

SOCIAL SECURITY DISABILITY PROGRAMS

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Social Security Disability Insurance and Supplemental Security Income:

The Social Security Administration is responsible for two major programs that provide benefits based on disability: Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI). SSDI is based on prior work under Social Security; SSI payments are made on the basis of financial need. Both of these programs provide a monthly income for people with severe disabilities, but the rules that affect eligibility for them are different.

Social Security Disability Insurance (SSDI) is financed with Social Security taxes paid by workers, employers, and self-employed persons. Disability benefits are payable to blind or disabled workers or adults disabled since childhood, who are otherwise eligible. Minor children of disabled workers may be eligible to get payments and spouses may also be eligible in some circumstances. The amount of the monthly disability benefit is based on the Social Security earnings record of the insured worker.

You may be able to get SSDI payments if you are:

- Under full retirement age
- Have enough Social Security credits and
- Have a severe medical condition (physical or mental) that keeps you from doing “substantial” work for more than a year; or if you have a condition that is expected to cause death.

If you have received SSDI for two years, you may also be able to get Medicare.

Supplemental Security Income (SSI) is a program financed through general revenues. SSI disability benefits are payable to adults or children who are disabled or blind, have limited income and resources, meet the living arrangement requirements, and are otherwise eligible. The monthly payment varies up to the maximum federal benefit rate, which may be supplemented by the State or decreased by countable income and resources.

Based on the information that you share with the Social Security representative, you may be filing for either Social Security disability, SSI disability, or both.

For most people, the medical requirements for disability payments are the same under both programs and disability is determined by the same process.

WHEN TO APPLY

Apply as soon as possible so that you do not lose benefits.

Applying for Disability Benefits:

Social Security wants to make the application process as easy as possible for you. Your entire application can be taken care of over the phone (toll free 1-800-772-1213), through the mail, internet (www.ssa.gov) or, if you prefer, you may visit any of the Social Security community offices.

How long does it take for a decision?

The length of time it takes to receive a decision on your disability claim can vary, depending on several factors, but primarily on:

- The nature of your disability;
- How quickly the medical evidence from your doctor or other medical sources are obtained;
- Whether it is necessary to send you for a medical examination in order to obtain evidence to support your claim.

Can you do anything to speed up the decision?

Yes. You can speed the decision by being prepared for your interview and having information available regarding all the doctors you have seen and your work history. It is very important that you notify Social Security of any address changes that you have while they are working on your claim or any changes in doctors, hospitals or outpatient clinics where you are receiving treatment. You will not need to bring any medical records; these will be requested from your doctors, hospitals, or clinics. It is helpful to know the name address, phone number, dates and types of treatments you have received. This will help to prevent delays.

[BIAV Note: Many problems from a brain injury are not readily seen. It is important to tell Social Security about all the problems you are dealing with since your brain injury. They are trying to determine what keeps you from working, so try your best to describe the thinking and emotional problems you have that keep you from working as well as the physical ones].

Other Records and Information

Be prepared to discuss your work history for the last 15 years, including the duties and responsibilities you had on your jobs.

Social Security will need your birth certificate and birth certificates for your spouse and any children who may apply for benefits based on your disability. We will need to see the original birth certificate or one certified by the record custodian. We cannot accept an uncertified photocopy.

If you are filing for SSI, we also will ask you for other information about your income and things you own, like bank accounts. Our representatives will know exactly what information is needed and can help you get it.

➤➤ **Even if you do not have all this information, do not delay contacting Social Security.**

Help With Your Medical Bills

Medicare

If your claim for Social Security disability insurance benefits is approved, Medicare benefits will be available to you automatically after you have even getting checks for two years

Medicaid

If your claim for SSI disability is approved, you generally will be able to get Medicaid immediately. In most States, you become eligible for Medicaid automatically. In other States, you have to apply for it. *[BIAV Note: in Virginia you must apply for Medicaid at the Department of Social Services in your county or city].* You can get more information about Medicaid from Social Security or the local medical assistance office.

Your Continuing Eligibility for Benefits

In most cases, you will continue to receive benefits as long as you are disabled. However, there are certain circumstances that may change your continuing eligibility for disability benefits. For example,

- your health may improve to the point where you are no longer disabled or
- like many people, you would like to go back to work rather than depend on your disability benefits.

Can I go back to work and still get SSDI?

If you receive SSI or SSDI and want to go back to work but need to keep your benefits, you can look into the Work Incentives Planning and Assistance (WIPA) Program. This Program gives you more information about keeping your benefits while you work. There are two agencies that can assist you: the Endependence Center in Norfolk (1-866-323-1088) and vaACCSES (703-461-8747).

If you go back to work, you will not automatically lose your disability benefits. For the Social Security Disability Insurance (SSDI) program, there is a trial work period during which you can receive full benefits regardless of how much you earn, as long as you report your work activity and continue to have a disabling impairment. In 2014, a trial work month is any month in which your total earnings are over \$770, or, if you are self-employed, you earn more than \$770 (after

expenses) or work more than 80 hours in your own business. The trial work period continues until you have worked nine months within a 60-month period.

Extended period of eligibility—After your trial work period, you have 36 months during which you can work and still receive benefits for any month your earnings are not “substantial.” In 2014, we generally consider earnings over \$1,070 (\$1,800 if you are blind) to be substantial. No new application or disability decision is needed for you to receive a Social Security disability benefit during this period.

When Benefits Will Start

Social Security Disability

If your Social Security Disability claim is approved, your benefits will begin with the 6th month after the date the evidence shows your disability began. This rule applies because Social Security is not intended to cover short-term disabilities.

SSI Disability

There is no waiting period for SSI. If your claim for SSI disability is approved and you meet all other requirements, you will be due benefits from the date that you applied. If your condition is so severe that disability can be presumed, and you meet the SSI income and resource limits, you may begin to get SSI right away, before the formal disability decision is made.

This article is provided by the Brain Injury Association of Virginia (BIAV) and is for informational and educational purposes. The information is not intended as a substitute for legal advice or assistance from an attorney.

For more information about brain injury or services and resources in Virginia, please contact BIAV:
Toll-free Help-line: (800) 444-6443 ♦ E- mail: info@biav.net ♦ Website: www.biav.net