

SSA QUESTIONS

Answered by Jeannie Tyler, former SSA representative and
the National SOAR Technical Assistance Team

1. Are lawyers usually involved and if so how do they get paid?

Answer: Most people hire an attorney at the hearing level of the appeal process. Attorneys take these cases on a contingency fee basis. They are paid 25% or \$5300, whichever is less, of the retroactive payment, via withholding from applicant' first payment.

2. What happens if the person is married but not together with the spouse and they apply for SSI/SSDI ?

Answer: It depends--if there are joint assets involved, this can get complicated for SSI eligibility (because of income and resources issues/limitations). If they are not living together and have no joint assets, there should be no problem for SSI *unless* they start living together again. With SSDI, there should be no problem for a person to be living separately because income and resources are not an issue.

3a. what is the income limit for SSI?

Answer: <http://www.socialsecurity.gov/ssi/text-benefits-ussi.htm>

Generally, the maximum Federal SSI benefit changes yearly. However, SSI benefits will not automatically increase in 2011 as there was no increase in the Consumer Price Index from the third quarter of 2008 to the third quarter of 2010. Effective January 1, 2011, the Federal benefit rate is \$674 for an individual and \$1,011 for a couple.

3b. what happens if they qualify for both (SSI & SSDI) but the SSDI income puts them over the limit for SSI?

Answer: If a person has greater than \$694 in UNEARNED income, they would not be eligible for SSI. If a couple has greater than \$1,031 in UNEARNED income, they would not be eligible for SSI. However, if you believe a person could potentially be eligible for SSI (say for instance, unemployment will be stopping); an SSI application should be filed.

Generally, if a person is working, the income rules are a little different. There is a formula. An SSI representative, can help you complete the benefit computation.

3c. Will they lose the SSI?

Answer: Usually, in these types of cases, the person gets a few months of SSI and then the SSI benefits stop when SSDI starts. If the SSDI payment is less than \$694, the person may be eligible for BOTH SSI and SSDI.

4. If someone has SSI/SSDI what do they do with the tax return? Does it count towards their annual income (SGA)?

Answer: SSI is non taxable (income based on need for low income earners). SSDI is potentially taxable. This question is referred to the IRS since it is a tax question.

5. In October did SSI take away benefits from refugees? Is there a new 9 year law?

Answer: Not that I am aware of--I believe the new 9 year law is still in effect. This would require some research.

http://www.socialsecurity.gov/legislation/legis_bulletin_100108.html I believe this is the URL that tells that the 9 year law is still in effect.

6. What if there is a large gap in an individual's personal history? Will they still get approved for SSI?

Answer: This is a guess: Yes, if they are medically approved and meet all the other SSI eligibility factors, they can get benefits. Remember, SSI is effective with the application date for eligibility. If you are talking about medical evidence, in that case, we may have to purchase medical exams for the person, especially if it has been a while since they have had medical care or they have problems even remembering where they have been.

7. If someone has applied for SSI or SSDI and has been denied, can we apply again with the SOAR method, or do they need to go through the process of appeals?

Answer: We encourage people who are using the SOAR process to always work closely with the local SSA staff and with the state DDS staff - you want to cultivate a relationship with them, and have them help you with these kinds of questions.

The advantage of going through the appeals process is that the individual keeps their original filing date - which can be significant when it comes to receiving back benefits. So, to keep the original filing date, the person would appeal the decision.

If "you" have not been involved previously, and the person has been denied SSI, you can ask the person to sign the SSA 1696 - Appointment of Representative form, so you can become the Authorized Representative.

Next you work with them to submit a request for "reconsideration." You can ask the local SSA office for the form, find it online at the SSA website (SSA 561-U2), or write a letter that says the person wants to appeal the decision in their case and would be like a reconsideration, have them sign that and mail or give it to SSA.

As the authorized representative "you" will be able to ask to see what is in the case file before DDS reviews the file. Then "you" can submit additional medical information - so additional medical records, or a more recent psych eval, and/or a medical summary report can all present a better picture of the individual's disability.