

Department of Social and Health Services

Olympia, Washington

Social Service Manual

Revision # 100

Category: **SSI Facilitation**

http://www.dshs.wa.gov/manuals/socialservices/sections/SSIF_J_PostApp.shtml

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Summary: Clarified SSI Facilitation requirements that are necessary when a Social Security Administration (SSA) determination is made.

SSI Facilitation – ~~POST APPEAL ACTION~~ SSA DETERMINATIONS AND APPEALS

Revised October 31, 2011

PURPOSE: This section contains information regarding actions that are necessary when a Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) determination is made by SSA.

WAC 388-449-0150 When does my eligibility for the Aged, Blind, or Disabled (ABD) cash benefits end?

Approval Process

Reconsideration

Hearing

Appeals Council Review

Reopening Past Denials

Death of a Client

SSI/SSDI Approvals Process

1. ~~-When disability is approved at the Initial or Reconsideration level, DDS sends notice that a person meets disability criteria~~ to the Social Security Administration District Office (SSDO).
2. ~~-The~~ Disability Quality Branch (DQB) reviews a percentage of DDS approvals and denials for quality assurance and has the authority to overturn DDS decisions.
3. Approvals by an Administrative Law Judge (ALJ) at the Hearing level or the SSI Appeals Counsel at the Post-Appeal level are binding and are not reviewed by DQB.
34. ~~-The~~ SSADO conducts a financial eligibility review before final approval of SSI benefits.
 - a. ~~-The~~ eligibility review usually involves an mandatory interview with the applicant person.
 - b. ~~-SSI Facilitators Social Workers~~ may need to ~~provide assistance~~ with the SSA financial eligibility review ~~is part of the~~ process.
 - c. ~~-Terminate~~ ABD cash assistance if the client persons who fails to complete the mandatory participate in the SSA financial eligibility review.
45. ~~-SSA sends the client person-written notice of SSI approval once the of benefits financial eligibility review is completed.~~
56. ~~-SSA also~~ sends notice of approval to Office of Financial Recovery (OFR) along with the interim assistance reimbursement amount to which the State is entitled.
7. ABD Cash assistance ends when the client enters SSI or SSDI pay status.

NOTE: Notify/Contact OFR at 1-800-562-6114 if an individual whenever a person receives an the entire retroactive SSI payment. OFR will work to obtain any interim assistance reimbursement to which the Department is entitled. ~~-This number is available for persons approved for SSI and staff.~~

Change in SSA Filing Rules

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Effective July 28, 2011, SSA will no longer process new disability claims if there is a pending claim under the same title.

~~DSHS requires disabled clients to pursue appeals of SSI denial in order to maintain eligibility for cash assistance because interim assistance is paid from SSA from the date of the original protected filing date if SSA ultimately approves the case. An ABD cash client can't choose to withdraw an appeal in order to file~~

~~a new claim without losing cash assistance.~~

~~1. This applies to every application and hearing level:~~

- ~~• Initial.~~
- ~~• Reconsideration.~~
- ~~• Hearing.~~
- ~~• Post appeal (Appeals Council).~~

~~2. Medical records and other evidence:~~

~~a. May be submitted at any time during the appeals process.~~

~~b. If at post appeal, and the evidence is material to a decision of disability:~~

~~_____i. The Appeals Council will consider the evidence if it is material to the period of time prior to the hearing decision.~~

~~_____ii. If the evidence is material to the period of time after the hearing decision, the Appeals Council will:~~

~~A. Return the evidence to the claimant; and~~

~~B. Consider a timely request for Appeals Council review as the filing date for a new SSI claim (application).~~

WAC 388-449-0150

Effective November 1, 2011

WAC 388-449-0150 When does my eligibility for the Aged, Blind, or Disabled (ABD) cash benefits end?

1. The maximum period of eligibility for ABD cash is twenty four months before we must review additional medical evidence. If you remain on ABD cash at the end of the twenty-four month period, we determine your eligibility using current medical evidence.
2. If your application for SSI is denied:
 - a. We review your eligibility for the ABD cash program;
 - b. We stop your benefits if you do not provide proof you have filed an appeal with SSA within sixty days of a SSI denial for not being disabled.
3. We stop your benefits after the final decision on your application for SSI/SSA benefits or if you fail to follow through with any part of the SSI/SSA application or appeals process.

Review of Termination of ABD Cash Assistance Following and SSI/SSDI Denial Facilitation

1. Eligibility for ABD cash assistance ends when a final disability determination is has been made at the SSA Post-Appeal levelstage, or when an unfavorable disability determination is made at the initial, rReconsideration, or hHearing level stage and the person fails to file a timely appeal.
 2. ABD The client cash assistance t may also end following an SSI/SSDI denial when: no longer be likely to be eligible for SSI when:
 - a. The client no longer meets ABD income and resource requirements. re is a change in the person's resources or income.
 - b.a. The person becomes employed.
 - e.b. The client no longer meets ABD disability requirements. person's medical condition improves.
 3. When SSI/SSDI is denied at the Initial, Reconsideration, or Hearing level, the SSI Facilitator reviews the SSA determination and all available medical evidence.
 - a. If SSA denied the application due to income or resource issues, the SSI Facilitator notifies financial regarding the SSI/SSDI denial and financial reviews the case to determine if the client continues to meet ABD income and resource requirements.
 - b. If the client no longer appears to meet ABD disability criteria, the SSI Facilitator or Disability Specialist requests current medical evidence and initiates an early ABD Disability Review.
 - c. If the client appears likely to meet ABD disability criteria, the SSI Facilitator determines an early ABD Disability Review is not necessary and continues with the SSI Facilitation process.
- NOTE: The Department may initiate an early Disability Review at any time, if new information is received indicating the individual may no longer meet ABD Disability Criteria.
- 3.4. Terminate cash assistance and facilitation services when the person no longer meets ABD cash program financial or disability criteria per WAC [388-400-0060](#) and [388-449-0001](#).
 - 4.5. Authorize MCS medical only if the ABD termination is based on a final disability determination at the Post-Appeal stage and the client person meets incapacity criteria defined in [WAC 182-508-0010](#) through [182-508-0120](#).

Appealing SSI/SSDI Denials

1. DSHS requires clients to appeal SSI/SSDI denials through the Post-Appeal stage as a condition of eligibility for ABD cash assistance.
2. An ABD recipient cannot choose to withdraw an active appeal in order to file a new claim without

losing cash assistance.

Note: Effective July 28, 2011, SSA will no longer process new SSI or SSDI applications when there is a pending claim under the same title at any stage of the application of appeal process (e.g. Initial, Reconsideration, Hearing, or Post-Appeal).

Filing a Request for Reconsideration

Reconsideration is the first level of appeal when a SSI application is denied.

1. Always request ~~a reconsideration~~ when an ABD recipient's of a SSI application is denied ~~application d, including cases when an early ABD Disability Review is initiated. enial if the person appears to meet SSA disability criteria.~~
2. ~~A reconsideration request must be filed within 60 calendar days of the denial unless there is good cause for missing the deadline. Only SSA can determine whether there is good cause for a missed deadline.~~
3. ~~Review information sent to the person with the notice of denial.~~
4. Ensure the SSA-561-U2, Request for Reconsideration, is filed within 60 calendar days of the SSI denial, along with a signed and dated SSA-827 and any new medical evidence. However, SSA will accept any written format.
4. When new information or medical evidence is available, exists-include the following as needed:
 - a. The SSA-3441-F6, Reconsideration Disability Report.
 - b. Updated Personal Observations.
 - c. Additional medical evidence.
5. ~~Include a signed and dated SSA-827, Authorization for Source to Release Information to Social Security with the Request for Reconsideration.~~

Filing an SSI/SSDI Hearing RequestHearing

The 1. A H ~~hearing r~~ request is filed when the Request for a request for r ~~Reconsideration is denied.~~

21. Recommend that the person contact a legal representative.
 - a. CSO staff should not recommend a specific attorney. ~~Attorneys specializing in SSI claims are listed in the Yellow Pages.~~
 - b. When SSI is approved, the ALJ may award up to 25% of the retroactive lump sum payment, or \$4000, (-whichever is less) to the legal representative.
 - c. Legal representatives may charge ~~the person~~ for expenses incurred while representing the client.

2. When the person obtains legal representation, the attorney will ~~may~~ file the hearing request along with the ~~forms including SSA-1696-UH, Appointment of Representative.~~
33. When a ~~client~~ person chooses not to obtain legal representation, ~~the~~ SSI Facilitators ~~may~~ assist the person with filing ~~the the H~~ hearing request.
4. The SSI Facilitator ~~does not attend or but don't~~ act as a legal representative at the SSI Hearing.

NOTE: ~~SSI Facilitators do not represent the client at the hearing.~~ A person has the a right to select ~~choose to have~~ an attorney, friend, or other individual person to represent the m claim. They ~~may~~ also have the right to declined assistance and ~~choose not to have a~~ represent themselves at the SSI Hearing gative. ~~Don't endorse or recommend attorneys.~~

45. A written Hearing request ~~for a hearing~~ must be filed within 60 calendar days of the SSI/SSDI ~~Reconsideration denial.~~ ~~When the person obtains legal representation, the attorney may file the hearing request forms including SSA-1696-UH, Appointment of Representative.~~ The Hearing request must include ~~forms used to request a hearing are an :~~
- a. ~~HA-501-U5, Request for Hearing by Administrative Law Judge, a signed and dated :~~
- b. ~~SSA-827, Authorization for Source to Release Information to Social Security Administration, and a- Send three signed and dated copies.~~
- c. ~~Any new medical~~ evidence ~~records or reports.~~

SSI/SSDI Post-Appeal Appeals Council Review

1. When an ALJ ~~hearing~~ upholds the SSI denial, the person is no longer eligible for ABD cash assistance unless they provide proof ~~of an Post-A~~ appeal has been filed with the SSI Appeals Council.
2. ~~If the The~~ client has a legal representative, the representative ~~may~~ file the request for an Appeals Council review.
3. ~~If the client does not have a legal representative or the legal representative chooses not to request~~ SSI Appeals Council review, the SSIF may assist the client with filing the request for an Appeals Council review.
4. The Post-Appeal request must include an HA-520-U5, Request for Review of Hearing Decision/Order, a signed and dated SSA 827, and any new medical evidence.

- ~~3. Input the post appeal filing date on the ICMS SSI Tracking screen.~~
- ~~4. A legal representative may file a further appeal in Federal Court of an Appeals Council denial.~~
5. Terminate ABD cash if the client~~person~~ does not file provide proof of a request for~~the request for~~ SSI review to the Appeals Council review within 60 calendar days of the SSI/SSDI Hearing denial.
- ~~6. Authorize MGS medical if the person meets incapacity criteria defined in WAC 182-508-0010 through 182-508-0120.~~

Reopening Past Denials

- ~~1. When there is new evidence of the severity of the impairment or of the onset date, a request to reopen a past denial may be indicated.~~
- ~~2. A person may request a reopening of a denial:~~
 - ~~a. Within one year for any reason.~~
 - ~~b. Within two years for good cause. Good cause includes new evidence not available at the time of the initial application.~~
- ~~3. Attach a written request to "Reopen prior denial of benefits" to the application packet.~~
- ~~4. When a request to reopen a past denial is denied the person may request a reconsideration and hearing.~~

Death of a client

1. Pursue the SSI application process when a person dies and SSA has a signed:
 - a. Initial application.
 - b. DSHS 18-235, Interim Assistance Reimbursement Authorization.
 2. Send written notice of death and intent to pursue the application with a copy of the IARA to SSA and DDS.
 3. When the application is at the H~~hearing~~ or P~~post-A~~ appeal level:
 - a. Notify the Office of Hearing and Appeals that the state has a lien on the claim.
 - b. Include a copy of the IARA.
 4. Continue to monitor the application/appeal until SSA approves or denies the claim.
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Links

Social Security:

- [SSI](#)
- [SSDI](#)

[Search IESA Clarification Database](#)