



Aged, Blind, Disabled Benefits (ABD)

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Benefits Legal Assistance

Before we begin...

- Remember that public benefits laws and policies are steeped in systemic racism.
 - <http://theconversation.com/how-racism-has-shaped-welfare-policy-in-america-since-1935-63574>
 - <https://slate.com/human-interest/2018/06/trump-administrations-fixation-on-work-requirements-for-snap-benefits-is-part-of-a-long-racist-policy-history.html>
- Be aware of the impact of stereotypes when speaking about recipients of public benefits.
 - <https://www.npr.org/sections/codeswitch/2018/06/08/616684259/why-more-white-americans-are-opposing-government-welfare-programs>
 - https://www.huffingtonpost.com/entry/americans-welfare-perceptions-survey_us_5a7880cde4b0d3df1d13f60b

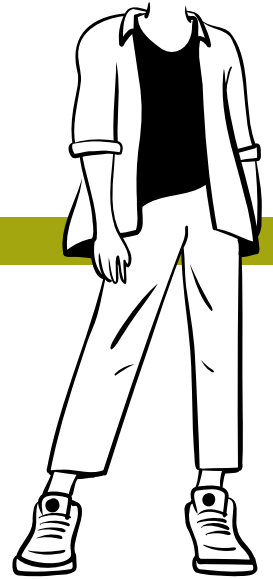
Topics Covered

- Ask a Lawyer Program
- ABD Overview
- Disability Evaluation Process
- Application Process
- Reporting Requirements
- Tips to Avoid Benefit Pitfalls
- Hearing and Appeals Process

Ask a Lawyer Program

- Have a question about the application process?
- Have a question about eligibility?
- Was your client denied and need help appealing?
- Have a question about what ABD and SSI application requirements?
- Email questions or real-life scenarios to benefitslegalhelp@solid-ground.org
- Put “Ask a Lawyer” in the subject line and Public Benefits attorney will respond.

Meet our client...



- Sam is a 45-year-old individual
- She/Her Pronouns
- Used to work in retail as a stock clerk and restaurants as a dishwasher
- Now works very part time as a food delivery driver but unable to maintain consist employment.
- Diagnosed with PTSD, Depression, and Arthritis
- Currently receiving SNAP benefits but no other benefits.

ABD Overview

Aged, Blind, or Disabled (ABD)

- Cash assistance program to low-income individuals
- \$417/month for individual
- \$528/month for married couple
- ABD recipients get assistance applying for SSI benefits (SSI Facilitation); Referral to HEN (Housing & Essential Needs)

Who is Eligible for ABD?

- 65+ or Blind or
- Have a disabling physical or mental condition keeping you from working full-time for at least twelve months.
- Your disability is not primarily due to alcohol or drug addiction
- Are at least 18 years old
- Meet income and resource requirements.
- Meet citizenship / immigration status requirements.

TIP: If you are not sure if your client is eligible, check out WashingtonConnections.org. Click "[See if I qualify](#)"

ABD Payment Standards (2023)

Household Size	Maximum Payment Standard
1 (Single)	\$417
2 (Married Couple)	\$523

TIP: If you are not sure if your client is eligible, check out [WashingtonConnections.org](https://www.washingtonconnections.org).
Click "[See if I qualify](#)"

ABD Income/Resource Limits

- **Income:**
- Earned Income - If your income is from a job, you can divide the amount you make in half (50%) and compare that to the income chart to see if eligible.
- Unearned Income - Income from another source such as unemployment, VA, then you must take the full amount (dollar for dollar) and income must be less than the Payment Standard
- **Resources:**
- Less than \$6,000 in “liquid resources”
- Cash on hand, checking/savings accounts
- Car with a value of up to \$10,000

Household Size	Monthly Income Limit
1	\$339.00
2	\$428.00
Resource Limit:	\$6,000



Sam makes about \$100 per month as food delivery driver...is she eligible? Ask a Lawyer!

solid-ground.org
206.694.6700

Special Note for Veterans with 10% Disability Finding

- Veterans with a 10% disability rating may still be eligible because that income is below the income limit for ABD

Disability Rating	Monthly VA Payment
10%	\$152.64
20%	\$301.75

Special Note for ABD and Couples

- Spouses can apply as a couple (both disabled), or one spouse can apply on their own.
- In order to get the higher benefit amount, both spouses must be disabled.
- If only one spouse is applying for ABD, some of the income of the other spouse included against the income limit.

Other Eligibility Requirements for ABD

- Washington State Resident
- Immigration Status:
 - U.S. citizens or nationals
 - “An American Indian born outside the U.S.”
 - Other types of Lawfully Permitted individuals.

TIP: If you are not sure if your client is eligible due to immigration status, **Ask a Lawyer!**

benefitslegalhelp@solid-ground.org

Questions?

Disability Requirements for ABD

- Must have a disability that prevents you from working.
- Your disability is not primarily due to alcohol or drug addiction

Sam is diagnosed with PTSD, Depression, and Arthritis. Can't work in retail/restaurant anymore due to arthritis and due to PTSD she does not like to be around crowds.



What does “disability” mean?

- Unable to work because of a diagnosed physical or mental health impairment that has or is expected to last at least 12 months or result in death.
- “Work” means **substantial gainful activity**, or earning less than \$1470 (this \$ changes annually).

TIP: If a client is working very part time or sporadically, they may still be eligible for ABD because their work is not “substantial”



How do you prove “disability”?

- You must give recent medical evidence about your physical and/or mental health conditions, including **diagnoses** and how they **affect your ability to perform regular and continuous work activity**
- If you need help getting or paying for medical records or exams, DSHS must help you.
- Not every healthcare professional can provide the diagnosis that is required for ABD eligibility.

Who can diagnosis a physical impairment?

- Medical doctor (MD)
- Doctor of osteopathy (DO)
- Doctor of optometry (OD) for visual disorders
- Doctor of podiatry (DP) for foot and ankle disorders
- Physician assistant (PA) for impairments within their licensed scope of practice
- Advanced registered nurse practitioner (ARNP) for impairments within their licensed scope of practice
- Audiologist for impairments of hearing loss, auditory processing disorders, and balance disorders within their licensed scope of practice
- Qualified speech-language pathologist, for purposes of establishing speech or language impairments.

Who can diagnosis a mental impairment?

- Psychiatrist
- Psychologist
- Advanced registered nurse practitioner (ARNP) for impairments within their licensed scope of practice
- Physician assistant (PA) for impairments within their licensed scope of practice
- School psychologist

TIP: Ask DSHS to schedule a Psychological Evaluation if your client needs a formal diagnosis. This is free to clients.

Who can prove “inability to work”?

After you have a diagnosis, these healthcare providers can explain how the impairment impedes the ability to work.

- Physician treating you for a mental impairment
- Clinical social worker
- Mental health professional (MHP)
- Naturopath
- Chiropractor
- Physical therapist
- Chemical dependency professional (CDP)

TIP: This information comes from medical records and/or letters of support

Sample Letter of Support

- “I am a Case Manager with ABC Outreach and I have worked with Sam as her case manager from January 1, 2021 to the present. I interact with Sam on a daily basis, and we have formal appointments once a week”
- “Sam completed a mental health assessment on January 10, 2021 with XYZ Clinic and was diagnosed with Post Traumatic Stress Disorder with symptoms of...”
- “During my time working with Sam, I have observed severe impairments in independently completing her activities of daily living, her ability to interact with others and care for herself and her basic needs.”

Sample Letter of Support

- “She regularly struggles to maintain her personal hygiene and is typically observed in dirty clothing.”
- “I have observed Sam engage in repetitious behaviors, like repeating the same word.”
- “Sam’s concentration appears to be impaired and during our meetings she is only able to discuss one topic and needs to be redirected often.”
- “Sam needs at least two reminders before our appointments. I send her a text and a phone call to remind her.”

Physical and Psychological Evaluations

- If the client needs a formal diagnosis of a mental health impairment, DSHS will schedule a free psychological evaluation.
 - You can ask for this during the interview process!
- A client's medical provider may be asked to complete an evaluation form (sample on next page)
- If the client needs help paying for a certain exam, test, or radiology, ask DSHS to pay for this.

Physical Functional Evaluation

1. Payment for a general or comprehensive physical evaluation is contingent upon receipt of available chart notes from within the past six months, as well as supporting evidence including lab results, pathology reports, diagnostic imaging reports, and range of motion studies. You must be enrolled in ProviderOne to claim reimbursements for these services.
2. As you examine this patient, please evaluate all medical conditions that may limit their ability to work. You are not limited to evaluating the presenting condition(s). **You are not required to complete any special test of functional capacity to render your professional medical opinion on this form.**

Confidentiality: The information you provide is subject to Washington State Public Disclosure laws and may be released to the client upon request. DSHS discloses no further information without the written consent of the individual to whom it pertains or as otherwise permitted by state law.

A. Client Information		
NAME	BIRTH DATE	CLIENT IDENTIFICATION NUMBER
B. Authorization to Release Information		
<p>I authorize _____ to release the following information to the Department of EXAMINING PROFESSIONAL'S NAME</p> <p>Social and Health Services (DSHS). This release includes the contents of this evaluation as well as diagnostic testing or treatment information concerning mental health, alcohol or drug use, sickle cell disease, and sexually transmitted disease, including HIV/AIDS (Chapter 70.02 Revised Code of Washington (RCW) (42 Code of Federal Regulations (CFR) Part 2).</p> <p>This authorization is valid for one year or until _____</p> <p>(date). I may revoke or withdraw this authorization in writing at any time.</p> <p>I understand that the information provided to DSHS may be re-disclosed only with a valid authorization from me or if required by law.</p>		
CLIENT'S SIGNATURE		DATE
C. Subjective		
Chief complaints and reported symptoms:		

PHYSICAL FUNCTIONAL EVALUATION
DSHS 13-021 (REV. 06/2020)



14001

TIP: Link to the Form:
Physical

www.dshs.wa.gov/sites/default/files/forms/pdf/13-021.pdf

Mental Health

www.dshs.wa.gov/sites/default/files/forms/pdf/13-865.pdf

Application Overview

How to Apply?

- Apply online at <https://www.washingtonconnection.org/home/>
 - Need to create an account, username and password
 - Need an email address to receive verification code
- Apply in person at a CSO
 - Office Locator: <https://www.dshs.wa.gov/office-locations>
- Apply over the phone: 1-877-501-2233

Application Process

- **Financial Interview** with DSHS to confirm the information that was submitted on their application.
 - Via Phone or In-Person at CSO
 - If you complete the application online, you can call the same day for the interview.
- **Social Worker Interview** with DSHS to share information about disabilities and work history.
 - Tell DSHS about all physical and mental conditions
 - Even ones that might seem “minor” like high blood pressure or nightmares.
 - Tell DSHS the names and address of all medical providers seen in the last 90 days, including primary care, specialists, hospitals, emergency rooms.

Tip for Application Process

- Advocates can attend Financial and Social Worker interviews!
- Help clients get copies of medical records
- Help client ask DSHS to schedule a psychological evaluation if necessary
- Advocates/clients can follow up with the DSHS social worker to make sure they are getting all the medical records.
- Advocates can write letters of support for their clients or help clients ask their medical providers for these letters of support.

Common reasons ABD is denied

- Medical Evidence not received within 45 days of application
- Medical Evidence is not current, more than 90 days old.
- Very common reasons is “failure to prove the disability” or “lack of objective evidence”
- Physical and Mental Health Function Evaluation Forms (DSHS 13-021 and DSHS 13-865) not completed correctly.
- Mental health evaluations done by DSHS contract providers may have implicit bias in their evaluations.

TIP: Help the client ask their MH provider or primary care doctor to complete an evaluation form.

What happens when ABD is approved?

- ABD is usually approved for 24 months
 - After 24 months, there is a review and client will need updated medical records.
- Required to apply for SSI
 - If SSI gets denied, the client needs to appeal, or they will lose ABD.*
- May be required to participate in treatment such as mental health or substance use

Questions?

Reporting Requirements

What to report to DSHS?

- The approval letter should clearly state:
 - What needs to be reported between reviews
 - How to report it
- Report an increase in earned or unearned income.
- Report if your resources exceed \$6,000
- Report by calling DSHS at **1-877-501-2233**

TIP: Keep your
own record of
reporting

When to Report to DSHS

- Report changes by the tenth day of the month following the month the change happened.
- For changes in income, the date a change happened is the date you receive income based on this change.

Questions?

How to Avoid Benefits Pitfalls

Report Changes in Circumstances

- Report required changes in household income, household size, or resources by the 10th day of the month following the change.
- Contact DSHS or BLA if you are in doubt about what needs to be reported.

Comply with Program Requirements

- Comply with treatment requirements, if required after approval.
- OR tell DSHS why you cannot comply.

How to Avoid Benefits Pitfalls, cont.

Request an Equal Access Plan

DSHS must provide Necessary Supplemental Accommodations to all persons with a mental, neurological, physical or sensory impairment or other limitation that prevents them from accessing or maintaining benefits in the same way that an unimpaired person would.

Designate an Authorized Representative

- Someone you designate to represent you when you apply for or receive benefits with DSHS.
- The individual or organization is authorized to act on behalf of the client for eligibility purposes.
- They can also receive copies of all your DSHS notices.

What do to if something goes wrong?

If benefits are denied, reduced, terminated, overpayment:

- **Request a Hearing**
- How to request a hearing?
 - Call or write DSHS or the Office of Administrative Hearings.
- You have the right to be represented by an attorney
- DSHS Customer Service – 1-877-501-2233
- Office of Hearing Administration – 360-407-2700 or 800-583-8271

Deadlines to Request a Hearing

- **90 days** to request a hearing from the adverse action (termination, denial, or change in benefits).
- **Continuing Benefits.** You can keep getting your benefits while you are waiting for you hearing.
- Ask for this within 10 days of the date on the DSHS notice.
 - If the tenth day falls on a weekend or holiday, you have until the next business day to ask for a fair hearing to get continued benefits.

When to Reapply

- You should reapply if any of these is true:
- You think DSHS correctly denied you, but your situation has since changed.
- Reconsideration: If you give DSHS additional information within 30 days of the denial, they will review your application again.
 - You can do this **and** ask for a hearing.

Questions?

Housing and Essential Needs

Housing and Essential Needs (HEN)

- The Housing and Essential Needs (HEN) Referral program provides access to essential needs items and potential housing assistance for low-income adults who are unable to work for at least 90 days due to a physical or mental incapacity or are eligible for Aged, Blind, or Disabled (ABD) cash assistance.
- The Housing and Essential Needs (HEN) program provides funding to local governments and homeless service providers to help individuals referred by the Department of Social and Health Services (DSHS)

Who is Eligible for a HEN Referral from DSHS

- DSHS determines eligibility for a HEN Referral
- Who is eligible?
 - Unable to work for at least 90 days due to a physical/mental incapacity.
 - ABD recipients, or
 - Individuals whose disability is primarily based on substance abuse

Housing and Essential Needs (HEN)

- Income Limit: \$339/month
 - 50% earned income disregard
- Resource Limit:\$6,000
- No cash grant
- Program for adults
- DSHS determines eligibility for HEN
- HEN benefits (housing and essential needs) administered in King County through Catholic Community Services

Getting the HEN Benefits

Once an applicant receives a letter from DSHS or is notified that they qualify for the HEN program, they need to schedule an appointment with Catholic Community Services (CCSWW) by calling their resource line 206-328-5755.

No call to CCSWW means no HEN benefits.

Questions?

Referrals to Benefits Legal Assistance

For General Referrals

- **Intake line: 206.694.6742** (client or advocate can leave message and we will return call within 24 hours)
- **General Email:**
benefitslegalhelp@solid-ground.org

To Contact us Directly with Specific Questions

- ❖ April Mazur, Social Worker, Aprilm@solid-ground.org
- ❖ Janelle Stark, Legal Assistant (manages all intakes) janelles@solid-ground.org
- ❖ Hannah Rosenberger, Staff Attorney, hannahr@solid-ground.org
- ❖ Will Ross, Benefits Attorney, willr@solid-ground.org

Ask a Lawyer Program

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