

Transition Outreach Training for Adult Living (TOTAL) Project

Handouts, Reading and Resources

for

TOTAL Module 8: Supplemental Security Income (SSI) and Transition Planning

TOTAL Project, 2005



***Meeting the Needs
of Youth with Disabilities:***

***Handbook on Supplemental Security Income
Work Incentives and Transition Students***

The Study Group, Inc.

**SSI Work Incentives and Transitioning Youth and
National Transition Network**

*Institute on Community Integration (UAP)
University of Minnesota*

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SSI Work Incentives and Transitioning Youth is designed to assist school personnel, youth with disabilities and their families, IEP/transition team members, and adult service providers in understanding and utilizing SSI work incentives as part of the IEP/transition planning process. For further information on this project, please contact:

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Introduction

The successful transition of students with disabilities from school to work and independent living and community participation, is a focal point of the Individuals with Disabilities Education Act Amendments of 1997 (IDEA) and a major policy initiative within the U.S. Department of Education, Office of Special Education Programs (OSEP). For more than two decades OSEP, in cooperation with state and local education agencies, has stimulated the development of transition programs and services through research, model demonstration, and training initiatives.

Transition planning for students with disabilities is a critical element of each student's IEP beginning at age 14 (or younger, if appropriate). IDEA 97 defines transition services as “a coordinated set of activities that is designed within an outcome-oriented process which promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment, continuing and adult education, adult services, independent living, or community participation.” A student's specific needs, preferences, and interests define the services that can be included in their transition plan.

The transition planning component of the IEP provides an opportunity to explore the benefits of the SSI program with students and parents in relation to other adult programs and opportunities which support youth with disabilities in successful transition to independence and community living.

At age 16, the transition component of the IEP must include a statement of needed transition services for the child including, as appropriate, a statement of the interagency responsibilities or other linkages with adult service providers and support systems that will be required to assure postschool opportunities to participate in community living and employment. For a number of students, accessing Supplemental Security Income (SSI) work incentives through their local social security office can be an important support for employment and can be incorporated into transition planning. The transition planning component of the IEP provides an opportunity to explore the benefits of the SSI program with students and parents in relation to other adult programs and opportunities which support youth with disabilities in successful transition to independence and community living.

Through its Supplemental Security Income Program (SSI), the Social Security Administration shares the U.S. Department of Education's commitment to supporting transition-age students as they prepare for entry into the workforce. Providing monthly cash payments, SSI can be a valuable resource to eligible transition students and their families. Students receiving SSI benefits may also use the SSI program's work incentives, which are designed to increase their overall income while engaging in employment during and after secondary education. SSI work incentives available to transition-age students with disabilities are: Earned Income Exclusion; Student Earned Income Exclusion (SEIE); Impairment-Related Work Expense (IRWE); Plan for Achieving Self-Support (PASS); and Blind Work Expenses (BWE). While not as applicable to secondary education students, the work incentive Property Essential for Self-support (PESS) may also be considered in the transition planning process as a postsecondary option.

For a student with a disability to benefit from these work incentives, she/he must be receiving or eligible to receive SSI cash benefits and be engaged in paid work experiences as part of their transition program (Community-Based Vocational Education [CBVE]). Beginning at age 14 (or younger, if appropriate), SSI work incentives can be incorporated into a

student's IEP/transition plan. Planning for the use of SSI benefits and incentives early in the transition process can provide excellent opportunities for students, parents, school personnel, and other IEP/transition team members to identify and explore employment opportunities while the student is still in school, and upon graduation.

Some students are also eligible to receive benefits under Social Security Disability Insurance (SSDI). SSDI is a program designed to provide assistance to individuals who have worked and paid social security taxes for enough years to be covered under social security and meet SSA's income and disability eligibility criteria. SSDI benefits are paid to children 18 or older who were disabled before the age of 22, if they have a parent who is receiving social security retirement or disability benefits, or is deceased. Some students receiving SSDI benefits may also be eligible for SSI benefits. The focus of this handbook, however, is the SSI program and its work incentives, not SSDI. For detailed information on SSDI, contact your local SSA office.

The audience for *Handbook on Supplemental Security Income Work Incentives and Transition Students* is school personnel and any other individuals involved in the transition planning process for students with disabilities.

The handbook has two purposes:

1. To alert school personnel to the potential benefits of the SSI work incentives for students with disabilities in transition; and
2. To provide specific guidelines as to how school personnel can assist students and parents in applying for SSI benefits and work incentives.

The handbook provides an overview of the SSI program as it applies to transition students; SSI work incentives; and the role school personnel can play in assisting students and parents in using these benefits in the transition process to enhance postsecondary outcomes. In addition, the appendices include a glossary of SSA and SSI related terms; common concerns and questions raised by students and parents regarding the SSI program; steps involved in the SSI application process; applicants' rights as defined by SSA; PASS application; resources for obtaining more detailed information on topics introduced in this handbook; and a listing of regional social security offices.

SSA decides whether an individual student is eligible for SSI benefits, including work incentives. Most of these decisions are made at the community level by local and regional SSA offices and state Disability Determination Services (DDS). Parents, students, and school personnel can seek further information and guidance from their local SSA office when exploring the potential benefits of the SSI program and its work incentives.

To obtain the location of your local Social Security office, call 1-800-772-1213.

Transition Students and SSI Work Incentives

Until recently SSI work incentives have been used primarily by adults who have exited secondary programs. With the expansion of transition programs to include community-based employment for students with disabilities, it has become increasingly clear that students who are eligible for SSI benefits can and do benefit from the SSI work incentives. For a student to profit from these work incentives, he or she must be receiving or eligible to receive SSI benefits.

Consider Susan's, Barry's, and Jeff's experiences as instances in which access to SSI program work incentives facilitates and supports the transition process.

***Susan** is a fifteen year old with Cerebral Palsy. She has received SSI benefits since birth. Her teacher recommended to the IEP team that as part of Susan's transition program she begin a community-based vocational assessment program at a local accounting firm that has hired physically involved students in the past. When the teacher explained to Susan's parents the proposed community-based program, she added that the ultimate goal of the program was to place Susan in a paid vocational experience (CBVE) by her senior year in high school.*

Susan's father expressed concern that the family could not afford for Susan to lose her SSI eligibility and benefits as well as potentially her Medicaid eligibility because she worked for pay. A member of the IEP team familiar with the SSI program and its work incentives explained how Susan could participate in the proposed CBVE program as part of her transition plan and not lose any SSI eligibility or Medicaid benefits. Susan would be eligible for both the Earned Income Exclusion and the Student Earned Income Exclusion incentives, which would more than offset any increase in earnings she realizes in a paid vocational experience, thus keeping her wages below the SSI specified income limit and keeping her Medicaid intact.

With Susan's father's concern alleviated, the IEP team moved forward with the vocational assessment program at the accounting firm.

■

***Barry** is 17 years old and a sophomore in high school with a cognitive and physical impairment. Barry has never applied for SSI benefits. He has a recorded IQ score of 70 and demonstrates a number of inappropriate work behaviors. He also exhibits mobility problems. During a recent community-based work experience under the supervision of school personnel, Barry had to be removed from a job site because of his behavior. Mrs. Barnes, Barry's mother, is concerned that Barry will have trouble finding and holding a job once he gets out of high school. She has a brother, Steve, who manages a food distribution center who has always gotten along well with Barry and would like to employ him for the summer. Steve has employed several individuals with disabilities in the past. Steve thinks that he can provide Barry with the support he needs to succeed on the job site.*

Barry requires special transportation because of his physical disability. Mrs. Barnes can't take Barry to work during the summer and she can't afford to pay for his transportation. The school district has no general transportation funds available during the summer for non-IEP related activities.

Transportation costs are an allowable exclusion as an Impairment-related Work Expense (IRWE). The work incentive cannot be accessed, however, unless Barry participates in the SSI program. Barry may be eligible for SSI benefits based on his cognitive and functional skills levels and should work with school personnel to submit an application to the local SSA office. Application to the SSI program can be part of Barry's transition plan.



Jeff is a 19 year old with a developmental disability. He has recently completed a series of job exploration activities as part of his IEP/transition plan. He is particularly interested in starting and operating an office cleaning crew with several of his classmates. His father supports the idea but can't afford to help Jeff get his business started by financing cleaning supplies, advertising, and other start-up costs.

Jeff's father applied for SSI benefits when Jeff was an infant. Jeff did not qualify because of his family's income.

Jeff should reapply now that he is over 18 years of age since his family's income is no longer considered for Income Eligibility. Given Jeff's disability he is highly likely to qualify for SSI benefits. When Jeff reapplies, a PASS should be written as part of the application process. Jeff's grandfather left Jeff a \$5,000 trust that he will inherit on his twentieth birthday. By developing a Plan for Achieving Self-Support (PASS) during transition planning, Jeff may use his inheritance to assist him in starting his own business while maintaining eligibility for SSI benefits.



Each of the examples above illustrates how SSI work incentives can facilitate and support the transition planning process through community-based vocational education and other employment opportunities for students. SSI work incentives can be included in IEP development and transition planning. Collectively, these can provide a powerful tool for increasing students' future options and independence. However, to profit from SSI work incentives, a student must first be eligible for the SSI program. SSI program eligibility requirements are discussed in the following sections.

SSI Program Eligibility

SSI program eligibility is a *gateway* to a variety of resources for transition students with disabilities, including Medicaid. In most states, students with disabilities who are eligible for SSI benefits also are eligible for Medicaid. In some states, however, a separate application is still required.

Eligibility requirements for SSI benefits are established by the Social Security Act and its regulations. To be eligible for SSI benefits an individual *of any age* must:

- Have little or no income or resources.
- Be considered medically disabled.
- Initially not be working or working with earnings less than the *Substantial Gainful Activity* (SGA) level, which the SSA has established as \$500 or more gross income per month currently.

States using their own definitions of eligibility for Medicaid purposes are: Connecticut, Hawaii, Illinois, Indiana, Minnesota, Missouri, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, and Virginia.

For *each* student with disabilities engaged in transition from secondary school to post-secondary experiences (i.e., from age 14, or younger, if appropriate, to 21), school personnel should always know whether a student is:

- Currently receiving SSI benefits.
- Currently eligible for SSI benefits but not receiving them.
- Eligible for SSI benefits at age 18.

The following sections describe the SSI income and disability eligibility requirements for students under and over the age of 18 years. A student must meet both the income and disability eligibility requirements to receive SSI benefits.

■ **Income Eligibility**

A student must meet different income eligibility requirements in order to receive SSI benefits depending on whether the student is under 18 years of age (i.e. childhood eligibility), or 18 years of age or older (i.e. adult eligibility). The income and resources of parents of students *under 18* are considered in determining income eligibility for SSI benefits. Income and resource requirements vary depending on the number of parents and children in the household. A general estimate is that two parents with one child with a disability and another who is not disabled can earn about \$34,080 a year before their child with a disability is ineligible for SSI benefits.

When a student turns 18, the parents' income and resources are no longer a consideration. As a result, a number of students who did not previously qualify for SSI benefits meet the income eligibility requirements when they reach age 18.

Income is the first requirement that is reviewed for SSI eligibility. If SSA determines that the student has too much income, he/she is not eligible for SSI, even if his/her disability does meet the disability requirements.

■ Disability Eligibility

SSA has developed criteria for deciding if a person is disabled under the requirements of the SSI program. These are not necessarily the same as the criteria applied by schools in the identification of students requiring special education services: a student may be considered as disabled under IDEA but *not* under the Social Security Act.

SSA publishes *Disability Evaluation Under Social Security*, a manual that describes several medically based impairments and the criteria for each as a disability. In general, SSA considers an individual of any age as disabled if he or she has a severe physical or mental condition or conditions that can be proven medically.

Childhood Eligibility (under 18 years of age)

For purposes of SSI eligibility, a student is considered a *child* if he or she is under 18 years of age. The passage of the *Personal Responsibility and Work Opportunity Reform Act of 1996*, P.L. 104-193 (Welfare Reform Act) altered the definition of disability in children used by SSA. Under the Welfare Reform Act, a child must have an extreme limitation in one broad area of function, or a marked limitation in two broad areas of function.

SSA addresses the following questions to determine if a child meets its disability eligibility requirements as stated in the Welfare Reform Act. SSA consults all available and relevant documentation—both medical and nonmedical—in answering these questions

1. *Is the child engaging in substantial gainful activity? That is, is the child working and earning more than \$500 per month? (This requirement will not effect most transition-age students.)*
2. *Does the child have a severe impairment or combination of impairments?*
3. *Does the child's impairment meet or equal the criteria for one or more medically-based impairments?*

If the response to question 3 is *no*, then SSA must consider both *medical equivalence* and *functional equivalence* in making a final disability eligibility determination. Medical and functional equivalence are assessments used by state Disability Determination Services when a child's condition does not meet the strict criteria of a medically based impairment, but in fact the child's status as a whole interferes with his or her ability to function. SSA can provide specific information on medical and functional equivalence and the documentation school personnel and other service providers need to support a childhood application to determine disability eligibility.

Adult Eligibility (18 years or older)

A student must meet the adult eligibility requirements when he or she reaches the age of 18. Students who receive SSI benefits as children must undergo a "redetermination" at age 18 even if they are still in school.

To qualify for SSI benefits as an adult, an individual must exhibit an inability to engage in any substantial gainful activity (paid employment) because of a medically determined physical and/or mental impairment. This impairment must be expected to last for a continuous period of not less than 12 months or to result in death.

SSA addresses the following five questions to determine if an adult meets the disability eligibility requirements of SSI.

1. *Does the individual engage in substantial gainful activity (i.e., working and earning more than \$500 per month)?*
2. *Is there a severe impairment?*
3. *Does the individual have an impairment that meets or equals the severity of an SSA medically based impairment?*
4. *Does the individual have the residual functional capacity (RFC) to perform his or her past relevant work (work performed in the last 15 years)? (Residual functional capacity examines what an individual can do despite the functional limitations associated with the impairment. That is, an individual with a significant disability can be determined by SSA to have a RFC that allows him or her to perform work in spite of the disability and not qualify for SSI benefits.)*
5. *Does the individual have the RFC to perform any other work?*

Questions four and five have little application for students with no work experience. However, students that have had the opportunity to work for pay in school-sponsored, community-based settings as part of their transition program may have a work history that will be helpful to SSA in determining adult eligibility.

■ The Role of School Personnel in Providing Information on SSI Program Disability Eligibility

School personnel can perform three important functions that are helpful to students and parents who are considering applying for SSI benefits (*actual determination of a student's eligibility for the SSI program is made by the local Social Security office.*) They can:

- **Identify** potentially eligible students who are not participating in the SSI program and those who are participating but will be required to reapply. School personnel can identify special education students with IEPs/transition plans who may qualify for and benefit from SSI and community-based vocational education (CBVE). Students with sensory, physical, or neurological impairments, and students with an IQ below 59 are likely to meet the disability eligibility criteria. Students with cognitive and emotional impairments may also meet SSA's requirements. There also are other students who do not qualify for special education but may meet SSI eligibility requirements that are not associated with adverse educational performance but deal with a variety of health-related issues. A student with a Section 504 Plan (under the Vocational Rehabilitation Act of 1992 [P.L. 102-569]), for example, may be eligible for SSI benefits but not special education services. In addition, school personnel can identify students participating in the SSI program who are approaching 18 years of age and will be required to reapply for benefits.
- **Inform** potentially eligible students and their parents of SSI program benefits including work incentives, and inform students currently participating in the SSI program that they will need to reapply for SSI benefits when they reach age 18.
- **Assist** students and parents in applying for and maintaining SSI benefits. School personnel can assist students and parents in gathering appropriate information and documentation for the SSI application process. Many students are losing SSI eligibility

at age 18. Often they are found to be ineligible because they do not have adequate or appropriate documentation regarding the adult eligibility requirements. School personnel can assist students and parents in gathering documentation for the application redetermination process. School personnel can also assist students and parents with the appeals process in the event a student is found ineligible at age 18 (*see Appendix B, Questions and Answers*).

■ **Descriptions of Students Potentially Meeting the SSI Program Disability Eligibility Requirements**

James, Sarah, and Cindy typify students who are likely to meet SSI's disability eligibility requirements.

- **James.** James has a full scale IQ of 57. James has trouble following directions. He can comprehend information and assignments, but needs close work supervision. He has difficulty remembering instructions and task sequences. This makes it difficult for James to complete tasks he had previously learned on the job site. James does not perform well in work situations that require detailed tasks that must be remembered over time.
- **Sarah.** Sarah is a 19 year old young woman with an IQ of 66. She has considerable difficulty maintaining appropriate social behaviors with her classmates and coworkers on community-based job sites. For example, she demonstrates inappropriate touching behaviors with her coworkers and supervisor. She also ignores her supervisor when told to return to work after a break. On several occasions Sarah has refused to perform work assigned to her even though her job coach and job supervisor know that she can perform the assigned tasks.
- **Cindy.** Cindy has Cerebral Palsy, is hemiplegic, and has great difficulty walking. Because of her severe motor involvement she has serious problems with balance. It is difficult for her to walk without canes or braces. Cindy's physical capabilities have not kept up with her physical growth, making walking yet more difficult. Cindy currently has a Section 504 Plan.

SSI Work Incentives

SSI work incentives are exactly that—additional incentives that allow students with disabilities to increase their income while maintaining needed SSI cash assistance benefits. SSI work incentives allow students to participate in paid work situations and maintain their SSI benefits while they are in school. As a planning tool, work incentives provide students, parents, school personnel, and other IEP/transition team members with potential resources for additional post-secondary training and other forms of support when a student exits school. SSI program work incentives protect SSI benefits for students while they participate in paid employment.

Accessing SSI work incentives during the transition process expands current and future opportunities for many students with disabilities. Students with disabilities can:

- Engage in paid employment.
- Increase their income without decreasing their SSI benefits or eligibility for other benefits such as Medicaid (*in most states*).
- Offset expenses incurred as a result of their work.
- Save for further post-secondary education and training or to start their own business.

The transition planning process must include establishing the student's eligibility for SSI benefits and providing the student with real work experience during the transition period—ages 14 (or younger, if appropriate) - 21. For a student with a disability to benefit from SSI work incentives, the student must be (1) receiving or eligible for SSI cash assistance benefits, and (2) engaged in work experiences as part of their transition program.

SSI work incentives available to transition-age students include: Earned Income Exclusion, Student Earned Income Exclusion (SEIE), Impairment-Related Work expenses (IRWE), Plan for Achieving Self-Support (PASS), Blind Work Expense (BWE), and Property Essential to Self-Support (PESS). Each of the SSI work incentives is an income or resource exclusion that combines to assist individuals with disabilities in maintaining necessary SSI benefits until they are self-sufficient. These incentives can be particularly helpful in designing community-based, paid employment transition programs for students without decreasing the cash assistance benefits provided by the SSI program.

Incorporating SSI work incentives into a student's IEP/transition plan can provide excellent opportunities for students, parents, and other IEP/transition team members to explore employment opportunities while the student is still in school.

■ Earned Income Exclusion

The Earned Income Exclusion applies to *all* SSI program recipients, including any student earning wages from a school-sponsored employment program or other employment. Under this exclusion, some earnings each month are not counted toward the specified SSI income limit (\$500). For many students with disabilities, the Earned Income Exclusion alone will ensure that most or all SSI benefits are maintained while the student participates in school-sponsored paid employment or other paid work situations.

Example 1:

\$420.00	Gross income (<i>earned through competitive or supported employment</i>)
<u>-20.00</u>	General income exclusion (<i>unearned income, such as bank interest, is deducted from the \$20 exclusion</i>)
400.00	
<u>-65.00</u>	Earned income exclusion
\$335.00	
\$335.00	Divide this amount by 2
2	1/2 of income is deducted after exclusions
=167.50	SSI countable income
\$494.00	SSI Federal monthly benefit rate, 1998
<u>-167.50</u>	SSI countable income
326.50	Adjusted SSI payment
<u>+420.00</u>	Earned gross income
\$746.50	Total gross earnings

There are three parts to this exclusion. The first is a general exclusion of \$20 of monthly income from any source. The second part is an additional \$65 earned monthly income exclusion. The third part is the exclusion of one-half of all earnings above the combined \$20 + \$65 (\$85) monthly as well. That is, for every two dollars earned, one dollar is deducted from SSI's payment (*see Example 1*).

If, for example, an individual is receiving the maximum SSI benefit rate of \$494 each month, the individual's monthly earnings from paid employment would have to exceed \$1073 before the SSI benefit would cease and the individual would exit the SSI program — *if* no other work incentives apply. This maximum income level would increase if the individual accessed any of the other SSI program work incentives. In addition to the Earned Income Exclusion, transition students receiving SSI benefits may be eligible for and profit from the following work incentives.

■ Student Earned Income Exclusion (SEIE)

Student Earned Income Exclusion (SEIE) allows a person with a disability under age 22 and regularly attending school to exclude up to \$400 of earned income per month *before* applying the Earned Income Exclusion (above). The two exclusions may be used in combination. The maximum annual exclusion is \$1620.

For example, a full-time college student with a disability receiving SSI benefits of \$494 monthly has the opportunity to earn \$500 per month while in school. These earnings may be excluded under SEIE up to the \$1,620 yearly maximum. In addition, the student excludes another \$85 (\$20 general exclusion; \$65 earned income exclusion) of monthly earnings, leaving him or her with a countable income of \$15.00. **Please note that SEIE must be applied *before* the general and earned income exclusions.** SEIE can be used either with or without the earned income exclusion. The student's gross income using SEIE is \$479 (SSI) and \$500 in earnings, for a total of \$979.00. (*See Example 2 for a calculation using both exclusions; Example 3, page 11, provides calculation using only the SEIE*).

Example 2:

\$500.00	Gross income
<u>- 400.00</u>	SEIE
100.00	SSI countable income
<u>-20.00</u>	General income exclusion
<u>-65.00</u>	Earned income exclusion
\$ 15.00	SSI countable income
\$494.00	SSI Federal monthly benefit rate, 1998
<u>-15.00</u>	SSI countable income
479.00	Adjusted SSI payment
<u>+500.00</u>	Earned gross income
\$979.00	Total gross earnings

Students must apply for a SEIE at their local SSA office. The student must submit a statement of school attendance, a statement of employment, and wage receipts periodically. Local SSA office procedures differ slightly as to how often these statements are required. Students should contact their local SSA office for complete details. For the location of your local Social Security office, call 1-800-772-1213.

Example 3: The Student Earned Income Exclusion (SEIE) Incentive

Debra is a student at Washington High School who is mentally retarded with a full scale IQ of 55. Debra has participated in a variety of community-based activities since she entered the ninth grade at age 15. Ms. Morgan, the transition specialist at Washington High School, discussed the SSI program with Debra’s parents at the first IEP/transition planning meeting. At the time the parents’ monthly income was too high for Debra to qualify for SSI benefits. Debra’s transition plan did include, however, that she would apply for SSI benefits when she turned 18. At this point, her parents’ monthly income would no longer be a consideration.

Debra applied for and began to receive SSI benefits when she was 18. Debra, now 19, is entering her last year of high school as she will meet her IEP requirements this school year. During the last IEP/transition meeting Debra expressed her interest in working in food services after graduating from high school. Her last vocational placement was a non-paid training experience at a local restaurant. Debra, her parents, and members of the team wanted Debra to have the opportunity to work longer hours in a paid employment situation. Debra’s plan reflected this goal.

The school’s job developer found a position for Debra at Ferguson’s restaurant. Debra could initially work 15 hours per week with the possibility of expanding to 20 hours per week. She would be paid minimum wage. Debra was excited about the possibility of working and being paid while taking the remainder of the classes she needed to graduate. She would take classes in the morning and work the lunch-dinner preparation shift at Ferguson’s. The school would provide transportation to the restaurant and Debra would ride home with her father who worked nearby.

Debra’s parents wanted Debra to work, but asked if she would lose her SSI benefits if she were paid. Ms. Morgan was aware that there was a general income exclusion that would apply to Debra’s wages. She thought there also was some type of income exclusion because Debra was still a full-time student. She suggested that Debra and her parents contact the local SSA office. The SSA office confirmed that Debra would qualify for a Student Earned Income Exclusion and explained the details, including the reports and documentation that were to be filed. Debra was able to begin work at Ferguson’s without losing SSI eligibility and actually increased her monthly income by \$315.

The transition team included in Debra’s IEP/transition plan that Debra would be responsible for keeping all her pay stubs and reporting her income to the SSA office as required. The plan also established a procedure for Debra and her teacher to review Debra’s earnings on a quarterly basis to estimate when or if Debra might reach the \$1620 SEIE limit. As part of her plan, Debra, her parents, and school staff were to review Debra’s options, including the use of other work incentives when she was no longer a student and could not apply the SEIE.

Effect on Debra’s Monthly Income	
\$315.00	Debra’s gross earnings working 15 hours each week at Ferguson’s Restaurant
- 315.00	Debra’s SEIE
0.00	SSI countable earned income
\$494.00	Debra’s SSI monthly benefit
-0.00	SSI countable income
+ 315.00	Debra’s gross monthly earnings
\$809.00	Debra’s gross income

■ Impairment-Related Work Expense (IRWE)

The cost of certain impairment-related items and services that a person with a disability needs to work can be deducted from gross earnings through an IRWE incentive. A student requesting an IRWE must verify that the items or expenses incurred are related to his or her disability and necessary for job performance. The student will be asked to submit proof of payment. Impairment-related work expenses are deductible for SSI payment purposes when:

- The expense enables a person to work.
- The person, because of a severe physical or mental impairment, needs the item or service for which the expense is incurred in order to work.
- The cost is paid by the person with a disability and is not reimbursed by another source.
- The expense is “reasonable” – it represents the standard charge for the item or service in the person’s community.
- The expense is paid in a month in which earned income is received or work is performed while the person used the impairment-related item or service.

Individuals with disabilities may rely on IRWE incentives throughout their entire lives. Work-related expenses that are incurred by a student while in secondary school are likely to continue when they exit school. A student applying for an IRWE incentive under the SSI program should contact the local SSA office for specific details and documentation requirements. (See Examples 4, below; and 5, page 13.)

Example 4: The Impairment-Related Work Expense (IRWE) Incentive

Larry is physically impaired and has been in classes for students with learning and processing problems since he was six years old. Larry has received SSI benefits since he was five years old. He fatigues easily from prolonged physical work. Larry’s IEP/transition plan involve a job placement in a building supply store. Larry’s job responsibilities include some lifting and reaching for objects on shelves, sometimes requiring the use of a small step ladder. Larry learned how to perform the required tasks but was physically fatigued after a four-hour shift. He also was starting to feel discomfort in his back. Despite these drawbacks, Larry liked the job and his coworkers.

Effect on Larry’s Income for the Month in Which Equipment is Purchased

\$420.00	Larry’s gross earnings working in the building supply store
- 85.00	General and earned income exclusion
\$355.00	Earned income
-360.00	Larry’s IRWE exclusion
0.00	Countable income
\$494.00	Larry’s SSI benefits
+420.00	Larry’s gross earnings
\$914.00	Larry’s gross income
-360.00	Larry’s IRWE Expense (for his equipment)
\$554.00	Larry’s usable gross income

Larry and his mother talked with the school’s transition specialist. The transition specialist has a friend who is a rehabilitation engineer at a local university. The friend agreed to meet with Larry and recommended Larry use certain devices to reduce his fatigue and the physical stress on his back (e.g., a heavy duty belt, a reach extender to replace the step ladder). The engineer also offered to design stress-reducing devices for cleaning floors, such as a swivel brush reaching ten feet in any direction, a light sweeper, and a light “super mop” with a wringer built into the handle. The total costs of these items would be approximately \$360.00.

The school had no remaining funds for assistive devices and Larry’s mother could not afford to pay for them. Larry, his mother, and the transition specialist decided to apply for an IRWE incentive. Larry needed the devices to perform his work activities more efficiently and maintain employment. The transition planning team established a short-term goal that Larry and the transition specialist would request an appointment at the SSA regional office to discuss the IRWE application and complete the required application. Larry and the specialist completed the task and set up an expense reporting form. (Larry also would need these if he were to seek similar employment in the future.) In reviewing Larry’s IRWE incentive request, SSA found it met the criteria: the “special work tools” were necessary for Larry to maintain employment and the costs were reasonable. Larry received the IRWE incentive and purchased the equipment.

Example 5: The Impairment-Related Work Expense (IRWE) Incentive

Sam is a 19 year old student in an urban high school. He has epilepsy and a heart condition. He exhibits learning problems. Sam has received SSI benefits since he was seven years old. As part of Sam's transition program he has been working part-time at a major food store chain. The school, in accordance with Sam's IEP, provides transportation.

The manager of the food store would like to hire Sam to work during the summer. Since he will not be in school, the school cannot provide transportation. Sam requires special transportation arrangements because he cannot drive and public transportation is not available. Sam's job coach explored transportation options with Sam. They learned of a van service provided by the Department on Aging that provides transportation to individuals with disabilities and the elderly. The van would take Sam to and from work for a cost of \$48.00 per month. Sam's teacher helped him acquire information on an IRWE incentive and assisted him in the application process. In applying for the IRWE incentive, Sam demonstrated . . .

- . . . the expense enabled him to work.*
- . . . because of his disability, he needed the transportation in order to work.*
- . . . the transportation cost was not reimbursed by any other source.*
- . . . the expense was reasonable.*
- . . . the expense was paid during the month in which Sam was working.*

Like many high school students, Sam wants to work in the summer. Even though technically not part of his transition program, school personnel recognized that working in the summer will provide a good indication of Sam's ability to work independently. Neither the school nor Sam is able to pay for transportation to and from work.

Sam's summer job pays him approximately \$240.00 a month. The cost of the van service is \$48.00 per month. As part of the application for an IRWE incentive, Sam itemizes his transportation costs and submits receipts. Sam deducts these expenses from his monthly earnings and reports this to his local SSA office. The IRWE incentive allows Sam to work independently during the summer; without the IRWE incentive, he would need to pay the cost of the van service out of his earnings, therefore he would earn less.

Sam's IEP/transition plan included a goal that he would work independently during the summer and maintain all records required by the IRWE. Both of these goals were met. The team turned its attention to Sam's goals and objectives for the coming school year which included continued employment while attending school during the morning. Since the team wanted to explore other employment opportunities and options, one of his transition objectives was to determine the impact of employment during the school year on his SSI benefits and determine the need, if any, to use other available work incentives. The team also wanted to take a longer-range planning view that included postsecondary employment. Sam would like to pursue a management career in the retail food industry. The team developed a transition goal that Sam, with the assistance of his job coach, would develop a PASS that allowed Sam to set aside part of his earnings for a two-year training program in personnel and business management leading to an Associate degree from the community college. Sam's PASS would be submitted to SSA by September 30 of the coming school year.

Effect on Sam's Monthly Income

\$240.00	Sam's gross earnings working in the food store
- 85.00	General and earned income exclusion
\$155.00	Earned income
-48.00	Sam's IRWE exclusion
\$107.00	Divide this amount by 2
2	1/2 Remaining earnings
\$ 53.50	SSI countable income
\$494.00	Sam's SSI benefits
-53.50	Countable income
+240.00	Sam's gross earnings
\$680.50	Sam's gross income
-48.00	Sam's transportation costs
\$632.50	Sam's usable gross income

■ Plan for Achieving Self-support (PASS)

The Plan for Achieving Self-support (PASS) is a work incentive that allows an individual to set aside income and/or resources for a specified period of time to achieve a work goal (*see*

Examples 6, page 16; and 7, page 17). For example, an individual may set aside money for postsecondary education, the purchase of job-coaching support, personal transportation, job-related equipment, or to start a business. The income and/or resources set aside in a PASS do not count in determining SSI benefits. Nor may SSI cash benefits be used to support a PASS. When appropri-

The PASS is similar to the IEP/Transition Plan: It establishes job-related goals and objectives. Because of these similarities, it is possible to incorporate a PASS into the IEP/transition plan.

ate, a PASS may be used in conjunction with other SSI work incentives. If a student under age 18 cannot satisfy the SSI income eligibility requirement *only* because his or her parent's income is too high, the student may apply for a PASS incentive through which their parents can set aside enough income to make the student eligible for SSI benefits.

The PASS is similar to the IEP/Transition Plan: It establishes job-related goals and objectives. Because of these similarities, it is possible to incorporate a PASS into the IEP/transition plan. A transition student may benefit from a PASS while in school or upon exiting. The basic requirements for a PASS include:

- A feasible and reasonable occupational goal.
- A defined timetable.
- The need for income or resources, other than SSI benefits, to be set aside.
- An explanation of expenditures to be covered by the set-aside funds.

A student wishing to incorporate a PASS into his/her transition program should:

- Request assistance if needed from teachers, counselors, or other IEP/transition team members.
- Obtain the eight page PASS application (*Appendix E*), instruction sheet, and SSA publication Red Book On Work Incentives in your school counseling office, special education office, or from the local SSA Office.
- Gather all income and resource information that will be required.
- Identify the job goal and steps for achieving it (which may be incorporated into the IEP/transition plan).
- Work with his/her Vocational Rehabilitation Counselor to develop the plan.
- Make and keep an appointment with the local SSA office.
- Complete the PASS application and submit it to local SSA office.
- Answer questions from the SSI-PASS Cadre about the application.

The PASS should be considered during the IEP/transition development process even if it is not to be used while the individual is still a student. A PASS may be used by any individual participating in SSI at any age. Some students can benefit from a PASS while they are in

school, and also after they leave school to further their vocational goal by purchasing additional training or transportation, for example. As part of the transition planning process, the planning team may incorporate the future use of a PASS into the student's IEP/transition plan.

The most likely candidate for a PASS incentive are students who currently are receiving SSI benefits, want to work and have work goals in their IEP, are in school or a training program or plan to complete postsecondary training, or plan to start their own business.

A PASS incentive can be used to support a number of expenses related to employment goals, including:

- Tuition, fees, books, and supplies for school or training programs.
- Supported employment services, including a job coach.
- Attendant care.
- Equipment and tools needed to work.
- Transportation.

A PASS incentive must:

- Be specifically designed for the individual with a disability.
- Be in writing.
- Have a specific career goal which the individual is capable of achieving.
- Have a specific time frame for reaching the goal.
- Show what money or other resources the individual will use to reach the goal.
- Show how the money and resources will be used.
- Show how the money set aside in the PASS will be kept separate from other funds, i.e., a separate bank account.
- Be approved by the SSA.
- Be reviewed periodically to assure compliance.

Any transition student who receives SSI benefits or could qualify for them, can have a PASS. A student, for example, whose income exceeds SSI requirements, may develop a PASS to maintain his or her SSI eligibility while pursuing work goals.

Income and resources that are set aside in a PASS are excluded under the SSI income and resources tests. Any transition student who receives SSI benefits or could qualify for them, can have a PASS. A student, for example, whose income exceeds SSI requirements, may develop a PASS to maintain his or her SSI eligibility while pursuing work goals.

To receive a PASS an individual must complete a PASS application (*Appendix E*) and submit it to the SSA office. Each PASS is reviewed for approval by the local PASS cadre. This process can take up to three months to complete. Anyone may help a student develop a PASS, including special education teachers and other school personnel, vocational counselors, social workers, employers, and private PASS vendors. A distinct advantage of a PASS is that it allows the student to be proactive in securing necessary training, support, or services to enhance employment opportunities.

Example 6: The Plan for Achieving Self-Support (PASS) Incentive

Donald is a special education transition student who has been deaf since birth. He lives in a foster care home in an urban setting. He is in regular classes in school with the aid of an interpreter. Donald participates in the SSI program.

Donald has shown an interest in cars and automotive work throughout high school. Part of Donald's community-based vocational education experience was in an auto body shop where he did janitorial work and assisted trained auto body specialists in removing damaged panel from cars, preparing cars for painting, and other tasks. Donald was hired as a part-time worker and paid minimum wage. He worked 12 hours per week. Donald saved \$200 per month during his paid work experience.

Donald is finishing high school. At that time he will no longer be awarded foster care payments. Securing employment is imperative and a major focus of Donald's last IEP/transition plan. Donald's goal is to gain employment as a certified auto body specialist. Donald and his transition specialist decided that he should enroll in an auto body school to gain the skills to become a specialist. Donald and the transition specialist, through discussions with a vocational rehabilitation counselor, determined that a PASS would further Donald's career goal. If Donald could obtain his auto body specialist's certification, he could anticipate increasing his wages from minimum wage to approximately 10.00 per hour.

Career Goal

Donald's career goal is to become an auto body specialist. Because the PASS and IEP/transition plan are so similar in their requirements, Donald and the transition team decided that they would incorporate the PASS into Donald's transition plan. The PASS provided detailed goals, objectives, and resources that were required to achieve Donald's goal of becoming an auto body specialist.

Donald included the following steps to reach this goal in his PASS:

- *Graduate from high school.*
- *Apply to auto body training school.*
- *Acquire a two-year degree from the auto body school.*
- *Acquire a job as an auto body specialist.*

Planned Expenditures and Disbursements

Donald will require approximately \$1,930 per year to achieve his certification - \$1,900 for tuition and \$30 for books. Donald has \$900 in a savings account that he accumulated during his school-sponsored work experience. In addition, he has continued to work in the auto body school two hours after school each night and eight hours on Saturdays. He is earning about \$360 per month. He can apply these earnings toward his PASS. Donald's living expenses will total approximately \$490 per month.

PASS monies will be used to pay tuition to the auto body training school and for books and supplies. Donald will put his monthly earnings into his bank account. These earnings will cover the costs of the two-year training program.

Income Resource Exclusion

Donald owns no items that would assist him in reaching his goal. His total assets are under \$1,000. Donald expects to pay the cost of his education without assistance from another source. The PASS allows Donald to shelter his wages, which he will use to pay the cost of his training. Donald may also use the Student Earned Income Exclusion. Through the use of work incentives Donald can progress toward his work and career goal while receiving SSI benefits to meet his living expenses.

Example 7: The Plan for Achieving Self-support (PASS) Incentive

Paul is mentally retarded with an IQ of 57. Although Paul is slow in learning new tasks in school, he has demonstrated persistence in completing his work on several job sites. With the help of his parents and the transition coordinator at his school he began the SSI application process as part of his transition plan. Shortly after his 18th birthday he began receiving SSI benefits.

Paul has been involved in a community-based vocational program established in his IEP/transition plan since he was sixteen. He has worked under the supervision of school personnel in janitorial services at a local business and various jobs at a supermarket. Both of these experiences were non-paid training activities.

When Paul was 18 the transition coordinator helped him get a job busing dishes in a K-Mart cafeteria. Paul did quite well at his job and soon he was working independently. Not long after Paul was working independently the store moved to a new location. It expanded its operations but cut back on the size of the cafeteria.

The store manager, who was impressed with Paul's reliability and work habits, offered Paul a job as a shoe processor in the shoe department. Paul needed a job coach to teach him how to sort shoes as they came off the trucks and place them on display racks.

During Paul's last IEP/transition plan prior to his high school graduation the transition coordinator had discussed with Paul and his parents the possibility of using a PASS to secure a job coach after graduation to help him in the new position at K-Mart.

Career Goal

One of Paul's transition goals was to work in a variety of situations in order to generalize employment-related skills across several environments. While he was in school, his transition coordinator has worked with Paul when he encountered new situations in job settings. Now the team shifted its attention to securing resources for Paul when he was no longer in school and faced new or different employment situations. The team established a transition objective that Paul would develop and submit a PASS to hire a job coach to assist him in acquiring the skills and behaviors he needed in a new employment situation. The PASS was reviewed by the team and submitted to SSA as part of Paul's IEP/transition plan. With the help of the transition coordinator he developed his PASS goals:

- Hire a job coach.*
- Learn the tasks required of the job.*
- Improve job efficiency to a level acceptable to his employer.*
- Stabilize job performance.*

Planned Expenditures and Disbursements

Paul calculated expenditures and disbursements as required in the PASS application. The job coach would be paid \$24 per hour for 30 hours for a total cost of \$720. Paul had saved \$100 that was in a savings account. Paul earned \$440 per month. He planned to pay \$100 per month from his salary until the job coach fee was paid in full.

Income Resource Exclusion

Paul had no items of value that would enable him to achieve his job goal. Paul had saved \$100 that could be applied as payment for the job coach. Paul would be working and earning \$110 per week as he went through the training program. Paul planned to set aside \$100 per month for his PASS to pay for the job coach. His SSI check and earning from his job would meet his living costs. Once the job training was complete Paul anticipated increasing his earnings from \$110 per week to \$210.00 per week.

■ Blind Work Expenses (BWE)

SSA has special rules for people who are blind, including allowing them to earn a higher income (Substantial Gainful Activity [SGA]) and maintain SSI eligibility. Blindness is defined as central visual acuity of 20/200 or less in the better eye with best correction which

has lasted or is expected to last a year or longer. Blind Work Expenses (BWE) is a work incentive that allows a blind person to deduct certain expenses needed to earn an income from their earned income when determining SSI eligibility and payment amount. For individuals who are blind, the BWE work incentive is more advantageous than the IRWE. Examples of BWE include: guide dog expenses; transportation; federal, state, and local income taxes; social security taxes;

As a planning tool, work incentives provide students, parents, school personnel, and other IEP/transition team members with potential resources for additional postsecondary training and other forms of support when a student exits school.

attendant care services; visual and sensory aids; translation of materials into braille; professional association fees; and union dues. When developing transition plans for students who are blind, school personnel and parents should contact their regional SSA office to get more specific information on SSA programs and benefits available.

■ Property Essential to Self-Support (PESS)

PESS allows a person to exclude certain resources which are essential to employment for self-support. For example, property which is used in a trade or business or required by a person as an employee is totally excluded when determining resources for SSI eligibility or payment determination. While the PESS may have little application for secondary transition students, it may have utility for some students when they enter the work force. A student, for example, who is trained in carpentry may be required to supply his or her own tools as terms of employment. Under a PESS the value of these tools would not be counted as a resource.

■ The Role of School Personnel in Accessing SSI Work Incentives

School personnel responsible for the successful transition of students from school to work and independent living can perform several functions to support the use of SSI work incentives as a viable part of transition planning. Specifically school personnel can:

- **Identify** students who are currently receiving SSI benefits and students who may be or will eligible.
- **Incorporate** SSI work incentives into the IEP/transition planning process and community-based employment.
- **Inform** students and parents about SSI program benefits and eligibility and work incentives when transition planning begins (age 14, or younger, if appropriate).
- **Assist** students and parents in collecting appropriate documentation on student's disability, limitations, performance, and behaviors that will assist SSA in determination or redetermination of eligibility.

- **Establish** a close relationship with local SSA staff to facilitate communication among students, parents, school personnel, and SSA staff.
- **Collaborate** with and engage other professionals (i.e., vocational rehabilitation, SSA, and human services) who share a common interest in students' secondary and postsecondary success.

Identify Potentially Eligible Students

Students eligible to receive SSI benefits can be identified through medical and psychological data alone. Some disabilities (e.g. blindness, hearing impairments, significant speech impairments, mental retardation and autism as measured by an IQ under 60, and Cerebral Palsy with severe motor involvement) can be assumed to meet SSA's medically-based criteria. Students who exhibit cognitive and emotional problems that will interfere with their ability to work may also be eligible. Students who are not receiving SSI benefits who may be, or will become, eligible at age 18 should be identified during the initial transition planning process. School personnel can also identify students who are receiving or will be eligible to receive SSDI benefits.

Incorporate SSI Work Incentives Into the IEP/Transition Planning Process

Incorporating SSI work incentives into a student's IEP/transition plan can provide excellent opportunities for students, parents, and other IEP/transition team members to explore employment opportunities while the student is still in school. These incentives can also benefit students after they are out of school. To be eligible for SSI work incentives, a student must first be receiving SSI benefits and be engaged in paid work experiences (CBVE) as part of their transition plan. Therefore, it is important to explore and include work incentives in a student's transition plan in the very early stages of the process. This will assist students, parents, and other IEP/transition plan members in identifying specific steps that will be required to allow students to establish postschool goals and objectives and participate in school-sponsored employment opportunities. SSI work incentives can also help students plan for and save money toward a future career goal. Participating in SSI work incentives will, in most cases, allow students to increase their monthly income while still retaining their SSI benefits, including Medicaid.

To be eligible for SSI work incentives, a student must first be receiving SSI benefits and be engaged in paid work experiences (CBVE) as part of their transition plan. Therefore, it is important to explore and include work incentives in a student's transition plan in the very early stages of the process.

Inform Students and Parents of SSI Program Benefits and Eligibility and Work Incentives

School personnel can introduce and explain SSI work incentives to students and parents during the early stages of transition planning. Successful transition planning requires that school personnel, parents, students, and adult service providers work together to design a sequence of activities that will lead toward community participation and employment when a student exits school. Typically, community-based vocational education will be a focus of the initial transition discussions. Introducing work incentives early in the transition process establishes paid employment as a viable transition goal and allows students, parents, and

other IEP/transition team members to broaden their collective thinking regarding available resources and the potential benefits of SSI work incentives. Just as school personnel inform parents and students about vocational rehabilitation and other adult services, so should they inform parents and help them gain knowledge about the SSI program eligibility requirements, benefits, and work incentives. As part of the transition planning process, school personnel routinely collect information on students and their families to assist in the design of plans that meet the goals and circumstances of the students and their family. Information regarding SSI eligibility or potential eligibility should be included in this information.

Assist Students and Parents in Applying and Reapplying for SSI Benefits

Many students and parents are unfamiliar with the SSI program and its application. School personnel can assist students and parents in the SSI application process by helping them complete the application form and referring them to the appropriate local SSA representatives. Once the student is determined eligible for benefits, the greater the opportunities for incorporating work incentives into the transition plan. It takes an average of three months to complete the application process, thus, it is crucial to begin the process during the

early stages of the student's transition planning. *Appendix C* provides a quick reference guide to the SSI application process.

It is very important that all relevant documents—including medical history, school history, and functional limitations associated with any transition program work experiences—are gathered and organized for submission to the local SSA office. School staff can help

One of the most significant roles school personnel can play is providing SSA with information that documents observed student limitations in a variety of settings including school and community training and employment sites.

gather appropriate school, social, and medical records, both past and present; make a list of all persons SSA may need to contact; and prepare school-based reports on the functional limitations of the student observed in school and in community-based settings. These reports may be excerpted from current assessment reports and/or IEPs/transition plans.

Short written reports with formal records that include specific examples of the student's functional limitations are extremely important. Information from clergy, relatives, family, and friends also can be useful when they describe specific examples of the student's functional limitations (Bazelon, 1997).

School personnel can also help parents develop their own anecdotal information on their son's/daughter's performance at home. Staff can assist students and parents in obtaining short, written reports from other people who have close contact or work with the student. These may include employers, job-site supervisors, or coworkers of students in community work settings. It's helpful when school staff and parents keep a diary of activities and functional limitations of students they observe over time.

Students and parents should ask all doctors who have seen the student for hospital, medical and prescription records including reasons for medications. Hospital records should include dates, names of hospitals and attending doctors, and reasons for hospitalization. Sources for such documentation include:

- Doctors, psychologists, nurses, clinics, and hospitals.
- Developmental centers, day care and pre school, school counselors and teachers.

- Therapists.
- Mental health counselors.
- Social workers and welfare agencies.

One of the most significant roles school personnel can play is providing SSA with information that documents observed student limitations in a variety of settings including school and community training and employment sites. Special education teachers, related service personnel, job coaches, and other school staff are in an excellent position to provide this information because they work with the student on a regular basis. Documented observations of the student's functional limitations by school personnel that impact or will impact on work performance will assist SSA examiners in the determination process.

School personnel can also assist students and parents with the redetermination process of SSI eligibility, which is required once the student reaches age 18. School personnel can help students and parents understand the differences in eligibility criteria for adults (18 and over) and children (under 18 years of age), and should be prepared to address questions regarding potential benefit loss, including Medicaid, if appropriate. Knowing and understanding the eligibility criteria allows school personnel and students and parents to develop appropriate documentation and records for the redetermination process. Often school assessment reports and IEPs/transition plans contain pertinent information regarding the student's functional limitations across environments; this is a critical component for initial determination and redetermination of eligibility.

Just as all members of the IEP team and others involved in the transition of youth with disabilities must support the goals and objectives of the students' IEP/transition plan, so is it important that they be familiar with and support the SSI application and work incentives processes for the student, especially when it is a component of the student's plan.

Establish a Cooperative Working Relationship With the Local SSA Staff and the Regional PASS Cadre

It has been pointed out in this handbook that SSA staff have indepth knowledge and experience in assisting youth with disabilities and parents in applying for SSI benefits and work incentives. Many local SSA offices have specific staff (e.g., Work Incentives Liaisons and PASS Specialists) assigned to work with transitioning youth and the SSI program. It is important for school personnel and other IEP/transition team members to establish a rapport with these individuals. This will assist school personnel, the student and his/her parents, and other IEP/transition team members in facilitating the application process.

Regional PASS cadres have been established and operate throughout the country to specifically assist school personnel and the IEP/transition team in writing, reviewing, and evaluating PASSes. These cadres can be very helpful in developing a successful PASS application.

Collaborate With and Engage Other Professionals in Applying for SSI Benefits and Work Incentives

Just as all members of the IEP team and others involved in the transition of youth with disabilities must support the goals and objectives of the students' IEP/transition plan, so is it important that they be familiar with and support the SSI application and work incentives

processes for the student, especially when it is a component of the student's plan. Both application processes require submitting detailed documentation about the student to the SSA office. Various members of the student's IEP/transition team may have different knowledge about the student. For example, a student's family and friends will interact with the student in different environments than school personnel and will be familiar with different aspects of the student's behavior (e.g., basic skills levels and how they function in interpersonal relationships). Vocational rehabilitation and medical personnel are very likely to have critical information regarding the student's functional limitations. Engaging all of these individuals at some point in these SSI application processes, will provide the SSA office with a complete and detailed picture of the student. All of this information will assist state Disability Determination Services and SSA staff in determining the student's eligibility for SSI benefits and work incentives. IEP/transition team members and other professionals can also offer their previous knowledge of how to access SSI benefits and work incentives in an efficient manner.

Conclusion

Current studies indicate that less than 10 percent of working-age SSI recipients are engaged in paid employment (Brady, 1995). This trend of unemployment can be reversed beginning with young people at transition age through better understanding and improved collaborative efforts of school personnel and adult service providers to include SSI work incentives in the IEP/transition planning process. The SSI work incentives can serve as a valuable support to transition students both while in school and upon graduation. These work incentives enable students to be proactive in obtaining training, support, or services critical to enhancing their employment opportunities.

To profit from these work incentives students must be receiving or eligible to receive SSI benefits and be involved in community-based vocational education as part of their IEP/transition plan. School personnel play an important role in assisting students and parents to include SSI work incentives early in the transition planning process (ages 14, or younger, if appropriate, to 21). Specifically, school personnel and the IEP/transition team can identify students who are eligible to receive SSI benefits, provide program information, and assist in the application process.

We hope that this handbook will serve as a useful tool to all those involved in the transition planning for youth with disabilities.

References

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Appendix A
Glossary of Terms

Glossary of Terms

A number of terms associated with SSA and SSI benefits are unfamiliar to students, parents, and school personnel. It is helpful to know and understand these terms when interacting with the SSA office during the transition process. The following terms found in *Red Book on Work Incentives: A Summary Guide to Social Security and Supplemental Security Income Work Incentives for People with Disabilities* (1994) may be helpful.

Blind Work Expense	Provides that any earned income of a person who is blind which is used to meet expenses reasonably attributable to earning the income is not counted in determining SSI eligibility and the payment amount.
Break-Even Point	The dollar amount at which total income precludes SSI payment. As countable income increases, SSI payments decrease until a person is no longer eligible for any SSI payment. A person's break-even point varies with his/her earned/unearned income mix, applicable income exclusions, and State supplemental eligibility, if any.
Community-Based Vocational Education (CBVE)	An effective approach for delivering vocational education and training to students with disabilities that increases a student's independence upon leaving secondary education by providing them with real work experiences in community settings under the supervision of school personnel and employers.
Continuing Disability Review	The process of obtaining complete current information about the person's condition and any work activity to determine if the SSA should continue disability payments.
Countable Income	The amount of money remaining after certain exclusions are deducted from the total income. This process is used in determining SSI eligibility and payment amounts.
Deeming	The process of considering the income and resources of a parent or spouse to be the income and resources of the person who is applying for SSI benefits.
Impairment-Related Work Expenses (IRWE)	Applies to SSI beneficiaries who are not blind. IRWE provides that the cost to the person with a disability of certain items and services related to the impairment and needed to work (e.g. attendant care services, medical devices, etc.) can be deducted from earnings in determining if the person is engaging in SGA. The items and services may also be needed for normal activities. These same impairment-related work expenses can be deducted, under certain circumstances, from earned income to determine an SSI beneficiary's countable income.

Income	Earned income—money received from wages or self-employment earnings; unearned income—money received from other sources such as Social Security, Veteran's benefits, in-kind income (free food, clothing, shelter, or deemed income from parents) which is used in computing the SSI payment amount.
Medicaid	Medical coverage provided to a person by the state title XIX program.
Medical Improvement Expected	When a disability determination is made and it is determined that the impairment may improve the case is scheduled for future medical review.
Plan for Achieving Self-Support (PASS)	Under a plan, a person is permitted to set aside income and/or resources over a reasonable period of time in order to obtain occupational training or education, purchase occupational equipment, establish a business, etc., thereby enabling the person to become financially self-supporting. The income and resources set aside under a plan are excluded from the SSI income and resources test.
Property Essential to Self-Support (PESS)	This provision allows full or partial exclusion of certain property necessary for self-support.
Substantial Gainful Activity (SGA)	Performance of significant duties over a reasonable period of time in work for pay or profit (generally earnings over \$500 per month).

Appendix B
Questions and Answers

Questions and Answers

Eligibility

Question: As a teacher how can I determine if a student should apply for SSI benefits?

Answer: *Only the student or his/her parents or guardian can apply for SSI benefits. Some students are already participating in SSI. Others may be eligible but have never applied. To be eligible a student must meet SSA's disability and income and resources requirements. Prior to a child's eighteenth birthday his/her family income is considered for eligibility. When a student turns 18 the family income is no longer counted.*

SSA requirements for disability determination are not the same as educational requirements for participation in special education. Not all students identified as disabled under IDEA will meet SSA's requirements for receiving SSI benefits. SSA requirements are focused on medical conditions or combination of conditions that hinder an individual's ability to work. School personnel can assist a student and his/her parents in the application process and provide supporting documentation to SSA during eligibility determination. The final determination of eligibility is made by SSA based on specific rules and regulations.

To initiate the application process the student, parent or guardian must make an appointment with the local Social Security Administration Office. They will be provided with an application form to be completed. Once SSA has all the required information a determination of eligibility will be made. Benefits often associated with SSI, including Medicaid, will differ from state to state. State SSI supplements vary. In the majority of states a student who receives SSI is also eligible for Medicaid. Some states, however, require a separate application for Medicaid benefits. Students, parents, and school personnel must be aware of their individual state requirements and procedures. The local SSA office will provide state specific information and assistance.

Question: Do students who qualify for SSI automatically receive Medicaid benefits?

Answer: *The SSI cash benefits program is administered by the Social Security Administration. Medicaid is under the Health Care and Finance Administration and is administered by each state. In the majority of states individuals who are eligible for SSI are also eligible for Medicaid. In some states, however, a separate application must be made to receive Medicaid. The earning thresholds for loss of SSI and Medicaid are also different. Each state has its own Medicaid threshold. It is possible for an individual to lose SSI cash benefits and maintain Medicaid benefits.*

Question: Can schools help in the determination process?

Answer: *Yes, school personnel familiar with the student and family can help in a variety of ways. First, they can explain to students and parents the potential benefits associated with SSI, including work incentives that can help the student in the transition process. They can explain, in general, the eligibility requirements including the requirements for students who are under or over 18 years old. School personnel can assist parents in securing an appointment with the SSA office and completing the required application form. Most importantly, school personnel can provide SSA with information about the student that will help in the disability determination process.*

Question: What information will SSA need to process a student's application for SSI benefits?

Answer: *In general SSA requires:
the student's social security number.
a birth certificate or other proof of birth.
documentation of income and resources of the student and family.
medical records and other documentation about disabling conditions and limitations.
names and addresses of everyone who has worked with or treated the student.*

Disability Determination Services (DDS) may request additional information from medical records and service providers and the family. School personnel will often receive questionnaires from the SSA office requesting additional information on a student. It is important that school personnel respond to these requests.

Question: Are the eligibility requirements the same for students below the age of 18 and those 18 or over?

Answer: *No. Both income eligibility and disability standards are different. If a student is under 18, the income of his/her family is considered. If a student is over 18, he/she is considered a "family of one" and only the student's income and resources are considered in the eligibility determination process.*

Disability standards are also different. Childhood eligibility is based on physical and/or mental impairments resulting in marked or severe functional limitations.

Students over 18 years of age are considered adults and the disability determination is based on their functional skills related to work. SSA must determine if the student's disability is a deterrent to work. However, certain medical and cognitive conditions (e.g. blindness, deafness, mental retardation with an IQ below 59) and others found in the Medical Listing will not change at age 18.

All students who have received SSI benefits prior to 18 years of age must go through a redetermination process when they turn 18.

Question: Are most of the students in special education eligible for SSI?

Answer: *No. Only those students who meet SSA's definitions are eligible. A number of students who exhibit behaviors or conditions that require special education services in order to benefit from special education do not meet SSA's criteria for participating in SSI. School personnel should be knowledgeable about SSA's eligibility requirements in order to appropriately advise parents and students. This should not discourage students who may be eligible for benefits and their parents from making an application, however. A number of students who would qualify for SSI benefits do not apply and consequently never participate in SSI programs.*

Question: Are there students who are not in special education who would qualify for SSI benefits?

Answer: *Yes. There are students who have physical and medical impairments who are not in special education because they do not require specially designed instruction who qualify for SSI benefits.*

Question: What school information is relevant to the SSI application process?

Answer: *Schools have a great deal of information on special education students. Much of this information, however, is related solely to the educational performance of students. SSA is concerned with functional limitations as they apply or may apply in a work setting. SSA will often seek additional information from school personnel on a student applying for SSI. School personnel can provide SSA with information on observed performance of students in a variety of situations, including work sites if the student participates in a CBVE program. School personnel should be careful to provide complete information to SSA. Incomplete records, including interviews, therapy notes, and psychological test records may result in an application being disapproved. Anecdotal information can be provided by teachers, job coaches, and other school personnel to assist SSA in making eligibility determinations.*

Question: If a student's application or redetermination is disapproved, can the decision be appealed?

Answer: *Yes. Initial decisions are made by the state Disability Determination Services office. SSA has a three step administrative determination and appeal process. The appeal process applies to most determinations including decisions about eligibility, benefit amounts, and overpayments. SSA provides specific forms for each level of appeal. These forms are available at SSA's district offices. All appeals must be filed within 60 days from the date of receipt of notice of the decision.*

Benefits

Question: What benefits are available to students who receive SSI?

Answer: *SSI provides a cash payment to eligible students. The SSI payment amount is based on the amount of income or resources a person has, his or her living arrangements, and the state in which he or she lives. The Federal Benefit Rate (FBR) is determined each year. Many states pay an additional amount in the form of a state supplement.*

Countable income includes income received for a child's parents if the child is under 18 years of age. After the age of 18 the parents' income is no longer considered in determining eligibility.

The majority of individuals eligible for SSI are also eligible for Medicaid. State Medicaid requirements and thresholds vary. In some states a separate application must be made for Medicaid even if the individual is receiving SSI. For a number of SSI recipients Medicaid eligibility is as important as the SSI cash payment.

Question: Once a student receives SSI will they always receive it?

Answer: *Not necessarily. A student may lose SSI benefits if he or she is determined to no longer meet the disability criteria or exceed the SSI income threshold. The status of all SSI recipients are reviewed on a regular basis by SSA. Redetermination of SSI eligibility occurs approximately every three years. Redetermination at age 18 is particularly important because the student's income calculation is then based on a household of one. The threshold for loss of benefits is the amount of money a recipient can make and continue to receive SSI benefits. Allowances are made, however, for cost associated with the disability, that can be deducted from income in determining SSI payments.*

Individuals on SSI are also limited in the amount of assets they can accumulate and continue to receive SSI benefits. As a general rule, an individual cannot have assets in excess of \$2,000 and continue to receive SSI benefits. Some assets are considered necessary for employment (e.g. tools, computers, etc.) and are not counted in determining an individual's asset base.

Question: Are SSI benefits the same in all states?

Answer: *The federal benefit rate is the same for all recipients. Most states provide a supplement to the federal benefit. Supplemental benefits vary from state to state.*

Question: If a student participates in a paid work experience as part of his/her IEP/transition plan will he/she lose their SSI and Medicaid eligibility?

Answer: *In most cases no, unless the student is making more than the threshold allows. This will not be the case for most students in paid employment under the supervision of school personnel as part of the IEP. Nor is it likely to be the case for students with summer jobs. As a general rule students can earn up to two times the amount of their SSI cash payment plus \$85 and maintain their eligibility. Additionally, students are eligible for SSI work incentive programs that allow them to deduct other expenses from their gross income.*

Question: What are the work incentives?

Answer: *One of SSA's highest priorities is to help SSI recipients, including students achieve a more independent lifestyle by helping them take advantage of employment opportunities. SSI Work Incentives are intended to give SSI beneficiaries the support they need to enter the work place. Work incentives allow individuals receiving SSI to deduct specified expenses from their gross earnings in calculating SSI payments and continued eligibility in the Medicaid program.*

Typically the work incentives have been viewed as support systems for adult workers. However, it is clear that these same incentives may be of advantage to transition-age students, particularly those participating in community-based paid employment programs as part of their transition plan. More and more students, with the support of school personnel, are using work incentives to allow them to work while in school and plan for post-secondary services to support job goals.

Work incentives applicable to students include:

Earned Income Exclusion. This provision allows a portion of a student's earned income to be excluded when figuring SSI monthly payments. There is a general exclusion of \$20. In addition the first \$65 of earnings in a month is excluded plus one-half of the remainder. This means that less than one-half of a student's earnings are counted when calculating his/her SSI payments.

Student Earned Income Exclusion (SEIE). If a student is under age 22 and attending school he/she may exclude up to \$400 of earned income each month for a maximum exclusion of \$1,620 per year. The student earned income exclusion is applied before the general income exclusion or the earned income exclusion.

Impairment-Related Work Expense (IRWE). The costs of certain impairment-related items and services that a student needs to work can be deducted from gross earning. These expenses are excluded from earned income. IRWE's can be helpful to students in obtaining transportation costs, job coaches, assistive devices needed on the job, as well as other allowable work-related costs than may not be available through the school. A student must report IRWE to SSA. SSA will make approved deductions to the individual's gross wages.

Plan for Achieving Self-Support (PASS). A PASS allows a student receiving SSI to set aside income and/or resources for a specified period of time for a work goal. A student could set aside money for continuing education after high school or starting a business. A student must complete a PASS and receive approval from SSA prior to being credited for setting aside the money.

Blind Work Expenses (BWE). This work incentive allows a blind person to deduct certain expenses needed to earn an income from their earned income when determining SSI eligibility and payment amount. For individuals who are blind, the BWE work incentive is more advantageous than the IRWE.

Property Essential to Self-Support (PESS). PESS allows a person to exclude certain resources that are essential to employment for self-support. For example, property that is used in a trade or business or required by a person as an employee is totally excluded when determining resources for SSI eligibility or payment determination.

Question: What is the relationship between these SSI work incentives and a student's IEP/transition plan?

Answer: *Incorporating SSI work incentives into a student's IEP/transition plan provides excellent opportunities for students, parents, and other members of the IEP/transition team to explore employment opportunities while the student is still in school. In addition, SSI work incentives provide IEP/transition team members with potential resources for additional postsecondary training and other forms of support when a student exits school.*

Question: As an educator all this is new to me. Where can I go for help when I have questions?

Answer: *There are several sources where you can get assistance or information depending on your question or concern.*

Social Security Administration. One of the best places to go for information is the Social Security Administration. They have a toll free number (1-800-772-1213) that can provide referrals that will answer questions. You can also talk with the SSA Professional Relations Officer in your region. This person is knowledgeable on most aspects of the whole SSI system. In addition, SSA offices have specific staff assigned to work with transitioning youth applying for SSI work incentives (i.e., Work Incentives Liaisons and PASS Specialists).

Advocates. Legal aid, legal services offices, and Protection and Advocacy systems can provide information on SSI. Many states and counties have SSI hotlines.

Computer Research Tools. The SSI administrative policies and regulations are constantly changing. There are computer research tools that can be used to track developments in SSA and SSI. These include the SSA publication on CD-Rom which is updated monthly and the Social Security Online. SSA's website is located at: <http://www.ssa.gov>

Appendix C
SSI Application Process

SSI Application Process

Making an Appointment

- Call the local Social Security Office or the toll free SSA number (1-800-772-1213). Be patient, the lines are often busy.
- Make an appointment to initiate the formal application process.

Keep the appointment. You must file your application within 60 days of the initial phone call.

During the Appointment

- Get an application form.
- Request necessary assistance from the Social Security official, in completing the form. You may take the forms home to complete. The forms must be returned to the SSA office by mail or in person.

Keep a copy of the completed forms and all documentation supplied to SSA.

Information Required by SSA

- Student's social security number.
- A birth certificate or proof of student's age.
- Information about the student's income and resources. If the student is under 18 years of age, information about the family income and resources.
- Medical records and other documentation, including school records, about the student's disabling conditions and limitations that are in your possession.
- The names and addresses of everyone who has worked with or treated the student.

Helpful Documentation

- Information on the student's medical condition past and present.
- A description of the student's functional limitations.
- A list of people Social Security should contact with addresses and telephone numbers.
- Hospital records.
- Records of psychologists, nurses, clinics.
- Names of developmental centers, day care, and preschool workers.
- Names of schools counselors, psychologists, and nurses.
- Names of recent school teachers.
- Names of mental counselors.
- Names of social workers and social welfare agencies.
- Short notes from clergy, relatives, and family friends that describe what the transition student can and cannot do.

Note: SSA does not want applicants to delay filing to gather medical records. SSA will secure medical evidence from information supplied by the parents and student. However, if the family has records in their possession they can be submitted to SSA and may save time in the application process.

Appendix D
Applicants' Rights

Applicants' Rights

The following information was reprinted from *Understanding SSI*, published by the Social Security Administration, September 1997. To obtain detailed information on these rights, please call your local Social Security office or SSA's toll-free number—1-800-772-1213.

■ *You Have The Right To Apply*

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

■ *You Have The Right To Help From SSA*

- The Social Security Administration will complete the application forms for you based on information you give.
- SSA will help you get documents you need to show that you meet the SSI eligibility requirements.
- If you are applying on the basis of disability or blindness, and SSA decides that the medical information needed to make a decision is not available from existing sources, SSA will pay for you to see a doctor. If a medical exam is needed, you must go to the exam in order to receive benefits. SSA may also pay your travel costs to get to this exam.

■ *You Have The Right To A Representative*

- You may appoint someone to help you with your SSI claim and go with you to meetings with SSA.

■ *You Have The Right To A Notice*

- SSA will notify you in writing of any decision about your eligibility or any change in your payment amount. SSA will also send copies of all notices to your representative if you one. Each notice will explain your appeal rights.

■ *You Have The Right To Examine Your File*

- You or your representative may examine the information in your case file, upon request.

■ *You Have The Right To Appeal*

- You may appeal most decisions SSA makes about your eligibility for SSI, or if SSA decides to stop your check.
-

Appendix E
PASS Application

Appendix F
Resources for School Personnel,
Parents, and Students

Resources for School Personnel, Parents, and Students

Handbooks and Brochures

The following are available from the Social Security Administration, Washington, D.C. through the U.S. Government Printing Office.

Red Book on Work Incentives: A Summary Guide to Social Security and Supplemental Work Incentives for People with Disabilities (1995) Publication No. 05-10029

Social Security: What You Need to Know When You Get SSI (1998) Publication No. 05-11011

Social Security: Supplemental Security Income (1998) Publication No. 05-11000

Social Security: Disability Benefits (1998) Publication No. 05-10050

Working While Disabled: How We Can Help (1998) Publication No. 05-10095

Social Security: You May be Able to Get SSI (1998) Publication No. 05-10095

How Social Security Can Help with Vocational Rehabilitation (1994) Publication No. 05-11069

A Desktop Guide to Social Security and SSI work Incentives (1997) Publication No 05-11002

A Desktop Guide to SSI Eligibility Requirements (1998) Publication No. 05-11001

Social Security Update, 1997 (1998) Publication No. 05-10003

Social Security: The Definition of Disability for Children (1997) Publication No. 05-11053

Social Security Programs Can Help (1997) Publication No. 05-10057

Social Security: The Appeals Process (1996) Publication No. 05-10041

Understanding SSI (1997) Publication No. 17-008

Disability Evaluation Under Social Security (1995) Publication No. 468600

Graduating to Independence: Information for Young People with Disabilities (1996)

Available through: Social Security Administration; Office of Disability, Division of Employment and Rehabilitation Programs; 545 Altmeyer Building; 6401 Security Blvd.; Baltimore, MD 21235; (410) 965-5419 or (410) 965-3612.

The following are available from the National Transition Network, Institute on Community Integration (UAP), University of Minnesota, 103 U-Tech Center, 1313 5th St. S.E., Minneapolis, MN 55414, (612) 627-4008:

Parent Brief: *Supplemental Security Income: A Bridge to Work* (January 1998).

Parent Brief: *Supplementary Security Income: So You Have Decided to Apply* (October 1998).

Parent Brief: *Supplementary Security Income: The Appeals Process* (in progress).

Training Materials

Bazelon Center for Mental Health Law, Washington, D.C.

The Advocates Guide for SSI for Children (1998)

SSI-Help for Children with Disabilities (1997)

Cornell University, School of Industrial and Labor Relations Program on Employment and Disability, Ithaca, NY

Building Blocks to Employment: Self Study Guide (1997)

Building Blocks to Employment: Participant Manual (1997)

Building Blocks to Employment: Trainer Manual (1997)

Association of Persons in Supported Employment, Employment Support Institute, Virginia Commonwealth University

Understanding Social Security Benefits (1994)

Project WIN: Work Incentives Network Training Manual (1997)

Sample Student Earned Income and PASS Package for Transition Services (1997)

Sample PASS Package (1997)

Sample IRWE Package (1997)

The Disability Law Center of Boston, Disability Benefits Project

Landry, L. & Cebula (1997) Supplemental Security Income and Social Security Disability Insurance.

Selby, Paul. (1994) Project door's guide to using social security work incentives. Bloomington, Indiana: Indiana University Institute for the Study of Developmental Disabilities.

Computer Resources and Tools

Employment Support Institute. School of Business; Virginia Commonwealth University; Richmond VA 23284-4000; Voice Mail: 804-278-0152; Fax: 804-828-8884; email: <http://www.edu.busweb/esi>; Mark Hill, Director

WorkWORLD. WorkWorld is a software that compares and alternative policy options for government assistance programs by simulating the effects on individuals in various situations and on taxpayers. It calculates the financial consequences of the different policies, and then presents the results both graphically and in numbers. WorkWORLD shows what happens to the net income of individuals receiving various combinations of SSI, SSDI, food stamps, Sections 8 housing subsidies and AFDC when they go to work and increase their earnings. WorkWORLD is not currently available to the general public, however, ESI staff members are available to work groups and teams that want to use the software dynamically in their attempts to devise better strategies and gain consensus. Mark Hill and David Ruth are conducting WorkWORLD demonstrations at various workshops and conferences. Contact David Ruth at druth@vcu.edu for more information.

CareerCALC. CareerCALC, developed by Bob Carison and David Ruth, is a decision support software that helps recipients of SSI plan the use of SSI work incentives and calculate the effect of earnings on their benefits. Employment services providers use CareerCALC to help students, trainees, and supported employees gain access to work incentive funds.

SSA publications on CD-ROM/ POMS, SSA Rulings, and SSA Handbook, with monthly updates, are sold through the Government Printing Office, (202) 512-1800 for \$234.00 per year.

World Wide Web Sites

Social Security Administration: <http://www.ssa.gov>

Center for Psychiatric Rehabilitation, Boston University: <http://web.bu.edu/SARPSYCH/ssawork.html>

Massachusetts Rehabilitation Commission: Statewide Employment Services: <http://www.magnet.state.ma.us/mrc/oes/sswi.htm>

WITNET: <http://www.vcu.edu/rrtcweb/witn/ssi.htm>

Newsletters

Social Security Forum, published monthly. Subscriptions from National Organization of Social Security Claimants' Representatives (NOSSCR), 6 Prospect Street, Midland, NJ 07432.

Social Security/SSI Advocates Information Mailing, published monthly by Ethel Zelenske, National Senior Citizens Law Center (NSCLC). Subscription from NSCLC, 1101 14th Street, Suite 400, Washington, D.C. 20005

SSI Coalition Newsletter, published bimonthly by the Disability Benefits Project at the Disability Law Center. Subscription from the Disability Law Center, 11 Beacon Street, Suite 925, Boston, MA 02108.

Appendix G
Regional Social Security Offices

Social Security Regional Offices

- **Boston Region I**
Regional Commissioner, SSA
Attn: Disability Programs Branch
Room 1100
John F. Kennedy Federal Office Building
Cambridge Street
Boston, Massachusetts 02203
 - **New York Region II**
Regional Commissioner, SSA
Attn: Disability Programs Branch
Room 40-102, Federal Office Building
26 Federal Plaza
New York, New York 10278
 - **Philadelphia Region III**
Regional Commissioner, SSA
Attn: Disability Programs Branch
P.O. Box 8788
3535 Market Street
Philadelphia, Pennsylvania 19104
 - **Atlanta Region IV**
Regional Commissioner, SSA
Attn: Disability Programs Branch
Suite 1902
101 Marietta Tower
Atlanta, Georgia 30323
 - **Chicago Region V**
Regional Commissioner, SSA
Attn: Disability Programs Branch
10th Floor
600 West Madison
Chicago, Illinois 60661
 - **Dallas Region VI**
Regional Commissioner, SSA
Attn: Disability Programs Branch
Room 1440
1200 Main Tower Building
Dallas, Texas 75202
 - **Kansas City Region VII**
Regional Commissioner, SSA
Attn: Disability Program Building
Room 436, Federal Office Building
601 East 12th Street
Kansas City, Missouri 64106
 - **Denver Region VIII**
Regional Commissioner, SSA
Attn: Disability Programs Branch
Room 1194, Federal Office Building
1961 Stout Street
Denver, Colorado 80294
 - **San Francisco Region IX**
Regional Commissioner, SSA
Attn: Disability Programs Branch
75 Hawthorne Street
San Francisco, California 94105
 - **Seattle Region X**
Regional Commissioner, SSA
Attn: Disability Programs Branch
2201 Sixth Avenue M/S RX-53
Seattle, Washington 98121
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Benefits Assistance Resource Center

Vol. 8

April, 2003 Updated, December, 2004

SOCIAL SECURITY DISABILITY BENEFIT ISSUES AFFECTING TRANSITION AGED YOUTH

Part I. The importance of considering Social Security Disability Benefits in the transition planning process.

The successful transition of students with disabilities from school to work and full community participation is a major policy initiative within several federal agencies including the U.S. Department of Education and the U.S. Department of Labor. In recent years, school to work transition has also become a growing emphasis for the Social Security Administration (SSA). Since many students with disabilities are receiving Social Security disability benefits such as SSI or Title II Childhood Disability Benefits (CDB), and so few become employed at substantial levels after completing school, it makes sense for the SSA to be an active partner in these initiatives.

Unfortunately, the impact of Social Security benefits on transition aged youth is seldom considered during the formal transition planning process conducted by school personnel. While this oversight is attributable to numerous factors, it represents a significant "missed opportunity" to educate students with disabilities and their families. Social Security benefits serve as a valuable resource to eligible students as they transition from school to adult life. These benefit programs offer not only cash payments and health insurance, but also include numerous work incentives specifically designed to increase employment and earnings capacity during and after secondary education. Failure to focus on Social Security benefits during transition is not just a missed opportunity, but may also cause harm when students and family members are not educated about nor prepared for the effect of earnings on cash benefits and medical insurance.

If Social Security benefits counseling is such an important aspect of successful transition from school to work, why is it not consistently included in the transition planning process? The answer to this question is multifaceted and is due to breakdowns in several service systems. First, school personnel are typically not aware of benefit issues and often do not consider this life domain to be within the scope of their responsibility. In addition, school personnel seldom ever receive training on Social Security benefits and work incentives. Since this is a complex subject matter, school personnel may feel unprepared to address this issue with students and family members. Another problematic issue that frequently occurs in schools and ultimately leads to deficiencies in the transition process are limited budgets and lack of resources. Many schools simply do not have the money and the personnel to adequately address important transition issues.

Part I. The importance of considering Social Security Disability Benefits in the transition planning process. 1
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Virginia Commonwealth University Rehabilitation Research & Training Center on Workplace Supports

Editors: Lucy Miller and Valerie Broke
Authors: Lucy Miller and Susan O'Mara

School systems are not solely responsible for the failure to include benefits counseling in the transition planning process. State vocational rehabilitation agencies also neglect to focus on this critical service, generally for the same reasons schools do. Again, VR personnel are not fully trained on the complex effects of employment on Social Security benefits, and may not be able to counsel students in this area. Most VR professionals will only meet individually with a transitioning youth during the final year of school which results in too much planning and overall work to be completed in too short a period of time. Even worse is the fact that if a student chooses to withdraw from school, it is then the sole responsibility of the youth and his or family to make contact with a VR representative. These individuals likely will "slip through the cracks" and not receive the services that they are entitled to receive. Finally, while the Benefits Planning Assistance and Outreach (BPAO) initiative funded by the SSA has created a national cadre of certified Benefits Specialists, these specialists are simply not reaching the transitioned aged youth population. As of August 31, 2004, more than 10,521 persons aged 14-22 received BPAO services. This represents only 12.79% of the total population served and represents a relatively low penetration rate with the total transition aged population.

For those Benefits Specialists who are reaching the transition aged population, the counseling provided often is generic in nature rather than custom designed to meet the unique needs and interests of students and their families. As this paper will demonstrate, there are numerous Social Security issues unique to this population that have not been emphasized in the required BPAO training program. It is our hope that this document will add value to benefits planning for transition aged youth by highlighting the critical issues relevant to this group, and providing the technical information necessary to provide competent advisement on these matters.

Part II.

Critical issues for transition aged youth under 18.

Issue: Parents and students are ignorant about SSA disability benefits and associated work incentives and fear that employment will cause ineligibility for benefits.

If you asked parents of school aged children with severe disabilities what their number one concern was, many would express frustration with trying to establish or maintain eligibility for the SSI program and Medicaid. While for some of these families, the need for an SSI cash payment is of paramount importance, most will tell you that the Medicaid coverage is their most critical need. Many children with severe disabilities have significant medical involvement requiring expensive treatments, services, and medications. Often, these medical interventions are not covered by private insurance or the existing coverage involves high premiums, co-payments or deductibles that families can ill afford. The quest for affordable health insurance which covers needed services is often the driving force behind the desire to establish SSI eligibility for school aged youth.

Because SSI is a means-tested program, many children with severe disabilities are not found eligible due to parental income or resources. In other cases, families have trouble obtaining the evidence needed to facilitate a positive disability determination. Either way, Benefits Specialists must recognize that a great deal of time, energy and effort may have been expended to secure the student's SSI benefit. Parent's who have fought a long, exhausting battle to establish SSI eligibility are particularly loath to risk benefits; paid employment is viewed as a significant risk. The risk of employment is felt even more

acutely by parents with children in application status. Before the final eligibility determination is rendered, many families will refuse to even consider allowing the student to participate in paid employment for fear that it will result in a negative determination. In some cases, the family will have been advised by an attorney not to permit the student to work for pay.

Social Security disability benefits folklore among the parents/caregivers of transition aged youth is a powerful force. Unfortunately, most of the information shared among families about Social Security disability benefits is incorrect or at best, incomplete. To make matters worse, this folklore is often inadvertently reinforced by school personnel, VR Counselors, and even SSA Claims Representatives. Families are often so ignorant about Social Security benefits that they do not know which of the various disability payments their child receives, what the eligibility guidelines for that program are, or even how much the monthly payment is. When families are this insecure in their understanding of very basic benefits concepts, it is unreasonable to expect them to grasp the complex effects of employment.

Strategies for Success

1. Be proactive in your approach with families in application status and those who have yet to apply. Conduct seminars about the various Social Security disability benefits programs and discuss eligibility factors in detail. Don't neglect to invite families with children as young as middle school age. The earlier this critical information is delivered, the better for all involved!
2. Benefits Specialists need to spend time explaining Social Security benefits basics before they launch into lengthy explanations of the work incentives. Social Security knowledge is built cumulatively. A person must grasp simple concepts before higher order information can be understood. Use a developmental approach when providing information or training to students, families, and school personnel. It may also be necessary to discuss work incentives numerous times and offer documentation from the SSA that the information being provided is correct before parents are willing to consider paid employment for the student. Use visual aids such as SSI calculation sheets to show how wages would affect the SSI check. Customize the information by providing SSA publications on topics of specific interest to individual families. It may be helpful to use a real-life example such as a youth earning money while working a summer job.
3. Benefits counseling for SSI recipients should emphasize the Student Earned Income Exclusion (SEIE) since most are eligible for this work incentive and it frequently results in ALL earned income being excluded (resulting in ZERO reduction in the SSI cash payment and no change in medical benefits!) Once again, use SSA publications such as the "Redbook" on work incentives to verify that the information being provided is correct. For more information on the SEIE, see the 2005 Student Earned Income Exclusion, Vol. No. 3 Fact Sheet.
4. When working with families in application status keep in mind that most families do not realize that students may have countable earned income up to the current Substantial Gainful Activity (SGA) guideline and still be found eligible for benefits (both SSI and Title 2 Childhood Disability Benefits). In addition, remember that some work incentives (i.e., Impairment Related Work Expenses, Subsidy and PASS) may be applied during the initial application period in order to reduce countable earnings under the SGA guideline. Students who are blind per the SSA definition are exempt from the SGA test entirely during

initial eligibility. Timely information about work incentives can be used to help a student establish eligibility for Social Security benefits while they are employed!

5. An especially effective strategy for easing employment risk aversion is to have families talk to one another about their experiences with employment and SSI. However, it is important that Benefits Specialists pair a new family with one that had a positive experience with employment! Word of mouth is a powerful tool for families with school aged children – use it to your advantage.
6. Benefits Specialists should reach out to attorneys who handle Social Security cases and provide training and support to them on work incentive issues. Developing a collaborative relationship with these attorneys can be beneficial for both parties!

Issue: Application of Parent-to-Child Deeming Rules for SSI recipients under age 18.

When SSA determines the eligibility and amount of payment for an SSI recipient, the income and resources of people responsible for the recipient's welfare are also considered. This concept is called "deeming" and is based on the idea that those who have a responsibility for one another share their income and resources. Since SSI is a means-tested program, the portion of parental income/resources shared with the child is "deemed" by Social Security as being available to that child for the purposes of SSI eligibility and when calculating the amount of the SSI payment. Determining how much of the parental income or resources to count against the child is called "parent-to-child deeming". It does not matter if money is actually provided to an SSI eligible child for deeming to apply.

Families of school-aged children with disabilities really struggle with the concept of parent-to-child deeming. Deeming rules and calculations seem inscrutable to families and are often perceived as "unfair" since they cause so many children with severe disabilities to be ineligible for both SSI cash payments and Medicaid coverage. Since deeming rules are so complex, school personnel, VR staff and even Benefits Specialists are often at a loss to explain the deeming process in a way that is understandable. Parents end up feeling frustrated and powerless. This sense of helplessness contributes to the fear of benefit loss and aversion to the potential risks of paid employment.

Strategies for Success

1. While parent-to-child deeming is certainly complex, the general rules are not beyond the understanding of the average layperson. It is true that Benefits Specialists cannot determine the exact amount of parental income or resources deemed to a child, but a trained Benefits Specialist can explain broad deeming concepts and how the process works. The most important message to pass along to parents is that not all income or resources count – there are myriad deductions and exclusions. Parents should never assume their child is ineligible without completing the application process, nor assume that ineligibility is a permanent condition. Only the Social Security Administration can determine how much parental income is actually deemed. To learn more about the specifics of Parent-to-Child Deeming, read the VCU BARC Parent-to-Child Deeming Briefing Paper, Vol 3.2, July, 2002 at www.vcu-barc.org. This document can be used very effectively to train parents as well as school personnel on key deeming concepts.
2. Deemed income from a parent to an eligible child is treated like unearned income when determining the SSI payment amount. For this reason, children with deemed income have a lower "break-even point". The break-even point

is the point at which total countable income causes the SSI cash payment to be reduced to zero. Benefits Specialists must discuss this effect with parents, but should always point out that use of work incentives such as the Student Earned Income Exclusion in combination with the general and earned income exclusions and the SSI one-for-two reduction often causes earned income to be completely disregarded. Students receiving SSI always come out ahead by working.

3. Benefits Specialists must also remember that since deemed parental income is counted as a particular type of unearned income for SSI, it may be used to fund a Plan for Achieving Self-Support (PASS). PASS is a work incentive under which individuals with disabilities may set aside income and/or resources to be used to achieve a specific occupational goal. A PASS can be established to cover the costs of education, training, starting a business, or buying support services and equipment needed to work. Funds set aside in an approved PASS do not count when determining SSI eligibility or SSI payment amounts. A student with deemed parental income actually has an advantage when it comes to writing a PASS since he/she has income and/or resources to set aside in the PASS without even going to work. For students under age 22 without any unearned income (such as deemed income from the parents), a PASS can be difficult to use since most if not all earned income will be already excluded by the student earned income exclusion.

Using deemed income in a PASS is not difficult. Simply verify the amount of income SSA has determined to be deemed and have the parent(s) contribute that amount of income into the PASS account each month. Deemed resources may be treated in the same manner. Rather than viewing parental deemed income as a thing to be avoided, Benefits Specialists need to see it as a potential opportunity to help students achieve long-term career goals. Keep in mind that a Plan for Achieving Self Support may also be used to help a student become initially eligible for SSI. If deemed income has precluded eligibility in the past, this income can be set aside in a PASS and thus disregarded during the SSI eligibility determination. Assuming all other SSI eligibility criteria are met, Benefits Specialists can use work incentives to reduce countable income and/or resources, thus allowing the student to receive SSI and Medicaid.

Some Information About SSI and Child Support Payments

Some parents of children receiving SSI pay court-ordered support payments. The court-ordered support payments are not counted as part of the parents' income and, therefore not part of the income deemed from parents to children. Child support payments received for a child are counted as direct unearned income for the child SSI recipient. This rule applies whether the child support is paid in cash or in-kind. In-kind support is a phrase the SSA uses to describe goods or items other than money that are given to the eligible child or custodial parent to provide food, shelter, or clothing.

If the eligible child is under age 18, the SSA deducts one third of the value of the cash support before applying the amount received in the benefit calculation formula. If the eligible child receives in-kind items (food, clothing, shelter) from an absent parent, SSA applies the one-third child support exclusion to the value of the in-kind items, compares this to the Presumed Maximum Value, and counts the lesser amount as the child's income. The Presumed Maximum Value is one-third of the SSI Federal benefit rate plus \$20.00.

Example #1:

Fred is under age 18 and receives SSI benefits. Fred's mom receives \$300.00 per month in child support for him. One-third of the child support (\$100.00) would not be counted. Fred would be considered to have \$200.00 in unearned income for benefit calculation purposes.

If the eligible child is over 18 and no longer meets the definition of a child (adult child), the support payment is counted the same as other types of unearned income for the eligible individual. This rule also applies if the support payment represents arrearages and the eligible individual is paid directly or paid to a parent that gives the arrearage to the eligible individual. If the parent does not give the arrearage payment to the adult child, the support arrearage is unearned income to the parent that received the payment. For an adult over 18, the full value of in-kind support is considered unearned income, subject to the Presumed Maximum Value (PMV) rule.

Example #2:

Fred's mom receives \$600 worth of clothes and food in a month for Fred from Fred's absent father. After the one-third reduction, the child support would be worth \$400.00. Since the child support is in-kind income (clothes and food) the amount counted as unearned income is \$204, limited to the Presumed Maximum Value (PMV). The Federal Benefit Rate (FBR) in 2005 is \$579.00. The Presumed Maximum Value (PMV) for 2005 is \$213.00 or 1/3 the FBR + \$20.00. In this example, Fred has no other income, so his benefits amount would, hypothetically, be calculated as follows:

Unearned income:	\$204.00
-General Income Exclusion:	\$ 20.00
<u>Countable unearned income:</u>	<u>\$184.00</u>
Maximum SSI payable:	\$579.00
Countable unearned income:	\$184.00

For more information about support payments and Supplemental Security Income benefits refer to:

POMS SI 00830.418	Alimony and Spousal Support
POMS SI 00830.420	Child Support Payments
POMS SI 00835.300	Presumed Maximum Value Rule

Issue: Transition Aged Youth Receiving Title II Benefits

There is a common misconception that all students with disabilities receiving cash benefits from the Social Security Administration are getting SSI. Although most students with disabilities would be receiving Supplemental Security Income or SSI payments, by no means does this apply to ALL students. A small percentage of transition aged youth will be receiving Title II Social Security disability benefits such as SSDI or more commonly Childhood Disability Benefits (CDB), while still others receive a Social Security child's benefit that is completely unrelated to disability. Once again, the problem with this confusion is that neither parents nor school personnel understand that different Social Security benefit programs exist, nor that these benefits vary widely in how they function. Let's take a look at these programs, how students are found eligible and the differences in how these benefits work.

Title II Child's Benefits

This type of Social Security benefit has nothing to do with being disabled, but rather is paid to dependent children of certain insured workers. Even if the child has a disability, the child receives regular child's benefits until the age of 18. Child's benefits may be paid to multiple children and in some cases a caregiving parent up to family maximum. To be entitled to Title II child's benefits, an individual must have filed an application for child's benefits and must be:

- a. The child of an insured worker who is deceased, retired and collecting Social Security retirement benefits or disabled and collecting SSDI.
- b. Dependent upon that insured worker
- c. Unmarried (with some exceptions)
- d. Under age 18; or if age 18 or over, a full-time elementary or secondary school student under age 19.

Eligibility for child's benefits hinges primarily on how SSA defines the words "child" and "dependent". The regulations surrounding the Social Security Administration's definition of a child are very complex, covering situations such as adoption, stepchildren, grandchildren, illegitimate children and numerous other convoluted familial relationships. Dependency is also defined very precisely and is related to where and with whom the child lives and how much financial support is provided. It is impossible for Benefits Specialists to make determinations on these matters. Only SSA personnel have the authority to decide when an individual meets all the requirements to be eligible for a Title II child's benefit.

Benefits Specialists do need to know when a transition aged youth is receiving a Title II child's benefit. This can be verified by sending a signed release of information form to SSA. The reason for knowing this is that the effect of earned income on Title II benefits is completely different than for SSI, SSDI, or CDB, and are described briefly below.

The Annual Earnings Test

People who receive Title II Social Security benefits not based upon disability are subject to a "test" that determines if they were eligible for all of the cash benefits they received in a year. This is called the Annual Earnings Test (AET). Each year, an "exempt amount" is established. Only countable earnings over the exempt amount will affect the beneficiary's Social Security payments. The exempt amount of gross earnings (or net earnings from self-employment) is fairly high when compared to earnings limits under the Title II disability programs. The Annual Earnings Test never applies to SSI benefits.

Example:

Alexandra is 17, and working in the summer prior to going to college. Alexandra receives a Social Security Title II child's benefit on her mom's work record. Alexandra makes \$2,150.00 in 2005 in her summer job. Since the AET limit in 2005 for people on Title II child's benefits is \$12,000.00, these earnings will be exempt and have no affect on Alexandra's benefits.

If a youth generates earned income that exceeds the annual earnings test, the SSA should be notified. SSA will recover \$1.00 of child's benefits for every

\$2.00 of earned income over the exempt amount. In most cases, this will result in entire benefit checks being withheld until any overpayment has been recovered. Since it is unlikely that school aged youth would earn more than the AET, we will limit further discussion of overpayment recovery. In the unlikely event that earnings do exceed the AET, refer to POMS RS 02500.000 – Annual Earning test Subchapter Table of Contents for more information.

Note: Social Security Child's benefits and Childhood Disability Benefits (CDB) are completely different programs. A child's disability cannot be established prior to age 18 for Social Security Childhood Disability Benefit purposes. For youth with disabilities under the age of 18, the Annual Earnings Test would apply because the Social Security program received would be child's benefits, not CDB. Once the youth turns 18 and the disability determination is made, the Annual Earnings Test would no longer apply since the benefit received would be CDB. From this point forward, the youth could access the Title II disability work incentives. Keep in mind that Title II child's benefits may continue up to the age of 19 years and 2 months if the beneficiary fails to meet the disability criteria and is attending elementary or secondary school on a full-time basis.

Childhood Disability Benefits

Social Security Childhood Disability Beneficiaries (CDB) are adults with disabilities who do not have sufficient work credits for insured status, but receive a Title II benefit based upon a parent's insured status. To be eligible for CDB, individuals must be at least 18 years old, disabled by SSA's definition before the age of 22, the child of an insured worker who is either deceased, retired and collecting SSA benefits, or disabled and drawing an SSDI benefit, and unmarried (with some exceptions). This program was previously referred to as "Disabled Adult Child" or DAC benefits.

Some things to remember about CDB benefits:

- ◆ A person receiving Title II child's benefits up to the age of 18 must apply for CDB and complete the disability determination process to get CDB payments. If eligible, the individual will be switched from child's benefits to CDB as soon as the youth turns 18.
- ◆ Unlike SSDI, there is never a 5-month waiting period for disability benefits under the CDB provisions.
- ◆ The 24-month Medicare Qualifying Period (MQP) applies to CDBs. This means that Medicare coverage cannot begin until the beneficiary is 20 years old, or 24 months after the 18th birthday.
- ◆ Benefits will stop if the individual marries, unless the spouse is also someone who receives a Title II Social Security benefit (except a child's benefit). Keep in mind that SSI is not considered a Social Security benefit. If the spouse only receives SSI, the CDB benefit should stop the month of marriage.
- ◆ If an individual becomes ineligible for CDB, that individual must become re-entitled within 7-years of termination, or the person loses the possibility of being entitled on that parent's work record.
- ◆ The same work incentives apply to all persons receiving a Social Security benefit due to disability, whether that benefit is SSDI, Disabled Widow(ers) Benefits, or CDB.

- ◆ It is possible to collect a Title II benefit on two work records simultaneously: SSDI on your own record and as a CDB on an insured parent. This is known as being “dually eligible”.

Social Security Disability Insurance (SSDI)

Social Security Disability Insurance (SSDI) program provides monthly cash benefits for former workers, under age 65, who become disabled. Individuals may receive an SSDI payment if they meet SSA's definition of disability, have sufficient work credits to be fully insured as a former worker, and be insured for disability status (this last requirement does not apply to blind individuals). The SSDI cash benefit received by an individual is related to how much that person earned and how long the person was employed. Unlike the SSI program, unearned income and resources are not considered and have no bearing on eligibility or payment amount.

There is a common misconception that young people under the age of 18 may not receive an SSDI benefit. In fact, there is no age limit of this type within the SSDI program. Establishing eligibility for SSDI can happen quite quickly for younger persons since fewer “work credits” are needed for those who become disabled before the age of 24. While Benefits Specialists will encounter relatively few transition-aged youth receiving SSDI, it does happen and should be watched for. For more information on eligibility for SSDI, refer to POMS DI 10105.000 or RS 00301.000.

Concurrent Beneficiaries

A “concurrent beneficiary” in Social Security parlance, is someone who receives Social Security Title II benefits such as SSDI, CDB or Child's benefits, and also a reduced SSI payment. Concurrent beneficiaries receive two separate checks each month (one for the Title II benefit and one for the SSI), as well as both Medicare (after the 24-month Medicare Qualifying Period) and Medicaid.

A concurrent beneficiary may begin as an SSI recipient who subsequently becomes eligible for a Title II payment. An example of this would be when a parent dies, retires, or becomes disabled and starts to collect Social Security that could trigger eligibility for Childhood Disability Benefits. In this case, the student would get a CDB payment that would count as unearned income for SSI. The SSI check would be reduced or eliminated depending on the amount of the CDB payment. A concurrent beneficiary may also be created when a youth who is receiving Title II payments subsequently meets the eligibility criteria for the SSI program. An example of this might be a student on child's benefits whose parents become unemployed, thus lowering the amount of deemed income that previously prevented the child from receiving SSI.

In all concurrent cases, Title II benefits take precedence since these are entitlement programs. Once the Title II benefit has been determined, eligibility for SSI is assessed. The Title II payment benefit is considered unearned income for the purposes of determining both eligibility for and the amount of the SSI benefit. There is no choice when determining which benefits a beneficiary will receive since SSI is the payer of last resort in all cases. If there are any other benefits available, those must be accessed first and will be taken into consideration when determining SSI eligibility. If a youth is potentially eligible for a Title II benefit, he/she must apply or risk losing SSI eligibility. The concurrent beneficiary must also meet all applicable income and resource tests for the SSI cash benefit.

1. Benefits Specialists must never assume that all transition aged youth will be receiving SSI benefits. A surprising number will be getting Title II payments (Child's benefits, CDB or SSDI), or Title II in combination with SSI (concurrent beneficiary). Case specific advisement on work incentives should never be provided until benefit types and amounts have been verified by the Social Security Administration. Far too few Benefits Specialists take the time to complete this essential step. The result is that students and family members are given inaccurate or incomplete information about the effect of earnings on benefits. Benefits may be verified by sending a signed release of information form to the local field office, or by having the beneficiary request a statement of benefits from the SSA 800 line by calling 1-800-772-1213. Case specific benefits advisement in advance of verification is an irresponsible act to be avoided at all costs!
2. Benefits Specialists must learn the specifics of how earnings impact the various Title II programs and be prepared to share this information with students, family members, teachers and VR Counselors. It is not enough to understand the work incentives for SSI and Social Security disability programs when serving transition aged youth! It is important that Benefits Specialists constantly stress the fact that numerous Social Security programs exist and that they function very differently from one another.
3. Students who are concurrent beneficiaries need to have extra attention paid to their situations. More time will be needed to discuss the various Social Security benefit programs and work incentives and more time may be needed to help monitor benefits after employment begins. In addition, Benefits Specialists should remember that concurrent beneficiaries are natural PASS candidates since they have a source of unearned income to fund the plan prior to employment. The advantages of PASS should be discussed in detail with transition aged youth who are concurrent beneficiaries.

Part III.

Critical issues related to the 18th birthday.

Issue: The SSI Age 18 Redetermination

Parents of children with severe disabilities who are awarded SSI benefits and Medicaid are generally relieved when this eligibility is established. They believe that a major hurdle has been cleared and think that they have secured a lifelong benefit for their child. Unfortunately, this perception is wholly inaccurate. Since the adult definition of disability for SSI is different than that for children, individuals who are found eligible for SSI under the childhood disability definition are required to go through a full disability "redetermination" after reaching the age of 18. The SSA calls this process the "age 18 redetermination." Parents must be aware that SSI benefits are not "for life" and are not an "entitlement." The sooner the facts are realized, the easier it is to prepare for the Age 18 Redetermination.

The age 18 redetermination will occur at some point after the 18th birthday. It may occur at a regularly scheduled Continuing Disability Review (CDR), or at another point as determined by the SSA. In general practice, the age-18 redetermination usually occurs within 12 months after the 18th birthday, although this is not required by regulation. An individual

who is NOT determined eligible for SSI benefits as an adult will be entitled to receive two more months of payments after the date of determination. This means the date on which the recipient is notified of the outcome of the age 18 redetermination. Overpayment may be considered if an ineligible individual continues to receive payments after the two-month grace period. For individuals found ineligible under the adult rules, the Social Security Administration does NOT seek recovery of all SSI payments received after the birthday month, but only those received after the determination is made and the two grace months are over. For more information about the age 18 redetermination process, see the VCU BARC fact sheet entitled: "Supplemental Security Income and Age 18 Redetermination."

A significant problem related to the age 18 redetermination is that SSI recipients and their families typically have no idea that this process occurs, nor how it differs from the regularly scheduled CDRs. Unfortunately, the age 18 redetermination has negatively impacted many young adults, particularly those with respiratory, endocrine, and cardiovascular disabilities, as well as those living in southern states. Overall, Social Security estimates that 37% of all young adults who are redetermined fail to meet the adult disability standards. This ineligibility causes the loss of SSI cash payments and associated Medicaid coverage. Failure to establish SSI eligibility at Redetermination also means losing access to valuable work incentives at a critical transition point for youth. In addition, when eligibility ends a student no longer has access to the Ticket to Work program.

Strategies for Success

1. Benefits Specialists can have a huge impact if they focus their efforts on early planning and preparation for the age 18 redetermination during the transition process. First and foremost, students, families, school personnel, and VR staff should be given detailed, understandable information about the redetermination process during the very earliest stages of transition planning. Specifically, the Benefits Specialist must discuss how information will be gathered that contributes to the part of the redetermination that examines the recipients' future ability to earn income through paid employment. In addition, a contingency plan must be developed in case SSI eligibility is lost. This plan must include strategies for meeting the youth's support needs for work and community living and for securing appropriate medical insurance.
2. Fear of the age 18 redetermination process creates significant uncertainty regarding the impact of work/earnings on the disability determination. Many families are under the mistaken impression that SSI recipients must not be working at any level when the redetermination occurs. In fact, the SGA step of the sequential evaluation process does not apply to these disability redeterminations (POMS DI 23570.020 - Development and Evaluation of Childhood and Age 18 Disability Redeterminations). This means that a transition aged youth may be employed above the SGA guideline and still be found eligible for SSI under the adult rules during the age 18 redetermination as long as the disability standard and all other SSI eligibility criteria are met. Benefits Specialists must stress this point repeatedly with all concerned parties. There is no reason to hold back on paid employment until after the student successfully completes the age 18 redetermination. There is no reason not to engage in paid employment before, during or after the redetermination! This fortifies the previously stated point that if all SSA rules and regulations are followed correctly and all incentives are utilized correctly, pre-adult SSI recipients should not be penalized for working and earning money.

3. Benefits Specialists must remember that disability benefit payments may continue even though the student is not found to meet the adult definition of disability if eligibility can be established for "Section 301" status. Payment of benefits under Section 301 is highly restrictive and requires that the beneficiary be actively participating in an approved vocational rehabilitation program prior to the determination. In addition, SSA must determine that continued participation in the VR program is likely to result in permanent removal from the disability rolls. For more information about Section 301 provisions and how they work, see the Section 301 Briefing Paper at www.vcu-barc.org.

Benefits Specialists need to understand that most VR counselors and school personnel are completely unaware of the Section 301 provisions. Students at risk of termination due the age 18 redetermination need to receive information about Section 301 continuation of benefits after medical recovery early on. These students will need to access vocational rehabilitation services prior to the turning 18 if Section 301 is a possibility. The Benefits Specialist may need to keep a close watch on these students as DDS does not always identify those who may be eligible for Section 301 when a Medicaid determination is made. The Benefits Specialist may need to act as a coordinator to facilitate a successful Section 301 determination since the local SSA Field Office may not have experience with these rather rare cases and the other involved parties (state VR agency, private VR provider, and school) may not know this provision exists. Keep in mind that individuals receiving benefits under Section 301 are not eligible for a Ticket from the Ticket to Work program.

Issue: Parent-to-Child Deeming Stops

While we have already covered the issue of parent to child deeming above, it is important to recognize that the 18th birthday marks the end of "deeming" from ineligible parents to eligible SSI recipients. In-kind Support and Maintenance (ISM) is food, clothing, and shelter that is provided to an SSI eligible individual. ISM counts as unearned income if the eligible individual does not pay for it. When deeming applies to a child under age 18, food, clothing, and shelter provided by the parent to the child is not counted as income. When deeming ends, the food, clothing and shelter is counted as income (ISM) if the child does not pay for his or her share of these items. Once a student turns 18, the income and resources of the parents are no longer considered in making SSI eligibility determinations or in calculating the amount of the SSI payment. At this point, only the income and resources of the eligible individual are considered. Some youth may now become eligible for SSI who were not eligible before due to deemed parental income and/or resources. Transition aged youth who were denied SSI as children should be encouraged to reapply upon turning 18. Receipt of an SSI benefit can aid in the transition process by providing the student with cash resources, Medicaid coverage and access to valuable work incentives.

Although parent to child deeming ends at the age of 18, another important SSI concept known as "in-kind support and maintenance" or ISM begins at this point. Basically, in-kind support and maintenance is unearned income attributable to the eligible individual in the form of food, clothing, or shelter that is given to the individual or received because someone else pays for it. In-kind support may be provided by someone who resides in the same household as the recipient (such as a parent), or by someone outside of the household. ISM can cause a person to be ineligible for SSI benefits, as well as reduce the amount of benefits paid. SSA uses two rules to determine the value of the in-kind support and maintenance (ISM) an individual receives:

- ◆ The Value of the One-Third Reduction (VTR) rule is applied when the eligible individual lives in another person's household for a full calendar month and receives both food and shelter from that person and does not pay his or her fair share for it.
- ◆ The Presumed Maximum Value (PMV) rule is applied when an eligible individual receives ISM and the VTR rule does not apply (see POMS [SI 00835.300](#)).

These two rules are mutually exclusive. When the VTR rule applies in any one month, the PMV rule cannot apply. Social Security carefully assesses an SSI recipient's living arrangement (LA) to determine whether in-kind support and maintenance (ISM) is being received, and subsequently, if ISM is being received, whether the ISM is to be valued under the VTR rule or the PMV rule. Because of this, an SSI recipient's living arrangement can be a critical factor in determining both eligibility and cash payment amount. Living Arrangement and ISM determinations are detailed and complex. For more information, see POMS SI 00835.000 Living Arrangements and In-Kind Support and Maintenance – Subchapter Table of Contents.

Strategies for Success

1. Benefits Specialists should actively encourage transition aged youth who were unable to establish eligibility for SSI due to deemed parental income to reapply for benefits after the 18th birthday. It is important to remind students and families that the SGA test will apply during the initial application process, so students earning more than the current SGA guideline will not be found eligible. However, once eligibility is established, the SSI work incentives enable eligible students to work with very little negative impact on benefits. In almost every instance, SSI recipients come out financially ahead by working. While these issues may not seem relevant until after SSI benefits are attained, the SSI work incentives should be discussed as early as possible for any student who may establish eligibility in the future.
2. The end of parent-to-child deeming can also have a significant impact on transition aged youth who already are receiving SSI. For these students, turning 18 may mean that the SSI check will increase – sometimes substantially! Benefits Specialists should identify students affected by parent-to-child deeming and encourage their families to contact the SSA for a re-assessment of countable income and resources immediately after the 18th birthday. A higher SSI check also means a higher break-even point allowing more income to be earned before cash benefits are reduced to zero. This higher break-even point often helps families and students feel more comfortable about working.
3. Benefits Specialists need to offer clear and concise information about the change from deeming to in-kind support and maintenance calculations and the VTR/PMV rules. Most recipients and their families have little or no understanding of these concepts. It is common for SSI recipients to experience a one-third reduction of the SSI due to incorrect application of the VTR rules. This happens because families do not correctly answer questions SSA poses about whether or not the youth is paying anything toward his/her fair share of the household expenses. Parents often think that having the eligible child

make a financial contribution to household expenses is not permitted by the SSA. In fact, if the parents do not ask the child to contribute, SSA will conclude that in-kind support and maintenance is being provided and will apply the VTR rules. This will result in a full one-third reduction of the current SSI federal benefit rate. In these situations, a little bit of information supplied at the right time can make a significant difference in the SSI monthly payment. Again, the importance of this correction is to gain a higher base benefit, thus raising the break-even point.

Issue: Eligibility for Childhood Disability Benefits (CDB) may begin at age 18

As mentioned previously, turning 18 can also have implications related to Title II eligibility. Students on Title II child's benefits may lose cash payments entirely unless eligibility for CDB can be established. In addition, SSI benefits may be reduced or lost entirely due to establishing eligibility for Childhood Disability Benefits. In many instances, SSI recipients establish eligibility for additional CDB payments and become concurrent beneficiaries. All of these changes are triggered by the 18th birthday and none of them can be readily avoided. In the overwhelming majority of cases, parents and students are completely unaware of these potential changes and are ill prepared to deal with them.

Strategies for Success

1. While change can be frightening and stressful, not all Social Security benefit changes are "bad". Benefits Specialists can do a great deal to minimize the uncertainty by providing information about the various disability programs, their eligibility requirements, and associated work incentives well in advance. While SSI may be more "work friendly" than the Title II disability programs, CDB certainly does have some advantages – not the least of which is the potential for a monthly payment higher than the SSI FBR. Benefits Specialists should not present these potential changes in a negative light – they are not necessarily events to be feared by students and their families. The best strategy is to portray these changes in a neutral manner, fully explaining both the positive and negative features. Once again, the earlier these discussions take place, the better for all concerned.
2. It is not uncommon for Benefits Specialists to characterize becoming a concurrent beneficiary as a thing to be avoided at all costs. This is unfortunate. While concurrent beneficiaries certainly have more complicated benefit situations when they go to work, they do have access to work incentives, without exception. Concurrent beneficiaries can apply the various work incentives in myriad combinations; some work incentives can be applied to both SSI and Title II disability programs simultaneously! In addition, a concurrent beneficiary has a form of unearned income (Title II payment) that can be set-aside in a PASS to help achieve a future occupational goal. This is a very positive feature that should be emphasized during counseling.
3. Benefits Specialists must not forget to talk to students and families about the possibility of establishing eligibility for SSDI benefits by working – even working part-time. This is particularly important for SSI recipients as it will generally cause these youngsters to become concurrent beneficiaries. As stated above, while this potential should not be feared particularly, it is something to be aware of and planned for. Parents often will ask a Benefits Specialist to predict when SSDI eligibility will occur, which is an impossible task. Benefits

Specialists should not even attempt to make this prediction. It is best to refer the family to SSA for assistance with this task, although most SSA employees will also resist trying to determine this since so many inter-related factors are involved. There is one fact that a Benefits Specialist can discuss with the family, which is that working consistently over the current SGA guideline will cause an SSI recipient NOT to establish eligibility for a Title II benefit. In this case, it is working MORE, not less which will help the student avoid becoming a concurrent beneficiary, or being switched entirely over to a Title II benefits (either SSDI or CDB).

4. Finally, transition aged youth and their families often fear that establishing eligibility for Title II benefits can cause the complete loss of SSI and more importantly, Medicaid. This is a legitimate fear if eligibility is established for SSDI and the resulting benefit exceeds the current unearned income limit for SSI. Fortunately, this instance is extremely rare for transition aged youth since they typically have not earned enough work credits to result in such a high benefit payment. However, the loss of SSI benefits due to establishing eligibility for CDB does occur within the transition population. Fortunately, there is a special extended Medicaid provision for individuals who lose SSI eligibility due to entitlement for or an increase in Childhood Disability Benefits after July 1, 1987. This special Medicaid protection is widely unknown to education or VR professionals. Benefits Specialists need to stress this critical provision in training on benefit issues for transition aged youth and may need to offer support to families to make certain the provisions are applied properly. In some states and locales, the agency administering Medicaid programs routinely fails to identify eligibility for this special category. For more information on this topic, see POMS SI 01715.015 - Special Groups of Former SSI Recipients.

Issue: Legal Adulthood and Representative Payeeship

The 18th birthday marks the beginning of legal adulthood in our society, regardless of whether an individual has a disability or not. Social Security beneficiaries and SSI recipients who are 18 or over are viewed by the SSA as their own legal guardians with full legal power to sign documents, enter into contracts, vote and enjoy all other rights and responsibilities afforded to adults. Unfortunately, parents of young adults with disabilities often do not understand that this is the case. Many parents of young adults without a disability resist believing this transition occurs at age 18. It can be an even stronger sense of resistance for those parents of 18 year olds who do have a disability. Many parents of young adults without a disability resist believing this transition occurs at age 18. It can be an even stronger sense of resistance for those parents of 18 year olds who do have a disability. In many instances, parents assume that a young adult who is severely disabled is not afforded adult status, but continues to be the legal dependent of the parent indefinitely. Unless the parent has gone to court and established formal legal guardianship over the young adult, that individual is viewed as an adult. Family members also tend to confuse legal guardianship with representative payeeship. These two concepts are completely unrelated.

Representative Payees

A representative payee is someone who receives and manages Social Security or SSI benefits on behalf of another person. A representative payee may be necessary due to

either incapacity or to the youth of a beneficiary. Representative payees have authority only over the distribution of the individual's benefit checks—it is a status assigned by the SSA solely for the purpose of managing the beneficiary's benefits. Payees are not legal guardians and are not authorized to be representatives in any area other than Social Security or SSI payments.

Representative Payees must report annually how they have used the Beneficiary's money. They should retain receipts for expenditures to demonstrate that the money was used for the beneficiary. Payees are responsible for reporting all relevant changes to the Social Security Administration that may affect the individual's entitlement to benefits or payment amount. The payee must not merely act as a conduit or use funds improperly (i.e., not for the beneficiary). If the payee misuses funds, the payee is liable to repay the money to the beneficiary. If there is money left over, the payee must invest or conserve it for the use of the beneficiary.

For children under the age of 18, the need for representative payeeship is assumed by Social Security (an emancipated youth could assume responsibility for managing their own benefits under certain circumstances). When an individual turns 18, SSA will review payeeship status to see if changes are needed. This review takes place at the time of the age 18 redetermination or CDR. If the beneficiary wishes to become his or her own payee, or wishes a different Representative Payee the request for the change should be made in the local Social Security office. The SSA will evaluate the situation, and will assign a new payee if that appears to be in the best interest of the beneficiary. If an adult who has had a payee wishes to become his or her own payee, the person may need to provide medical evidence that the beneficiary is now able to be responsible for his/her own payments.

Strategies for Success

1. As with so many issues in transition planning, the key to success is starting early and keeping at it. The same holds true with guardianship and payeeship issues. Benefits Specialists should begin talking to transition aged youth and their parents about the rights and responsibilities associated with adulthood as early as possible. Families need to have very specific information about all the different options available and should be encouraged to start thinking about supporting the student to become as independent as possible. Schools need to include both basic financial management skills and benefits management skills in the core curriculum offered to transitioning students. Benefits Specialists can help reinforce this skill development process by offering short seminars on various benefits management subjects to both young adults and their family members. Just talking about these issues informally is not sufficient to get the job done. Formal skill training is essential.
2. Benefits Specialists need to fully understand the process SSA uses to make and change payeeship decisions and should counsel students and families about these issues. Unfortunately, the idea of young adults with disabilities managing their own benefits and finances is still viewed as a radical notion to many parents, teachers and VR counselors. Once again, time and energy needs to be expended on helping transition aged youth develop the skills necessary to become their own payees, whenever possible.
3. A big mistake Benefits Specialists make is assuming that families understand the responsibilities that come with serving as a representative payee. In addition, students who receive their own benefits often have no understanding of what they must report to the SSA. This ignorance is not just unfortunate, but dangerous. Failure to report relevant information to SSA often causes substantial overpayment of benefits that can take many years to pay back. Ben-

efits Specialists in collaboration with schools and VR counselors should provide formal training on reporting responsibilities and how best to communicate with the SSA about benefits. By doing this, Benefit Specialists, school personnel, and VR Counselors will make their jobs easier and ultimately make the jobs of SSA personnel easier as well. Especially important is the fact that this will help to quell the all-too-common belief of families and payees that SSA is unfair in their actions. As one can imagine, avoiding overpayments and subsequent paybacks go a long way in strengthening SSA's relationship with its beneficiaries.

Part IV.

Benefit issues for transition aged youth 18 and older.

Transition issues related to Social Security disability benefits do not stop being relevant once a beneficiary or recipient turns 18. On the contrary, some of the most important options and work incentives just begin at this point. In this section, some of the most important points for Benefits Specialists to focus on while counseling the transition aged population are highlighted.

- ◆ While the student earned income exclusion is a wonderful work incentive, it has several negative aspects that need to be considered. First and foremost is the difficulty students have in using SEIE in combination with PASS. Since SEIE allows so much earned income to be excluded, it leaves little countable income with which to fund a Plan for Achieving Self Support. There are some instances in which a PASS would be more beneficial for the long-term career development of a student, but is not usable due to SEIE. A potential solution to this problem lies in the SEIE. Since so much earned income can be excluded, students could take these wages and put them in the bank. The PASS could be used not to set aside INCOME, but RESOURCES. These two concepts are quite different from Social Security's perspective. By using the SEIE and PASS in combination like this the young adult could actually save for post secondary education or training that would lessen future dependency on VR funds or educational loans. While using the SEIE, the student would keep most if not all of the SSI payment intact while saving for an education.
- ◆ Benefits Specialists must also remember that eligibility for the SEIE is not automatic. A student who leaves home and established his/her own household, gets married or quits school will lose this valuable work incentive. The SEIE can be used as a powerful incentive to encourage youth to stay in school if they understand the financial consequences of dropping out. How often are these consequences made clear to the student? In addition, for students who earn significant amounts, it is important to remember that all other SSI work incentives can be applied to any remaining income after the student earned income exclusion has been exhausted, or for young adults who are not eligible for SEIE.
- ◆ Benefits counseling for transition aged youth on SSI must emphasize the advantages of continued Medicaid under the 1619b provisions. This is arguably the most powerful SSI work incentive currently in existence. For more infor-

mation on this topic, see the VCU BARC Briefing paper entitled "Understanding 1619b". Benefits Specialists must also be prepared to discuss the Medicaid buy-in program available in the state as well as other Medicaid waiver programs. While understanding the eligibility requirements for these programs is important, counseling must also include a comprehensive review of how these programs are affected by earned income. In some states, the Medicaid waiver programs have adopted the institutional rules for income. This may mean that any income (earned or unearned) over the FBR plus the \$20 general income exclusion must be paid back to the state to help offset service costs. These rules vary widely by state and must be researched fully by Benefits Specialists. Don't forget to discuss the extended Medicare provisions with all Title II disability beneficiaries. These provisions guarantee at least 93 months of premium free Medicare coverage after the completion of the trial work period to eligible persons who lose cash benefits due to wages.

- ◆ Multiple sources of funding are potentially available to fund education and career development that can be used in combination with a PASS. Benefits Specialists need to be aware of options such as state VR support and Individualized Training Accounts (ITAs) provided by One-Stop Career Centers. These funds are typically paid directly to the educational or training entity and are not counted as either income or resources for SSI purposes. The addition of these funds to the PASS will not only enable the career goal to be met sooner, but add power to the plan itself. A PASS that includes multiple funding streams is often more readily approved by SSA than one that relies solely on PASS contributions.
- ◆ For youth receiving Temporary Aid to Needy Families (TANF), there may also be access to an Individual Development Account or IDA. An IDA is a special bank account that helps an individual save for an education, the purchase of a first home, or to start a business. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 authorized States to use money from their TANF grant to fund IDAs. Earnings from work are used to set up an approved bank account for an IDA. Any earnings an individual contributes to a TANF IDA are deducted from wages when determining countable income for SSI purposes. State matching funds that are deposited in a TANF IDA are excluded from income as well as any interest earned on the individual's own contributions. For more information on SSI and IDAs, see POMS SI 00830.665 - Individual Development Accounts (IDAs)—TANF Funded.
- ◆ Student financial assistance received under Title IV of the Higher Education Act such as PELL and Supplemental Educational Opportunities grants and federal work-study are income not counted for SSI purposes. Benefits Specialists need to discuss the educational loans with transition aged youth to help them select the best way to finance their education or career goals.
- ◆ Finally, since marriage is part of adult life, keep in mind that SSI recipients who marry an ineligible spouse will be subject to spouse-to-spouse deeming. Even if the spouse is an eligible individual, there are financial consequences to marriage for an SSI recipient. Benefits Specialists must be prepared to offer specific advisement about the effect of marriage upon benefits, particularly if earned income is involved. While SSDI is not affected by marriage, Childhood Disability Benefits are. Marriage to someone other than certain Title II beneficiaries will cause termination of CDB on that parent's work record. Once termination on that work record occurs due to marriage,

it cannot be accessed for a benefit again. The rules about marriage are complex. All questions about when marriage counts should be referred to SSA personnel.

- ◆ For young adults receiving SSDI or CDB payments, certain income received while participating in vocational training programs that meet SSA's definition of "training stipends" may not count as income for purposes of TWP/EPE or SGA determinations. A training stipend is defined as money received in programs partially or entirely devoted to training to cover the costs of training subsistence and transportation expenses. In most cases, training stipends are paid directly to beneficiaries by state VR agencies. Benefits Specialists should not assume that all funds of this type meet SSA's definition of a training stipend. The state VR program should have a letter of approval from the SSA to verify that the income is excluded. Benefits Specialists should be mindful of this important exclusion and should have a copy of any correspondence from SSA that documents this exclusion for state VR training programs.
- ◆ Finally, although the Ticket to Work program only offers a Ticket to eligible beneficiaries or recipients who are age 18 or older, Benefits Specialists should begin discussing the Ticket to Work program much earlier than this. In many cases, it will take time to decide on an occupational goal and select an Employment Network (EN) to provide needed services and supports. If careful planning has been conducted in advance of the 18th birthday, the youth may quickly select a provider and initiate services. Even if a teenager has not formally worked for pay by age 18, activities such as job shadowing, volunteering, vocationally focused outings in the community and any type of exposure and discussion related to the world of work can be critical building blocks leading up to this point in a soon-to-be adult payee's life. Benefits counseling is a critical component of the Ticket to Work program that also needs to begin as early as possible.

Part V. Conclusion

As this briefing paper illustrates, SSA has made a sincere and serious commitment to improve school to work transition for students with disabilities who are receiving monetary benefits. For these students to realize their fullest potential and to take advantage of the incentives that SSA has put in place for their benefit, it is imperative that other entities share in and assist with this challenging process. These entities include families of beneficiaries, school personnel, vocational rehabilitation specialists, and community based organizations. All play an important role in a youth's development. The better one is educated on the intricacies of SSA policy, protocol, and guidelines, the more knowledge can be passed on to transition aged youth, the individuals who are directly affected. By working in concert with one another and sharing information, it is inevitable that more and more youth will realize a successful transition from school to work, and it will be an enjoyable and rewarding stage in their lives. Positive results and experiences like this will pave the way for other youth to write their own successful transition stories.

Part VI. Resources

1. SSA, www.ssa.gov
2. Red Book on Employment Support, www.ssa.gov/redbook -- comments/suggestions, red.book.editor@ssa.gov
3. Ticket To Work, www.ssa.gov/work or maxinc.com/ttw
4. US Department of Education, www.usde.state.us
 - Managing Your SSDI Benefits & Income Handbook
 - Managing Your SSI Benefits & Income Handbook
 - SSDI & SSI Benefit Programs & Work Incentives -- Produced by Michael Walling, service Enhancement Associates at www.wallinginc.com
5. Institute for Child Health Policy, www.ichp.edu
6. School to Work Learning & Information Center, www.stw.ed.gov
7. Academy for Educational Development, www.aed.org
8. National Youth Leadership Network, www.nyln.org
9. Special Education News, www.specialednews.com
10. Federal Maternal & Child Health Bureau, www.mchbhrtw.org
11. RRTC on Workplace Supports, www.worksupport.com

<p>Virginia Commonwealth University's Benefits Assistance Resource Center</p> <p>Give us a call or e-mail us....We are the answer to your Social Security Work Incentives questions!!!</p> <p>Virginia Commonwealth University Benefits Assistance Resource Center P.O. Box 842011 1314 W. Main St. Richmond, VA 23284-2011 (804) 828-1851 VOICE -- (804) 828-2494 TTY -- (804) 828-2193 FAX http://www.vcu-barc.org</p>	
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Parent Brief

Promoting effective parent involvement in secondary education and transition.

March 2003

Supplemental
Security Income (SSI)
Program
Part 1 of 3

Supplemental Security Income: A Bridge to Work

This is the first in a series of three Parent Briefs addressing Supplemental Security Income. All three are available from NCSET.

Myths about SSI

Many people who are eligible for SSI do not benefit from the program because they have heard things about the program that are not true.

Some myths about SSI may have discouraged them from applying in the first place. Other myths discourage people from seeking employment or taking a job because they are afraid of losing their benefits. Here are some myths about SSI that may discourage youth and young adults from applying for benefits or from taking a job if they are receiving SSI:

- People who work are not eligible for SSI.
- People who go to work will lose SSI cash benefits.
- People who go to work will lose Medicaid.
- SSI benefits will stop if a person goes into a training program, such as a vocational or university program.

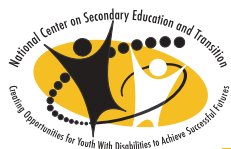
These statements are *not* always true!

Information in this Parent Brief is meant to help people with disabilities dispel these myths and to find out if the SSI program is for them. SSI is a complex program that serves many different individuals. This information is written specifically for people with disabilities who:

- ... are 18 years and older;
- ... are single;
- ... pay rent or contribute to the living expenses at home or who live away from the family home;
- ... are either in or out of school; and
- ... have disabilities other than blindness.

If you are a young adult with a disability and have not applied for Supplemental Security Income (SSI), WHY NOT?

The Social Security Administration defines disability as a physical and or mental impairment that prevents an individual from doing substantial gainful work activity and is likely to last more than 12 months or result in death. For SSI purposes, the individual must not be able to engage in any kind of substantial gainful work which exists in the national economy regardless of whether jobs are available locally, accessible to individual's with disabilities, or the individuals desire to have the job.



This publication is a collaborative effort of the National Center on Secondary Education and Transition (NCSET) and PACER Center.



What is SSI?

Who is eligible to receive SSI?

In general, you are likely to be eligible for SSI if you meet both disability and financial criteria.

- **Disability Criteria:** This means that you must be a person with a physical or mental disability. You are unable to perform Substantial Gainful Activity (SGA) because of that condition and that condition is expected to last at least 12 months or result in death.

- **Financial Criteria:** There are two types of financial assets that are considered when you apply for SSI:

- **Income:** You are either not working or you are working but earning less than \$800 gross (as of 2003) a month when you apply. \$800 is the SGA amount as of 2003 or earnings from a job, that a person may have and still be eligible for SSI. Disability work-related expenses are deducted when figuring this amount for SGA as well as for eligibility and payment purposes. In addition to any earnings, any other income, such as gifts, Social Security benefits, unemployment benefits referred to as unearned income, are also considered. If you are under 18 and living with your parents, their income will be considered available to you as income for SSI purposes.

- **Resources:** The money you have in the bank and other assets must be under \$2,000 (excluding house and car if used to obtain medical care or work).

SSI stands for Supplemental Security Income and is one of the most important federal programs for people with disabilities. SSI is an income support program and provides monthly payments to persons who have disabilities and have limited income and resources. It is not necessary to have worked to be eligible for SSI. You can be considered for SSI regardless of your age, and whether or not you are single or married.

SSI may be used as a financial support for you during periods that you are able to work only minimum hours or are in the process of finding employment. SSI benefits can also be received while in vocational training or attending post-secondary institutions. Almost everyone who receives SSI is also eligible to have health care coverage through Medicaid.

While you receive SSI, you will have the opportunity to learn job skills and develop knowledge of the workplace. Your parents and service providers will realize that you are able to work and can help you plan and resolve work related issues for the future. SSI rules also allow you to take deductions for the cost of special work related expenses connected to your disability while working, training for a job, or attending postsecondary institutions.

This brief is meant to help you review all aspects of SSI as you begin to make the transition from school to work and life in the community.

What are the Benefits of Being on SSI?

There are two main advantages to being on SSI as a young adult. First, SSI can provide financial income up to \$552 a month for eligible single people in 2003. This is financial support that can help pay basic living expenses. It can also be especially helpful . . .

- . . . While making the transition from school to work;
- . . . During periods of training or attending postsecondary school; and
- . . . While working at low-paying or part-time employment.

A second major benefit of SSI is that qualifying for SSI usually allows you to apply for and receive Medicaid (called Medical Assistance in some states), which can pay health care expenses such as doctors appointments, therapy, and prescription drugs.

Financial Work Incentives

Formula for calculating SSI benefits

The order of exclusion is important as it can influence the payment amount. From gross earned income, subtract:

1. \$20.00 General income exclusion.
2. \$65.00 Earned income exclusion.
3. Divide the remaining amount in half.

The balance is SSI countable income and is subtracted from the full monthly SSI benefit a person would receive if not working.

Financial Work Incentives 1619a

Once established as a SSI recipient, you may mistakenly feel that you are risking financial support if you seek and find employment. Losing financial support is usually a myth. Work incentives may allow you to receive a paycheck and still keep part of your SSI cash and retain Medicaid benefits. For every two dollars

Example 1:

\$420.00	Gross income (earned through competitive or supported employment)
-20.00	General income exclusion (unearned income, such as bank interest, is deducted from the \$20 exclusion)
400.00	
<u>-65.00</u>	Earned income exclusion
\$335.00	
\$335.00	Divide this amount by 2
2	1/2 of income is deducted after exclusions
=167.50	SSI countable income
\$552.00	SSI Federal monthly benefit rate, 2003
<u>-167.50</u>	SSI countable income
384.50	Adjusted SSI payment
<u>+420.00</u>	Earned gross income
\$804.50	Total gross earnings

Differences in Monthly Income

SSI & Not Working	Working & Not Receiving SSI	SSI + Work
\$552.00	\$420.00	\$804.50

Example 2:

\$1189.00	Gross income
<u>-85.00</u>	General and Earned Income Exclusion (\$65 + \$20 = \$85)
\$1104.00	
\$1104.00	Divide this amount by 2
2	One-half of income is deducted after
÷	exclusions
= 552.00	SSI countable income
\$ 552.00	SSI Federal monthly benefit rate, 2003
-552.00	SSI countable income
0.00	SSI payment
<u>+1189.00</u>	Earned gross income
\$1189.00	Total gross earnings

earned, one dollar is deducted from SSI's payment. This is calculated after the general income exclusion of \$20 per month and the earned income exclusion of \$65 per month are deducted. (Impairment related work expenses [IRWE] can also be deducted if applicable and will be described later). Financially this results in significantly more income for you than being only on SSI and not working or working and not receiving SSI (see Example 1).

In Minnesota, for example, if an individual receives the maximum SSI benefit rate of \$552.00 (2003) when he or she begins to work, the break-even point will occur at \$1189 per month. The break-even point is where SSI payments reach zero (see Example 2). Medicaid may still be received through health work incentives.

SSI Health Work Incentive 1619b

SSI Health Work Incentive 1619b

Health coverage is critical for young adults with disabilities. Many individuals have medical needs that are covered by Medicaid but do not have access to other health insurance coverage that would provide the same coverage. Part-time jobs and entry level positions rarely include medical benefits, and health insurance coverage through a parent usually ends when the dependent reaches age 22. The fear of losing Medicaid coverage may cause you to be reluctant to seriously consider employment.

SSI allows you to keep your Medicaid benefits while working until your earnings reach the state's threshold level (\$31,389 per year in 2003 for Minnesota). The threshold is determined separately for each state. To stay eligible under 1619b the coverage must be needed to allow you to continue working, and you must remain disabled and meet all other requirements such as not having assets above the limit of \$2,000. Once the threshold level is reached, a review determines whether you are making enough money to purchase your own health insurance.

Impairment Related Work Expenses (IRWE)

Impairment Related Work Expenses (IRWE) are services or items that you personally pay for and are not reimbursed for by any other source. These are services directly related to your disability and to enabling you to work. Filing an IRWE, when applicable, helps you retain more money because when you calculate earnings, the costs of these services or items are deducted. **(When calculating your earnings, the IRWE is deducted *after* subtracting the general income exclusion (\$20) and earned income exclusion (\$65), and *before* dividing remaining income amount in half to determine SSI countable income.)** Impairment related work expenses may include:

- **Attendant** care services performed in the work setting, or in preparation for work or returning home from work.
- **Transportation** costs required by the disability, and structural or operational modifications made to a vehicle needed for work.
- **Medical** devices such as wheelchairs, pacemakers, or respirators.

Resources . . . When an individual turns age 18, the parent's income and resources are no longer considered in determining the individual's eligibility. Resources are things that an individual owns. In order for an individual to qualify for SSI, his or her resources must be under \$2,000.

Some of the resources that are counted are savings and checking accounts, stocks and bonds, and life insurance. Resources that are not counted include a home, personal belongings, car or van if required for transportation to work or for medical treatment.

So, if you aren't on SSI — WHY NOT?

- **Work-related** equipment such as typing aids, reading aids, telecommunications devices, or special work tools.
- **Assistants** such as interpreters, job coaches, or readers.
- **Prostheses** such as artificial replacement of an arm, hip or other parts of the body for other than a cosmetic purpose.
- **Residential** modifications such as railings, ramps, or pathways that permit access to the street or to transportation.
- **Routine** drugs and medical services such as regularly prescribed medical treatment or therapy that controls a disabling condition. Included are radiation treatments, antidepressant medication, anticonvulsant drugs, and physicians' fees related to these services.

SSI dollar amounts vary by year and living arrangements. In certain situations, the state may supplement these amounts. Additional information on SSI for persons with disabilities who are younger than 18, married, living at home, or blind can be obtained from your local Social Security Office. For the telephone number of your local office, call: **1-800-772-1213**.

Substantial Gainful Activity . . .

Substantial gainful activity (SGA) is average countable earnings of \$800.00 or more per month. SSI will deduct from a person's gross earnings, the cost of items required because of a disability that enable a person to work and/or the value of support a person needs on the job. Generally, average countable monthly wages of less than \$800.00 per month in 2003 is considered less than substantial.

Once the individual is on SSI, SGA (or work) does not affect continuing eligibility. The individual's earned income may exceed the SGA level (\$800) and both SSI cash benefits and medical benefits can be received. Under SSI, SGA is used only in determining initial eligibility for disability payments.

Here are some other work incentive options available under the Social Security System:

- Plan for Achieving Self-Support (PASS)** is a program where the money you use to purchase equipment, services, training or education needed to get a job or start a business may be excluded from income or resources. An individual must have a reasonable occupational goal and a plan approved by SSI.
- Property Essential to Self-Support (PESS)** is a program where property which is used by a person for work, such as tools or equipment, can be excluded from the \$2,000 asset limitation.
- The Student Earned Income Exclusion** is a program where young adults under the age of 22 and attending school may exclude \$1340 a month in 2003 but not more than \$5410 of earned income in 2003.

To apply for SSI call: 1-800-772-1213

SSA Web site: www.ssa.gov/work

SSA Handbook: www.ssa.gov/OP_home/handbook/ssa-hbk.htm



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National Center on Secondary Education and Transition (NCSET)

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Access Parent Briefs and other NCSET materials on-line at: www.ncset.org.

NCSET works to increase the capacity of national, state and local agencies and organizations to improve secondary education and transition results for youth with disabilities and their families. NCSET is headquartered at the University of Minnesota, and is a partnership of six organizations, including PACER Center. NCSET:

- Coordinates national resources that connect policymakers, administrators, professionals, educators, employers, parents, and youth with disabilities to information and useful resources;
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- Provides technical assistance and outreach.

PACER works with NCSET to represent family perspectives and disseminate information to a national network of federally funded parent centers and the families they serve.



National Center on Secondary Education and Transition
*Creating Opportunities for Youth With
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Parent Brief

Promoting effective parent involvement in secondary education and transition.

April 2003

Supplemental
Security Income (SSI)
Program
Part 2 of 3

Supplemental Security Income: So You Have Decided to Apply

This is the second in a series of three Parent Briefs addressing Supplemental Security Income. All three are available from NCSET.

Introduction

Supplemental Security Income (SSI) is a federal income support program administered by the Social Security Administration (SSA) that serves many different individuals. SSI provides monthly cash assistance to persons who have disabilities and limited income and resources. The following information on the SSI program is written specifically for people with disabilities who are 18 years and older, single, pay rent or contribute to the living expenses at home or who live away from the family home, are either in or out of school, and have disabilities other than blindness.

To be eligible for SSI benefits both disability and financial criteria must be met. The disability must be a medically determined mental and/or physical condition that is expected to last for a year or longer. Financial criteria include earned income (wages) and resource assets (bank accounts and other fluid assets, but not your home or automobile, if used for medical appointments or work).

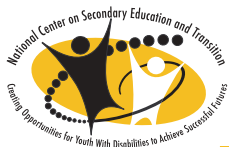
When you apply for SSI benefits your earned income must be at or below \$800 (2002) gross per month, the Substantial Gainful Activity (SGA) level that SSA has established. At the time you apply, your resources must be under \$2,000 and must never go over that amount while on SSI. For more specific information on eligibility criteria contact the Social Security Administration office at 1-800-772-1213.

If you believe you meet these criteria you may be eligible for SSI. This brief is meant to help you apply.

Step One: Making an Appointment

Your first step is to telephone SSA's toll free number—1-800-772-1213—or your local SSA office to make an appointment. SSA generally recommends you call the 800 number. This number is available from 7 a.m. to 7 p.m. CST each business day. The best times to call are before 9:00 a.m. or after 4:00 p.m. At this number a taped message will ask you to select among information options. You may stay on the line without selecting any options and a service representative will eventually come on the line. If you press 6 and then 1, you will reach a representative. Pressing 5 will provide you with the location of your local service office.

Whether you call the local or the federal number you may have to wait to talk to a representative. It might be helpful to make the call when you have plenty of time and are in a comfortable place. Your name, address and social security number will be requested during the call. The representative you speak with will arrange either a phone or an in-person appointment at a time that works for you and your local SSA office. The representative uses a computerized calendar to display the next available appointment times at your local SSA office.



This publication is a collaborative effort of the National Center on Secondary Education and Transition (NCSET) and PACER Center.



Applying for Benefits

After the phone call, an application packet may be mailed directly to you from the federal office. You may either complete the application before your appointment, or you may fill it out during your appointment with the assistance of the SSA representative. The representative can assist you with questions that you have and can also assist you in the process of obtaining medical and other relevant documents needed to meet eligibility requirements. However, the more information you fill out in advance the more efficient the process will be.

Anyone may apply. There is no application fee. The original date of your call will be used as your application date. If you are deemed eligible, benefits are retroactive. It is to your advantage to apply as soon as you think you may qualify for benefits.

Step Two: Applying for Benefits

If you are applying over the phone, your local SSA representative will call you at the appointed time. You have the option of using a family member or an advocate to represent you on this call. Another option is to have a conference call arranged between you the applicant, a family member and/or an advocate and the SSA representative. This is an opportunity for you to ask a variety of

simple or complicated questions. The SSA representative can access your work history and other relevant program information on the computer screen. Therefore, the representative can give you the same information over the phone that would be given to you if you were there in person. The intake may take an hour or longer depending on your questions and the information you have readily available.

The application may also be done in person at your SSA office. This might be a better option if you feel more comfortable communi-

cating in person.

Remember you may still bring a family member and/or an advocate with you. If you decide to apply in person, be aware that the SSA office is a busy place, carrying out many functions and serving a diverse group of consumers. So, even with a scheduled appointment, there is likely to be a wait. Since SSA is a federal office, all consumers will need to pass through a metal detector security device similar to those at airports.

Gathering Your Documentation

The more documentation you have available in advance, the more efficient the application process. Some of the suggested information to collect in advance to complete your application may include:

- Social security card.
- Proof of age, generally your birth certificate.
- Proof of income, paycheck stubs or copies of payments received.
- Proof of resources, generally any bank accounts, life insurance, cash etc.
- Proof of living arrangements, rent or mortgage payments.
- Names, addresses and telephone numbers of doctors, hospitals and clinics.
- Information from teachers or employers may be important to show work limitations due to disability.

If you are hospitalized or confined to your home, the SSA representative may come to you. In some areas of the country representatives come to the high schools and assist students and their families in applying during transition planning.

Documenting Your Disability

After helping you complete your application form, the SSA office will review it to determine if you are financially eligible to receive SSI benefits (unemployed or working and earning less than \$800 per month and resources under \$2,000). Once SSA has established that you are financially eligible and they have all of your supporting documentation, including your medical history, they will send your completed application to the Disability Determination Service (DDS). This is where your application and medical records will be evaluated for eligibility on the basis of your disability.

Step Three: Determining Your Eligibility on the Basis of Disability

The Disability Determination Service determines whether you qualify for benefits based on your disability(ies). The following questions are addressed by the DDS to make this determination.

A. Do you have a severe impairment?

A severe impairment is one that significantly limits your ability to do basic work activities. Some examples of basic work activities include:

- Physical functions such as standing, walking, sitting, lifting, seeing, hearing, speaking
- Understanding and carrying out simple instructions.
- Use of judgement.
- Responding appropriately to supervision and coworkers.
- Dealing with changes.

Decision Points Used for Initial Eligibility ONLY

- Able to make SGA (over \$800 / month) **Not Eligible**
- Able to transfer skills to a different job and make SGA **Not Eligible**
- Not able to make SGA at any job **Eligible**

Who is the Disability Determination Service (DDS)?

The DDS is separate from SSA. The DDS consists of a trained team, including a doctor and a DDS disability examiner. This team reviews all the forms, medical records, information about how the applicant is functioning, and, if applicable, work history. Some of the things considered are; what is wrong, when it began, how the condition limits activities, what the medical tests show, and what treatments were given. The decision is then made on whether the applicant is disabled for SSI purposes. If the DDS cannot make a decision based on the information they have, they will pay for an examination to be done by a SSA consulting physician.

B. Do you have an impairment that meets or equals a social security "listed impairment?"

SSA maintains a list of specific impairments such as musculoskeletal, respiratory, cardiovascular, and neurological. If your disability meets the requirements of a listed impairment, the process ends here and you will be found disabled for SSI purposes. If your disability is not listed, DDS considers whether your impairment is of a severity equal to a listed impairment. If so, you will be found disabled for SSI purposes.

SSA's criteria for specific impairments can be found in their Blue Book: *Disability Evaluation Under Social Security*. This book can be requested by Parent Training and Information Centers in your state and disability and advocate organizations. It is also available on SSA's web site: <http://www.ssa.gov/>. If your disability does not meet or equal a listed impairment, DDS makes an individual determination using questions C and D.

Determining Your Eligibility

C. Were you able to work in the past AND did you earn over SGA (\$800 per month)?

If in the past you were working and making over \$800 per month and you are still able to do that work and earn over \$800 per month, you will be found not disabled for SSI purposes. If you are not able to do past work at the SGA level when you apply, *D* is considered.

D. Can you do any other kind of work?

DDS will consider your age, education and work experience. If the DDS finds that you can do some other type of work at over the SGA level you will be considered not disabled for SSI purposes.

As a person with disabilities, throughout your school years and work history (if any) you have probably been guided to always look at your strengths and abilities and to not dwell on your limitations or disabilities.

For SSA purposes it is important that all your physical and/or mental disabilities are addressed and communicated accurately for this to be a valid assessment of your work limitations. You and your family member or advocate must realistically look at your current situation in order to communicate your needs in the SSI application process. After years of emphasizing the positive, this may be difficult to do. But without addressing your disability and all limitations directly and honestly you will not communicate your need for SSI.

Frequently, applications are denied because physicians and other service providers give incomplete information on an individual's disability or fail to specify how the individual's disability interferes with work. This can occur when physicians and other service providers are unsure of what type of information is required. Determine which people in your life have a

good understanding of your disability and the ways it may affect your employment. If you are still in school this may be a special education teacher, counselor or psychologist that knows you well or other individuals on your transition team.

Whether you are in school or out of school, a vocational rehabilitation counselor or county case manager are also people who can be helpful in the application process. It is a good idea to contact your medical specialist(s) and other service providers in advance to tell them that you are in the process of applying for SSI benefits and that they will be contacted to provide supporting documentation. The supporting documentation needs to be explicit on how your disability impacts your ability to do substantial work.

Be sure that your physician is familiar with your specific limitations and any behaviors that interfere with school or work. Some examples could be the number of seizures you have per day, specific difficulties you have under stress, physical or stamina limitations, or side effects of required medications. Your physician may not necessarily be aware of these limitations or remember them when filling out the required documentation. Describing your disability in work-related terms is valuable and you can use that information not only for the SSI application process, but later when you start to work, or increase your work hours, or change jobs.

Step Four: If DDS Cannot Make a Disability Determination

When the DDS team cannot make a decision based on the information provided, you will be referred to an SSA consulting physician for an additional medical examination. Both general and specific information will be requested from the physician regarding your physical or mental impairment.

What If DDS Cannot Make a Determination

Specific information may include . . .

. . . For Adults with Physical Impairments

The consulting physician will be asked to make a statement regarding what work-related functions you can perform despite your existing physical limitations. SSA asks the physician to describe your ability to work in objective terms. Issues that will likely be addressed are:

- The number of pounds you are able to lift frequently, occasionally, at or above shoulder height.
- The number of hours in an 8 hour work day you can stand/walk/sit.
- How frequently and how well you can bend, push, pull, and/or operate hand/foot controls.
- Your ability to work at heights and/or around dangerous machinery.
- Your ability to carry or handle objects.
- Your ability to see, hear, speak.
- Your balance, coordination, and fine motor dexterity.

. . . For Adults with Mental Impairments

The consulting physician will be asked to make a statement regarding what work-related functions you can perform. Issues likely to be addressed may include comments regarding your mental abilities to:

- Concentrate on and understand instructions.
- Carry out tasks with reasonable persistence and pace.
- Respond appropriately to coworkers and supervisors.
- Tolerate stresses in the work place.

This is a consultative examination only. For both physical and mental impairments no treatment will be administered, or medications prescribed. The physician will not make a statement as to whether you are totally disabled or unable to work. This is a judgment made by DDS.

The basic assumption behind SSI benefits is that there is a link between disability and ability to do substantial work. Qualifying for disability benefits depends upon that link being established. For initial eligibility DDS separates individuals into two groups, those who can meet SGA and those who cannot meet SGA. These are judgement calls and they may be wrong. This is not always an easy or reliable way to determine eligibility for disability benefits. The medical condition and the vocational potential may not always demonstrate whether the individual can or cannot do a substantial amount of work.

If you are denied SSI benefits and you still believe that you are eligible, you are not alone. The DDS report for Minnesota states that 60% of the original applications are denied. Many of these initial denials are overturned when appealed. Reconsideration is the first level of appeal. The reversal rate at this level is approximately 14%. When denials are appealed at the next level, which is before an Administrative Law Judge, the reversal rate is 60%.

If you are denied but still believe that you are eligible for SSI benefits, it is important to appeal the decision. Information on how to appeal can be received directly from SSA or in the next Parent Brief in this series, "Your Right to Appeal."

Applying for SSI is not that difficult. The application forms look more complicated than they really are. Help is available in this application process from SSA and from advocacy organizations.

If you are not working because of your disability, or if your disability substantially limits your work ability — look into SSI.



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U.S. Office of Special
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National Center on Secondary Education and Transition (NCSET)

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Access Parent Briefs and other NCSET materials on-line at: www.ncset.org.

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September 2003

Supplemental
Security Income (SSI)
Program
Part 3 of 3

Supplemental Security Income: Your Right to Appeal

The following information about Supplemental Security Income (SSI) appeals was written for young adults with disabilities, parents, and/or advocates.

If You Were Denied SSI

Many people are denied SSI benefits when they first apply. Disability Determination Services reports that, nationally, 62% of the original applications are denied. Some of the initial denials are overturned through the appeals process. Four levels of appeals are available:

- Reconsideration is the first level of appeal. Your file will be sent back to the Disability Determination Services in your state. The information in your file will be looked at by a new adjudicator(s). Approximately 14% of the appealed cases are overturned, and benefits are allowed.
- A hearing before an administrative law judge (ALJ) is the second level of appeal. At this level of review approximately 60% of the cases are overturned and benefits allowed.
- A review by the Appeals Council is the third level of appeal. Of the 40% of appealed cases that are not overturned at

the hearing level, only 18% appeal at this third level. At this level, the Appeals Council will carefully review the case or return it to the same or a different ALJ for further action, which could include another hearing and a new decision. About 27% of the cases appealed at this level are sent back to the second level for further action.

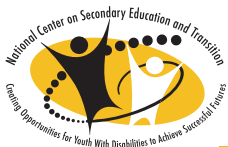
- Federal Court action is the fourth appeal. Because this appeal is costly, appeals are rarely pursued at this level.

Most people who appeal are granted reversals at the first and second levels of appeal. Before appealing, make sure that the basic financial eligibility requirements are met. If financial eligibility is met and the disability limits or restricts the ability to work, it is advantageous to appeal. As the above statistics indicate, a new decision at appeal levels 1-3 can result in a favorable decision.

What Are Some of the Common Reasons for Denial?

The application forms are lengthy and call for many details. If the application sent to Disability Determination Services (DDS) was incomplete, it is likely to be denied. If this is the case,

This is the third in a series of three Parent Briefs addressing Supplemental Security Income. The first is titled SSI: A Bridge to Work; the second, So You Have Decided to Apply. All three are available from the National Center on Secondary Education and Transition.



This publication is a collaborative effort of the National Center on Secondary Education and Transition (NCSET) and PACER Center.



Applying for Benefits

the appeals process allows applicants the opportunity to provide more detailed information. Some common reasons for denial include:

The information was not complete: The Social Security Administration (SSA) will request information about your limitations and restrictions due to a disability from doctors and other people who are familiar with the applicant. SSA needs all of your doctors' names, addresses, and telephone numbers as well as the contact information from other people who know about your disability and limitations. These may include teachers, job coaches, employers, and friends.

SSA does request a detailed description of your day-to-day activities. This should stress how your disability limits and restricts your ability to work. It is important for the people sending information to SSA or DDS to understand the need to provide information that describes your limitations or restrictions for work and not focus on your strengths. Have someone review your application to make sure it is complete.

The doctors' information was not specific to the disability and work limitations: Your doctor must provide specific information about your disability and how it limits the ability to participate in the workplace.

The information about work experience did not adequately describe the limitations in performing work tasks: DDS will need a detailed description of all the equipment, assistive technology, services, supports, and accommodations you use, as well as detailed information specifying the ways that your disability affects your ability to perform tasks at work.

Later sections of this brief will provide specific examples to illustrate some of the reasons for denial. It will also outline how the appeals process can help individuals obtain a favorable decision from SSA/DDS.

Provide Complete Information About Your Disability

The information submitted to SSA/DDS should include a clear description of the disability and functional limitations. Some examples include:

- If you have a physical, neurological, or sensory disability, document information such as: seizure length and frequency, limitations in mobility, balance, vision, hearing, fatigue, chronic pain, and reduced stamina.
- If you have a cognitive disability, document information such as: difficulty focusing, carrying out tasks independently, understanding directions, reading, writing, spelling, calculating, making good judgments, and memory.
- If you have an emotional disability, document information such as: mood swings, anxiety attacks, comprehension, and articulation.
- If you have a communication disorder, document information such as: limitations in speech, comprehension, and articulation.

If the information on an application is incomplete, SSA may contact you to obtain the needed information.

The SSI Appeals Process

If you receive a letter from SSA denying your application, you may appeal that decision. You must respond within 65 days from the date on the letter, or 60 days from the date you actually received the letter. If the letter was forwarded to you, or in some other way delayed so you are unable to respond within 65 days of the letter's date, you can still file an appeal, but you may be required to verify when you actually received the letter. Directions on how to appeal will be included with the notification. Your first step is to state in writing that you plan to appeal the decision and to mail that statement to the address on the denial letter.

At each level of appeal you should request a copy of your file and review all information to understand why the denial was made. Request that information as soon as possible, and check to see if it is complete and accurate. You may submit any additional information on your disability at any level of the appeals process. You can also have someone represent you at all levels of appeal.

1st Level—Reconsideration

Within 60 days of receiving SSA's initial denial, a written request for reconsideration must be sent. All of the documentation will be reevaluated by a disability examiner who was not part of the initial determination.

At this level the reversal rate is 14% (about one in seven appeals are granted). SSA will send written notification of the reconsideration decision. The reconsideration level must take place prior to a hearing before an ALJ, except in prototype states where the claimant goes straight to the hearing before the ALJ. (SSA has eliminated the reconsideration step in 10 "prototype states"—Alabama, Arkansas, California, Colorado, Louisiana, Michigan, Missouri, New Hampshire, New York, and Pennsylvania—to see if this improves the application process.)

2nd Level—The Hearing

If the reconsideration is denied and you wish to appeal, the next step is the hearing before an ALJ. A hearing must be requested within 60 days of receiving the denial. It is important to attend the hearing unless a written statement is provided to explain why a person cannot attend. If that occurs, a judge will make a decision based on the information from the reconsideration level and any new information that may have been provided.

It may take from three months to a year to have a hearing. Each person will receive a date, time, and place. This hearing can be postponed due to illness, transportation, or availability of witnesses.

Anyone can bring an advocate, witnesses, family members, or have a representative such as an attorney at the hearing. A witness can be a co-worker, physician, or anyone who can explain the effect of the disability on work. Before the hearing, make sure that all medical records are complete.

The SSI Appeals Process (cont.)

Other people at the hearing will include the court reporter who will record the proceedings, and medical or vocational experts if the judge requests their help in making a fair decision. There is no jury or spectators. There is no attorney for SSA and therefore no cross-examination. The hearing usually lasts about one hour and a written notice of the decision will be sent within eight weeks. This level has a reversal rate of approximately 60% (three out of five appeals are granted).

3rd Level—Appeals Council Review

If the appeal is denied at both the reconsideration and hearing levels, there is another level of appeal. This is a request for a review by the Appeals Council. A request must be submitted within 60 days from the date of the hearing denial. Of those reviewed by the Appeals Council, 27% are sent back to level 2 to be reheard.

The role of the Appeals Council is to review the ALJ's decision. No one besides council members are present at this level. The council will review documentation and the judge's decision and either make a decision or send it back to the ALJ for a second hearing. This could

mean that a different judge would hear the appeal. A written statement will be sent regarding how the appeal will be handled.

4th Level—Federal Court Action

If the appeal was again denied, a lawsuit with a Federal District Court can be filed within 60 days. It is important to have an attorney at this level of appeal. The Federal Court will review all the information provided and make a decision without any future hearings. It is also possible to bring an appeal to the Supreme Court. This level of appeal is very costly and rarely done.

Why Appeal?

It is advantageous to pursue the appeals process if an application is denied. The process has benefited many people who have been denied. It is also important to understand that even if an application and appeal are denied, anyone can reapply for SSI at any time in the future if the SSI income and disability eligibility requirements are met.

Remember, if your SSI application is denied, you have a right to appeal. The process is set up to protect you—USE IT.

Example 1: Additional Information Needed

Chad had done some assembly of paper products while still in school. He found the part-time work enjoyable and liked earning his own spending money. Since he was good with his hands, the work coordinator at his school suggested that assembly work would be a good place to start when he graduated from high

SSA arranged a medical consultation for Chad to provide more information on his disability. Because of this, he received a favorable decision from SSA and did not have to go through the appeals process.

school. Chad was hired as a full-time worker at a local manufacturer a short distance from home.

He was not on the job long before his supervisor took him aside and warned him about his late arrivals and lack of attention on the job. Chad said he would try harder. However, he continued to have trouble getting to work on time and found it hard to focus. Often his mind would wander while waiting for the bus. He would not see the bus go by, or he would ride past his bus stop and fail to get off for work or home. He did not participate with co-workers during break periods or keep up with old friends. When in a group, Chad sat to the side and faced away from the activity. At his supervisor's request, Chad consulted with his family doctor, Dr. Stevens.

Dr. Stevens noted Chad's withdrawal and anxiety but did not relate this to Chad's difficulty at work or diagnose this as depression. He believed a depression or mental illness label might discourage and depress Chad even more. Instead, Dr. Stevens urged Chad to go out with

friends and join groups that share his interests. He believed Chad could break out of his depression by finding more enjoyable activities.

Chad received three warnings from his supervisor because of tardiness, absences, and poor attention to details. After each warning, Chad would improve for a few days but lacked the ability to sustain the improvement. Chad's problems kept expanding in his mind, and he became totally engrossed in his problems. His supervisor again took him aside and stated he had no choice but to terminate him.

At home, Chad stayed in his bedroom, seldom dressing, bathing, or coming out to eat. His parents could not cheer him up. They were worried and knew Chad's problems were more than losing his job. They feared that his current emotional state would interfere with any future employment opportunities. Because of this, they believed Chad could qualify for SSI.

Chad's parents helped him apply for SSI. The SSA requested medical reports from Dr. Stevens. Soon after, Chad received notice from SSA explaining that they did not have complete medical information concerning his disability and how it interfered with his ability to work. At SSA's expense, a consultative examination (CE)

Providing more information can avoid the appeals process.

was scheduled with a psychiatrist, Dr. Forest. SSA requests a CE only when there is insufficient evidence to decide a claim. It is very important that you go to a CE. If you do not go, the claim may be denied due to insufficient evidence.

Example 1: Additional Information (cont.)

Chad's parents accompanied him to the scheduled appointment and participated in the meeting. It was difficult for Chad to articulate his feelings to the doctor. He told Dr. Forest that he saw no point in living. His parents added some details about Chad's difficulties in keeping a job and his behavior at home and at work. Dr. Forest said that he would submit his report to SSA.

Three months later Chad learned that he was eligible for SSI. With additional medical information provided by Dr. Forest, Chad's application for SSI benefits was approved, and he did not have to start the appeals process.

In the meantime, Chad saw a private psychiatrist who diagnosed him with severe depres-

sion and began a treatment plan. During the period when Chad could not work because of his disability, SSI benefits provided him with some financial security and medical treatment for his depression (Medicaid). When Chad returned to work almost two years later, his financial benefits from SSA were reduced. He continued to receive the Medicaid, necessary to pay for his prescription drugs, as well as therapy appointments and other medical needs. His family supported him during reoccurring periods of depression. Chad also developed strategies for keeping his job by requesting accommodations from his supervisor, such as flexibility in work hours and a leave of absence when necessary.

Describe How Your Disability Affects Employment and the Supports Required to Maintain Employment

Current transition programs provide many supports to enable students with disabilities to work and have positive learning experiences, as well as develop good career goals. Reports from teachers, work-experience counselors, employers, and parents usually emphasize the individual's strengths without describing any of the limitations and supports utilized. Information on all assistance being provided to a person with a disability and the employer should be noted on the SSI application. If there are built-in supports or job coaches providing services on a regular basis, those services need to be listed in detail, such as: interpreters, assistive technology, flexible hours, work-behavior guidance, co-worker and/or employer support, limited duties, rest periods, special transportation, adapted equipment and devices, alternative communication methods, and others. See Example 2 (next page) and Example 3 (page 9).

Example 2: Reconsideration

Example 2: Reconsideration

Illustrated below is a situation where the applicant, Kara, was denied SSI benefits when she first applied. She and her parents notified SSA of their intent to appeal. They submitted additional information on how her disabilities affect her ability to work and on the supports she needs to succeed in the workplace. With this new information, Kara received a favorable determination.

During Kara's school transition program, when she was 17, she had the opportunity to work at a fast-food restaurant. She could perform preparatory duties such as mixing coleslaw, dispensing foods into appropriate containers, and labeling the containers. Kara voluntarily assisted her co-workers when they fell behind by cleaning up and sanitizing areas. She was good at helping out when things got busy and liked to keep the work areas clean.

Kara had a brain injury that affected her speech, learning, and balance. Her speech was not easily understood. She could walk for short distances despite an uneven gait. She had short-term memory problems that made it difficult for her to follow a series of instructions. Kara was afraid of the stove and could not carry or lift heavy things. The manager of the fast-food restaurant was familiar with disability issues and worked with Kara's job coach. He structured Kara's work activities, simplified instructions, and used pictures on index cards to remind her of task order. Kara's co-workers also helped. They noticed when Kara needed assistance, and frequently joked and talked to her as they learned to understand her speech.

The reversal rate at the reconsideration level is approximately 14%.

Six months later the manager was transferred. The new manager liked Kara but could not understand her speech. He was concerned about her balance and feared she might hurt herself by bumping into something hot. If he felt she was too close to the stove, he would physically move Kara by taking her by the shoulders. Kara was uncomfortable with the physical intervention and started to fear his presence. She became withdrawn at work and stopped interacting with her co-workers. Kara sensed her supervisor's disapproval of her work, and this increased her anxiety, making it even more difficult for her to talk.

The manager attempted to communicate with Kara about her performance, but Kara started to cry when he interrupted her reply. She pushed a tray of prepared food to the floor and retreated to the storage room. Her job coach tried to resolve the misunderstanding between the manager and Kara, but Kara refused to return to work.

Kara had not been on SSI as a child because her parent's income was too high. Now that she was almost 18, her parents decided to fill out the application on her behalf.

Example 2: Reconsideration (cont.)

Kara's doctor described her range of motion as "better than might be expected" for her disability. He noted limitations for work regarding lifting and heights, but did not describe additional difficulties she might experience if employed. He alluded to her communication problems, but because he had known her for many years and understood her adequately, he did not go into any detail. **Kara's application was denied because it did not contain adequate information about how her disability affected her ability to work.**

After the denial, Kara's parents decided to appeal for **reconsideration**. They submitted additional information from their observations of Kara concerning her communication difficulties and behaviors, such as tantrums and crying when she was feeling stressed. They included information on her short-term memory

loss which made it difficult for her to follow oral or written directions. Her parents also contacted Kara's job coach. He wrote up the supports Kara needed at work and explained her difficulties in staying motivated on a job without structured, positive reinforcement from her employer. Since Kara was planning to remain in the school transition program through age 21, her job coach was confident that other jobs could be found for her. He emphasized that Kara would require continued supports from employers, co-workers, and job coaches in order for her to succeed. Kara's parents also gave

SSA permission to contact her former supervisor. Although he did not have time to give a lot of details, what he shared with SSA helped further explain Kara's limitations in the workplace.

This additional information on Kara's work behavior was submitted and she received a favorable determination at the reconsideration level.

The second level of appeal, which is a hearing before an ALJ, has a reversal rate of 60%.

Related resources available online:

The two previous briefs in this series, *Supplemental Security Income: A Bridge to Work* and *Supplemental Security Income: So You Have Decided to Apply*, are available online at <http://www.ncset.org/publications/default.asp#parent>

Also of interest:

The Appeals Process, an electronic factsheet on the SSA Web site: <http://www.ssa.gov/pubs/10041.html>

Your Right to Representation, an electronic factsheet on the SSA Web site: <http://www.ssa.gov/pubs/10075.html>

Advocacy Skills and the Social Security Administration, a Work Incentive and Transition Network factsheet in pdf format: <http://www.vcu.edu/rrtcweb/witn/factsheet1.pdf>

For other materials developed by the Work Incentive Transition Network visit: <http://www.vcu.edu/rrtcweb/witn/ssi.htm>

Example 3: Hearing

Example 3: Hearing

Marci was denied SSI benefits. When she and her family went through the first level of appeal (reconsideration) they didn't understand that they could add more information to her file. Marci was denied benefits again because her file didn't contain information on all the supports she received in order to work. They appealed SSA's determination again. This time, with the help of an attorney, Marci and her parents provided SSA with detailed information about Marci's limitations due to her disability and the supports she needed in order to participate in the workplace.

Marci was 22 years old and had a cognitive disability. She was socially outgoing, enthusiastic, and loved helping people. Marci worked in a small office, 15 hours a week at \$6 per hour and received no benefits. She wanted to increase her work hours so she could earn more money and receive vacation and health benefits. Marci's employer was willing to train Marci for more duties if she could improve her hygiene and impulsive behaviors. Marci was proud of her office job and believed she could soon work full-time and support herself.

Marci lived with her parents but was determined to be independent, work full time, and live on her own. Her parents were also working toward this goal but realized that it might take Marci quite a while to be able to manage her own place and a full-time job. Her parents were afraid that if she lost her job she might not easily find another.

Marci's parents and her job coach provided many work supports. Information about these supports was not included in her initial SSI application; thus she was denied benefits. Her job coach regularly supported Marci and her employer, and would likely be required for long-term support. When the family went through the first step of the appeals process, they did not know that they should describe these supports or add more information to Marci's file. They assumed many of the sup-

ports provided to Marci were understood by the SSA representative, given her type of disability. Since SSA did not receive complete information, Marci received a denial at the first level of the appeals process.

The family then prepared for the next step of the appeals process (a hearing) by choosing an experienced attorney who understood SSI disability issues. He was realistic with Marci and talked to her about her difficulties due to her disability as well as her strengths. He realized that Marci was very talkative about all the things that she could do, and that her parents and service providers had never been successful in getting her to discuss work problems or her disability. The attorney questioned Marci's parents on the supports provided to her so that she could work. He went over the SSI file and requested additional information on job accommodations from both employer and job coach. He learned that grooming issues, appropriate communication, and transportation were still issues for Marci, and that she receives ongoing support in these areas.

The attorney also discovered that Marci got angry and left work early if her supervisor attempted to correct her work and speak to her directly about her work behaviors. To address this behavior, Marci and her job coach worked on anger management strategies. He documented that Marci's behaviors and limited work

Example 3: Hearing (cont.)

skills prevented her from increasing her work hours. The attorney presented all this new information to the ALJ.

Marci’s job coach agreed to attend the hearing so she could provide additional explanations on some of the strategies she provided Marci and the employer.

At the hearing, the ALJ reviewed the paperwork he had on file. He asked Marci’s attorney many questions regarding the new information

and then spoke with Marci. He listened to her describe her job duties, hours, and work goals. He then listened to the job coach describe

specifically how she worked with Marci and the employer.

The judge complimented Marci on her good work attitude

and goals. He closed the hearing by stating that Marci would have a written decision in a couple of weeks.

Of those reviewed by the Appeals Council, 27% are sent back to level 2 to be reheard.

How Decisions Are Made

1. Medical Evidence

Your medical doctor, psychologist, psychiatrist, qualified speech and language pathologist, or school psychologist provide medical evidence. Evidence provided by professionals directly providing you with treatment generally carries the most weight in a decision. However, if this information is insufficient, SSA will arrange for further examination by one of the professionals you have worked with before or from a consultant hired by SSA.

Anyone who knows the person with a disability well can write a report or attend the hearing to explain any challenges that are due to the disability. Thorough reports are very important. This can include information about all different types of support provided by family members, friends, school staff, and others.

*Decompensation is defined by an increased level of functional difficulty under stress. This could result in withdrawal from normal work activities, a decline in work performance, difficulty getting along with co-workers, or any behaviors that make it difficult to keep a job.

2. Evidence of Functional Limitation

SSA considers how your disability keeps you from working by looking at the functioning areas. This information is gathered from you, your family members, your Individualized Education Program (IEP) records, teachers, employers, counselors, therapists, or anyone else who is familiar with your limitations or restrictions in these areas:

- a. Activities of daily living
- b. Social functioning
- c. Difficulty maintaining concentration, persistence, or pace
- d. Episodes of decompensation*

The SSI Appeals Process

You May Choose Someone to Represent You on an SSI Appeal

Representation can be provided at all levels of appeal. This person may be an advocate, parent, attorney, or other individual who is familiar with SSI and your specific situation. SSI will work with this person just as they would with you. This person can come **with** you or go **for** you to any interview, conference, or hearing. They may help get information from your SSI file such as medical records or statements from teachers or other support specialists. You can even have more than one representative if you choose. Your representative(s) cannot charge or collect a fee from you without first getting written approval from SSA.

Once you choose a representative, you must inform SSA **in writing** as soon as possible. To do this, you can get a Form SSA-1696-U4, *Appointment of Representative*, from any Social Security office.

You must give the name of the person you are appointing and sign your name. If the person is not an attorney, he/she must, in writing, give his/her name; state that he/she accepts the appointment; and sign the form.

Your representative will receive a copy of any decision made on your disability claim and assist in determining whether an appeal would be to your advantage. Your representative can:

- **Review** what is in your file.
- **Identify** and obtain missing information about your disability.
- **Request** a reconsideration, hearing, or Appeals Council review for you.
- **Help** you and any witnesses prepare for an appeals hearing.



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To order a hard copy of this document,
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U.S. Office of Special
Education Programs

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National Center on Secondary Education and Transition (NCSET)

This Parent Brief was originally prepared by PACER Center for the National Transition Network. This version has been updated by PACER and NCSET staff and is a publication of NCSET. Original authors: Marge Goldberg, consultant, and Judith Moses, PACER Center.

PACER works with NCSET to represent family perspectives and disseminate information to a national network of federally funded parent centers and the families they serve. Access Parent Briefs and other NCSET materials online at: www.ncset.org

NCSET works to increase the capacity of national, state, and local agencies and organizations to improve secondary education and transition results for youth with disabilities and their families. NCSET is headquartered at the University of Minnesota, and is a partnership of six organizations, including PACER Center. NCSET:

- Coordinates national resources that connect policymakers, administrators, professionals, educators, employers, parents, and youth with disabilities to information and useful resources;
- Hosts capacity-building institutes and workshops, national summits, national teleconference calls, and additional training opportunities;
- Develops research-to-practice tools for everyday use; and
- Provides technical assistance and outreach.



National Center on Secondary Education and Transition
*Creating Opportunities for Youth With
Disabilities to Achieve Successful Futures*



An information and training center for families
of children and youth with disabilities
www.pacer.org • www.taalliance.org
(800) 537-2237 Toll-free in Greater Minnesota
Cooperative Agreement No. H328M990005-01A



BENEFITS PLANNING



Youth with disabilities may qualify for some forms of government assistance programs based on disability, income status, or both.

Youth and their families need information on resources they can use and useful tools to become self-sufficient, productive participants in their communities. Like anyone else, youth with disabilities need jobs with living wages and access to health coverage. They need work that leads to meaningful careers and increased self-sufficiency.

In large part because of national public policies contained in legislation such as the Americans with Disabilities Act and the Individuals with Disabilities Education Act, youth with disabilities are exiting schools better prepared for further education, work, and community life. Nonetheless, youth and adults with disabilities have some of the highest levels of unemployment and poverty in America. The unemployment rate of adults with disabilities has hovered near 70% for decades now. Young adults with disabilities are three times more likely to live in poverty as adults than their peers without disabilities.

More than a million youth between the ages of 13 and 29 receive some form of Social Security cash benefit support each month. Additionally the Social Security Administration reports that many young people with disabilities who enter their rolls are likely to remain on the programs for the rest of their lives.

There are a wide range of state and federal government programs and benefits for people with disabilities in the United States, some with complex, and sometimes conflicting, eligibility rules. Youth with disabilities may qualify for some forms of government assistance programs based on disability, income status,

or both. They may already be in some of these programs and unaware that their eligibility will be determined under different criteria as they enter into adulthood. At the other end of the spectrum, they may want to enter employment and be unaware that some of these programs contain work incentives that can actually help with their educational and employment goals.

Some examples of benefits and work incentives available to youth with disabilities include the following:

- **Social Security Disability Insurance (SSDI)** provides cash benefits to people with disabilities or blind individuals who are “insured” by workers, employers, and self-employed people. To be eligible for a Social Security benefit, the worker must earn sufficient credits based on taxable work to be “insured” for Social Security purposes. In certain cases, SSDI benefits can be available to the worker’s family members. The amount of the monthly disability benefit is based on the Social Security earnings record of the insured worker.
- **Supplemental Security Income (SSI)** is a means-tested program intended for people with disabilities who have little or no income and few resources. Because of this, other income and resources determine whether an individual is eligible as well as the amount of monthly SSI benefit payments. Income is what people receive in a month and resources are cash and items a person owns that can be converted to cash.

- **Earned Income and Other Exclusions** reduce the amount of money that the Social Security Administration counts toward an individual’s income when determining the amount of SSI benefits someone can receive. For example, scholarships or grants that students use to pay tuition, book costs, or related education expenses can be excluded from an individual’s total income. The amount left over after allowable deductions is known as the countable income.

- SSI beneficiaries who work can continue to receive SSI payments until their **countable income** exceeds the SSI limit. The **Student-Earned Income Exclusion** as well as **Section 301** protections support the ability of transition-aged youth to work and have earnings through work-based learning programs that are integrated into educational programs.
- **Plan for Achieving Self Support (PASS)** allows a person with a disability to set aside income and resources for a specified period of time to achieve a work goal.
- **Section 1619(b)** of the Social Security Act offers continued Medicaid to those eligible working individuals whose earned income is too high to qualify for SSI cash payments, but not high enough to offset the loss of Medicaid. Similarly, a number of states have adopted **Medicaid “buy in”** programs that allow people with disabilities to maintain their Medicaid coverage by paying a small premium until they reach a specific income above the poverty level.

Benefits planning, financial management, and asset accumulation are among the essential elements that youth with disabilities need when moving from school to work, from dependence to economic self-sufficiency. Many workforce development programs and youth service organizations offer financial literacy skills training. To be meaningful for youth with disabilities, these programs need to include benefits planning information to increase informed choice about viable options.

The term “benefits planning” refers to the person-centered analysis of the effect that work and other life situation changes have on public and private programs,

including income support programs. Benefits planning helps people with disabilities steer through the complicated maze of public and private benefits programs while minimizing disincentives and barriers that exist for them to prepare for, obtain, advance in, retain, leave, and regain employment.

Benefits planners interpret complex policy, rules, procedures, administrative code, and legislative language into practical and understandable information. Under the Ticket to Work and Work Incentives Improvement Act, Congress created a formal program, known as the Benefits Planning Assistance and Outreach (BPAO)

program, as a core employment support for people with disabilities who receive Supplemental Security Income and Social Security Disability Insurance. All 50 states participate in the BPAO program.

No one person or source can be an expert in all aspects of benefits planning for youth. A growing number of One-Stop Centers and community-based organizations, such as independent living centers, have knowledgeable staff, such as Benefits Planners and Disability Program Navigators, available to assist youth in navigating the road to work. Selected websites are presented here as desktop tools and resource.

RESOURCES

SOCIAL SECURITY

For information helpful to youth with disabilities and their parents, families, teachers, and counselors concerning Social Security **income support benefits** and work incentives, consult the SSA websites at <http://www.ssa.gov/work> and <http://www.ssa.gov/work/Youth/youth.html>.

To locate a **local field** office for the Social Security Administration, consult the directory on SSA’s website, <http://www.ssa.gov/>.

Many Social Security field offices have a position known as an **Employment Support Representative**; this person serves as a technical resource for other SSA employees about disability work programs and services. For more infor-

mation, go to <http://www.ssa.gov/work/index.html>.

Benefits Planning Assistance and Outreach services are free to Social Security beneficiaries with disabilities, and local BPAO projects can be located by consulting the directory or projects on SSA’s website: <http://www.ssa.gov/work/ServiceProviders/BPAODirectory.html>.

SSA currently has three universities responsible for providing core training and technical support to the Benefits Planning Assistance and Outreach program. These include the **Benefits Assistance Resource Center** at Virginia Commonwealth University (<http://www.vcu-barc.org>), the **Northeast Work Incentives Support Center** at Cornell University (<http://www.workincentives.org>), and the

SSA Training and Technical Assistance Center at the University of Missouri at Columbia (<http://www.rcep7.org/~ssabpao>).

The Ticket-to-Work Program (<http://www.yourtickettowork.com>) offers people with disabilities a “Ticket” to obtain the employment support services, vocational rehabilitation services, and other services they may need to get and keep a job.

The **Protection and Advocacy for Beneficiaries of Social Security (PABSS)** program offers beneficiaries information, consultation, and legal representation around work incentives, vocational rehabilitation, other employment services, and the Ticket-to-Work program. PABSS projects operate in every state and a local project can be located by consulting the directory or

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BENEFITS PLANNING Notes

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The National Collaborative on Workforce and Disability for Youth (NCWD/Youth) is composed of partners with expertise in disability, education, employment, and workforce development issues. NCWD/Youth is housed at the Institute for Educational Leadership in Washington, DC. The Collaborative is charged with assisting state and local workforce development systems to integrate youth with disabilities into their service strategies.

At the time of printing, every possible effort was made to compile accurate and up-to-date website information. Internet information changes frequently.

NCWD/Youth

phone: 877-871-0744 (toll free) • 877-871-0665 (TTY toll free)

website: <http://www.ncwd-youth.info>

email: contact@ncwd-youth.info

RESOURCES

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projects on SSA's website at <http://www.ssa.gov/work/ServiceProviders/PADirectory.html>.

BENEFITS PLANNING TOOLS

Several tools have been developed or are in the process of being developed, typically with state-specific information, to assist people with disabilities and workforce development professionals in benefits planning. The following list presents some of the best tools to date:

Disability Benefits 101

(<http://www.disabilitybenefits101.org>) provides updated information on federal and state employment, health coverage, and other benefits for Californians with disabilities.

Wisconsin CHEQ

(<http://www.wi-cheq.com>) provides a confidential statement compiling an individual's benefits, earnings, and expenses with the purpose of determining how work affects one's eligibility for disability programs.

WorkWORLD® Knowledge Based Decision Support System

(<http://www.bus.vcu.edu/esi>) helps people with disabilities and their advocates make informed choices about work incentives, benefits, employment supports, and wages.

ASSET DEVELOPMENT

The **Corporation for Enterprise Development** (<http://www.cfed.org>) fosters sustainable economic well being through asset-building and economic opportunity strategies that bring together community practice, public policy, and private markets in new and effective ways.

The World Institute on Disability's "Access to Assets" program (<http://www.wid.org>) provides training and technical assistance to asset-building and disability organizations seeking to improve the inclusion of people with disabilities in poverty reduction programs.

The National Disability Institute (NDI) at the National Cooperative Bank Development Corporation

(<http://www.ncbdc.org/ncbdc/contents.nsf/index.htm>) builds public and private sector partnerships to support asset development and savings strategies for low-income individuals with disabilities. NDI works with states and the federal government to pilot waivers of means-tested eligibility for Social Security and Medicaid to provide new opportunity for persons with disabilities to work, save, and reduce dependence on government benefits.

MISCELLANEOUS RESOURCES

Program Navigators exist in a growing number of One-Stop Centers to build One-Stop Center capacity and work with people with disabilities and service providers to access, facilitate, and navigate the complex statutory and regulatory provisions and application processes for public and private programs. For more information, consult the website at http://disability.law.uiowa.edu/lhpdc/projects/dol_wigs/index.html#state.

The National Dissemination Center for Children with Disabilities

(<http://www.nichcy.org>) serves as a central source of information on disability policy, research-based information, and effective educational practices for youth with disabilities and their families.

Independent Living Centers

(<http://www.ncil.org>) offer assistance in arranging for disability-related benefits and services for people with disabilities to live independently in their communities, including personal assistance services, transportation, housing, and benefits planning.

The **Vocational Rehabilitation program** provides a wide range of services and job training to people with disabilities who want to work; for more information, go online to <http://www.ed.gov/about/offices/list/osers/rsa/index.html>.

Healthy and Ready to Work

(<http://www.hrtw.org>) provides information for youth with disabilities and their families to maximize their health potential while transitioning from childhood to adulthood.

The National Consortium for Health Systems Development

(<http://www.nchsd.org>) is a state-driven technical assistance center supporting Medicaid Infrastructure Grants and innovation that improves employment policy by facilitating collaboration among local, state, and federal experts.

The Center for Workers with Disabilities

is a technical assistance center of the American Public Health Administrators Association for states developing or enhancing employment and health-related support programs for working persons with disabilities. For more information, see the website at <http://www.nasmd.org/disabilities>.

DisabilityInfo.gov

(<http://www.disabilityinfo.gov>) is the gateway to the federal government's disability-related information and resources.

GovBenefits.gov

(<http://www.govbenefits.gov/govbenefits/index.jhtml>) is a web-based resource for everyone and includes information on a variety of benefit and assistance programs for veterans, seniors, students, teachers, children, people with disabilities, dependents, disaster victims, farmers, caregivers, job seekers, prospective homeowners, and much more.

