsnow.gov) or call toll free, 1-877-KIDS-NOW (1-877-543-7669). The number connects you to your State program.

## CHILDREN OF U.S. ARMED FORCES PERSONNEL LIVING OVERSEAS

Children living with a parent in the military service overseas may receive SSI, but they are not eligible for Medicaid.

**NOTE:** For more information, see the SSI Spotlight on Special SSI Rules for Children of Military Personnel Living Overseas, page 102.

### WHAT IS A DEDICATED ACCOUNT?

When an eligible child under age 18, who has a representative payee, is eligible for certain large past-due payments covering more than 6 months of benefits, these payments must be paid directly into a separate account in a financial institution. We call this separate account a dedicated account because the representative payee, or later the child, may use the funds in this account only for certain expenses, primarily those related to the child's disability or education. The representative payee must maintain the dedicated account separately from any other savings or checking account set up for the child. Each year, we will monitor how the representative payee spends the funds in the dedicated account.

**NOTE:** For more information, see the SSI Spotlight on Dedicated Accounts for Children, page 81.

### DEEMING ELIGIBILITY GUIDELINES

The Deeming Eligibility Chart for Children below gives the highest amount of gross monthly income for this year (before taxes are withheld) that a parent(s) can earn or receive and still have a child qualify for SSI. Note that we do not count some types of income that a parent may receive; for example, money received for providing foster care to an ineligible child.

**NOTE:** For more information on income, see SSI Income on page 19.

### DEEMING ELIGIBILITY CHART FOR CHILDREN FOR 2012

**CAUTION: BEFORE USING THIS CHART, SEE "SSI FOR CHILDREN" ON PAGE 26. IF THERE IS ANY DOUBT WHETHER A CHILD IS ELIGIBLE, CONTACT US FOR HELP.**

Gross monthly income <b>BELOW</b> the dollar amounts shown means a disabled child may be eligible for SSI. Amounts given are general guidelines only.				
Number of ineligible children in household	All income is <b>earned</b>		All income is <b>unearned</b>	
	One parent in household	Two parents in household	One parent in household	Two parents in household
0	\$ 2,917	\$ 3,617	\$ 1,436	\$ 1,786
1	\$ 3,267	\$ 3,967	\$ 1,786	\$ 2,136
2	\$ 3,617	\$ 4,317	\$ 2,136	\$ 2,486
3	\$ 3,967	\$ 4,667	\$ 2,486	\$ 2,836
4	\$ 4,317	\$ 5,017	\$ 2,836	\$ 3,186
5	\$ 4,667	\$ 5,367	\$ 3,186	\$ 3,536
6	\$ 5,017	\$ 5,717	\$ 3,536	\$ 3,886

**The Deeming Eligibility Chart for Children does not apply when:**

- The parent(s) receives both earned income (for example, wages or net earnings from self-employment) and unearned income (for example, Social Security benefits, pensions, unemployment compensation, interest income, and State disability).
- The parent(s) receives a public income maintenance payment such as Temporary Assistance for Needy Families (TANF), or a needs-based pension from the Department of Veterans Affairs. See page 65 for more information on TANF.
- The parent pays court-ordered support payments.
- The child has income of his or her own.  
Any ineligible child has income of his or her own, marries, or leaves the home.
- There is more than one disabled child applying for or receiving SSI.
- Your State supplements the Federal benefit.

Use the Deeming Eligibility Chart for Children in the following States or territory, which **do not supplement** the Federal benefit for children:

Alaska	Kansas	Ohio
Arizona	Maryland	South Carolina
Arkansas	Mississippi	Tennessee
Delaware	Missouri	Texas
District of Columbia	North Carolina	Virginia
Florida	North Dakota	West Virginia
Indiana	Northern Mariana Islands	

If you live in one of the States listed below, Social Security administers the State supplement for children. Call us for deeming eligibility information.

California	Montana*	Rhode Island
Hawaii	Nevada*	Utah
Iowa	New Jersey	Vermont
Michigan	New York	
	Pennsylvania	

\*Montana supplements disabled and blind children in certified foster homes only. Nevada supplements blind children only.

If you live in one of the States listed below, your State administers the State supplement for children. Contact the State for information.

Alabama	Louisiana	Oklahoma
Colorado	Maine	Oregon*
Connecticut*	Massachusetts	Pennsylvania
Georgia	Minnesota*	Rhode Island
Idaho	Nebraska	South Dakota*
Illinois	New Hampshire*	Washington
Kentucky	New Mexico	Wisconsin
		Wyoming

\*Connecticut, Minnesota, and New Hampshire only supplement benefits for blind children. South Dakota supplements disabled and blind children in residential care facilities.

## SSI APPLICATION PROCESS AND APPLICANTS' RIGHTS

### HOW TO APPLY FOR SSI

#### You can apply for SSI by:

- Calling us at 1-800-772-1213 (or TTY 1-800-325-0778 if you are deaf or hard of hearing) and making an appointment to apply for SSI. If you are deaf or hard of hearing, we also will take your telecommunications relay services (TRS) assisted calls at 1-800 772-1213. With an appointment, one of our representatives will help you apply for benefits. You can have an appointment to apply for SSI on the telephone or in person at your local Social Security office.
- Having someone else call and make the appointment for you or assist you with your application for SSI. See How Someone Can Help You With Your SSI on page 30, or
- Visiting our office to apply without making an appointment, but you may have to wait awhile.

You will have to provide information and work with us to get documents concerning SSI eligibility.

You will have to file an application.

We do not have SSI applications online. Most of the forms to apply for SSI are not designed for self-completion. Our claims representative interviews you and uses a personal computer to complete the forms with information you give to us or someone else gives to us on your behalf.

### WHEN TO APPLY

**Apply as soon as possible** so that you do not lose benefits. We cannot pay benefits for time periods earlier than your application effective date.

If you call us to make an appointment to apply and you file an application within 60 days of the call, we may use the date of your call as your application filing date.

If you do not keep this appointment and you do not contact us to reschedule the appointment, we will try to contact you. If we do not get in touch with you to reschedule the appointment, we will send you a letter. The letter will say that if you file an application within 60 days from the date of the letter, we will use the date of your original contact with us as your SSI application date.

If you are in a public institution but you will be leaving within a few months, you may not be eligible for SSI until you leave. You may, however, be able to apply before you leave so that SSI benefits can begin quickly after you leave. Check with the institution and us about filing an application under the "prerelease procedure."

**NOTE:** See the SSI Spotlight on the Prerelease Procedure, page 101.

If you are a disabled youth in foster care, eligibility for foster care payments in most States ends when you attain age 18. You may need the income support and health services that result from SSI eligibility to ease the transition to independent living. To help with this transition, SSA may accept an SSI application from you up to 90 days before your foster care eligibility ends due to age.

**NOTE:** See the SSI Spotlight on SSI Benefits for the Disabled Youth in Foster Care, page 103.

## **YOU HAVE THE RIGHT TO APPLY**

- Anyone may apply for SSI.
- There is no charge to apply.

## **YOU HAVE THE RIGHT TO RECEIVE HELP FROM SOCIAL SECURITY**

We will complete the application forms for you based on information you give to us.

We will help you get documents you need to show that you meet the SSI eligibility requirements.

If you are applying because of disability or blindness and we decide that the medical information needed to make a determination is not available from existing sources, we will pay for you to have a doctor's exam or test and make the appointment for you. If you need a medical exam or test, you must go to the exam or test in order to receive SSI. We may also pay your travel costs to get to this exam or test.

**NOTE:** For information on when we pay for travel to medical exams, see the SSI Spotlight on Payment for Travel to Medical Exams or Tests, page 98.

## **YOU HAVE THE RIGHT TO A REPRESENTATIVE**

You may appoint someone to help you with your SSI claim and go with you to your appointment(s) with us.

**NOTE:** See "How Someone Can Help You With Your SSI," page 32.

## **YOU HAVE THE RIGHT TO A NOTICE**

We will notify you in writing of any determination about your eligibility or any change in your benefit amount. We will also send copies of all notices to your representative if you have one. Each notice affecting your eligibility or change in SSI benefit amount will explain your appeal rights.

## **YOU HAVE THE RIGHT TO EXAMINE YOUR FILE**

You or your representative may examine and get a copy of the information in your case file, upon request. You or your representative also may review and copy the laws, regulations and policy statements used in deciding your case at:

<http://www.socialsecurity.gov/ssi/law-regs-finder.htm>

## **YOU HAVE THE RIGHT TO APPEAL**

You may appeal most determinations we make about your eligibility for SSI or changes we make in your benefit amount.

**NOTE:** See Appeals Process, page 57, for further information.

## HOW SOMEONE CAN HELP YOU WITH YOUR SSI

### YOU MAY CHOOSE SOMEBODY WHO CAN HELP YOU WITH:

- Completing forms;
- Going with you to your local Social Security office;
- Interpreting for you;
- Gathering and giving information;
- Taking you to medical examinations, tests, or to the Social Security office; or
- Receiving mail for you at his or her address.

### IF YOU WANT MORE HELP, YOU MAY APPOINT A REPRESENTATIVE TO HELP YOU:

- Do all of the above;
- Review your file at the Social Security office;
- Get information from us about your claim, including notices and letters, just as you would;
- Represent you at informal or formal hearings;
- Give us evidence for you; or
- Help you with appeals. (See Appeals Process, page 57.)

### HOW DO YOU APPOINT A REPRESENTATIVE?

- You must sign a statement naming your representative. We have an "Appointment of Representative" form that you can use. You can obtain it online at [www.socialsecurity.gov/online/ssa-1696.pdf](http://www.socialsecurity.gov/online/ssa-1696.pdf) or call us and ask for Form SSA-1696.
- Your representative does not have to be a lawyer, but the representative needs to be someone of good character and reputation who can give you valuable help with your claim. Also, the representative cannot be someone who is disqualified or suspended from representing individuals before us or is prohibited by law from acting as a representative.
- A representative's duties are different from those of a representative payee.

**NOTE:** See page 63 for information about the duties of a representative payee.

### IF YOU DO NOT SPEAK ENGLISH OR HAVE DIFFICULTY SPEAKING ENGLISH

- We will provide an interpreter, **at no cost to you**, if you ask for one or if you need language assistance.
- You may use a bilingual family member, friend, or other third party to interpret for you.

For more information, see the SSI Spotlight on Interpreter Services on page 108.

**NOTE:** We will not use minor children under age 18 as interpreters when dealing with difficult issues, unless they are qualified and you request that we do so.

## **IF YOU ARE DEAF OR HARD OF HEARING**

- You may provide your own sign language interpreter at **no cost to us**.
- If you prefer, we will provide you with a sign language interpreter, if needed, at **no cost to you**.

## **IF YOU WOULD LIKE A LAWYER BUT CAN'T AFFORD ONE**

We will give you a list of legal referral services, legal service organizations (for example, local bar associations, legal aid societies, legal service corporations, and law schools with legal aid programs), and community organizations in your area that may provide non-attorney representation.

## **WHAT WE WILL ASK YOU ABOUT**

To decide whether you can get SSI, we will ask you about:

- your income;
- the things you own (resources);
- your living arrangements (where you live, with whom, who pays for things); and
- your citizenship or alien status.

If you are age 65 or over, or a child under age 18, we will ask for proof of your age (unless you already receive Social Security benefits). If you are under age 18, and living with your parent(s), or if you are married and living with your spouse, we will also ask about their income and resources.

If you are applying because you have a disability or are blind, we will complete a disability report. We will ask about your health problems, your treatment history, and how your health problems affect your daily activities.

We will also ask for all of your medical records from medical sources and request authorization from you to obtain those records. You can also bring or mail copies of your medical records to the office prior to or at the time of application.

**If you have access to the Internet**, you can complete the disability report before you visit the Social Security office. Completing the report before you visit the office can help make your office visit shorter. You can complete the Adult Disability Report online at [www.socialsecurity.gov/adulthooddisabilityreport](http://www.socialsecurity.gov/adulthooddisabilityreport).

If you are filing for a child, you can complete the Child Disability Report at [www.socialsecurity.gov/childdisabilityreport](http://www.socialsecurity.gov/childdisabilityreport).

If you are a professional, representative or organization assisting adults age 18 or older in applying for disability benefits and are familiar with the form SSA-3368-BK Disability Report Adult, please go to [www.socialsecurity.gov/adulthooddisabilityreport](http://www.socialsecurity.gov/adulthooddisabilityreport).

**NOTE:** The disability report is not the application. You must still complete an application for SSI benefits.

## **DOCUMENTS YOU MAY NEED WHEN YOU APPLY FOR SSI**

You may not need all of the following documents. Sometimes one document can substitute for another. The lists are not all-inclusive. We will tell you what you need and what other documents are acceptable. We will help you get them if you are having trouble.

### **SOCIAL SECURITY CARD OR NUMBER**

You will need to apply for a Social Security number if you do not have one. If you need one, a number will be assigned at the time Social Security entitles you to SSI benefits.

### **PROOF OF AGE**

- a public birth record recorded before age 5; or
- a religious birth record recorded before age 5; or
- other documents showing your age or date of birth.

**NOTE:** If you already proved your age when you applied for Social Security benefits, you do not need to prove it again for SSI.

### **CITIZENSHIP OR ALIEN STATUS RECORD**

If you are a citizen, examples of documents you may need are:

- birth certificate showing you were born in the U.S.; or
- religious record of birth or baptism showing your place of birth in the U.S.; or
- naturalization certificate; or
- U.S. passport or passport card; or
- certificate of citizenship.

If you are an alien, examples of documents you may need are:

- a current immigration document; for example, an I-551 (Permanent Resident Card); or
- I-94 (Arrival/Departure Record).

If you are an alien who has served in the U.S. Armed Forces, you may need your military discharge paper (form DD-214).

### **PROOF OF INCOME**

If you have income, you may need to provide the following:

- earned income - payroll stubs, or if self-employed, a tax return for the last tax year;
- unearned income - any records you have (for example, award letters, bank statements, court orders, receipts) showing how much you receive, how often, and the source of the payment; and
- work expenses – See page 43 for more information on SSI work incentives.

### **PROOF OF RESOURCES**

- bank statements for all checking and savings accounts;
- deed or tax appraisal statement for all property you own besides the house you live in;
- life or disability insurance policies;

- burial contracts, burial plots, etc.;
- certificates of deposit, stocks, or bonds;
- titles or registrations for vehicles like cars, trucks, motorcycles, boats, campers, etc.

## **PROOF OF LIVING ARRANGEMENTS**

- lease or rent receipt;
- names, dates of births, medical assistance cards or social security numbers for all household members;
- deed or property tax bill;
- information about household costs, food, utilities, etc.

## **MEDICAL SOURCES (If you are filing as blind or disabled)**

- medical reports, if you have them;
- names, addresses, and telephone numbers of doctors, hospitals and other providers of medical services to you and the approximate dates you were treated;
- names of the prescription and non-prescription medications that you take.

## **WORK HISTORY**

- job titles;
- type of business;
- names of employers;
- dates worked;
- hours worked per day and hours worked per week;
- days worked per week, and rates of pay for work you did in the 15 years before you became unable to work because of your illnesses, injuries, or conditions;
- description of job duties for the type of work you performed.

## **OTHER SOURCES**

If you are applying as a disabled child, or on behalf of a disabled child, we need the names, addresses, and telephone numbers of people (teachers, caregivers) who can provide information about how the disabled child's medical condition affects their day-to-day activities. Also, if your child is part of an individualized education plan (IEP) at his or her school, it is helpful if you bring a copy of the plan with you.

## **THINGS TO REMEMBER**

- ***Do not wait to apply.*** If you think you may be eligible for SSI, you should contact us right away. The earliest we will pay SSI is the month after the filing date of your application, or the month after you first meet all the eligibility requirements, whichever is later. We may use the date you contact us as the filing date. If you do not have all of the things we need, we will give you time to provide them.
- ***We need to see the original documents.*** If you do not have an original document, we can accept a certified copy from the office that issued the original document. We do not accept photocopies. We will return the document to you.
- ***Try to keep a copy of things you send us.*** Keep track of the dates you send information to us, or talk to us, as well as the name of the Social Security employee with whom you spoke.

## IF YOU ARE DISABLED OR BLIND

### WHAT DO WE MEAN BY "DISABLED"?

See page 9 for the definition of disability for a child under age 18. See page 10 for the definition of disability for anyone age 18 or older.

### WHAT DO WE MEAN BY "BLIND"?

See page 9 for the definition of blindness for an adult or child.

### WHAT HAPPENS WHEN I APPLY?

When you file an application for SSI benefits based on disability or blindness, we will first decide whether you meet the income and resource criteria and other eligibility requirements. If you do, we will ask you for the:

- dates, places, and types of work you have done in the 15 years before you became unable to work because of your illnesses, injuries, or conditions, including your daily duties for the type of work you did and why your employment ended;
- information about your physical or mental impairment(s);
- names, addresses, and telephone numbers of doctors, hospitals and any other medical sources you have seen;
- dates of treatment and the kinds of treatment you have received from your doctors, hospitals and other medical sources;
- names of each prescription and non-prescription medicine that you take and the doctor who prescribed it;
- the kinds of medical tests you have had, when and where they were done, and who sent you for them; and
- for a disabled child, the name, address and telephone number of the child's school and teacher and a third party to assist with the claim.

### **It is very important that you give us complete information.**

As part of the disability or blindness determination, Social Security also looks at any work you are doing. Generally, if you are working and earning more than \$1,010 per month (effective January 2012) we will not find you disabled. We call this Substantial Gainful Activity (see page 37). This does not apply if you are blind.

The local Social Security office personnel do not make the disability determination. The local Social Security office sends the claim to a State agency that we call the Disability Determination Services (DDS). The DDS decides whether or not you are disabled according to the SSA definition of disability.

**NOTE:** We or the DDS may ask you to fill out forms about your disability or blindness. If you need help, a Social Security or DDS employee will help you. If we mail the forms to you, you can also ask someone to help you.

## **OBTAINING EVIDENCE ABOUT YOUR IMPAIRMENT(S) AND FUNCTIONING**

The DDS contacts doctors, hospitals, schools, teachers, therapists, relatives or others who can provide useful information about your impairment(s) and functioning.

The DDS does not examine you and they usually do not meet with you. They may contact you for additional information. While they will not base their decision solely on your statements about yourself, (for example, the fact that you are enrolled in special education classes), that kind of information is very important and useful.

If the DDS cannot get enough information from your doctors and other people to decide if you are disabled, they will arrange and pay for an examination or testing by a qualified medical professional (who may be your own physician, psychologist, optometrist, or speech-language pathologist or other health care provider). See the SSI Spotlight on Payment for Travel to Medical Exams and Tests on page 98.

## **WHAT IS SUBSTANTIAL GAINFUL ACTIVITY (SGA)?**

We use the term substantial gainful activity (SGA) to describe a level of work activity and earnings that is both substantial and gainful. SGA involves performance of significant physical or mental activities, or a combination of both. . For your work activity to be substantial you do not need to work full time. Work activity performed on a part-time basis may also be SGA. If your impairment is anything other than blindness, earnings averaging over \$1,010 a month (for the year 2012) generally demonstrate SGA.

Gainful work activity is:

- work performed for pay or profit, or
- work of a nature generally performed for pay or profit; or
- work intended for profit, whether or not a profit is realized.

For SSI purposes, the SGA provision in initial eligibility cases does not apply to blind individuals.

## **HOW LONG DOES THE DECISION TAKE?**

The decision usually takes about 3 to 4 months from the date of application.

If you have a compassionate allowance condition, your case may be fast-tracked and decided sooner. The compassionate allowance initiative is for applicants whose medical conditions are so severe that their conditions obviously meet Social Security's disability standards. You must submit medical information that confirms your diagnosis. For more information about compassionate allowances, visit our website at: [www.socialsecurity.gov/compassionateallowances](http://www.socialsecurity.gov/compassionateallowances).

Sometimes we can make a "presumptive" disability or blindness determination and start paying you while the DDS makes its decision. See page 60 for more information.

## **WHO DECIDES IF I AM DISABLED OR BLIND?**

After helping you complete your application, the Social Security office will review it to make sure that you meet the basic non-medical requirements for disability or blindness benefits. Then the Social Security office will send your application to the DDS office in your State. The DDS will decide whether you are disabled or blind under the Social Security law.

The DDS will consider all the facts in your case. They will consider what your doctors or other sources have said about your impairment(s), when it began, how it limits your activities, what the medical tests have shown, and what treatment you have received. They will use medical evidence from your doctors and from hospitals, clinics, or institutions where you have been treated, and any other information they have about your condition.

The DDS looks at the information you have given us. They also review your medical records, information about how you are functioning, and if applicable, your work history, and then decide if you are disabled or blind for SSI purposes.

If they cannot make a determination based on the information they have, the DDS will schedule a special medical examination or test for you and will pay for this examination or test. They may pay for your travel expenses to this examination or test. It is important that you go to the special medical examination or test if one is scheduled. If you do not keep the appointment, the DDS could deny your claim.

**NOTE:** For more information on when we pay your travel costs to attend a medical exam, see the SSI Spotlight on Payment for Travel to Medical Exams or Tests, page 98.

In deciding if you are disabled, the DDS team uses a process called the sequential evaluation process.

## **WHAT IS THE SEQUENTIAL EVALUATION PROCESS?**

If you appear to meet all the non-medical eligibility requirements (income, resources, residency, citizenship, etc.), we use a step-by-step process to determine if you are disabled. These steps are called the sequential evaluation process. The following sections describe how we use the sequential evaluation for adults and children.

## **SEQUENTIAL EVALUATION FOR INDIVIDUALS AGE 18 OR OLDER**

### **STEP 1: ARE YOU WORKING?**

If you are performing SGA, we cannot consider you disabled, and the sequential evaluation process ends here. We make this decision in your local Social Security office.

We generally consider earnings over \$1,010 per month (effective January 2012) to be SGA.

If you are not performing SGA, we will send your case to the DDS for a determination concerning your impairment(s). We refer to the DDS as “we” in the following sections because Social Security uses the DDS to decide whether you are disabled according to Social Security’s definition of disability.

### **STEP 2: DO YOU HAVE A SEVERE IMPAIRMENT?**

If you are not performing SGA, we then decide if your medically determinable physical or mental impairment or combination of impairments is “severe.” An impairment is considered severe if it significantly limits your physical or mental ability to do basic work activities. If your impairment(s) is not severe, we will find that you are not disabled. If your impairment(s) is severe, they will go to the next step.

Examples of basic work activities are:

- physical functions such as standing, walking, sitting, lifting, pushing, pulling, reaching, carrying, or handling;
- seeing, hearing, speaking;
- understanding, remembering and carrying out simple instructions;
- use of judgment;
- responding appropriately to supervision, co-workers and usual work situations; and
- dealing with changes.

If your impairment(s) is not severe, we will find that you are not disabled. If your impairment(s) is severe, we will go to the next step.

### **STEP 3: DO YOU HAVE AN IMPAIRMENT THAT MEETS OR MEDICALLY EQUALS A SOCIAL SECURITY "LISTING"?**

If your impairment(s) is severe, then we decide if it meets or medically equals a listed impairment(s) in our Listings of Impairments (the Listings). We decide if your impairment(s) "meets" one of the Listings by comparing it to the specific requirements in the Listings. (It is not enough just to have a diagnosis named in the Listings). If your impairment(s) meets or medically equals the requirements of a listing and meets the duration requirement, we will find you disabled and the process ends here.

If your impairment(s) is severe, but does not meet or medically equal a listing, we can still find you disabled at a later step in the process. We decide what you are physically and mentally able to do, despite the limitations resulting from your impairments. We call this decision a "Residual Functional Capacity" (RFC) assessment.

Note: the listings are published on the internet at:  
<http://www.ssa.gov/disability/professionals/bluebook>.

### **STEP 4: ARE YOU ABLE TO DO YOUR PAST WORK?**

We next consider whether, given your RFC, you are physically and mentally able to do any job that you did in the recent past (generally the last 15 years). At step four, we do not consider whether you can get a particular job. If, you are able to do work you did in the past, you are not disabled. If you cannot do your past work, we consider the fifth step of sequential evaluation.

### **STEP 5: CAN YOU DO ANY OTHER KIND OF WORK?**

At step five, we consider your RFC limitations, your vocational factors such as age, education and experience, and work existing in the national economy. Generally, your ability to adjust to doing other work is better if you are younger, have more education, or have learned transferrable skills in previous work. We look at the limitations described in your RFC assessment, your age, education, and past work experience to decide if you could adjust to other work. If you can adjust to other work, you will be found not disabled. If you cannot adjust to other work, we will find you disabled.

## **SEQUENTIAL EVALUATION FOR INDIVIDUALS UNDER AGE 18**

### **STEP 1: IS THE CHILD WORKING?**

If a child is working and performing SGA, we cannot consider the child disabled, and the sequential evaluation process ends here. Your local Social Security office determines whether a child is performing SGA. We define SGA for children in the same way that we define it for adults. We define "SGA" in the section What is Substantial Gainful Activity on page 37.

### **STEP 2: DOES THE CHILD HAVE A SEVERE IMPAIRMENT?**

If the child is not performing SGA, we will determine if the child has a medically determinable physical or mental impairment or combination of impairments (hereafter referred to as impairment(s)) and whether it is severe. An impairment(s) is not severe if it is only a slight abnormality or a combination of slight abnormalities that causes no more than minimal functional limitations. If the child does not have a medically determinable impairment(s), or the child has an impairment(s) but it is not severe, we will find that the child is not disabled. If the child has a severe impairment(s), we will go to the next step.

### **STEP 3: DOES THE CHILD'S IMPAIRMENT MEET, MEDICALLY EQUAL, OR FUNCTIONALLY EQUAL A LISTING?**

If the child has a severe impairment(s), we determine if it meets or medically equals the criteria of a Listing. The Listings of Impairments (the listings) covers the major body systems and includes descriptions of common physical and mental impairments (such as cerebral palsy, mental retardation, and asthma) along with specific medical severity criteria.

A child is disabled if they have an impairment that:

- meets the medical criteria of one of the impairments in the listings; or
- medically equals the medical criteria of one of the listings; or
- functionally equals the listings.

We determine if a child's impairment(s) "meets" one of the listings by comparing it to the specific requirements in the listings. (It is not enough just to have a diagnosis that is named in the listings). We determine whether a child's impairment's is medically equivalent to a listed impairment if it is at least equal in severity and duration to the criteria of any listed impairment. If a child's impairment(s) meets or medically equals the requirements of a listing and meets the duration requirement, we will find the child disabled.

If a child's impairment(s) is severe but does not meet or medically equal a listing, we determine whether the impairment(s) "functionally equals" the listings. This means that we evaluate the effects of the impairment(s) on the child's ability to function at home, at school, and in the community.

We will consider questions such as:

- How does the child function compared to children the same age who do not have an impairment? That is, what is the child able to do, not able to do, or is limited or restricted in doing?
- What type and amount of help does the child need to complete age-appropriate activities?
- What are the effects of treatment on the child's day-to-day functioning?

Once we have a clear picture of a child's functioning in all activities and settings we evaluate the child's functioning in six domains. The domains are broad areas of functioning intended to capture all of what a child can or cannot do. They are:

- acquiring and using information;
- attending and completing tasks;
- interacting and relating with others;
- moving about and manipulating objects;
- caring for yourself; and
- maintaining health and physical well-being.

If a child's impairment(s) results in "marked" limitations in 2 of these domains of functioning, or an "extreme" limitation in one domain, then his or her impairment(s) functionally equals the Listings.

We define "marked" and "extreme" limitations in several ways in our rules. The most general definition of a "marked" limitation in a domain is when a child's impairment(s) interferes seriously with the child's ability to independently initiate, sustain, or complete activities. An "extreme" limitation in a domain is when a child's impairment(s) interferes very seriously with these abilities.

## **CONTINUING DISABILITY REVIEWS**

### **WHAT IS A CONTINUING DISABILITY REVIEW?**

Social Security periodically reviews your disability or blindness to decide if you are still disabled or blind. If you are no longer disabled or blind, your benefits will stop.

We call this review a Continuing Disability Review (CDR). The law requires us to perform a medical CDR approximately every 3 years, unless we determine you have a condition that we expect will improve sooner than that. However, if you have a condition that is not expected to improve, we will still review your case, but not as often as every three years.

**NOTE:** We also review your income, resources, and living arrangements to ensure you still meet the non-medical requirements. We call this periodic review a redetermination. For more information on SSI redeterminations, see page 53.

### **HOW DO CONTINUING DISABILITY REVIEWS WORK FOR CHILDREN?**

We will do a CDR every 3 years if we expect the child's condition may improve. We may also do a CDR if we do not expect the child's condition to improve.

If we decided the child was disabled based on low birth weight, we will generally do a CDR by age 1. However, we will schedule the child's CDR for a later date if at the time of the initial determination we decide that improvement is unlikely to have happened by age 1.

When we perform the CDR, we may ask the child's representative payee to show evidence that the child is, and has been, getting treatment that is medically necessary and available for his or her condition.

If the child's representative payee refuses without good cause to show us this evidence, we may look for another representative payee. We may pay the child directly, if he or she is old enough.

**Note:** See page 63 for information about the duties of a representative payee.

### **WHAT HAPPENS TO MY CHILDHOOD DISABILITY AT AGE 18?**

If you are eligible as a child during the month before the month you attain age 18, we will redetermine your disability. When we do the disability redetermination, we will use the rules that we use for adults who are filing new applications for SSI.

## **SSI WORK INCENTIVES**

### **WHAT ARE WORK INCENTIVES?**

One of our highest priorities is to help people with disabilities achieve independence by helping them to take advantage of employment opportunities. Work incentive employment supports help disabled and blind SSI beneficiaries go to work by minimizing the risk of losing their SSI or Medicaid benefits.

Some incentives allow us to not count some of your income or resources.

Other incentives let you continue to receive Medicaid coverage even though you are not receiving SSI cash benefits.

You may be entitled to take advantage of more than one work incentive program. Depending on the types of income you receive, it will change the amount we do not count and the SSI benefit amount.

For more information about work incentives, visit our website at [www.socialsecurity.gov/disabilityresearch/workincentives.htm](http://www.socialsecurity.gov/disabilityresearch/workincentives.htm).

### **EARNED INCOME EXCLUSION**

We do not count the first \$65 of earned income plus one half of the amount over \$65. Therefore, we reduce your SSI benefit only \$1 for every \$2 you earn over \$65.

### **STUDENT EARNED INCOME EXCLUSION**

If you are a student under age 22, as explained on page 90, we may exclude up to \$1,700 of gross earnings in a month (but not more than \$6,840 in calendar year 2012) in figuring your countable income.

### **IMPAIRMENT-RELATED WORK EXPENSES**

If you are disabled, we may exclude from your earned income any out-of-pocket expenses you pay for certain items and services that relate to your disability that you need in order to work. It does not matter if you also use these items and services for non-work activities. For example, we can deduct the costs of co-pays, medications, counseling services, car modifications, or attendant care services. We call these expenses impairment-related work expenses (IRWE). However, if somebody reimburses you for these expenses, we cannot exclude them from your earned income.

We will exclude IRWE from your earned income when we figure your SSI monthly payment amount. This means your SSI benefit could go up.

We may also consider these items when we figure your earnings in order to decide if you are doing substantial work. We only look at substantial gainful activity (SGA) when you first apply for SSI. If you are receiving SSI and go to work, SGA is not an issue. However, we do have to figure your countable income, as explained on page 19.

### **WORK EXPENSES FOR BLIND PERSONS**

If you are blind, we will deduct any part of your earned income that you spend to be able to work (such as for transportation, taxes, or special equipment) from the amount of income

we use to figure your SSI benefit. The expense does not have to be related to your blindness. See spotlight on page 90.

## **PLANS TO ACHIEVE SELF-SUPPORT (PASS)**

If you are blind or have a disability, you may set up a plan to set aside income or resources to meet expenses for reaching an employment goal. You may also exclude part of your ineligible spouse's income and resources.

If you are a child living with your parent(s), you may also exclude part of your parents' income and resources.

Unlike impairment-related work expenses, you may use a PASS to exclude unearned income and resources as well as earned income and use that money to meet the expenses of reaching your occupational goal.

We do not count income or resources set aside under a PASS when figuring the SSI benefit amount. Usually, you cannot use your SSI payment to pay the expenses necessary to reach your occupational goal. This is because you need the SSI to pay ordinary living expenses.

You can use a PASS to establish, maintain, or increase SSI benefits.

**NOTE:** See the SSI Spotlight on Plans to Achieve Self-Support (PASS), page 92.

## **TICKET TO WORK**

The Ticket to Work and Work Incentive Improvement Act of 1999 (Public Law 106-170) provides several important opportunities for people ages 18 through 64 who receive Social Security disability or SSI benefits and who want to go to work or increase their earnings. To find out more about this program, see our website at: [www.socialsecurity.gov/work](http://www.socialsecurity.gov/work).

One of the opportunities provided by this law is the "Ticket" program. The Ticket program is available in all States. Under the Ticket program, you may be eligible to receive free employment services from an approved employment support service provider of your choice. Our term for an approved service provider is an "employment network." Or you can choose to work with your State Vocational Rehabilitation Agency.

The employment network will work with you to come up with a plan designed to help you reach your work goals. We pay the employment networks for helping you achieve certain earnings-related milestones and outcomes; there is no cost to you. The ultimate goal is to help you find a good job, a good career and a better self-supporting future. While you are participating in the Ticket program, we will not conduct regularly scheduled continuing disability reviews to see if your disabling condition has improved.

You can find a list of employment networks in your area and other information on this program at [www.socialsecurity.gov/work](http://www.socialsecurity.gov/work) or by calling 1-866-968-7842 (TTY 1-866-833-2967).

## **MEDICAID BUY-IN**

Another provision of the Ticket to Work and Work Incentives Improvement Act of 1999 expands the States' options under the Medicaid buy-in program for working individuals with disabilities.

- States can cover working individuals with disabilities who are at least 16, but less than 65 years of age using income and resource limits set by the State, and
- States can provide Medicaid to employed individuals covered under the group described above, who lose that coverage due to medical improvement, but who still have a medically determinable severe impairment.

The Social Security Administration and the Centers for Medicare & Medicaid Services (CMS) are encouraging States to participate in this new program.

**HOW TO APPLY:** To apply for assistance under this rule, you should contact the State medical assistance (Medicaid) office in your area to find out if your State participates or plans to participate.

### **BENEFIT CONTINUATION FOR PEOPLE WHO WORK: SECTION 1619(a) OF THE SOCIAL SECURITY ACT**

Section 1619(a) provides that, even if you are working at or above the (SGA) level, you may be able to continue to receive cash payments and Medicaid benefits. Your benefits will not stop just because of work. To qualify, you must have been eligible for an SSI payment for at least one month before you begin working at the SGA level; you must still be disabled; and you must meet all other eligibility rules, including the income and resource tests.

### **MEDICAID WHILE WORKING: SECTION 1619(b) OF THE SOCIAL SECURITY ACT**

Section 1619(b) provides that, in most cases, even if your earned income (after the applicable exclusions) is too high to permit an SSI cash benefit, you may still be eligible for Medicaid as long as you need Medicaid in order to work and your earnings are under a "threshold" amount <http://www.socialsecurity.gov/redbook/eng/ssi-only-employment-supports.htm>

### **REINSTATEMENT WITHOUT REAPPLYING**

If you are eligible for Medicaid under section 1619(b), you remain eligible for SSI and may begin receiving cash benefits again without a new SSI application if your earnings drop.

### **SSI AND MEDICARE PRESCRIPTION DRUG EXTRA HELP**

If you receive SSI and you have or get Medicare coverage you are automatically eligible for prescription drug coverage and Extra Help. You will not be required to file a separate application. You will be able to select a prescription drug plan. If you do not select a plan on your own, Medicare will enroll you in a plan with no premium to make sure you get help paying for your prescription drugs. You can join, switch, or drop a Medicare Prescription Drug Plan at anytime.

If you need information about Medicare Prescription Drug plans or how to enroll in a plan, call **1-800-MEDICARE** (TTY **1-877-486-2048**) or visit [www.medicare.gov](http://www.medicare.gov). You also can request information about your State Health Insurance Assistance Program (SHIP). SHIP is a national program that offers free help with your Medicare questions.

## **SPECIAL BENEFITS FOR SOME INSTITUTIONALIZED BENEFICIARIES**

If you are eligible under section 1619 of the Social Security Act and you enter a medical institution, you may be eligible for a full SSI benefit for up to 2 months.

## **EXPEDITED REINSTATEMENT OF BENEFITS (EXR)**

EXR is a safety net for people who successfully return to work and lose their entitlement to SSI benefits and payments. If your cash payment ended because of your work and earnings, and you stop work within 5 years of when your benefits ended, we may be able to start your benefits again.

EXR allows you to receive up to 6 months of temporary cash benefits while we conduct a medical review to determine whether we can reinstate your benefits. You may also be eligible for Medicaid during this provisional benefit period. To get payments while we make our decision and to meet the reinstatement requirements, your previous SSI eligibility must have terminated because of excess earned income or a combination of earned and unearned income, and you must:

- not be performing SGA in the month you apply for EXR;
- not be able to work at the SGA level due to your medical condition;
- have a current impairment(s) that is the same as, or related to, your original disabling impairment(s); and
- request EXR with 5 years from the month your benefits stopped.

## **EFFECT OF WORK ON MEDICAL REVIEW**

Effective January 1, 2002, Social Security will not conduct a continuing disability review of a disabled beneficiary based on work activity alone. This provision applies to SSI beneficiaries who have received Social Security disability benefits for at least 24 months. This provision does not apply to SSI only beneficiaries. If you receive SSI only, we will conduct regularly scheduled medical reviews, unless you are using your Ticket to Work. As long as you are using your Ticket to Work and participating in the program we will not conduct a medical review. For more information about Ticket to Work, see page 44.

## **CONTINUATION OF BENEFITS AFTER MEDICAL CESSATION (SECTION 301 BENEFITS)**

You can continue getting SSI benefits even after we determine that your disability or blindness ceased if you are participating in:

- a program under the Ticket to Work Program; or
- an approved Plan to Achieve Self-Support (PASS); or
- an approved program of vocational rehabilitation services, employment services, or other support services; or
- an approved educational or training program.

### **And**

- we determine that your completion or continuation in the program for a specified period of time, will increase the likelihood that you will be permanently removed from the disability or blindness benefit rolls.

In addition, if you are a student aged 18 through 21, you can continue getting SSI benefits after we determine that your disability or blindness ceased if you are participating in an Individual Education Plan (IEP) with an approved educational institution.

## **MEDICAID BUY-IN PROGRAM FOR WORKING PEOPLE WITH DISABILITIES**

**What is Medicaid Buy-in?** Medicaid Buy-in is designed to provide Medicaid to working people with disabilities, who because of relatively high earnings cannot qualify for Medicaid under one of the other provisions.

**Who is eligible?** States are allowed to provide Medicaid to these individuals by creating a new optional eligibility group.

Although some States may have more liberal income limits, in most States individuals may become eligible if:

- they are in a family whose **net** income is less than 250% of the national poverty guideline for a family of the size involved (for example, the 2012 Federal Poverty Guideline for a family of 3 is \$19,090, so the limit for this program would be \$47, 725); and
- except for their earnings, they would be considered eligible for SSI; this includes meeting the definition of disability; and
- they meet all other SSI income and resource limits.

Each State determines its own definition of a "family." All SSI exclusions apply to the determination of family income, including the earned income exclusions.

Individuals are not required to have been receiving SSI benefits to be eligible for this Medicaid Buy-in provision. However, the State must make a disability determination if an individual was not an SSI beneficiary. SGA (wages or self-employment) is not a consideration when States make this determination.

**EXAMPLE:** The 2012 Federal Poverty Guideline for an individual is \$11,170. The net income limit for Medicaid Buy-in for an individual is income of less than 250% of \$11,170, that is, less than \$27,925.

For example, if Joe Green's annual income is earnings of \$42,765 he meets the net income limit (after the SSI earned income exclusions) and is eligible for Medicaid Buy-in if his State participates, as long as he meets all other eligibility factors of SSI.

\$42,765.00 earnings divided by 12 months = \$3,563.75

\$ 3,563.75	monthly earnings
<u>-85.00</u>	general and earned income exclusion
\$ 3,478.75	
<u>-1,739.38</u>	exclusion of half remaining earned income
\$ 1,739.37	monthly countable income, or \$20,872.44 a year.

In this example, Mr. Green's net income of \$20,872 is below 250% of the poverty guideline for an individual (less than \$27,925).

**Are there premiums?** States are allowed (but not required) to charge eligible individuals premiums or other cost-sharing charges. These charges may be set on a sliding scale based on income. Each State makes the decision about the premiums or other cost-sharing charges.

**How do I get more information?** To find out more about Medicaid in your State, call your State medical assistance (Medicaid) office. You may find information on how to contact your State medical assistance (Medicaid) office on the Centers for Medicare and Medicaid services website at [www.cms.gov/apps/contacts](http://www.cms.gov/apps/contacts).

To find out if your State has a Medicaid Buy-in plan, contact your State medical assistance (Medicaid) office.

## HOW TO FIND OUT MORE

Each Social Security office has a Work Incentive Liaison who works with outside organizations that serve disabled and blind people. Please contact your local office for the name and telephone number of the Work Incentive Liaison.

**For more information on work incentives, see the SSI Spotlights on:**

Impairment-Related Work Expenses	page 88
Special SSI Rule for Blind People Who Work	page 90
Individual Development Accounts	page 91
Plans to Achieve Self-Support	page 92
Property You Need for Self-Support	page 94
Student Earned Income Exclusion	page 96
Continued Medicaid Eligibility for People Who Work: Section 1619(b)	page 107

The "Red Book" (a summary guide to employment supports) is available online at [www.socialsecurity.gov/redbook](http://www.socialsecurity.gov/redbook).

The Red Book is also available on audiocassette, Braille, large print, and CD and contains additional information on both SSI and Social Security disability work incentives. In addition, the above site, along with [www.socialsecurity.gov/work](http://www.socialsecurity.gov/work), provides information on our efforts to help people with disabilities enter the workforce in employment or self-employment. There are sections about vocational rehabilitation programs, employment support, legislation, employment programs, health care for people with disabilities, and much more.

## **REPORTING RESPONSIBILITIES**

### **WHAT THINGS MUST YOU REPORT TO SOCIAL SECURITY?**

You must report any of the changes listed below to us, because they may affect your eligibility for SSI and your benefit amount:

- change of address;
- change in living arrangements;
- change in earned and unearned income including a change in wages or net earnings from self-employment, including your spouse's income if you are married and living together, and parents' income if applying for a child;
- change in resources including your spouse's resources, if you are married and living together, and parents' resources if applying for a child;
- death of spouse or anyone in your household;
- change in marital status;
- change in citizenship or immigration status;
- change in help with living expenses from friends or relatives;
- eligibility for other benefits or payments;
- admission to or discharge from an institution (such as a hospital, nursing home, or a correctional institution such as prison, jail, detention center, boot camp, etc.);
- change in school attendance (if you are under age 22);
- change in legal alien status;
- leaving the U.S. for a full calendar month or for 30 consecutive days or more;
- a warrant for a felony crime or for violating a condition of parole or probation is issued for your arrest. However, effective March 18, 2001, we no longer suspend or deny payments based solely on an outstanding warrant for a violation of probation or parole.

### **WHAT MUST YOU ALSO REPORT IF YOU ARE DISABLED?**

- improvement in your medical condition;
- when you start or stop work, or have a change in pay or hours worked;
- any change in your Ticket to Work status; or
- any change in your work or PASS expenses (see page 44 for information about PASS).

### **WHEN DO YOU NEED TO REPORT?**

Report any changes that may affect your SSI as soon as possible and no later than 10 days after the end of the month in which the change occurred.

**NOTE:** Please see the "Spotlight on Reporting Your Earnings to SSA" on page 84.

### **WHAT HAPPENS IF YOU DO NOT REPORT CHANGES ON TIME AND ACCURATELY?**

You may be underpaid and not receive the benefits due to you, as quickly as you could, if you do not report changes on time.

We may overpay you and you may have to pay us back. We may apply a penalty that will reduce your SSI benefit by \$25 to \$100 for each time you fail to report a change to us, or you report the change later than 10 days after the end of the month in which the change occurred.

If you knowingly make a statement which is false or misleading or knowingly fail to report important changes, we may impose a sanction against your payments. The first sanction is a loss of payments for 6 months. Subsequent sanctions are for 12 months and then 24 months.

**Also, see the SSI Spotlight on Rights and Responsibilities on page 72.**

## **SOCIAL SECURITY NOTICES AND LETTERS**

### **WHAT DOES A NOTICE LOOK LIKE?**

A Social Security notice will have the following features:

- a heading that always includes the agency name, and usually the name of the Social Security program, and the type of notice for example:

Social Security Administration  
Supplemental Security Income  
Notice of Change in Payment

- a Social Security telephone number and/or address.

### **WHY DO WE SEND YOU A NOTICE?**

Notices are one of the main ways that we communicate with the public. We rely on notices to communicate determinations, inform you of your rights and responsibilities, and to describe what you can do if you disagree with our determinations.

We also send administrative letters that may ask you to call or come into the office, or to send information or documents.

### **WHEN DO WE SEND YOU A NOTICE?**

Whenever we send you a notice, it is because there is something you should know or do about your claim, benefit status or benefit amount. We send you a notice before we make a change to your benefit amount or eligibility. We will send a notice whenever we must tell you about activity on your case.

For example, if you receive SSI and your living arrangement, income or resources change, you will receive a notice each time your benefit amount changes.

### **WHAT DO WE TELL YOU IN OUR NOTICE?**

Our notices generally state the following:

- the purpose of the letter;
- any action we plan to take or determination we've made and the reason;
- any change in your benefit status or payment amount and the starting date of the change;
- any action you should take;
- what you should do if you disagree with the determination; and
- how to contact us.

## **WHAT OPTIONS ARE AVAILABLE TO BLIND OR VISUALLY IMPAIRED INDIVIDUALS?**

Blind or visually impaired persons may receive notices about their benefits in standard print by first class or certified mail, in standard print by first class mail with a followup telephone call, in Braille, audio CD and large print (18-point size) or on a Microsoft Word compact disc. If none of these options are adequate, blind or visually impaired persons may request another accommodation. We will decide whether to approve other accommodation requests on an individual basis.

## **WHAT OPTIONS ARE AVAILABLE TO LIMITED ENGLISH SPEAKING INDIVIDUALS?**

We have a plan to gradually make notices available in various languages. Because our Spanish-speaking population is the largest group of limited English speaking individuals, we have made almost all SSI notices available in Spanish. Notices that are not available in Spanish include a Spanish cover letter offering translation services from a local Social Security office.

## **WHAT SHOULD YOU DO IF YOU HAVE TROUBLE UNDERSTANDING OR RESPONDING TO OUR NOTICE?**

Contact us if you do not understand a notice, or if you cannot do what we ask in the time allowed. Have the notice with you when you contact us, so we will be able to help you more quickly. We will explain the letter to you and help you do what you need to do to meet your responsibility.

If you misplace a notice that we have sent to you, before you have a chance to read or respond to it, contact us. **Do not ignore the letter under any circumstances.** If you do, you could lose benefits or the chance to exercise your rights.

## REDETERMINATIONS

### WHAT IS A REDETERMINATION?

We review your income, resources, and living arrangements to be sure you are still eligible for SSI and are getting the right amount of SSI benefits.

If you are married or you are a disabled child under age 18 living with your parent(s), we also review the income, resources, and living arrangements of your spouse or parent(s).

**NOTE:** We also do a **disability redetermination** using the adult disability rules when a child attains age 18. See page 42.

### WHEN DO WE CONDUCT A REDETERMINATION?

We redetermine eligibility and benefit amounts of most beneficiaries once every 1 to 6 years.

When you report a change that affects eligibility or payment (for example marriage), we may review your income, resources and living arrangements.

### HOW DO WE DO A REDETERMINATION?

There are three ways that we do a redetermination:

- by telephone interview;
- in person; or
- by mail.

For telephone and in person interviews, we send a letter telling you that we will be calling you on a certain date and time, or asking you to come into the local Social Security office for a redetermination. Our staff will fill out the forms during the interview based on information you give them. If you have a representative payee, we will send the appointment letter to your payee.

If you are not able to keep the scheduled appointment, call us; we will make a new appointment that is more convenient.

If we do your redetermination by mail, we will send you a redetermination form for you to complete, sign and return.

If you have a representative payee, he or she must complete and sign the redetermination form for you.

If you need help completing a redetermination form you receive in the mail, call us or visit your local Social Security office. Our staff will help you fill it out.

### RESPONDING TO THE APPOINTMENT LETTER OR THE REQUEST TO COMPLETE FORMS

You have 30 days to:

- respond to the appointment letter;
- complete and return the form; or
- tell us that you cannot keep the appointment or are having trouble filling out the form.

**Note:** It is to your advantage to respond to our requests as soon as possible.

### **WHAT HAPPENS IF YOU DO NOT RESPOND TO THE APPOINTMENT LETTER OR COMPLETE AND RETURN THE FORM?**

If you do not respond, you may:

- have your checks stopped;
- be overpaid; or
- be underpaid.

If you lose SSI eligibility, you may lose Medicaid eligibility based on getting SSI.

### **DOCUMENTS YOU MAY NEED FOR A REDETERMINATION**

- savings account, checking account, or other bank statements;
- pay stubs or income tax returns;
- proof of other income you receive (pensions, annuities, unemployment compensation, worker's compensation, etc.);
- life insurance policies;
- burial contracts; and
- household receipts and bills to show your monthly expenses (lease, utilities, etc.).

**NOTE:** We may not need all of these documents. If a document is necessary, we will tell you what we need and help you get it.

## OVERPAYMENTS

### WHAT IS AN OVERPAYMENT?

An overpayment is when you receive more money for a month than the amount you should have been paid. The amount of your overpayment is the difference between the amount you received and the amount due.

### WHAT CAN CAUSE AN OVERPAYMENT?

- Your income is more than you estimated.
- Your living situation changes.
- Your marital status changes.
- You have more resources than the allowable limit.
- You are no longer disabled and continue to receive benefits.
- You do not report a change to us (on time or at all) as required.
- We incorrectly figure your benefits because of incorrect/incomplete information.

### WHAT WILL WE DO IF THERE IS AN OVERPAYMENT?

We will send you a notice explaining the overpayment and asking for a full refund within 30 days. If you are currently getting checks and you do not make a full refund, the notice will:

- propose to withhold the overpayment at the rate of 10% of your total income;
- state the month the proposed withholding will start;
- fully explain your appeal rights;
- explain how you can ask us to have the overpayment reviewed and waived, so you may not have to pay it back; and
- explain how you can appeal our decision.

### WHAT CAN YOU DO IF YOU GET AN OVERPAYMENT NOTICE?

If you believe you were not overpaid, you may request a reconsideration.

If you ask for an appeal within 10 days of the date on the notice, any payment we are currently making will continue until we make a decision.

**NOTE:** For information on requesting a reconsideration, see Appeals Process, page 57.

***If you believe that you may have been overpaid, but feel that it was not your fault:***

- ***ask for a waiver of recovery of the overpayment; and***
- ***ask for and complete form SSA-632 (request for waiver).***

***If necessary, we will help you.***

You can ask for a waiver at any time.

If we grant a waiver, you will not have to repay all or part of the overpayment. Generally, for us to grant a waiver, you must show that:

- It was not your fault that you were overpaid; **and**
- You cannot pay back the overpayment because you need the money to meet your ordinary living expenses. You may have to submit bills to show that your monthly expenses use up all of your income and that it would be a hardship for you to repay.

**IF YOU ARE NOT SURE WHAT CAUSED THE OVERPAYMENT, YOU MAY ASK FOR A RECONSIDERATION, OR A WAIVER, OR BOTH.**

You may ask to see your file to see the information we used in figuring the overpayment. You may have us explain the reason for the overpayment while you are examining your file.

**WHAT IF THERE WAS AN OVERPAYMENT AND WE DO NOT GRANT YOUR REQUEST FOR A WAIVER?**

You can request a reconsideration of Social Security's denial of your request for waiver. If we continue to deny your waiver request, you will have to pay back the overpayment or have it withheld from your monthly benefits.

You can ask us to withhold less than the proposed amount each month, or you can arrange to make monthly payments if you no longer receive SSI benefits.

If you no longer receive SSI, we may withhold your overpayment from a Federal Income Tax refund and/or from any future Social Security benefits you may receive. If you become eligible for SSI in the future, we will withhold your overpayment from future SSI payments.

## APPEALS PROCESS

You can appeal most determinations and decisions we make about whether you can get SSI or if we make changes to your benefit amount. That means you can ask us to look at your case again.

When you ask for an appeal, we will look at the entire determination or decision, even those parts that were in your favor.

### HOW TO APPEAL SOCIAL SECURITY DETERMINATIONS AND DECISIONS

We have established appeals procedures for individuals who disagree with the determination(s) or decision(s) we make. The levels of appeal are:

- Reconsideration (available in most States);
- Administrative Law Judge Hearing;
- Appeals Council Review;
- Federal Court.

We call the determinations we make that you can appeal "initial determinations." These determinations include but are not limited to:

- whether or not you are eligible;
- the amount of your SSI payment; and
- the fact that you were overpaid, the amount of the overpayment and whether you must repay it.

You must request an appeal in writing within 60 days of the date you receive your notice. The notice will tell you how to appeal. If you file an appeal within 10 days, your SSI benefits may continue at the same amount until we make a determination on your appeal. The notice will tell you if you are entitled to continued benefits.

Contact us and we can help you file your appeal.

**NOTE:** You may appoint a representative to act for you in the Social Security appeals process. For information on how to appoint a representative, see "How Someone Can Help You With Your SSI" on page 32.

### INITIAL DETERMINATION

After you file an application for SSI, we will mail you a written determination. This is your first "initial determination." Each time we make a decision about your eligibility or payment amount after that is also an initial determination.

### STEPS IN THE APPEALS PROCESS

#### 1. RECONSIDERATION

If you disagree with the initial determination, you may request reconsideration by writing to us or by completing a Form SSA-561 (Request for Reconsideration) or a Form SSA-789 (Request for Reconsideration - Disability Cessation).

You or your representative must ask in writing for reconsideration **within 60 days** of the date you receive the written notice of the initial determination. We consider that you receive a notice 5 days after we mail it. If you ask for reconsideration in writing **within 10 days**, any payment we are currently making will continue until we make our determination, if you continue to meet all other SSI eligibility requirements.

We will send you (and your representative, if you have one) a notice of the reconsideration determination.

If you appeal a disability cessation and you want to keep receiving benefits until we make a determination, you must make a written request for benefit continuation within 10 days after the date you receive the written notice. You are entitled to a face-to-face hearing with a disability hearing officer.

In certain States, we are using a revised appeals process, which may replace the steps here. If you are in one of these States, the notice of our determination will give you specific instructions about how to appeal.

## **2. HEARING**

If you disagree with the reconsideration determination, you or your representative may request a hearing before an Administrative Law Judge by writing to us or by completing a Form HA-501 (Request for Hearing). We will help you complete this form. A request for a hearing on a disability claim can also be completed online at: [www.socialsecurity.gov](http://www.socialsecurity.gov).

You or your representative must request a hearing **within 60 days** after you get the notice of reconsideration determination (or, in certain States, the initial determination). You or your representative may review your file before the hearing and may submit new evidence. You may continue to receive your SSI if you are appealing a determination that your disability has ended. You must ask in writing for your benefits to continue.

**If you do not want to appear in person at a hearing before a judge**, you or your representative may ask the judge to make a decision based on the evidence in your file.

**If you do want to have a hearing before a judge**, it is very important that you or your representative appear in person at the scheduled hearing. If for any reason you cannot make it, contact the judge as soon as possible before the hearing and explain why. If you do not attend the scheduled hearing, you may lose your appeal rights and benefits.

We may pay you for travel costs if the distance to the hearing from your home is more than 75 miles one way. If you need money for travel costs, tell the judge as soon as possible **before** the hearing.

In a disability case, the judge may also want you to have more medical exams or tests.

The judge may ask other witnesses, such as medical experts to come to the hearing. You may ask the judge to order certain witnesses to attend the hearing.

During the hearing, the judge will explain your case and may ask you and any of your witnesses questions. You may also ask any witnesses questions and present new evidence.

The hearing is informal, but we record it. You may ask for a copy of the hearing recording.

The judge will send you (and your representative, if you have one) a copy of the hearing decision.

### **3. APPEALS COUNCIL**

If you disagree with the judge's decision, you (or your representative) may request an appeal by writing to us and requesting an Appeals Council review, or by completing a form HA-520 (Request for Review of Hearing Decision/Order). We can help you complete this form.

You (or your representative) must ask for an Appeals Council review **within 60 days** after you get the hearing decision.

You or your representative may submit new evidence. The Appeals Council will examine your case and will grant, deny, or dismiss your request for review. If the Appeals Council grants your request for review, it will either decide your case or return it to the judge for further action, which could include another hearing and a new decision.

The Appeals Council will send you (and your representative) a copy of the action it takes on your request for review and explain the reasons for this action.

### **4. FEDERAL COURT**

If the Appeals Council issues a decision or denies your request for review of an Administrative Law Judge's decision and you disagree with the action of the Appeals Council, you may file a civil action with the U.S. District Court in your area. We cannot help you file a court action. You may want to contact a lawyer or a legal aid group to help you.

You must file an action in U.S. District Court **within 60 days** after you receive the notice of Appeals Council action.

The U.S. District Court will review the evidence and the final Agency decision, but will not conduct another hearing.

## EXPEDITED PAYMENTS

We can start payments more quickly than usual in four different types of situations:

- presumptive disability (PD) or presumptive blindness (PB) payment;
- emergency advance payment;
- immediate payment; and
- expedited reinstatement cases.

## PRESUMPTIVE DISABILITY OR BLINDNESS PAYMENTS

We may make PD or PB payments for up to 6 months, if you applied for SSI because of disability or blindness and are waiting for the Disability Determination Services (DDS) to make a final decision.

**NOTE:** We will base the amount of these payments on your countable income. See page 19 for an explanation of countable income.

You **may** be eligible to receive SSI benefits right away on the basis of a PD or PB determination if you have one or more of the following medical conditions:

- amputation of a leg at the hip;
- allegation of total deafness; that is, no sound perception in either ear;
- allegation of total blindness; that is, no light perception in either eye;
- allegation of bed confinement and immobility without a wheelchair, walker, or crutches, due to a **longstanding condition** excluding recent accident and recent surgery;
- allegation of stroke (cerebral vascular accident) more than three months in the past and continued marked difficulty in walking or using a hand or arm;
- allegation of cerebral palsy, muscular dystrophy, or muscular atrophy and marked difficulty in walking (for example the use of braces), speaking, or coordination of the hands or arms;
- allegation of Down syndrome;
- allegation of severe mental deficiency made by another individual filing on behalf of a claimant who is at least 7 years of age;
- a child has not reached his or her first birthday and the birth certificate or other medical evidence shows a weight below 1,200 grams (2 pounds, 10 ounces) at birth;
- a child has not attained his or her first birthday and available medical evidence shows a gestational age (GA) at birth with these corresponding birth-weights:
  - GA: 37-40 weeks; weight at birth: less than 2,000 grams (4 pounds, 6 ounces);
  - GA: 36 weeks; weight at birth; 1,875 grams (4 pounds, 2 ounces) or less;
  - GA: 35 weeks; weight at birth: 1,700 grams (3 pounds, 12 ounces) or less;
  - GA: 34 weeks; weight at birth: 1,500 grams (3 pounds, 5 ounces) or less; or
  - GA: 33 weeks; weight at birth: at least 1,200 grams, but no more than 1,325 grams (2 pounds, 15 ounces);
- symptomatic human immunodeficiency virus (HIV) infection or acquired immunodeficiency syndrome (AIDS); Form SSA-4814 or SSA-4815 is needed;
- a physician confirms by telephone or in a signed statement that an individual has a terminal illness with a life expectancy of six months or less; or a physician or knowledgeable hospice official (for example, hospice coordinator, staff nurse, social

worker or medical records custodian) confirms that an individual is receiving hospice services because of a terminal illness;

- allegation of a spinal cord injury producing an inability to ambulate without the use of a walker or bilateral hand-held assistive devices for more than two weeks with confirmation of such status from an appropriate medical professional;
- allegation of end stage renal disease (ESRD) requiring chronic dialysis and the file contains a completed CMS-2728 End Stage Renal Disease Medical Evidence Report-Medicare Entitlement and/or Patient Registration; or
- allegation of amyotrophic lateral sclerosis (ALS) known as Lou Gehrig's disease.

If we are not able to make a PD or PB determination, sometimes the DDS will make a PD or PB determination based on one of the medical conditions listed above, or on the basis of another severe condition, if a final approval seems likely.

## **WHAT HAPPENS TO PRESUMPTIVE DISABILITY OR BLINDNESS PAYMENTS IF WE LATER DENY YOUR SSI?**

We do not ask you to repay these PD or PB payments, even if you are later found not to be disabled or blind. However, if you received an overpayment for other reasons, we may ask you to repay some of the PD or PB payments.

## **EMERGENCY ADVANCE PAYMENT**

We may be able to make an emergency advance payment to new applicants who face a financial emergency and who are due SSI benefits that are delayed or not received. We can only pay one such advance payment. The maximum emergency advance payment you may receive is the smaller of:

- the SSI Federal benefit rate (plus any federally administered State supplement);
- the total amount of benefit due; or
- the amount requested for the financial emergency.

## **WHO CAN RECEIVE AN EMERGENCY ADVANCE PAYMENT?**

- People who are due SSI benefits (including PD or PB payments) that are delayed or not received; and
- Are facing a "financial emergency" which means they need money right away due to a threat to health or safety, such as not enough money for food, clothing, shelter or medical care.

## **HOW DO WE RECOVER AN EMERGENCY ADVANCE PAYMENT?**

We will subtract the emergency advance payment from the payments already due you and pay you the difference. If you are not due past payments, we will subtract the emergency advance payment from your current monthly benefits in up to 6 monthly installments.

## **IMMEDIATE PAYMENT**

We may be able to make an immediate payment to new applicants and those already receiving SSI whose benefits are delayed or not received and who face a financial emergency. The immediate payment cannot be higher than \$999.00.

## WHO CAN RECEIVE AN IMMEDIATE PAYMENT?

- People who are initially eligible for SSI benefits, or already receiving benefits; and
- Are due SSI benefits (including PD or PB payments) that are delayed or not received; and
- Are facing a "financial emergency" which means they need money right away due to a threat to health or safety, such as not enough money for food, clothing, shelter or medical care.

## HOW DO WE RECOVER AN IMMEDIATE PAYMENT?

We will subtract the immediate payment from the first regular payment due you.

**NOTE:** The decision to issue an immediate payment is up to us. You do not have formal appeal rights if we decide you are not eligible for any of these payments.

## EXPEDITED REINSTATEMENT

If your benefits ended because you worked and had earnings, you can request to have your benefits started again without having to complete a new application. We call this process "expedited reinstatement."

You can request that your benefits start again if you:

- stopped receiving SSI benefits because of earnings from work;
- are unable to do substantial gainful activity (SGA) (see page 35) because of an impairment(s) that is the same as or related to the impairment(s) that allowed you to get benefits earlier; and
- make the request within five years from the month your benefits ended.

In order to reinstate your benefits under this provision we need updated medical information for the DDS to make their determination. A Social Security representative will assist you with all the necessary forms. If we approve your request for expedited reinstatement of your SSI benefits, your provisional (temporary) benefits will begin the month after your request. You may be eligible for Medicaid coverage.

We can give you provisional benefits for up to 6 months while we determine whether you can get benefits again. These benefits include Federal payments and Medicaid coverage.

If we decide that you cannot get benefits again, we usually will not ask you to repay the provisional benefits.

# **REPRESENTATIVE PAYEE PROGRAM**

## **WHAT IS A REPRESENTATIVE PAYEE?**

A representative payee is a person, agency, organization or institution we select to manage your funds when we determine that you are unable to do so yourself. For more information on representative payees you can view the publication "When a Representative Payee Manages Your Money" at [www.socialsecurity.gov/pubs/10097.html](http://www.socialsecurity.gov/pubs/10097.html).

Before appointing a representative payee, we must evaluate medical and other types of evidence about your ability to manage your SSI benefits.

## **WHO MUST HAVE A REPRESENTATIVE PAYEE?**

- most children under the age of 18;
- legally incompetent adults; and
- anyone we determine to be incapable of managing or directing the management of his or her funds.

## **WHO CAN SERVE AS YOUR REPRESENTATIVE PAYEE?**

- someone who is concerned with your welfare, usually a parent, spouse, close relative, guardian, or friend;
- an institution such as a nursing home or health care provider;
- a public or nonprofit agency or financial organization; or
- providers or administrative officers at homeless shelters.

## **WHAT ARE YOUR REPRESENTATIVE PAYEE'S DUTIES?**

The most important duty of a payee is to know your needs and to use the benefits in your best interests. Your representative payee must first use your SSI benefits for your current basic needs for food, clothing, housing, medical care and personal comfort items. After paying for your needs your representative payee must save for you any money left, preferably in an interest-bearing bank account.

Each year, we will ask your representative payee to complete a simple accounting report showing how they spent and saved the money they received for you.

Your representative payee should respond on your behalf to any of our requests for action or information. Common requests are the annual representative payee accounting, the SSI redetermination of eligibility or request for a continuing disability review.

Your representative payee's authority is limited to matters between you and us. A power of attorney does not give someone authority to act as your representative payee. A representative payee has no authority to enter into any binding contracts on your behalf.

Your representative payee is responsible for reporting to us any changes in your circumstances that could affect your eligibility to benefits (income, resources, change of address, living arrangements, return to work, etc.).

You or your representative payee may, at any time, request that we change or terminate the payee arrangement. Following such a request, we will investigate the situation and make a determination.

**NOTE:** If you are a representative payee for a child under age 18, see

- SSI for Children on page 26;
- SSI Spotlight on Dedicated Accounts for Children on page 81; and
- How Do Continuing Disability Reviews Work for Children on page 42.

**IMPORTANT: Social Security needs volunteers to serve as representative payees.**

If you would like more information, please visit our website at [www.socialsecurity.gov/payee](http://www.socialsecurity.gov/payee) or call your local Social Security office.

Also, please see the booklets, **A Guide for Representative Payees** at [www.socialsecurity.gov/pubs/10076.html](http://www.socialsecurity.gov/pubs/10076.html) and **Guide for Organizational Representative Payees** at [www.socialsecurity.gov/payee/NewGuide/toc.html](http://www.socialsecurity.gov/payee/NewGuide/toc.html).

## **SSI AND ELIGIBILITY FOR OTHER GOVERNMENT AND STATE PROGRAMS**

Many people who are potentially eligible for SSI benefits do not know how receiving SSI affects their benefits or payments from other government and State programs.

### **MEDICAID**

In most states, if you are an SSI beneficiary, you may be automatically eligible for Medicaid; an SSI application is also an application for Medicaid. In other states, you must apply for and establish your eligibility for Medicaid with another agency. In these states, we will direct you to the office where you can file for Medicaid.

Please see the Medicaid site for consumer information at:  
[www.cms.hhs.gov/medicaid/consumer.asp](http://www.cms.hhs.gov/medicaid/consumer.asp).

### **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (formerly "FOOD STAMPS")**

The Supplemental Nutrition Assistance Program (SNAP) provides help for low-income households to buy the food needed for good health. In most states, if you receive SSI, you may be eligible to receive SNAP assistance to purchase food.

If you are applying for or receiving SSI, you may be able to get SNAP information and an application form at your local Social Security office. Offices in California do not process SNAP applications or recertifications.

If all other members of your household apply for and receive SSI, and you apply for SSI, we may help you complete a SNAP application. If you and all other members of your household already receive SSI and SNAP, you may be able to complete the SNAP forms for a recertification at your local Social Security office. SSI benefits count in computing SNAP eligibility.

In some states, the SSI application is also an application for SNAP if the individual lives alone. Please see the food stamp and other nutritional programs website at  
[www.socialsecurity.gov/pubs/10100.html](http://www.socialsecurity.gov/pubs/10100.html).

### **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)**

The TANF program provides cash block grants to states. TANF gives states the flexibility to determine TANF eligibility rules and to set TANF payment amounts.

In a household receiving TANF, we pay SSI only to the blind or disabled adult or child, or age 65 or older member(s).

### **AFFORDABLE HEALTH INSURANCE FOR CHILDREN WHO NEED IT**

Medicaid provides free health coverage to most low-income children through state children's health insurance programs. Contact your local state or local medical assistance (Medicaid) office, social service office or welfare office for more information.

## STATE OR LOCAL ASSISTANCE BASED ON NEED

Some states offer state or local assistance based on need to aged, blind, and disabled people through the state welfare department. The state may require you to apply for SSI if you receive state or local assistance based on need. If we approve you for SSI, your state or local public assistance payments will usually stop. Your state may be entitled to collect part of your retroactive SSI benefits as repayment for the money they paid you while we processed your SSI claim.

## SOCIAL SECURITY, MEDICAID AND MEDICARE

Many people receive both SSI and Social Security benefits.

Medicaid is linked to receipt of SSI in most States. Medicare is linked to entitlement to Social Security benefits. It is possible to get both Medicare and Medicaid.

States pay the Medicare premiums for people who receive SSI if they are also eligible for Medicaid.

If you get SSI and have Medicare, you will also be eligible for Extra Help with Medicare Prescription Drug Coverage without filing a separate application. See the website at: [www.socialsecurity.gov/i1020/start](http://www.socialsecurity.gov/i1020/start).

## STATE PROGRAMS THAT HELP WITH MEDICARE COSTS

You may also qualify for help with certain Medicare costs under the programs below if:

- you receive Medicare;
- your income and resources are limited.

**NOTE:** These limits vary in some States.

Contact your State, county or local medical assistance office, social service office, or welfare office to find out if you qualify for one of these programs.

- **Qualified Medicare Beneficiary (QMB) Program**  
The QMB program helps low-income Medicare beneficiaries by paying Medicare premiums, deductibles and coinsurance.
- **Specified Low-Income Medicare Beneficiary (SLMB) Program or Qualifying Individual Program (QI-1)**  
The SLMB and QI-1 programs will pay Medicare Part B premiums only.

Your resources should not exceed \$8,440 if you are single or \$13,410 if you are a couple. Several items, like your home and a car are not counted. Also, some States use higher resource limits.

- **Qualified Disabled Working Individual (QDWI)**  
The QDWI program will pay Medicare Part A premiums.

If you are under age 65, disabled and no longer entitled to free Medicare Hospital Insurance Part A because you successfully returned to work, you may be eligible for a state program that helps pay your Medicare Part A monthly premium.

To be eligible for this help, you must:

- continue to have a disabling impairment;
- sign up for premium Hospital Insurance (Part A);
- have limited income;
- not have resources worth more than \$4,000 for an individual and \$6,000 for a couple. Your state will not count the home where you live, usually one car and \$1,500 in burial expenses (per person) as resources; and
- not already be eligible for Medicaid.

**NOTE:** Some States have different limits.

To find out more about the QDWI program, contact your local, county, or State social service agency or medical assistance office.

## SOCIAL SECURITY ENTITLEMENT REQUIREMENTS

Many people who are eligible for SSI may also be entitled to receive Social Security benefits. In fact, the application for SSI is also an application for Social Security benefits. We often need to obtain additional information from the person before we can award Social Security benefits.

The following sections provide information on who may be entitled to Social Security benefits.

### TO BE ELIGIBLE FOR SOCIAL SECURITY BENEFITS AS A WORKER, YOU MUST BE:

- Age 62 or older, or disabled or blind; and
- "Insured" by having enough work credits.

For applications filed December 1, 1996 or later, you must either be a U.S. citizen or lawfully present alien in order to receive monthly Social Security benefits.

### HOW MUCH WORK DO YOU NEED TO BE "INSURED"?

We measure work in "work credits." You can earn up to four work credits per year based on your annual earnings. The amount of earnings required for a work credit increases each year as general wage levels rise.

To be eligible for most types of benefits (such as benefits based on blindness or retirement), you must have earned an average of one work credit for each calendar year between age 21 and the year in which you reach age 62 or become disabled or blind, up to a maximum of 40 credits. A minimum of six work credits is required, regardless of age.

To qualify for Social Security benefits based on a disability other than blindness, you must have worked long enough and recently enough under Social Security. The number of work credits you need for disability benefits depends on your age when you became disabled. You generally need 20 work credits earned in the last 10 years ending with the year you become disabled. However, younger workers may qualify with fewer credits.

The rules are as follows:

- **Before age 24** - You may qualify if you have six work credits earned in the three-year period ending when your disability starts.
- **Age 24 to 31** - You may qualify if you have credit for having worked half the time between age 21 and the time you become disabled.

For example, if at age 27 you became disabled, you would need 12 work credits in the past six years (between age 21 and age 27).

- **Age 31 and older** - In general, you will need to have the number of work credits shown in the chart below. You must have earned at least 20 of the credits in the 10 years immediately before you become disabled.

<b>Born After 1929 Become Disabled at Age</b>	<b>Work Credits Needed</b>
31 through 42	20
44	22
46	24
48	26
50	28
52	30
54	32
56	34
58	36
60	38
62 or older	40

## **WHO CAN RECEIVE BENEFITS ON YOUR EARNINGS RECORD?**

You can receive Social Security benefits based on your earnings record if you are age 62 or older, or disabled or blind and have enough work credits.

Family members who qualify for benefits on your work record do not need work credits. However, if they file an application December 1, 1996 or later, they must be a U.S. citizen or lawfully present alien. The following family members may qualify for benefits on your work record.

If you are receiving retirement or disability benefits, your spouse may qualify if he or she is:

- age 62 or older; or
- divorced and age 62 or older and married to you for at least 10 years prior to your divorce; or
- under age 62 and caring for a child (under age 16 or disabled prior to age 22) who is entitled to benefits on your work record.

If you are age 62 or older and have enough work credits to receive Social Security benefits, but have not filed a claim, your divorced spouse may qualify for benefits if he or she was married to you for at least 10 years prior to the divorce, and has been finally divorced from you for at least 2 years.

Your surviving spouse (widow or widower) may qualify if he or she is:

- age 60 or older; or
- age 50 or older and disabled; or
- divorced and age 60 or older (age 50 if disabled), and married to you for at least 10 years prior to your divorce; or
- under age 60 and caring for your child (under age 16 or disabled prior to age 22) who is entitled to child's benefits; or
- divorced and under age 60 and caring for his or her child (under age 16 or disabled prior to age 22) who is entitled to benefits on your record.

Unmarried children (including stepchildren, adopted children and, in some cases, grandchildren and children born out of wedlock) of disabled, retired or deceased workers may qualify if they are:

- under age 18 (or between ages 18 and 19 if a full time high school student); or
- age 18 or over and disabled before age 22.

Dependent parent(s), age 62 or older, of deceased workers may qualify for benefits based on the worker's record.

## SSI SPOTLIGHTS

The SSI Spotlights are in-depth looks at some of the program rules referred to earlier in this package. We designed them as handouts to help applicants through the process of applying for and receiving SSI.

The SSI Spotlights are available for use by the general public. We encourage advocates to distribute them to their clients and to any other individuals or groups who can use them. The Spotlights provide more details than our general information pamphlets. You can find general information pamphlets online at [www.socialsecurity.gov/pubs/index.html](http://www.socialsecurity.gov/pubs/index.html)

The information in the SSI Spotlights is general and not to be applied to specific case situations. You must contact us for specific case information.

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## SSI SPOTLIGHT ON RIGHTS AND RESPONSIBILITIES

### WHAT ARE YOUR RIGHTS?

#### You have the right to:

- Apply for benefits free of charge;
- Get help from Social Security to fill in the application forms and get documents you need;
- Have someone help you with your SSI claim and have that person go with you when you visit the Social Security Administration;
- Be represented by qualified individual of your choosing (whether an attorney or a non-attorney);
- Ask to see or get copies of the information in your records;
- Get a letter that will tell you what we determine about what benefits you can get and what we will pay you;
- Appeal most determinations we make about whether you can get SSI, or the amount of SSI, if you disagree with our determination;
- Have the assistance of an interpreter, free of charge, if you do not speak English well enough to do business with us;
- Get help from us to obtain your medical records; and
- Get copies of the law, regulations or policy statements used to decide your claim.

### WHAT ARE YOUR RESPONSIBILITIES?

#### You must tell us when:

- You move or change your address;
- Anyone moves into or out of your household;
- There is a change in the income or earnings of you, your spouse, or your parents (if you are a child);
- There is a change in resources owned by you, your spouse, or your parents (if you are a child);
- You get help with living expenses or get income from friends or relatives;
- Your spouse or anyone in your household dies;
- You get married, separated or divorced;
- You change your name;
- You become eligible for other benefits or payments;
- You enter or leave an institution (such as a hospital, nursing home, prison or jail);
- You leave the United States or return to the United States;
- A felony warrant or warrant for violating a condition of parole or probation is issued for your arrest. However, effective March 18, 2011, we no longer suspend or deny payments based solely on an outstanding warrant for a probation or parole;
- There is a change in school attendance (if under age 22);
- There is a change in your immigration status;
- You are a sponsored immigrant and your sponsor's income changes;
- Your condition improves, if you get SSI because of a disability or blindness; and
- You cannot keep an appointment with our office.

### REMINDERS

- If you become unable to manage your funds, you should report this to Social Security.

- We will provide free interpreter services at your request to conduct your Social Security business. Please call us first so that someone who speaks your language will be available to help you. See the SSI Spotlight on Interpreter Services, page 108.
- You and your representative must provide us with accurate information. It is not legal to knowingly and willfully give us false information.
- You must tell us about all of your medical treatment sources when you apply based on a disability or blindness.
- Generally, you have 60 days to notify us if you want to appeal a determination that you disagree with.
- In the event of your death, a family member or friend should notify us.

**Please Note:** This handout provides a general overview of your SSI rights and responsibilities. We do not mean for the information to cover all parts of the law. For specific information about your case, contact Social Security.

## FOR MORE INFORMATION

Please visit or write any Social Security office, or phone our toll-free number at **1-800-772-1213**. You can speak to a representative at the toll-free number between the hours of 7 a.m. and 7 p.m. on business days. Whenever you call, have your Social Security number handy.

Spanish speaking representatives are also available to take your calls. Follow the instructions in Spanish to reach a Spanish-speaking representative.

Recorded information and services are available 24 hours a day, including weekends and holidays.

If you contact the local office or call the 1-800 number service and you need an interpreter to communicate with us, we will provide one upon request, free of charge.

If you have a TTY machine, you may call our toll-free TTY number, **1-800-325-0778**, between 7 a.m. and 7 p.m. on business days.

We treat all calls confidentially—whether they're made to our toll-free numbers or to one of our local offices. We also want to ensure that you receive accurate and courteous service. That's why we have a second Social Security representative monitor some incoming and outgoing telephone calls.

You may also visit our website on the Internet at [www.socialsecurity.gov](http://www.socialsecurity.gov) for other topics regarding SSI or Social Security.

***THIS INFORMATION IS GENERAL. FOR MORE INFORMATION, CALL 1-800-772-1213 (TTY 1-800-325-0778); VISIT OUR WEBSITE [www.socialsecurity.gov](http://www.socialsecurity.gov) ON THE INTERNET, OR CONTACT YOUR LOCAL SOCIAL SECURITY OFFICE.***

## SSI SPOTLIGHT ON LIVING ARRANGEMENTS

### DOES WHERE I LIVE AFFECT HOW MUCH SSI I CAN GET?

Yes, it can. If you live in your own place and pay your own food and shelter costs, regardless of whether you own or rent, you may get up to the maximum SSI amount payable in your State. You may also get up to the maximum if you live in someone else's household as long as you pay your food and shelter costs. If you live in someone else's household and don't pay your food and shelter costs or pay only part of your food and shelter costs, your SSI benefit may be reduced by up to one-third of the SSI Federal benefit rate.

### DO MY LIVING EXPENSES AFFECT MY SSI BENEFIT?

Generally, they do not. Your SSI benefit depends on your income, not on your expenses.

### WHAT IF SOMEONE ELSE HELPS PAY MY LIVING EXPENSES?

Any food or shelter you get from someone else that you do not pay for may reduce your SSI benefit. However, we would not reduce your benefit if your spouse who is living with you provides these items. Likewise, if you are a minor child, we will not reduce your benefits if a parent or parents who live with you provide these items.

There is a limit on how much food and shelter we may count. The limit is one third of the maximum Federal SSI amount payable for a month, plus \$20.

We do not consider items you receive that you cannot use for food or shelter as income. For example, if someone buys you a household or personal item such as a small kitchen appliance, clothing, or a piece of jewelry of modest value, it does not reduce your SSI benefit.

### WHAT ABOUT PEOPLE IN INSTITUTIONS?

Generally, people who live in institutions such as hospitals, nursing homes, prisons or jails, are not eligible for SSI or are only eligible for a maximum of \$30 a month (some States supplement this \$30 benefit). However, there are some exceptions. For more information about one of these exceptions, see the SSI Spotlight on Continued Benefits for Persons Who Are Temporarily Institutionalized on page 100.

### WHAT ABOUT THE HOMELESS?

Having a permanent residence is not a requirement for receiving SSI. If you are homeless, you may receive up to the maximum SSI amount payable in your State. In addition, if you are receiving SSI, you may be able to receive subsidized housing.

If you live in a public shelter, you can receive SSI benefits for up to 6 months out of any 9 months that you live there. For more information on homelessness see the SSI Spotlight on Homelessness on page 113.

***THIS INFORMATION IS GENERAL. FOR MORE INFORMATION,  
CALL 1-800-772-1213 (TTY 1-800-325-0778); VISIT OUR WEBSITE  
[www.socialsecurity.gov](http://www.socialsecurity.gov) ON THE INTERNET, OR CONTACT YOUR LOCAL  
SOCIAL SECURITY OFFICE.***

## SSI SPOTLIGHT ON RESOURCES

### WHAT ARE RESOURCES?

A resource is money as well as something that you own and can turn into cash. Examples of resources are property, stocks, bonds, and bank accounts.

### WHY ARE RESOURCES IMPORTANT IN THE SSI PROGRAM?

To get SSI, your countable resources must not be worth more than \$2,000 for an individual or \$3,000 for a couple. We call this the resource limit.

Countable resources are the things you own that count toward the resource limit. Many things you own do not count.

### WHAT THINGS DO NOT COUNT TOWARD THE RESOURCE LIMIT?

The following things generally do not count toward the resource limit, no matter how much they are worth:

- the house you live in;
- one vehicle, if it is used for transportation for you or a member of your household;
- life insurance policies you own with a face value of \$1,500 or less per person;
- burial plots or spaces for you or your immediate family;
- a burial fund of up to \$1,500 each for you and your spouse's burial expenses;
- household goods and personal effects;
- property you or your spouse use in a trade or business, or on your job if you work for someone else; and
- if you are disabled or blind, money or property you have set aside under a Plan for Achieving Self-Support, or PASS (see page 92 for more information about PASS).

There are other things you own that may not count as resources for SSI. Sometimes you might be able to get monthly benefits even if you own things that put you over the resource limit.

For more information, see the Spotlight on page 99, "Getting SSI While You Try to Sell Excess Resources".

***THIS INFORMATION IS GENERAL. FOR MORE INFORMATION,  
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[www.socialsecurity.gov](http://www.socialsecurity.gov) ON THE INTERNET, OR CONTACT YOUR LOCAL  
SOCIAL SECURITY OFFICE.***

## SSI SPOTLIGHT ON FINANCIAL INSTITUTION ACCOUNTS

Financial institution accounts include checking or savings, Christmas club, credit union, certificate of deposit, and money market accounts. They can be individual or joint accounts. We look at the title of the account to determine who has access to the money in that account.

### WHAT IS THE DIFFERENCE BETWEEN AN INDIVIDUAL AND JOINT ACCOUNT?

- An individual account has one person's name on the title and, usually, only that person can withdraw money from the account.
- A joint account has more than one person's name on the title, for example John or Mary Jones, and all persons named can withdraw money from the account.

### CAN I HAVE A JOINT ACCOUNT AND RECEIVE SSI?

Yes, but we consider the money in the account to belong to you even if you do not consider the money to be yours. If you receive SSI and have a joint account with someone who:

- does not receive SSI, all of the money in the account is considered yours; or
- receives SSI, we assume that you both own the money in equal shares unless you can show us otherwise.

For a joint account, you have the chance to show us that some or all of the money does not belong to you. We call this a rebuttal. Your local office can tell you what you have to do to show that the money is not yours.

### WHAT IF I HAVE AN INDIVIDUAL ACCOUNT, BUT I AM HOLDING MONEY FOR SOMEONE ELSE IN IT?

We consider all of the money in your account to be yours. If you receive benefits for someone else, for example as a representative payee, or you are holding money for someone else in your account, for example as a trustee, it is important that your account be titled to show this. Your Social Security office can tell you how you should title the account.

**Example:** Mary Harris receives SSI. She also receives Temporary Assistance for Needy Families (TANF) for her daughter, Mavis. The monies from SSI and TANF are deposited into Mary's individual account. That account balance is \$2,200. For SSI purposes, Mary's share of that account is \$2,200. When Mary contacts us, we advise her how to set up and properly title a separate account for her daughter, Mavis.

***THIS INFORMATION IS GENERAL. FOR MORE INFORMATION,  
CALL 1-800-772-1213 (TTY 1-800-325-0778); VISIT OUR WEBSITE  
[www.socialsecurity.gov](http://www.socialsecurity.gov) ON THE INTERNET, OR CONTACT YOUR LOCAL  
SOCIAL SECURITY OFFICE.***

## SSI SPOTLIGHT ON BURIAL FUNDS

### WHAT IS A BURIAL FUND?

A burial fund is money set aside to pay for burial expenses. For example, this money can be in a bank account, other financial instrument, or a prepaid burial arrangement.

Some States allow an individual to pre-pay their burial by contracting with a funeral home and paying in advance for their funeral. You should discuss this with your local Social Security office.

### DOES A BURIAL FUND COUNT AS A RESOURCE FOR SSI?

Generally, you and your spouse can set aside up to \$1,500 each to pay for burial expenses. In most cases, this money will not count as a resource for SSI.

If you (and your spouse) own life insurance policies or have other burial arrangements in addition to your \$1,500 burial funds, some of the money in the burial fund may count toward the resource limit of \$2,000 for an individual or \$3,000 for a couple.

### DOES INTEREST EARNED ON YOUR (AND YOUR SPOUSE'S) BURIAL FUND COUNT AS A RESOURCE OR INCOME FOR SSI?

No. Interest earned on your (or your spouse's) burial fund that you leave in the fund does not count as a resource or income for SSI and does not affect your SSI benefit.

### HOW CAN YOU SET UP A BURIAL FUND?

Any account you set up must clearly show that the money is set aside to pay burial expenses. You can do this either by:

- titling the account as a burial fund; or
- signing a statement saying
  - > how much has been set aside for burial expenses,
  - > for whose burial the money is set aside,
  - > how the money has been set aside, and
  - > the date you first considered the money set aside for burial expenses.

### WHAT HAPPENS WHEN YOU SPEND MONEY FROM A BURIAL FUND?

If you spend any money from a burial fund on items unrelated to burial expenses, there may be a penalty.

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## SSI SPOTLIGHT ON LOANS

### WHAT IS A LOAN?

A loan is anything you receive from someone that you agree to pay for at a later date.

You can make the loan agreement with a lending institution such as a bank, or an individual, such as a friend or relative.

You can make it orally or in writing, but it must be enforceable under State law.

A loan can be:

- cash;
- food; or
- shelter items (rent, mortgage, utility bills, etc.).

### HOW DOES A LOAN AFFECT MY SSI BENEFIT?

If you enter into a valid loan agreement, the value of the cash or item you receive is not income and does not reduce your SSI benefit.

However, any funds that you borrow which you do not spend in that month, will count toward your SSI resource limit of \$2,000 for an individual (or \$3,000 for a couple) the next month.

If you lend money to someone else, the money they owe you may be a countable resource and may affect your eligibility for SSI.

### DOES INTEREST ON A LOAN COUNT AS INCOME FOR SSI?

If you lend money to someone else, and we count the loan agreement as a resource, then we do not count the interest you receive as income.

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## SSI SPOTLIGHT ON TRUSTS

As of January 1, 2000, the SSI law on trusts changed. This information applies to trusts established on or after January 1, 2000.

### WHAT IS A TRUST?

A trust is a legal arrangement regulated by State law in which one party holds property for the benefit of another. In certain situations, a trust can be set up for an SSI recipient. A trust can contain:

- cash or other liquid assets; and
- real or personal property that could be turned into cash.

### HOW DOES A TRUST AFFECT MY SSI?

If you use your assets to establish a trust on or after January 1, 2000, generally, the trust will count as your resource for SSI.

- In the case of a **revocable** trust, the whole trust is your resource.
- In the case of an **irrevocable** trust, if there are any circumstances under which payment could be made to you or for your benefit, the portion of the trust from which payment could be made is your resource.

See the SSI Spotlight on Resources on page 75, for more information about resources and SSI.

### WHAT THINGS COUNT AS ASSETS AND ARE USED TO ESTABLISH A TRUST?

Assets usually include your:

- income (countable and excluded);
- resources (countable and excluded); and
- property or payments that you have a right to but do not receive.

### ARE THERE ANY EXCEPTIONS TO THE LAW ON TRUSTS?

The law does not apply to:

- trusts under Section 1917(d)(4)(A) of the Social Security Act, which are often called "special needs trusts"; and
- trusts under Section 1917(d)(4)(C) of the Social Security Act, which are often called "pooled trusts".

We will also not count the trust if counting it causes you hardship, and you meet the undue hardship criteria.

**NOTE:** Certain revocable trusts under section 1917(d)(4)(A) or (C) of the Social Security Act may still count as your resource.

## **HOW DOES MONEY FROM A TRUST THAT IS NOT MY RESOURCE AFFECT MY SSI BENEFITS?**

- Money paid directly to you from the trust reduces your SSI benefit.
- Money paid directly to someone to provide you with food or shelter reduces your SSI benefit – but only up to a certain limit. No matter how much money is paid for these items, we subtract no more than \$252.66 (in 2012) from your SSI check for the month you receive the items.
- Money paid directly to someone to provide you with items other than food and shelter does not reduce your SSI benefits. (Items that are not “food or shelter” include medical care, telephone bills, education, entertainment, etc.)

## **HOW CAN I FIND OUT MORE ABOUT SETTING UP A TRUST?**

We cannot tell you how to set up a trust. You may consult a lawyer or financial advisor to find out more about trusts.

Your local Social Security office has a list of groups that can find you a lawyer or give you free legal services if you qualify. You may also contact the State or local bar association or the Legal Services Corporation for legal assistance if you qualify.

**NOTE:** Some trusts and trust payments that we do not count as your resources or income for SSI purposes can affect your Medicaid eligibility.

Contact your State if you need more information about how trust and trust payments can affect Medicaid eligibility.

**Note:** Additional rules apply to trusts established by representative payees. Your payee should contact the local Social Security office for more information.

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## **SSI SPOTLIGHT ON DEDICATED ACCOUNTS FOR CHILDREN**

### **WHAT IS A DEDICATED ACCOUNT?**

The representative payee for a disabled child under age 18 who is eligible for large past-due payments (usually any payment covering more than 6 months at the current benefit rate) is required to open a separate account at a financial institution.

The past-due payments will be deposited directly into that “dedicated account” and the use of these funds is restricted.

### **WHAT ARE THE REQUIREMENTS FOR THE ACCOUNT?**

- A dedicated account must be separate from the account used for the regular monthly benefit payment and can only be a checking, savings or money market account.
- Other funds, except for certain past-due SSI benefits, cannot be commingled with the funds in the dedicated account.
- The account cannot be in the form of certificates of deposit, mutual funds, stocks, bonds or trusts.
- The title must show the child owns the funds, including interest.

### **HOW CAN YOU USE THE MONEY IN THE DEDICATED ACCOUNT?**

You can use the money only for the following expenses:

- Medical treatment and education or job skills training.

We also allow the following expenses if they benefit the child and are related to the child's impairment:

- Personal needs or assistance (for example in-home nursing care);
- Special equipment;
- Housing modification;
- Therapy or rehabilitation; or
- Other items or services approved by your local Social Security office, like legal fees incurred by the child in establishing a claim for disabled child's benefits.

You may not use these monies for basic monthly maintenance costs such as food, clothing, or shelter. You must use the regular monthly SSI benefit for the child's food, clothing, or shelter.

If there are any questions on use of the funds, contact your local Social Security office.

## **HOW WILL SOCIAL SECURITY MONITOR THE DEDICATED ACCOUNT?**

Each year, we will require the representative payee to complete a report on the use of the dedicated account funds as well as the regular monthly benefits received on the child's behalf.

Therefore, it is very important for the payee to keep receipts, bank statements, and maintain an expense record for at least two years as verification of expenditures. The representative payee should be able to provide Social Security with an explanation of any expenditure and how it relates to the child's disability.

**NOTE:** If there is a change of payee and a dedicated account exists, the former payee must complete a final accounting of the funds and return the balance of the account to us. We will then transfer the funds to a new dedicated account opened by the new payee.

Furthermore, after the child turns age 18 and even if he or she is his or her own payee, the dedicated account provision still applies to the existing account. Money can only be withdrawn in accordance with the dedicated account guidelines.

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## **SSI SPOTLIGHT ON DEEMING PARENTAL INCOME AND RESOURCES**

### **I HAVE A DISABLED CHILD UNDER AGE 18 AND I AM WORKING. CAN MY CHILD QUALIFY FOR SSI?**

Possibly. We consider some of your income and resources to be available to your child. They may affect whether your child can get SSI and how much. The process of determining how much of your income and resources we will count is called "deeming."

### **WHEN DOES DEEMING APPLY?**

Deeming applies if the parent(s) has income and/or resources that we must consider  
**AND:**

The child:

- is under age 18; and
- lives at home with his or her natural, or adoptive parent(s); or
- lives away at school, but comes home on some weekends, holidays, or school vacations and is subject to parental control.

### **DOES DEEMING OF INCOME AND RESOURCES APPLY IF MY SPOUSE IS A STEPPARENT TO MY CHILD?**

Yes. A stepparent's income and resources count as long as the natural or adoptive parent lives in the home.

### **DOES DEEMING COUNT ALL INCOME AND RESOURCES?**

We do not deem some types of income and resources.

Examples of income that we do not deem are Temporary Assistance for Needy Families; Department of Veterans Affairs' pension; general assistance; foster care payments for an ineligible child; and income used to make court-ordered support payments.

Examples of resources that we do not deem are a home, one vehicle that is used for transportation and money in pension funds.

For the types of income and resources that we do use in the deeming process, only a portion is deemed to the child.

### **WHEN DOES DEEMING NOT APPLY?**

Deeming stops the month after a child turns age 18. Therefore, a child who could not receive SSI because of deeming may be able to get SSI when he or she turns age 18.

Deeming does not apply in some other situations.

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## **SSI SPOTLIGHT ON REPORTING YOUR EARNINGS TO SOCIAL SECURITY**

### **WHAT ARE EARNINGS?**

Earnings are wages and self-employment income that you get from working.

### **DO I HAVE TO REPORT MY EARNINGS TO SOCIAL SECURITY?**

Yes. If you work and get SSI, then you must report your earnings. If you have a representative payee, then your representative payee must report your earnings.

If you participate in the Ticket to Work Program, you should also report your earnings to the employment network or State vocational rehabilitation agency that is helping you reach your work goals.

### **DO I NEED TO REPORT ANYONE ELSE'S EARNINGS?**

Yes. Sometimes you must report someone else's earnings. Here are a few examples:

- your spouse lives with you and has earnings;
- a child getting SSI lives with a parent who has earnings; or
- you are a non-citizen and have a sponsor and your sponsor has earnings (even if your sponsor doesn't live with you).

### **WHAT SPECIFIC EARNINGS INFORMATION DO I HAVE TO REPORT?**

You need to report the following:

- monthly gross wages (that is the amount before taxes or other deductions are subtracted);
- if you start or stop working;
- increases or decreases in your wages or self-employment income;
- if you start or stop a second or third job;
- work expenses related to your disability; and
- if you are blind, any work expenses.

### **WHAT EARNINGS INFORMATION DOES SOCIAL SECURITY NEED TO SEE?**

We need to see:

- every pay stub, including pay stubs for overtime, vacations, and bonuses;
- if self-employed, copies of your Federal Income Tax Forms Schedule SE, Schedule C, Schedule C-EZ, or Schedule F;
- receipts for work expenses related to your disability;
- if you are blind, receipts for any work expense; and
- receipts for expenses paid to reach your Plan to Achieve Self-Support (PASS) employment goal.

**NOTE:** We will give you a “Your Supplemental Security Income (SSI) Folder” to help you keep records that we need to see (for example pay stubs).

## **WHEN DO I REPORT EARNINGS?**

When you start or stop work or when there is a change in your earnings, you need to report this information right away.

This information must be reported no later than the 10<sup>th</sup> day of the month after the month of change. For example, if you get SSI and start working on May 22, then you must report this information no later than June 10. You must continually report your earnings by the 10<sup>th</sup> day of the month following the month of earnings.

## **HOW DO I REPORT EARNINGS?**

You may call us at 1-800-772-1213. Or you may call, visit, or write your local Social Security office. Social Security also offers a toll-free automated wage reporting telephone system. For more information about the SSI automated wage reporting telephone system, please see the Spotlight on SSI Telephone Wage Reporting on page 86. Ask Social Security how you can report wages using the automated telephone system.

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## SSI SPOTLIGHT ON SSI TELEPHONE WAGE REPORTING

### WHAT IS SSI TELEPHONE WAGE REPORTING (SSITWR)?

The Supplemental Security Income telephone wage reporting is a toll-free automated system that allows certain beneficiaries, deemors, and representative payees to report wages for the prior month to SSA over the telephone.

### WHO CAN USE THE SSITWR?

Only certain individuals can report wages using the SSITWR. Please contact your local Social Security office to see which wage reporting option is best for you. If SSITWR is an option for you, the office will provide you with worksheets and informational instructions for how to report wages using the SSITWR.

### WHAT YOU NEED BEFORE YOU REPORT WAGES BY TELEPHONE

- The Social Security number of the person who is reporting wages (the caller);
- The Social Security number of the wage earner;
- The TOTAL monthly amount of gross wages for the wage earner. Gross wages are the amount of pay before taxes and other deductions;
- The **caller's name** as it appears on their Social Security card.

### WHEN SHOULD YOU CALL TO REPORT WAGES?

It is important that you call the SSITWR to report wages during the first 6 days of the month. After the 6th day of each month, the SSITWR does not accept wage reports. If this happens, you must report your wages another way.

**IMPORTANT:** Please be sure to call the SSITWR from a quiet location, since background noise may cause the report to fail.

Remember, consistent monthly wage reporting helps prevent SSI overpayments **and** underpayments.

### WHO IS THE WAGE EARNER?

A wage earner is the person who is working and receiving wages or payment for working. You are the wage earner if you are working and you are reporting your own wages. If you are calling to report someone else's wages, then the wage earner is the person whose wages you are reporting.

### IS THERE ANOTHER WAY TO REPORT WAGES?

Yes.

If using SSITWR is not an option, you should report the gross, monthly wage amount for the prior month, the name of the wage earner and their social security number to your local Social Security office. You should also report the name and social security number of the person who receives SSI. Report the monthly wage information by:

- o sending a fax with the gross wage amount and applicable month;

- o mailing a brief letter with the gross wage amount and applicable month;
- o telephoning your local field office; or
- o coming to your local field office to give the report in person.

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## SSI SPOTLIGHT ON IMPAIRMENT-RELATED WORK EXPENSES

### BECAUSE OF MY DISABLING IMPAIRMENT, I HAVE TO PAY FOR CERTAIN ITEMS SO I CAN WORK. HOW DO THESE EXPENSES AFFECT MY SSI?

In most cases, we can deduct the out-of-pocket costs of these items, which we call impairment-related work expenses (IRWE), from the amount of earnings we use to figure your SSI benefit.

This means that we do not reduce your SSI benefit as much because we do not count all of your earnings.

### WHAT ARE SOME EXAMPLES OF IRWE THAT CAN BE DEDUCTED?

If you work, we may deduct your out-of-pocket expenses for items such as medicine, medical supplies, medical devices, service animals, and disposable items such as bandages and syringes when figuring the amount of your earned income.

We may also be able to deduct your out-of-pocket expenses for medical services such as counseling, doctors visits and some attendant care services charged for preparing you for work, attending to you while you are at work, or getting you to and from work. We may also deduct certain out-of-pocket expenses for transportation and modifications to your home, car, or van to allow you to work.

The expense must not be reimbursed by any other source, and must be related to your disabling impairment(s) and needed in order for you to work.

**Example:** Ellen Jones receives SSI because she is disabled. She works and earns \$1,025 a month, which is the only income she receives. She has the following work expenses:

- She pays \$125 a month for union dues and insurance; and
- She pays \$250 a month to a special transportation service that she needs to get to and from work because of her disabling impairment.

Although Ms. Jones has work expenses of \$375 a month, only the \$250 of her earnings which she uses to pay for the special transportation service are related to her impairment and not counted in determining the amount of her SSI benefit as follows:

$\$ 1,025 - \$20$  (general exclusion) =  $\$1,005$

$\$ 1,005 - \$65$  (work exclusion) =  $\$940$

$\$ 940 - \$250$  (impairment-related work expense) =  $\$690$

$\$ 690 / 2 = \$345$

$\$ 345 =$  countable earnings.

Note: Normally, public transportation is not an IRWE.

## **WHAT IF I NEED THE ITEM OR SERVICE BOTH ON AND OFF THE JOB?**

Generally, it does not matter if you also need the item or service for daily living. For example, the cost of a wheelchair usually can be deducted from the earnings we might count even though the wheelchair is used for both daily living and work.

## **ARE THERE ANY OTHER RULES THAT MAY HELP?**

A person who is disabled may also use other SSI work incentives, such as a Plan to Achieve Self-Support (PASS) and continued Medicaid coverage while working.

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## SSI SPOTLIGHT ON SPECIAL SSI RULE FOR BLIND PEOPLE WHO WORK

### WHAT IS THE SPECIAL SSI RULE?

There is a special rule to help people who work and receive SSI based on blindness. This rule allows a blind person to exclude from earned income, all expenses that enable the person to work. The expense does not need to be related to the blindness.

### WHAT ARE SOME EXAMPLES OF EXPENSES THAT CAN QUALIFY UNDER THE RULE?

Expenses that can qualify include:

- a service animal, including the cost of food and upkeep;
- transportation to and from work;
- licenses, fees, or taxes;
- attendant care services;
- meals eaten during work hours;
- medical and non-medical equipment or supplies; and
- other work-related equipment or services.

**Example:** Ray Barnett receives SSI because of blindness. He works and earns \$805 per month, which is the only income he receives. He has the following work expenses:

- His employer withholds \$250 per month for Federal and State income taxes and Social Security (FICA) taxes; and
- He has to pay \$100 per month for transportation to and from work.

Mr. Barnett uses \$350 of his earnings to pay for these work expenses. Therefore, \$350 of his earnings is not counted in determining the amount of his SSI benefit as follows:

\$ 805 - \$20 (general exclusion) = \$785

\$ 785 - \$65 (work exclusion) = \$720

\$ 720 / 2 = \$360

\$ 360 - \$350 (blind work expenses) = \$10

\$ 10 = countable earnings

### ARE THERE ANY OTHER RULES THAT MAY HELP?

A person who is blind may also use other SSI work rules, such as a Plan to Achieve Self-Support (PASS) and continued Medicaid coverage while working.

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## SSI SPOTLIGHT ON INDIVIDUAL DEVELOPMENT ACCOUNTS

### WHAT IS AN INDIVIDUAL DEVELOPMENT ACCOUNT (IDA)?

An IDA is a special bank account that helps you save for your education, the purchase of a first home, or to start a business.

You use earnings from your work to set up an approved bank account for an IDA.

### HOW DOES AN IDA HELP MY MONEY TO GROW?

You contribute money from your earnings from work. With an IDA, your contributions are matched with money from your State's TANF (Temporary Assistance for Needy Families) program or from special funds called "demonstration project" money. The matching money may help you reach your goal sooner.

### WHO IS ELIGIBLE FOR AN IDA?

- If you are working and receiving TANF payments, you may be eligible for a **TANF IDA**. (Not every State currently offers a TANF IDA.)
- If you are working and **either** receiving TANF **or** have low income and assets, you may be eligible for a **demonstration project IDA**.

### HOW WILL A TANF IDA AND DEMONSTRATION PROJECT IDA AFFECT MY SSI?

Your SSI benefit will not go down—it might even go up! This is because the earnings, the matching money, and the interest that goes into your IDA do **not** count as your income or resources when we figure your SSI.

### WHERE CAN I FIND OUT MORE ABOUT IDAs?

To find out more about IDAs, including IDA programs in your area, you can visit [www.acf.hhs.gov/programs/ocs/afi/index.html](http://www.acf.hhs.gov/programs/ocs/afi/index.html) or contact your State TANF agency.

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## **SSI SPOTLIGHT ON PLANS TO ACHIEVE SELF-SUPPORT**

### **WHAT IS A PLAN TO ACHIEVE SELF-SUPPORT (PASS)?**

A PASS is a written plan of action for getting a particular kind of job or starting a business. In it you identify:

- the job or business (this is your work goal);
- the steps you will take and the things you will need in order to achieve your work goal (for example: education or training, transportation, child care, or assistive technology);
- the money you will use to pay for these things (this may be any income (other than SSI benefits) or assets, such as Social Security benefits, wages from a current job, or savings); and
- a timetable for achieving your goal.

### **HOW CAN A PASS HELP ME ACHIEVE MY WORK GOAL?**

If SSA approves your PASS, we will not count the money you spend on your plan when we determine your eligibility for SSI. If you are already eligible for SSI, this will increase your SSI benefit, which will replace all of the money you spend on your PASS.

### **WHO MAY HAVE A PASS?**

You may have a PASS if:

- you would be eligible for SSI based on disability if not for your income and/or assets;  
or
- you are already eligible for SSI and have income that reduces the amount of SSI you receive;
- and using a PASS to reach your employment goal ultimately will help you to reduce or eliminate benefits you receive from SSI, social security, or both.

### **HOW DO I SET UP A PASS?**

Anybody may help you write a PASS including a vocational counselor or a relative. We can also help you with a PASS or refer you to someone who can help you write a plan.

You can get a copy of the PASS application form SSA-545-BK from your local Social Security office or online at: [www.socialsecurity.gov/online/ssa-545.html](http://www.socialsecurity.gov/online/ssa-545.html).

We also have contracts with different organizations to assist disabled beneficiaries who want to work.

You can get a PASS Specialist's telephone number by calling our toll-free number 1-800-772-1213 between 7 a.m. and 7 p.m. Monday through Friday and asking for a PASS

Specialist's number or by visiting our website at:

<http://www.socialsecurity.gov/disabilityresearch/wi/passcadre.htm>

You can ask for a pamphlet entitled "Working While Disabled – A Plan for Achieving Self-Support" (SSA Publication No. 05-11017). It is also available online at:

[www.socialsecurity.gov/pubs/11017.html](http://www.socialsecurity.gov/pubs/11017.html).

For more information, go to the Social Security website at:

[www.socialsecurity.gov/work](http://www.socialsecurity.gov/work).

## **ARE THERE ANY OTHER RULES THAT MAY HELP?**

Other SSI work rules such as work expense exclusions, the student earned income exclusion, and continued Medicaid coverage may help an SSI recipient while working.

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## SSI SPOTLIGHT ON PROPERTY YOU NEED FOR SELF-SUPPORT

### WHY ARE RESOURCES IMPORTANT FOR SSI?

Resources are things that you own and can turn into cash. To get SSI, things you own that we count must be worth \$2,000 or less for an individual, or \$3,000 or less for a couple.

***Not all the things you own count as resources for SSI.  
It is possible for people who have businesses to get SSI.***

### DOES PROPERTY THAT YOU NEED FOR SELF-SUPPORT COUNT AS A RESOURCE FOR SSI?

Some property that you own and you use to support yourself never counts as a resource. For example:

- property that you own and use in a trade or business, such as a gas station, farm, beauty parlor;
- personal property that you use for work, such as tools, uniforms, or safety equipment; or
- government permits that allow you to do something to produce income, such as permits for commercial fishing or to grow tobacco.

Some property may count, but often does not, or we may partly exclude it. For example:

- property you use to produce goods or services that you need in your daily life such as land, or equipment that you use to grow vegetables or raise livestock that you and your family eat; or
- non-business property that produces income such as land or real estate or equipment you rent to someone.

Other things that you own may not count for SSI either.

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## **SSI SPOTLIGHT ON TRANSFERS OF RESOURCES**

### **WHAT ARE RESOURCES?**

Resources are cash and things you own and can turn into cash. Examples of resources are bank accounts, vehicles, property, stocks, and bonds.

### **WHY ARE RESOURCES IMPORTANT IN THE SSI PROGRAM?**

To get SSI, your countable resources must not be worth more than \$2,000 for an individual or \$3,000 for a couple. We call this the resource limit. Read the SSI Spotlight on Resources, page 75, for information about how we count resources.

### **WHAT DOES IT MEAN TO TRANSFER RESOURCES?**

Transferring a resource is giving away or selling a resource. For example, giving away cash to another person is a transfer of resources.

### **WHAT HAPPENS TO MY SSI IF I TRANSFER A RESOURCE?**

If you, your spouse, or a co-owner give away a resource or sell it for less than it is worth, you may be ineligible for SSI for up to 36 months. How long you are ineligible for SSI depends on the value of the resource you transferred.

### **WHAT HAPPENS IF I SELL A RESOURCE?**

If you sell a resource for what it is worth, the 36-month ineligibility period does not apply. But the money you receive from the sale may make you ineligible if it puts you over the \$2,000 resource limit for an individual or \$3,000 for a couple.

### **WHAT HAPPENS IF I PUT MY RESOURCES INTO A TRUST?**

In some cases, we consider putting resources into a trust as a transfer of resources that makes you ineligible for SSI. In other cases, we count the trust itself as a resource. Moreover, the value of the trust could put you over the resource limit. See the SSI Spotlight on Trusts on page 79 for more information on how trusts affect SSI eligibility.

### **HOW DOES TRANSFERRING A RESOURCE AFFECT MEDICAID COVERAGE?**

Medicaid may not pay for certain health care costs if you or your spouse gives away a resource or sell it for less than it is worth. If you have any questions about how transferring a resource affects Medicaid coverage, please contact the welfare or social services agency that handles Medicaid in your area. They can answer your questions about how transferring resources affects Medicaid.

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## SSI SPOTLIGHT ON THE STUDENT EARNED INCOME EXCLUSION

### WHAT IS THE STUDENT EARNED INCOME EXCLUSION?

This provision allows a person who is under age 22 and regularly attending school to exclude earnings from income.

- From January 2009 through January 2011, the amounts we could exclude were \$1,640 monthly up to a yearly maximum of \$6,600.
- In January 2012 the amounts increased to \$1,700 monthly up to a yearly maximum of \$6,840.

We usually adjust the monthly amount and the yearly limit annually, based on any increases in the cost-of-living index. We apply this exclusion before any other exclusion.

### WHAT DOES "REGULARLY ATTENDING SCHOOL" MEAN?

"Regularly attending school" means that the person takes one or more courses of study and attends classes:

- in a college or university for at least 8 hours a week; or
- in grades 7-12 for at least 12 hours a week; or
- in a training course to prepare for employment for at least 12 hours a week (15 hours a week if the course involves shop practice); or
- in a home school situation, for at least 12 hours per week and in accordance with the home school law of the State or jurisdiction in which the student resides; or
- for less time than indicated above for reasons beyond the student's control, such as illness.

A person who is homebound because of a disability may be a student when he or she:

- studies a course or courses given by a school (grades 7-12), college, university, or government agency; and
- has a home visitor or tutor from the school who directs the study or training.

#### **Example:**

Jim is a student who earns \$1,800 a month in June, July and August of 2012. In September, he returns to school and continues working part-time. He earns \$900 a month in September through December 2012.

Using the student earned income exclusion; Jim can exclude \$1,700 of his earnings in June, July and August, and can exclude all of his \$900 earnings in September. Through September, Jim will use up \$6,000 of his \$6,840 yearly limit. Excluding \$840 from his October earnings will use up his yearly limit. His remaining wages, after deducting monthly and yearly limits, will still be subject to the earned income exclusion of \$65 per month and one-half of the remaining earned income.

### ARE THERE ANY OTHER RULES THAT MAY HELP?

Other SSI work incentives such as Plans to Achieve Self-Support (PASS), work expense exclusions, and continued Medicaid coverage may help an SSI beneficiary while working.

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## **SSI SPOTLIGHT ON PAYMENT FOR TRAVEL TO MEDICAL EXAMS OR TESTS**

### **WHEN YOU APPLY FOR DISABILITY AND WE ASK YOU TO GO TO A MEDICAL EXAM OR TEST, CAN WE PAY YOUR TRAVEL COSTS?**

We may be able to pay your travel costs to and from this appointment. We do this through your State Disability Determination Services (DDS). The DDS makes the disability or blindness decision.

### **WHAT DO YOU NEED TO DO TO GET TRAVEL COSTS PAID?**

The DDS will send you a letter about the medical exam or test. This letter will tell you what you do after the exam so that your travel costs may be paid.

### **WHAT IF YOU HAVE A SPECIAL PROBLEM OR NEED SOME TRAVEL MONEY BEFORE YOU GO TO THE EXAM OR TEST?**

Call or write the DDS person who sent you the letter about the medical exam or test. Explain what your special problem is or why you need money before the exam or test. For example, if you do not have a car, you may need to pay someone to drive you.

### **HOW DO YOU GET THE MONEY?**

After the exam or test, you will need to fill out a form showing your travel costs. The DDS may be able to pay you the money based on the information on this form. They may also request receipts from the transportation provider. If you were paid before the exam or test and the money did not cover your travel costs, the DDS will pay you the rest of the money. If you were paid more money before the exam or test than you spent, you must repay the extra money.

### **WHAT DO YOU DO IF YOU NEED SOMEONE TO HELP YOU GET TO AN EXAM OR TEST?**

Call or write the DDS person who sent you the letter about the exam or test. Explain why you need someone to help you. The DDS may be able to pay someone to go with you.

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## **SSI SPOTLIGHT ON GETTING SSI BENEFITS WHILE YOU TRY TO SELL EXCESS RESOURCES**

### **CAN I GET SSI IF I HAVE EXCESS RESOURCES?**

To get SSI, your countable resources must not be worth more than \$2,000 for an individual or \$3,000 for a couple. However, you may be able to get conditional payments if you agree to sell some of your countable resources.

### **WHAT KIND OF THINGS CAN I SELL?**

You can sell the following types of things:

- real property, such as land or a house that you don't live in; or
- personal property, such as non-excluded vehicles (for example, a second car).

### **HOW DOES THIS WORK?**

- While you are trying to sell real property, you can receive SSI benefits for up to 9 months under certain conditions.
- While you are trying to sell personal property, you can receive SSI for up to 3 months.
- We may pay you even longer if you meet certain conditions.

### **WHAT DO I HAVE TO DO?**

- Your conditional benefits cannot begin until after you sign an "agreement to sell your property" and we accept the agreement. You also have to demonstrate that you are diligently pursuing the sale of the property.
- The agreement form is available at your local Social Security office. Ask us for more details.

### **WHAT HAPPENS AFTER I SELL MY REAL AND/OR PERSONAL PROPERTY?**

- You will have to pay back some or all of the SSI benefits you received while trying to sell the property.
- You may continue to get SSI benefits. Contact your local Social Security office to find out if your SSI benefits will continue after the sale.

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## **SSI SPOTLIGHT ON CONTINUED SSI BENEFITS FOR PERSONS WHO ARE TEMPORARILY INSTITUTIONALIZED**

### **WHAT HAPPENS TO MY SSI BENEFITS IF I GO INTO A NURSING HOME OR HOSPITAL?**

Generally, if you enter a nursing home or hospital (or other medical facility) where Medicaid pays for more than half of the cost of your care, your SSI benefit is limited to \$30 a month. Some States supplement this \$30 benefit. We may lower the benefit by any income you may have.

If you are age 18 or over and live in a public medical facility where Medicaid is not paying for more than half of the cost of your care, you are not eligible for any SSI benefit.

Generally, if a child under age 18 enters a nursing home, hospital or other medical facility where Medicaid and/or private health insurance pays for more than half of the cost of care, the child's SSI benefit is limited to \$30 a month (plus any supplementary State payment). We may reduce the benefit by any income the child may have.

If a child under age 18 lives in a public facility where neither Medicaid nor private health insurance, either alone or in combination, is paying for more than half of the cost of care, the child is not eligible for any SSI benefit.

### **WHAT IF I WILL BE IN THE FACILITY FOR A SHORT TIME?**

A special rule applies if you will be in the facility for 90 days or less. If you give us certain information, you may continue to receive your regular SSI benefit.

### **WHAT INFORMATION DO I NEED?**

- A doctor must state in writing that you are expected to be in the facility for 90 consecutive days or less.
- We also need a statement from you or someone knowledgeable about your circumstances that you need your SSI benefits to maintain your home or living arrangement while you are in the facility.

We need these statements as soon as possible after you enter the facility. They must be submitted before you leave or by the 90th day you are there, whichever is earlier.

We often work with admissions offices so that the information we need is available quickly. The admission office can help you and your family contact us.

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## SSI SPOTLIGHT ON THE PRERELEASE PROCEDURE

### IS THERE A WAY TO APPLY FOR SSI BEFORE MY ANTICIPATED RELEASE FROM AN INSTITUTION?

The prerelease procedure allows you to apply for SSI and food stamps several months before your anticipated release from an institution so that benefits can begin quickly after your release. We do not pay you SSI benefits when you reside in a public institution.

### WHO CAN BENEFIT FROM THE PRERELEASE PROCEDURE?

We will process an application for you under the prerelease procedure if you:

- are in an institution (for example hospital, nursing home, prison, or jail); and
- appear likely to meet the criteria for SSI eligibility when you are released from the institution; and
- are scheduled to be released within several months of the date you file your application for SSI.

### HOW DOES THE PRERELEASE PROCEDURE WORK?

There may be a prerelease agreement in effect between the institution and your local Social Security office. However, you may file an application for SSI under the prerelease procedure even if there is no agreement in effect.

A prerelease agreement may be formal (a written agreement signed by both parties) or informal. Under the agreement, Social Security helps institutional and social service staff's learn the prerelease procedure and provides a Social Security contact to assist the institution in applying the prerelease procedure.

### THE INSTITUTION AGREES TO:

- notify us if you appear likely to meet the criteria for SSI and you could be released within 30 days after notification of potential SSI eligibility;
- provide current medical evidence and nonmedical information needed to process your claim;
- provide your anticipated release date and notify us of any delays that may result in a later release date; and
- notify us when you are released.

### SOCIAL SECURITY AGREES TO:

- process your claim or reinstatement as quickly as possible; and
- with your permission, notify the institution of the SSI determination promptly.

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## **SSI SPOTLIGHT ON SPECIAL SSI RULES FOR CHILDREN OF MILITARY PERSONNEL LIVING OVERSEAS**

### **CHILDREN OF MILITARY PERSONNEL**

Most people who get SSI and leave the U.S. for 30 days or more are no longer eligible for SSI. However, there is a special rule for the children of military personnel. A child may continue to get benefits or apply for benefits while overseas if the child:

- is a citizen of the U.S.; and
- is living with a parent who is a member of the U.S. Armed Forces assigned to permanent duty ashore anywhere outside the U.S.

### **HOW DO I GET MORE INFORMATION?**

If your child is receiving SSI benefits and you receive military orders to move overseas, contact your local Social Security office or call 1-800-772-1213 before you leave the U.S. You must be able to tell us:

- when you expect to report to your duty station overseas;
- when you expect your child to join you;
- your mailing address at your new duty station; and
- any information you have about military allowances (for example housing allowances, rations allowances, etc.) at your new duty station.

If you are a member of the United States Armed Forces who is already stationed overseas and think your child may be eligible for SSI benefits, contact the U.S. Embassy, the nearest U.S. Consular Office, or write to:

Social Security Administration  
Attn: SSI Military Children Overseas Coordinator  
1 Frederick Street, Suite 100  
Cumberland, MD 21502

When you contact us, be sure to give us your current address, telephone number, and your child's name and Social Security Number.

### **WHAT ARE THE SPECIAL REPORTING INSTRUCTIONS FOR CHILDREN RECEIVING SSI OVERSEAS?**

You should report any change in income, resources, or address for a parent or child in the household to us within 10 days after the end of the month in which it occurs. Also, remember to report:

- if your child who receives SSI moves;
- if other people move into or out of your home; or
- if you leave the Armed Forces and remain overseas.

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## **SSI SPOTLIGHT ON SSI BENEFITS FOR DISABLED OR BLIND YOUTH IN FOSTER CARE**

### **IS THERE A WAY TO APPLY FOR SSI BEFORE MY ANTICIPATED RELEASE FROM FOSTER CARE?**

Disabled or blind youth receiving Title IV-E federal foster care benefits usually cannot become eligible for SSI until foster care payments have stopped. Eligibility for foster care payments in most States ends at age 18 attainment. SSA may accept an SSI application from a youth up to **90 days before** his or her foster care eligibility will end due to age.

#### **What are the requirements for filing an SSI application?**

A disabled youth transitioning out of foster care may file an SSI application if he or she:

- lives in a foster care situation;
- alleges blindness or disability;
- appears likely to meet all of the non-medical eligibility requirements when foster care payments terminate;
- expects the foster care payments to cease with 90 days of the application filing date; and
- is within 90 days of losing foster care eligibility because of age.

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## SSI SPOTLIGHT ON SSI BENEFITS FOR ALIENS

### UNDER WHAT CIRCUMSTANCES MAY AN ALIEN BE ELIGIBLE FOR SSI?

An alien may be eligible for SSI if he or she meets the requirements of the laws for non-citizens that went into effect on August 22, 1996. In general, beginning August 22, 1996, most aliens must meet two requirements to be potentially eligible for SSI:

1. Be in a **“qualified alien”** category, and
2. Meet a condition that allows qualified aliens to get SSI.

**IMPORTANT:** An alien must also meet all of the other rules for SSI eligibility, including the limits on income and resources, etc.

### WHO IS A “QUALIFIED ALIEN”?

There are seven categories of qualified aliens. You are a “qualified alien” if the Department of Homeland Security (DHS) says you are in one of these categories:

1. Lawfully admitted for permanent residence (LAPR) in the U.S. which includes “Amerasian immigrant” as defined in section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988, as amended;
2. Granted conditional entry under section 203(a)(7) of the Immigration and Nationality Act (INA) as in effect before April 1, 1980;
3. Paroled into the U.S. under section 212(d)(5) of the INA for a period of at least 1 year;
4. Refugee admitted to the U.S. under section 207 of the INA;
5. Granted asylum under section 208 of the INA;
6. Deportation is being withheld under section 243(h) of the INA, as in effect before April 1, 1997, or removal is being withheld under section 241(b)(3) of the INA;
7. “Cuban and Haitian entrant” as defined in section 501(e) of the Refugee Education Assistance Act of 1980 or in a status that is to be treated as a “Cuban/Haitian Entrant” for SSI purposes.

In addition, you can be a “deemed qualified alien” if, under certain circumstances, you, your child or parent were subjected to battery or extreme cruelty by a family member while in the United States.

### UNDER WHAT CONDITIONS MAY A “QUALIFIED ALIEN” BE ELIGIBLE FOR SSI?

If you are in one of the seven “qualified alien” categories listed above, you may be eligible for SSI if you also meet one of the following conditions:

1. You were receiving SSI and lawfully residing in the U.S. on August 22, 1996.
2. You are a LAPR with 40 qualifying quarters of work.

- Work done by your spouse or parent may also count toward the 40 quarters of work, but only for getting SSI.
- Quarters of work earned after December 31, 1996, cannot be counted if you, your spouse, or parent who worked, received certain benefits from the United States government, based on limited income and resources during that period.

**IMPORTANT:** If you entered the United States on or after August 22, 1996, then you may not be eligible for SSI for the first 5 years as an LAPR even if you have 40 qualifying quarters of coverage.

3. You are currently on active duty in the U.S. Armed Forces or you are an honorably discharged veteran and your discharge is not because you are an alien. This condition may also apply if you are the spouse, widow(er), or dependent child of certain U.S. military personnel.
4. You were lawfully residing in the U.S. on August 22, 1996 **and** you are blind or disabled.
5. You may receive SSI for a maximum of 7-years from the date DHS granted you immigration status in one of the following categories, and the status was granted within 7-years of filing for SSI:
  - Refugee under section 207 of the INA;
  - Asylee under section 208 of the INA;
  - Alien whose deportation was withheld under section 243(h) of the INA or whose removal is withheld under section 241(b)(3) of the INA;
  - "Cuban or Haitian entrant" under section 501(e) of the Refugee Education Assistance Act of 1980 or in a status that is to be treated as a "Cuban/Haitian entrant" for SSI purposes; or
  - "Amerasian immigrant" under Section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988, as amended.

NOTE: For purposes of SSI eligibility, individuals are **not** considered qualified aliens if they were admitted to the U.S. under the provisions of the Victims of Trafficking and Violence Protection Act of 2000. Their eligibility is subject to the proper certification in such status by the U.S. Department of Health and Human Services and possession of a valid "T" non-immigrant visa.

**IMPORTANT:** You may be eligible for SSI beyond the 7 year period if you are in one of these categories and you also meet one of the other conditions in 1-4 above, or you qualify for a two year extension under P.L. 110-328 enacted October 1, 2008, or up to three years under the same law if you qualify for and have shown good faith in pursuing U.S. citizenship, as determined by the Department of Homeland Security.

## **EXEMPTION FROM THE AUGUST 22, 1996 LAWS FOR CERTAIN NON-CITIZEN INDIANS**

Certain categories of non-citizens may be eligible for SSI and are not subject to the August 22, 1996 law. These categories include:

- American Indians born in Canada who were admitted in the U.S. under section 289 of the Immigration and Nationality Act; or

- Non-citizen members of a Federally recognized Indian tribe under section 4(e) of the Indian Self-Determination and Education Assistance Act.

## **ADDITIONAL ELIGIBLE ALIEN CATEGORIES**

Victims of Severe Forms of Human Trafficking: You may be eligible for SSI under certain circumstances if the Department of Health and Human Services' Office of Refugee Resettlement and the Department of Homeland Security determine that you meet the requirements of the Trafficking Victims Protection Act of 2000.

**Special eligibility for nationals of Iraq or Afghanistan:** If you are an Iraqi or Afghani national who was admitted to the U.S. as a special immigrant, you may qualify for seven years of SSI benefits if you served as a translator/interpreter for the U.S. Armed Forces in Iraq or Afghanistan or if you worked for the U.S. government in Iraq.

## **WE NEED PROOF OF YOUR IMMIGRATION STATUS**

If you file for SSI benefits, you must give us proof of your immigration status, such as a current DHS admission/departure Form I-94, Form I-551 or an order from an immigration judge showing withholding of removal or granting asylum.

If you have served in the U.S. Armed Forces, you may also need to give us proof of military service such as U.S. military discharge papers (DD Form 214) showing an honorable discharge.

Your local Social Security office can tell you what other types of evidence you can submit to prove your alien status.

## **WHAT IF YOU HAVE A SPONSOR?**

When you entered the U.S., you may have had someone sign an agreement with DHS to provide support for you. We call this agreement an affidavit of support, and we call the person who signed it your sponsor. If you have a sponsor, we generally will count his or her (and his or her spouse's) income and resources as your income and resources. Your local Social Security office can give you more information about these rules and how they apply in your case.

## **BECOMING A U.S. CITIZEN**

You can get more information about becoming a citizen by writing or visiting the U.S. Citizenship and Immigration Services website at [www.uscis.gov](http://www.uscis.gov) or calling 1-800-870-3676 to get an application package for naturalization (DHS Form N-400).

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## **SSI SPOTLIGHT ON CONTINUED MEDICAID ELIGIBILITY FOR PEOPLE WHO WORK: SECTION 1619(b)**

### **WHAT WILL HAPPEN TO MY MEDICAID IF I GO TO WORK?**

In most cases, if you are blind or disabled, regardless of age, and you have Medicaid before you go to work, your Medicaid will continue while you are working as long as your disabling condition still exists.

### **IF MY SSI STOPS BECAUSE OF THE AMOUNT OF MY EARNINGS, CAN I STILL KEEP MY MEDICAID?**

In most cases, you can keep your Medicaid even if you earn too much to receive a monthly SSI benefit as long as:

- You are still blind or have a disability; and
- You meet all the SSI eligibility requirements except for the amount of your earnings; and
- You were eligible to receive a regular SSI cash payment for at least one month before you became eligible under section 1619 of the Social Security Act; and
- You were eligible for Medicaid coverage in the month before you became eligible under section 1619; and
- You need continued Medicaid in order to work; and
- Your earnings would not replace the value of your SSI cash benefits, your Medicaid benefits, and any publicly funded personal or attendant care you receive that would be lost due to your earnings. The amount you can earn and still receive Medicaid varies from State to State. To see the amount for your State, call our toll free number or you can visit [www.socialsecurity.gov/disabilityresearch/wi/1619b.htm](http://www.socialsecurity.gov/disabilityresearch/wi/1619b.htm).

If your earnings are higher than this amount, but you have special work expenses or medical expenses, you may still qualify for continued Medicaid.

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# SSI SPOTLIGHT ON INTERPRETER SERVICES

## WHAT IF I NEED AN INTERPRETER?

SSA is committed to providing access to the programs we administer regardless of an individual's ability to communicate with us in English.

We will provide you with an interpreter free of charge if you request language assistance or when it is evident that such assistance is necessary to ensure that you are not disadvantaged.

You are not required to provide your own interpreter. If you prefer to use your own interpreter, we will determine whether the interpreter meets our requirements.

For in-office interviews, we use the interpreter poster (see below), which explains our interpreter policy in many languages and may be helpful in identifying the individual's preferred language.

For public information materials translated into several languages, you can visit our multi-language website at [www.socialsecurity.gov/multilanguage](http://www.socialsecurity.gov/multilanguage).



### If You Need An Interpreter



We provide free interpreter services to help you conduct your Social Security business. These interpreter services are available whether you talk to us by phone or in the Social Security office.

Call our toll-free number, **1-800-772-1213**. If you speak Spanish press 2. For all other languages, press 1 and stay on the line until a representative answers. An interpreter will be contacted to help with your call.

If your business cannot be completed by phone, we will make an appointment for you at a local Social Security office and arrange for an interpreter to be available at the time of your visit.

[View Poster \(pdf\)](#)

## **WHO CAN PROVIDE INTERPRETER SERVICES?**

We will not use minors as interpreters in dealing with complex or sensitive matters, unless it is clear that they also meet the requirements of a qualified interpreter. We require that your interpreter be an individual who:

- is able to read, write, and speak fluently in English and your language or dialect;
- agrees to comply with our disclosure/confidentiality of information requirements;
- agrees to provide an accurate interpretation of questions and responses by both you and the Social Security interviewer; that is does not self-initiate follow-up questions or infer facts or dates not provided by you or the Social Security interviewer;
- demonstrates familiarity with basic terminology used in our materials and interviews; and
- has no personal stake in the outcome of the case that would create a conflict of interest.

## **WHAT IF SOCIAL SECURITY BELIEVES THAT THE INTERPRETER IS NOT QUALIFIED?**

If we believe that your interpreter is not qualified, we will:

- explain to you that we will provide free interpreter service to ensure you are not disadvantaged;
- offer to continue the interview, but only with the additional assistance of an interpreter Social Security provides.

If the services of a telephone interpreter would be suitable, we will call a telephone interpreter service before we continue the interview.

If the services of a qualified in-office interpreter are necessary, we will:

- stop the interview;
- reschedule the appointment when we can provide a reliable interpreter;
- document the file giving the reason the interview was stopped; and
- protect your filing date, if necessary.

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## **SSI SPOTLIGHT ON INCOME FROM THE ARTS**

### **I AM AN ARTIST WHO GETS SSI. HOW DOES THE MONEY I RECEIVE FOR MY ARTWORK COUNT WHEN YOU FIGURE MY SSI?**

It depends on the nature of your work in the arts. If you work as someone's employee to produce artwork, the money counts as wages. If you have a small business, the money counts as earnings from self-employment. If you are neither employed nor self-employed as an artist, money you get for your artwork counts as unearned income in the month you get it. (It is called "unearned" income, because you don't get the money from employment or self-employment.)

Although we may need to reduce your SSI when you receive other income, we don't count all of your income. So, often you end up with more money.

### **HOW DO WAGES AFFECT MY SSI?**

When you have wages, we look at your gross monthly amount. From that amount:

- We subtract the first \$65.
- We then subtract one-half of what's left.

Other deductions may also apply:

- If your earnings are the only income you have (other than SSI), we subtract \$20 per month from your earnings.
- If you are a student under the age of 22, we usually can subtract more of your earnings, subject to monthly and annual limits.
- If you are disabled but not blind, we subtract expenses you have because of your disability that enable you to work (wheelchair, prosthesis, medicines, etc.).
- If you are blind, we subtract all of your work expenses (taxes, lunches, transportation, etc.).
- If you have an approved Plan to Achieve Self-Support (PASS), we subtract any of your income that goes to meet your approved work goal.

After subtracting these amounts, the remaining wages will reduce your SSI. But since we always count less than half of your wages, you end up with more money.

### **HOW DO EARNINGS FROM SELF-EMPLOYMENT AFFECT MY SSI?**

You deduct your business expenses on Schedule C of your Federal income tax return. You then calculate your "net earnings from self-employment" on Schedule SE. We divide those net earnings equally among the months in your taxable year. For each month, we subtract the same deductions that apply to wages. The remaining amount of your net earnings reduces your SSI. But since we always count less than half of your net earnings, you end up with more money.

## **IF I START MAKING TOO MUCH FROM MY ARTWORK TO CONTINUE GETTING SSI, WILL I LOSE MY MEDICAID COVERAGE?**

Not necessarily. If your art income is from wages or self-employment, your Medicaid coverage usually continues for as long as you are unable to afford similar coverage. Also, if your earnings later drop, you may be able to get SSI again without filing a new application.

## **HOW DOES UNEARNED INCOME AFFECT MY SSI?**

We look at the gross amount you received. We then subtract any costs you had in producing the income (art supplies, paper, etc.). We call these costs your "expenses of obtaining income." We also deduct \$20 from your total income each month. The remaining income reduces your SSI.

Most of the deductions listed above that apply to wages and earnings from self-employment don't apply to unearned income. So usually, unearned income causes a bigger reduction in your SSI. But most of the time, you still end up with more money.

## **DOES AN AWARD I GET FOR ARTISTIC ACHIEVEMENT AFFECT MY SSI?**

Under the law, awards of any kind are unearned income in the month you get them. If you spend the money in the month you get it, then your SSI usually is affected only in that month. But any money you keep after the month you get it counts as a "resource" for SSI purposes as long as you have it. The SSI limit on resources is \$2,000 (\$3,000 if you have a spouse). If your resources exceed the limit at the beginning of any month, you are not eligible for SSI.

## **DO APPRENTICESHIP GRANTS AND FELLOWSHIP GRANTS AFFECT MY SSI?**

Grants you receive for study don't count against your SSI as long as the money is used for tuition, fees, and necessary educational expenses. But any of the money you use for something else, including your food and shelter, counts as your unearned income in the month you received the money. Grants, scholarships and educational gifts received after June 1, 2004 will not count as a resource for 9 months after you receive them.

Certain money you receive under title IV of the Higher Education Act of 1965 or from the Bureau of Indian Affairs is excluded from income and resources regardless of how you use it.

If you receive a grant to help train an artist, and training artists is part of your business as a self-employed person, then the grant counts as part of your earnings from self-employment. Otherwise, the money (less any necessary expenses) counts as your unearned income in the month you receive it.

## **DO THE SUPPLIES AND OTHER PROPERTY I NEED TO PRODUCE MY ARTWORK COUNT AS A RESOURCE?**

Probably not. In most cases, property that you use to help support yourself does not count, subject to certain limits. We call it "property essential to self-support."

## **HOW CAN I AVOID BEING OVERPAID BY SSI WHEN I MAKE MONEY FROM MY ARTWORK OR GET AN AWARD OR STUDY GRANT?**

The best way to avoid being overpaid is to talk to us as soon as you know you may receive the money. We can explain to you how the rules work and how to prevent or minimize the amount of an overpayment. You can call us at 1-800-772-1213.

You must tell us right away whenever your income changes. If you don't, we may pay you too much SSI, and you may have to pay it back.

Remember to keep track of your expenses when you produce your art. If we don't know about your expenses, we can't deduct them from your income.

## **CAN SOCIAL SECURITY HELP ME DEVELOP MY ABILITY TO MAKE MONEY FROM MY ARTWORK?**

Unfortunately, we can't give you grants or loans for training or supplies. But, if you already have some income in addition to your SSI, we may be able to give you more SSI if you use your other income to develop as an artist or to start a business. See the SSI Spotlight on Plans to Achieve Self-Support (PASS) on page 88.

## **ARE THERE OTHER SSI SPOTLIGHTS THAT I SHOULD READ?**

Yes. These SSI Spotlights discuss several of the topics mentioned in this spotlight:

- SSI Spotlight on Resources, page 75;
- SSI Spotlight on Impairment-Related Work Expenses, page 88;
- SSI Spotlight on Special SSI Rule for Blind People Who Work, page 90;
- SSI Spotlight on Plans to Achieve Self-Support, page 92;
- SSI Spotlight on Property You Need for Self-Support, page 94;
- SSI Spotlight on Student Earned Income Exclusion, page 96; and
- SSI Spotlight on Continued Medicaid Eligibility for People Who Work: Section 1619(b), page 107.

***THIS INFORMATION IS GENERAL. FOR MORE INFORMATION,  
CALL 1-800-772-1213 (TTY 1-800-325-0778); VISIT OUR WEBSITE  
[www.socialsecurity.gov](http://www.socialsecurity.gov) ON THE INTERNET, OR CONTACT YOUR LOCAL  
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## SSI SPOTLIGHT ON HOMELESSNESS

### WHAT IF I AM HOMELESS?

If you are homeless, you have the same rights and privileges in applying for benefits as someone who is not homeless.

### HOW DO I RECEIVE MY SSI BENEFITS IF I AM HOMELESS?

If you are homeless, here are some of the ways you can receive your benefits. You may:

- have your benefits deposited directly into your personal bank account;
- have your benefits mailed to a third party;
- have a relative or other third party be assigned as your representative payee;
- have your benefits directed to a Direct Express debit bank card.

### DOES LIVING IN AN INSTITUTION AFFECT MY SSI BENEFITS?

Yes. Living in a shelter, medical treatment facility, or a correctional facility may affect your SSI benefits. Living in a public institution may make you ineligible for benefits.

However, some safe haven facilities provide very low cost supportive housing to homeless persons who are unwilling or unable to participate in mental health treatment programs or to receive other supportive services. A person living in a safe haven will not have his or her SSI payments reduced for the support and maintenance provided by the safe haven. Also, some publicly operated community residences are not considered public institutions for SSI purposes.

For further information about institutionalization, please refer to the Spotlights on Living Arrangements on page 74, Continued Benefits for Persons who are Temporarily Institutionalized on page 100, and Prerelease Procedure on page 101. Also see information on the Representative Payee program on page 63.

In addition, the Social Security Administration is an active participant in the United States Interagency Council on Homelessness (USICH). The mission of the USICH is to “coordinate the Federal response to homelessness and to create a national partnership at every level of government and with the private sector to reduce and end homelessness in the nation while maximizing the effectiveness of the Federal Government in contributing to the end of homelessness.” For more information, please visit Social Security’s Homelessness web site at [www.socialsecurity.gov/homelessness/](http://www.socialsecurity.gov/homelessness/).

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## **SSI SPOTLIGHT ON WINDFALL OFFSET**

### **WHAT IS WINDFALL OFFSET?**

If you are eligible for retroactive SSI and Social Security benefits for the same month, we cannot pay you the full amount of both benefits for that month. We call this windfall offset.

### **HOW WILL WINDFALL OFFSET AFFECT MY BENEFIT AMOUNT?**

We will reduce your retroactive Social Security benefits if you are eligible for Social Security and SSI benefits for the same months. We reduce your Social Security benefits by the amount of SSI you would not have received if we had paid you Social Security benefits when they were due.

Most cases with windfall offset are automated and can be processed quickly. However, in some complicated situations, calculating the windfall offset may cause a delay in getting your retroactive benefits paid to you.

### **WHEN IS WINDFALL OFFSET APPLIED?**

Windfall offset applies when:

- You are eligible for both Social Security and SSI benefits for the same month;
- You are eligible for retroactive Social Security benefits; and
- Your SSI benefits would have been less if we paid you Social Security benefits when they were due.

### **WHAT IS THE WINDFALL OFFSET PERIOD?**

The windfall offset period begins in the month that you become eligible for both retroactive Social Security and SSI benefits. The offset period ends when we start paying you monthly Social Security benefits.

### **IF I RECEIVE ONLY SSI BENEFITS, DOES WINDFALL OFFSET APPLY TO ME?**

No. Windfall offset applies only when you are eligible to receive both Social Security and SSI retroactive benefits for the same months.

### **WHAT TYPES OF BENEFITS ARE SUBJECT TO OFFSET?**

The windfall offset applies only to Social Security benefits and SSI benefits.

- Social Security is a program for individuals who work and pay Social Security taxes and for their dependents.
- SSI is a program for individuals who are age 65 or older or disabled and have limited income and resources. Your SSI benefit amount is based on the SSI Federal benefit rate.

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## SSI SPOTLIGHT ON THE ONE-THIRD REDUCTION PROVISION

### WILL THE ONE-THIRD REDUCTION PROVISION AFFECT MY SSI PAYMENT?

We may reduce your SSI payment by one-third if you live in another person's household and you do not pay for the food and shelter you get from the household.

**EXAMPLE—SSI reduced by one-third:** On January 10, 2012, Mary Johnson moved in with her son and her grandchildren and received both food and shelter from within the household. She did not help pay for the household expenses. Because she received food and shelter from her son, we reduced her monthly SSI benefits by one-third starting in February. Her SSI payment for February 2012 was \$ 465.34.

### WHEN DOES THE VALUE OF THE ONE-THIRD REDUCTION NOT APPLY?

- **The one-third reduction does not apply if you live in another person's household but you pay your share of the expenses for food and shelter.**

**EXAMPLE—One-Third Reduction No Longer Applies:** Ms. Johnson notifies Social Security that she started paying her son for her share of the household expense for food and shelter as of May 1, 2012. There are 5 persons in this household: Ms. Johnson, her son, his wife, and 2 children. The household expenses for food, rent, and utilities are \$1,500 per month. Ms. Johnson pays her son \$300 per month, which is her share of the household expenses. Because she pays her share, we stop reducing her SSI benefits by one-third. Starting in May 2012, we pay her the full SSI amount of \$698 per month.

- **The one-third reduction also does not apply if you live in own home or apartment and you pay for your own food and shelter expenses.**

**EXAMPLE—One-Third Reduction Does Not Apply:** Ms. Johnson contacts Social Security to report that she had moved into her own apartment on July 23, 2012. Based on Ms. Johnson living in her own household and paying for her own food and shelter costs, the one-third reduction does not apply to her. Ms. Johnson is due the full monthly SSI benefit amount of \$698 for August 2012.

### HOW CAN I MAKE SURE THAT MY SSI PAYMENTS ARE CORRECT?

You must report changes to your living arrangements within 10 days after a change occurs. Some of the changes that can affect your SSI payment include:

- Moving to a new address
- Contributing more money to the household for your food and shelter
- A change in how many persons live in your household
- Separately purchasing your own food

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