



Benefits Law Center
Social Security Advocacy

Supporting Your Clients With Social Security Issues: Applications and Beyond

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This Presentation Will Cover:

▶ Applications:

- ▶ Applications basics
- ▶ How to keep your clients engaged in the process
- ▶ How to support their claim

▶ Troubleshooting SSA issues going forward

- ▶ How to keep benefits
- ▶ How to avoid issues with SSA benefits (avoid overpayments, avoid termination, etc.)



Which Benefits Should My Client Apply For?

- ▶ **Supplemental Security Income (SSI)** - individuals who meet income and resource limits and medical eligibility requirements (no work history required)
- ▶ **Social Security Disability Insurance (SSDI)** - for individuals who have earned enough work credits and meet medical eligibility requirements (work history required)
- ▶ You can apply for EITHER or BOTH!



Who Qualifies For SSI and Who Qualifies for SSDI?

SSI	SSDI
Age 65 or older, blind, or meets Social Security's definition of "disabled"	Meets Social Security's definition of "disabled"
Has limited resources (less than \$2000)	Sufficient Work Credits (based on total yearly wages, up to 4 credits each year) 2024: \$1,730 = 1 Work Credit
Has limited income (less than \$1,550)	Age 31 and older - Must have earned 40 work credits (about 10 years of full-time work), 20 of which earned in the last 10 years (worked any 5 of the last 10 years)
Noncitizens must meet special requirements to qualify (not undocumented, qualified "alien"; AND special criteria.)	

How much is the benefit?

- **SSI:** 2024 Federal SSI Benefit Rate - \$943 for an individual, and \$1,415 for an eligible individual and eligible spouse.
- **SSDI:** Based on past earnings.

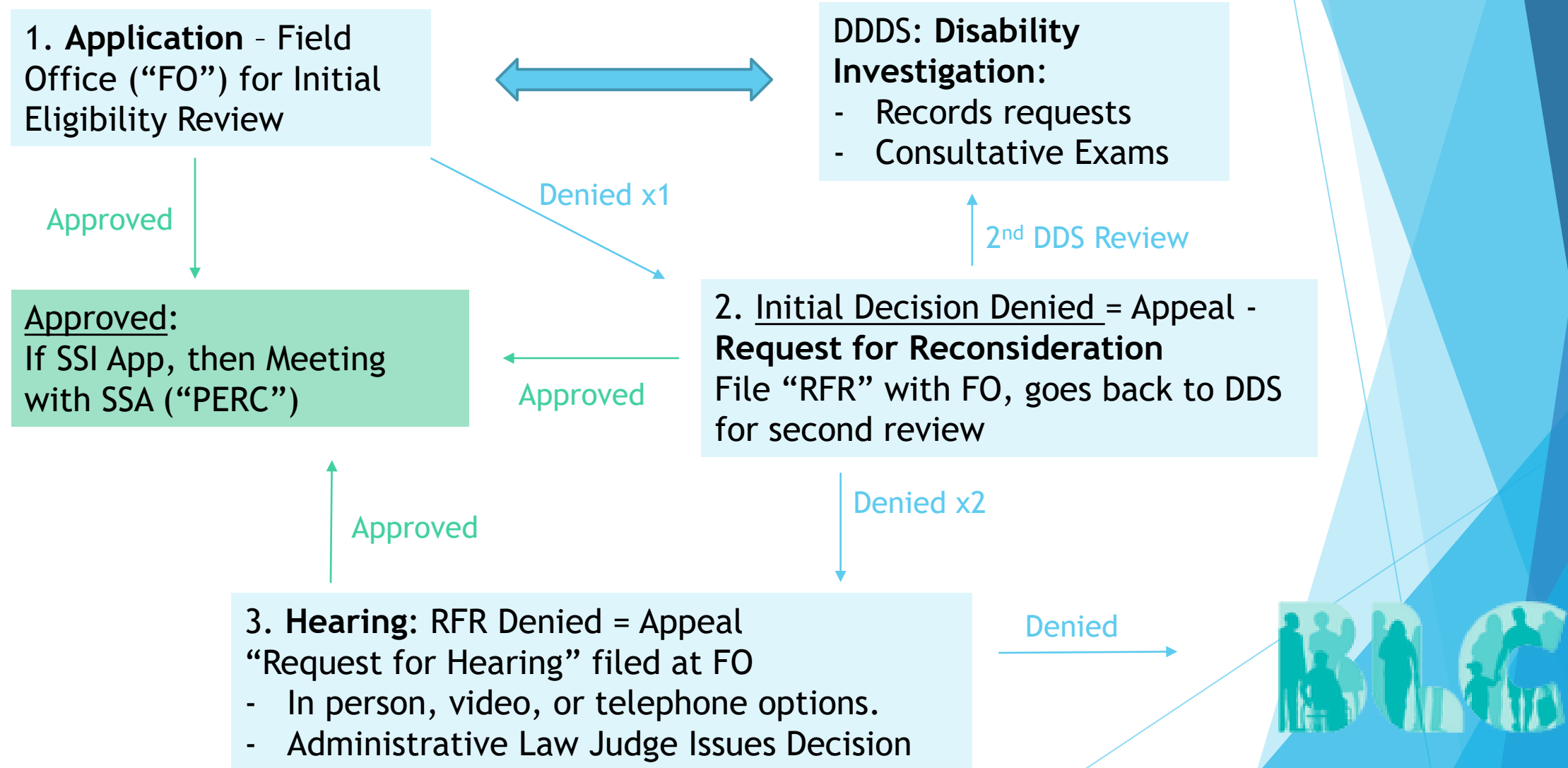


How SSA Defines “Disability”:

- ▶ **1. Financial Eligibility:**
 - ▶ Earning “SGA” = not disabled. 2024: \$1,550 (or \$2,590 if the individual is blind).
- ▶ **2. Severe Impairments:**
 - ▶ Medical impairments that have or are expected to prevent them from working for at least 12 consecutive months.
 - ▶ How SSA handles SUDs - not a disability itself.
- ▶ **3. Listing Criteria: Physical and Mental Health Conditions as Defined by SSA**
 - ▶ If evidence meet SSA’s definition and severity criteria → DISABLED
 - ▶ If no, go to steps 4 & 5.
- ▶ **Steps 4 & 5: Residual Functional Capacity - Ability to do work WITH your current impairments and limitations**
- ▶ **4. Prior Relevant Work:** unable to perform past work.
- ▶ **5. Any OTHER work in the national economy:**
 - ▶ Anywhere in the national economy - whether jobs exists here or not



The Application Process:



The Application Process: (cont.)

- 3. Hearing: RFR Denied = Appeal**
“Request for Hearing” filed at FO
- In person, video, or telephone options.
 - ALJ Issues Decision

- 4. Appeals Council: Request review** of ALJ decision; no new evidence submitted.
- Allow, Dismiss, Remand or Deny

← Remand

Remand - w/
instructions

↓ Deny

Don't Reapply, APPEAL!

- Preserve PFD = more backpay
- Appeal late with Good Cause
- If not, Previous decision becomes final
- Chavez - presumption of non-disability unless change in circumstances

- 5. Federal Court Review: Federal complaint with U.S. District Ct.**
- Refer to private attorneys
 - May remand back to ALJ, uphold decision, or approve for benefits; usually remand first.



Ways to Apply:

- ▶ Online Filing Tool - SSI (PLUS phone application)
 - ▶ <https://www.ssa.gov/ssi/start.html>
- ▶ Phone Appointment - SSI and/or SSDI
 - ▶ Help them attend appointment, reminders, etc.
- ▶ DSHS - SSI Facilitators
- ▶ Online Applications - SSDI & first time SSI Applications
- ▶ Help client set up My SSA Account (login.gov) - but be careful client can access later
- ▶ Paper Applications - Need Professional Support - BLC

- ▶ For more info on *HOW* to help your clients apply, check out our applications training available on youtube here: https://youtu.be/aPrvdhOa_po.



Helping Clients During Application:

- ▶ Assistance **scheduling appointment or completing an application.**
 - ▶ Protective Filing Date: Earliest date Claimant tells SSA they want to apply.
- ▶ **Gathering materials** needed for an application.
 - ▶ Application Checklist: <https://www.ssa.gov/hlp/radr/10/ovw001-checklist.pdf>
- ▶ Establishing a reliable **mailing address and checking mail:**
 - ▶ Ex: setting up general delivery, PO box, or allowing applicants to use your mailing address to receive communications from SSA.
- ▶ **Help Connecting to Treating Providers** - It's not too late!
- ▶ Keep your client stay **ENGAGED** in the process
 - ▶ Meet Deadlines - checking mail, responding, asking for extension
 - ▶ If late - file Statement of Claimant explaining *why* they are late = "Good Cause"
- ▶ **Referrals to BLC:** Claimant's initial application was denied; facing unusual/numerous barriers



Find the Office for this ZIP Code.

ZIP:

[Zip Code Look Up](#)

Phone Applications: Local Offices

- ▶ Follow this link: <https://secure.ssa.gov/ICON/main.jsp>
- ▶ Input the zip code for where client generally resides.
- ▶ Look at the address of the claimant's local office and use the chart below to find their telephone number. SSA lists the national number (1-800-772-1213) regardless of what the claimant's appropriate local office is.

Local Office	Phone	Fax
Metro (2 nd Ave)	(866) 494-3135	(833) 346-7160
North Seattle (Aurora Ave)	(866) 931-2875	(833) 950-3234
Kent (Ramsay Way)	(866) 931-7671	(833) 912-2342
Burien (156 th St)	(866) 964-7380	(833) 950-3236
Bellevue (120 th Ave)	(866) 574-2323	(833) 912-2340
Lynnwood (33 rd Ave)	(877) 575-5197	(833) 950-3557
Everett (Broadway)	(866) 563-4595	(833) 950-2616
Tacoma (47 th St)	(888) 487-9229	(833) 950-2316



Gathering Medical Evidence: Why is Medical Info So Important?

- ▶ **DDS → REQUEST RECORDS**
 - ▶ To Whom/What Clinic?
 - ▶ Timeframe?
- ▶ **DATES** - important factor
- ▶ **Historical Picture** - How long treated? How long experienced impairments? Patterns
- ▶ **Effort** - What attempts have been made to treat conditions?



Supporting Materials

- ▶ **Letters of Support:**
 - ▶ Length of relationship, how often see/interact
 - ▶ **Personal Knowledge/Observations** re Impairments/ADLs
 - ▶ What activities cannot perform or are difficult? Breaks?
 - ▶ Memory problems? Missed appointments?
 - ▶ Interaction with other people?
 - ▶ Suffered breakdown or attempted self-harm?
 - ▶ Don't say "disabled" and "cannot work" - legal decisions for ALJ
 - ▶ Instead, focus on **how impairments affect daily life**, barriers, etc.
 - ▶ **Effect, not cause** (unless you are the medical professional providing medical opinions)
- ▶ Records/Specialized Assessments



Helping Clients Stay Engaged

- ▶ **Keep copy** of application and proof of submission
 - ▶ Keep all SSA notices, and client's appeal documents/proof
- ▶ Follow up w SSA FO - **things get “stuck”**
 - ▶ Approx. 2 months for submitted materials to be *reviewed*
 - ▶ Anything missing? Any issues?
- ▶ Follow up with **DDDS**
 - ▶ Did it get assigned? Get DDDS Adj. name and phone
 - ▶ **Notices** - questionnaires, 10-day “response”, etc.
 - ▶ **Appointments - CEs** - attend all appointments
- ▶ If SSI claim approved - **PERC meeting** - must attend
- ▶ **Deadlines for Appeal** - 60 days +5 days mailing



Manage Client Expectation - Long Process

- ▶ **Application Itself** - Est. 1-2 Hrs
 - ▶ Re-entry code valid for 60 days (PFD)
- ▶ **Application → Initial Decision:** Est. 9-12 Months
 - ▶ Submission - @ FO approx. 60-90 days
 - ▶ DDS - 3-6 months
- ▶ **Approved:**
 - ▶ PERC Meeting (SSI) → approx. 30 days after decision
 - ▶ In Pay? Est. next month or w/in 30 days of PERC
- ▶ **RFR:** Est. 6 months
- ▶ **Hearing:** Est. 9 - 12 Months after Request



Troubleshooting Social Security Issues After Benefits Start

▶ Changes to Report to SSA:

- ▶ **Living Situation:** - new address; do you live with someone? Is someone paying for your rent (not subsidized housing)
- ▶ **Work (earned income):** report income monthly
- ▶ **Income (unearned):** you receive any other sources of income - tribal income (monthly), personal injury settlements, gifts, child support, etc.
- ▶ **Resources:** Are you over the resource limit?
- ▶ **Detention:** over 30 days (SSDI) or full calendar month (SSI) - incarcerated, involuntary commitment, hospital - not eligible for month. If 12 months+, termination.
- ▶ Lots of **other** reporting requirement: Marital changes, Citizenship status, Medical improvement, unsatisfied felony warrant, leaving US for 30 days, etc.



Troubleshooting Social Security Issues After Benefits Start

▶ Working - earned income:

- ▶ **Reduced 2:1** for earned (vs. 1:1 for unearned): some incentive
- ▶ **BUT**, be aware of **Substantial Gainful Activity** (“SGA”) - no benefit if you earn above \$1,550 that month (pause)
 - ▶ Beware Seasonal or Inconsistent work
 - ▶ Beware raises or increased work hours may tip over SGA
- ▶ **Potential CDR issue** - if you can work and maintain employment, may show you have improved and not “disabled” at Step 1 of analysis.
 - ▶ However, could be good outcome for some; paying into retirement, future SSDI
- ▶ **MUST report every month** - if not reporting, can cause O/P issue.
- ▶ More complicated rules for SSDI - **Trial Work Period and Extended Period of Eligibility.**



Troubleshooting Social Security Issues After Benefits Start

- ▶ **Timely Responding to SSA**
 - ▶ Continuing Disability Reviews
 - ▶ Overpayments
 - ▶ Change in Benefits Notices (Reductions, termination)
- ▶ In most cases, if you respond by their timeline, benefits can continue during reviews or appeals



Troubleshooting Social Security Issues After Benefits Start

- ▶ Prevent SSI Benefit Reductions or pause
 - ▶ If client lives with another person and does not pay rent OR someone pays their rent = **ISM reduction** (up to 1/3 benefit)
 - ▶ BUT ISM reduction may be best outcome for client (Seattle rent is much larger)
 - ▶ Other solution/exception = subsidized housing
 - ▶ They receive **unearned income** from another source
 - ▶ E.g. Settlement - possible solutions may be Special Needs Trust, ABLE account, etc.
 - ▶ SSI - **Over-Resourced** - even by \$1 = no benefit! Help clients manage funds/budget and stay under-resource



Thank You For Participating Today!
Thank you for the vital work you do for your
clients!

QUESTIONS?

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