



Benefits Law Center
Social Security Advocacy

BLC presents: Navigating Social Security and BLC Basics

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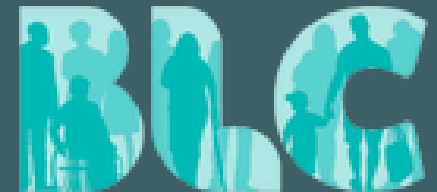
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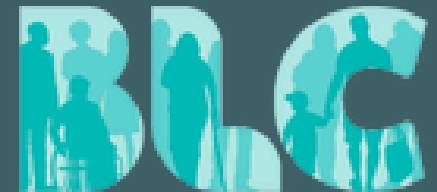
Today's Agenda

- What is SSA
- State of SSA during COVID-19
- What Are Social Security Benefits
- Common Social Security Problems/Cases
- What can an advocate do?
- Services We Provide
- How We Can Support You
- Questions



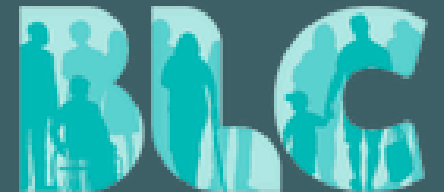
The Social Security Administration

- FDR signed the Social Security Act in 1935.
 - Created the Social Security Board.
- In 1946, it was renamed the Social Security Administration
- In 1950s agricultural workers and domestic workers became eligible for benefits.
- SSA was granted independent agency status in 1995.
- 60,000 employees, 10 regional offices, and 1,230 field offices.
- While it is the most effective anti-poverty program, there are clear inequities built into these programs from the start that have a lasting multi-generational impact.



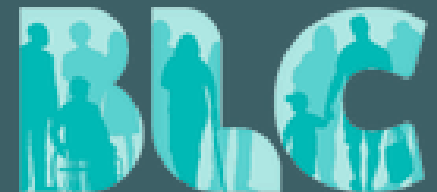
What Does SSA Do?

- Social Security is the federal government financial safety net.
- Disability, retirement, and survivors benefits.
- Administer Social Security Numbers/Social Security cards.



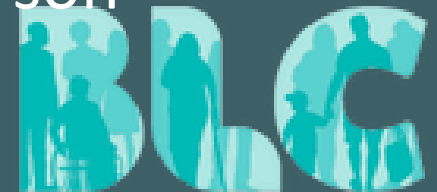
SSA During COVID-19

- Local SSA Field Offices have been open since April 2022. Wait times are long and it's best to go early in the morning to avoid long delays.
- Hearings Office. There is an option to appear by telephone and Teams, OR you can wait to appear in person (longer wait time for hearing).
- SSA Is relying heavily on their website to process appeals.



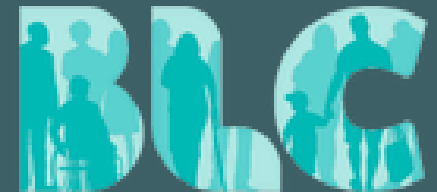
Types of Non-Disability Benefits

- **Social Security Retirement** – based on an individual’s work history
- **Old-Age Supplemental Security Income (SSI)** – based on age (over the age of 65) and financial requirements (income and resource limits).
- **Spousal Benefits** – retirement benefits on spouse’s records if you are over the age of 62 and your spouse is receiving benefits
 - **Up to ½ of your spouse’s benefit amount**
- **Survivor’s Benefits** – for family members of deceased person qualified for benefits.



Types of Disability Benefits

- **Supplemental Security Income (SSI)** – individuals who meet income and resource limits and medical eligibility requirements (no work history required)
- **Social Security Disability Insurance** – for individuals who have earned enough work credits and meet medical eligibility requirements (work history required)
- **Disabled Adult Child Benefits** – for adult children who became disabled before 22 years old and have a parent who is receiving retirement or disability benefits



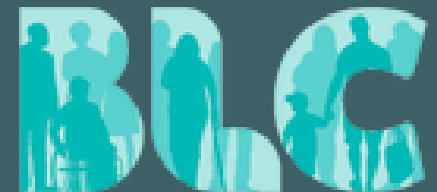
Who Qualifies for SSI (Supplemental Social Security Income)

Who Qualifies for SSDI (Social Security Disability Insurance)

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) 2020: \$1410 = 1 Work Credit
Has limited income	Age 31 and older - Must have earned 40 work credits, 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:** 2023 Federal SSI Benefit Rate - \$914 for an individual, and \$1,371 for an eligible individual and eligible spouse.
- **SSDI:** Based on past earnings.



Social Security Problems

Eligibility or Entitlement Cases – helping someone who needs to apply for benefits or appeal a notice denying their application for benefits.

Post-Entitlement Cases – helping someone who already receives benefits when SSA has told them that their benefits might be reduced or stopped.

- Overpayment Notice
- Threat of Termination or Cessation
- Continuing Disability Review



Social Security Problems- Post-Entitlement Cases

Overpayment

Written Notice. We paid you \$xxx too much in monthly benefits..." Written notice, amount, and why.

- If the client disagrees read the appeal rights and appeal accordingly.
 - Disagree with the fact or amount: Reconsideration (SSA Form 541 or online)
 - Disagree that it was my fault AND I cannot afford to repay: Waiver (SSA Form 632)
- If the client does not disagree, set up a repayment plan.

Termination or Cessation "We believe you are no longer eligible for benefits because..."

Reasons Why:

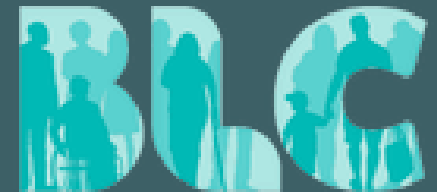
SSI: Work, Income, resources, no longer disabled, out of the country for too long, incarcerated for longer than one calendar month

SSDI: Work, no longer disabled, incarcerated (convicted AND confined for more than 30 days)

What to do: Read and follow appeal information in the notice.

Continuing Disability Review

Every 2-7 years, every person who receives disability benefits will have their disability reviewed by SSA to ensure benefits are going only to those who qualify. Depending on the application process, this can be traumatic. Respond to all communication, and return all forms completed.

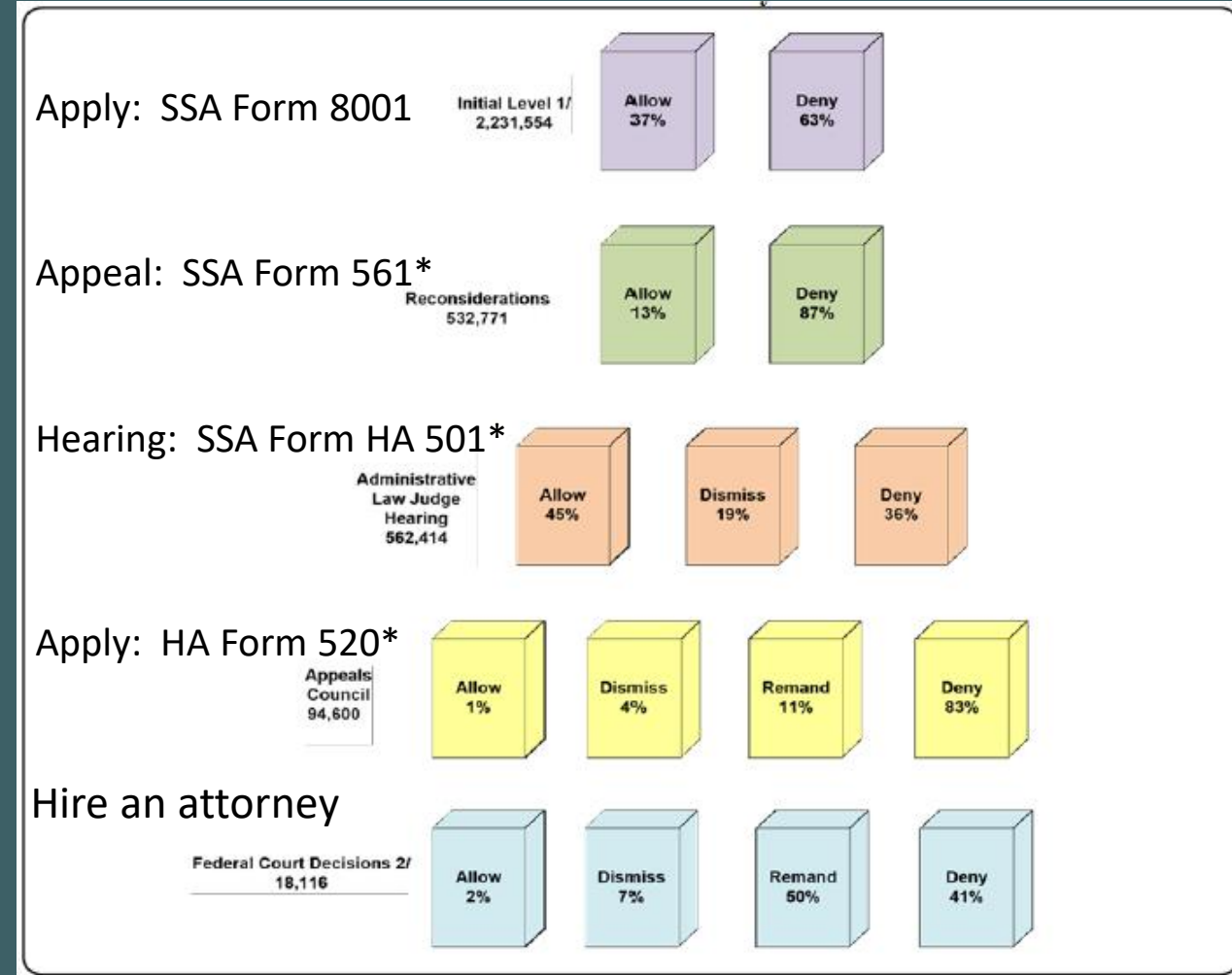


Social Security Problems- Eligibility or Entitlement Cases

Apply and appeal online ssa.gov

- Inability to engage in any **substantial gainful activity** because of a **medically determinable physical or mental impairment** which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months, and results in **not being able to perform past work or any work** in the national economy.
- Disability for Social Security purposes is specifically tied to an individual's ability to work.
- This is the legal definition- it is not meant to define an individual's value to our families or our communities.

***Appeal Language in some cases:** I disagree because I believe I am disabled under Social Security rules.



Prepared by: SSA, ODPMI (Office of Disability Program Management Information). 2019 stats.

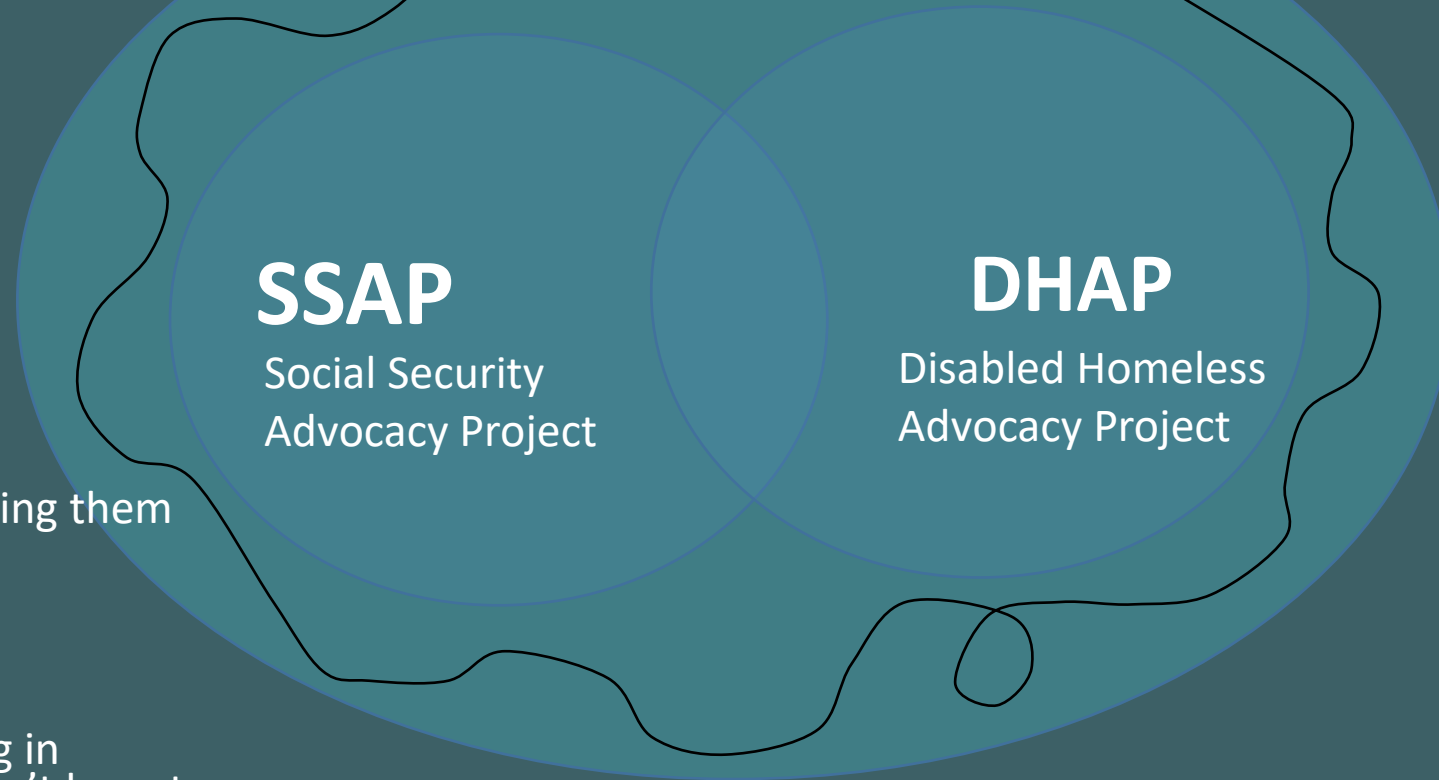
Services BLC Provides

Level Of Service:

- Advice and council
- Brief Service
- Full Representation

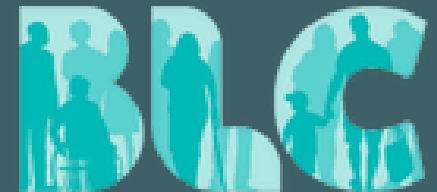
Types Of Service:

- Teaching clients how benefits work and counseling them on how to make decisions about their benefits
- Completing paperwork
- Tracking deadlines
- Using decades of relationship building to staying in constant communication with SSA, so clients don't have to.
- Application and appeal assistance
- Crafting written and oral arguments that make the difference
- Collecting medical, financial, and other evidence to support the case and client.



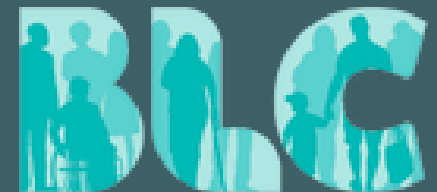
Barriers to SSA Benefits

- Homelessness/houselessness/living outside (mail).
- Physical impairments
- Mental and cognitive impairments
- Transportation
- Access to technology
- Limited English proficiency
- Social support



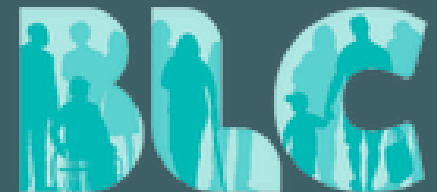
How BLC Makes a Difference

- Compassionate and trusting relationship building
- Referrals to case management services, housing assistance, medical providers, food banks, etc.
- Justice Bus
- Community outreach locations
- Interpreter Service services in every language



How We Can Help You

- Trainings
- Answering Specific Questions
- Referrals
- Formal Partnerships (+/- the Justice Bus)
- Call us!



Questions!

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Social Security Basics: Applications

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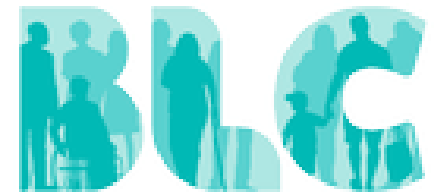
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Types of Disability Benefits

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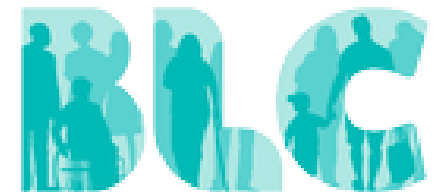


Who Qualifies For SSI and Who Qualifies for SSDI?

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) 2020: \$1410 = 1 Work Credit
Has limited income (less than \$1,470 monthly)	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.	

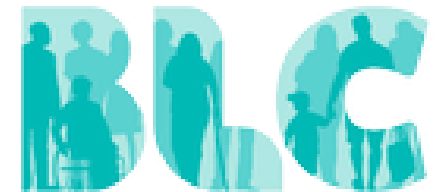
How much is the benefit?

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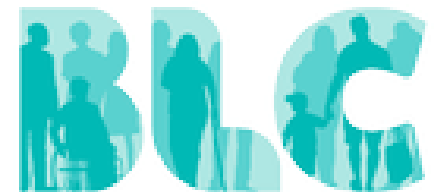
How SSA Defines “Disability”:

- 1. Financial Eligibility:
 - SSA will not consider someone disabled if they earn more than a certain # in wages a month. For this year, that amount is 1,470 (or 2,260 if the individual is blind).
- 2. Severe Impairments:
 - A disability benefits applicant must be able to show they suffer from medical impairments that have or are expected to prevent them from working for at least 12 consecutive months.
- 3. Listing Criteria:
 - SSA will determine if the medical records they’ve collected allow them to make a finding of disability without moving on to steps 4 or 5. Claimants who meet “listings” generally suffer from at least one disabling which they have received consistent, long-term medical treatment for.
- 4. Previous Work:
 - The person applying for benefits must be unable to perform any work they have performed in the past.
- 5. Any work in the national economy:
 - The person applying for benefits must be unable to perform the requirements of **any job, anywhere in the national economy (!!!☹)**



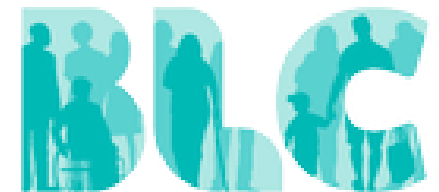
How Do I Apply (or Help Someone Apply) for Social Security Disability Benefits?

- There are many ways to apply!
- If you are assisting a client wanting to apply for SSA disability benefits, the method you choose will depend on how involved you want to be in the process.
- Three Ways Disability Claimants Can Submit an Application:
 - Online SSI Appointment Request Tool (**SSI Only**)
 - Calling SSA to Schedule an Application Appointment (**SSDI/SSI**)
 - Online Application + Follow-Up (**SSDI/SSI**)



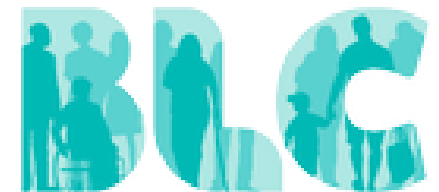
Before We Get Started

- Every method of applying for SSA disability benefits requires claimants to submit information about themselves and their impairments.
- If you are helping a claimant request an appointment to apply directly with an SSA representative or DSHS SSI facilitator, you can help your client gather the information they need by consulting these forms **after scheduling or requesting an appointment**:
 - <https://www.ssa.gov/disability/Documents/Checklist%20-%20Adult.pdf>
 - <https://www.ssa.gov/disability/Documents/SSA-3381.pdf>
- If you are assisting a claimant submit an online application for disability benefits, you can help them gather this information **prior** to filing the online application:
 - <https://www.ssa.gov/hlp/radr/10/ovw001-checklist.pdf>
- Key Tip:
 - Helping a client carefully identify all the doctors/clinics/hospitals they have received tx related to their impairment(s) is very, very helpful!



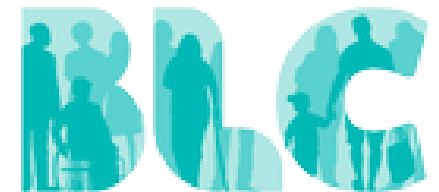
Before We Get Started

- In general, here is the info you will need to complete and online application or that a client should prepare prior to applying with an SSA representative:
 - Date and Place of Birth
 - Info Relating to Marriages and Divorces
 - Info Relating to U.S. Military Service
 - Employment/Self-Employment Information for the Current Year and Prior 2 Years
 - Banking Information (for direct deposit)
 - Information About Doctors, Healthcare Professionals, Hospitals, and Clinics
 - Job History (Up to Approx. 15 Years)
 - Info Relating to Education and Any Specialized Training
- Tip: don't worry if you have a hard time collecting all this info prior to filing out an app or having an appointment – just do the best you can and explain any missing information to SSA!



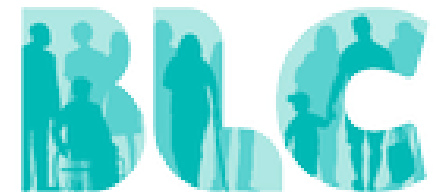
Online Filing Tool

- Link: <https://www.ssa.gov/benefits/ssi/start.html>
- Information You Will Need:
 - Name, DOB, and SSN of the person interested in applying for SSI.
 - Mailing address, phone number, and email address (optional) for the person interested in applying for SSI.
 - Your name, your phone number, and your email address (optional).
- How It Works:
 - Once the online request is submitted, SSA generally schedules an appointment and notifies the claimant of that appointment through the mail (and email, if provided) within 7-14 business days.
- What If My Client Doesn't Receive Anything in the Mail?
 - Follow-up with your local SSA office via telephone.



Phone Applications:

- Claimants can call their local SSA office to request an appointment to apply for SSDI or SSI (or both!) benefits over the phone.
- With very limited exceptions, application appointments are not being scheduled in-person.
- The application phone call simply consists of an SSA representative asking your client questions and recording their responses. Make sure to help your client collect the info they will need when the appointment comes!
- Step-By-Step
 - Step 1: Determine and contact the claimant's local office.
 - Some SSA offices are difficult to contact due to the volume of calls being made to them. Persistence is key!
 - Step 2: Schedule an appointment for a telephone interview for disability benefits.
 - Step 3: Support client to obtain information needed for their phone appointment.
 - Step 4: If necessary, allow client to use your phone number and telephone to complete the application interview.



Find the Office for this ZIP Code.

ZIP:

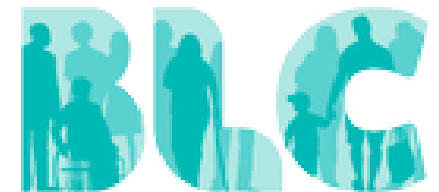
Locate

[Zip Code Look Up](#)

Phone Applications: Local Office

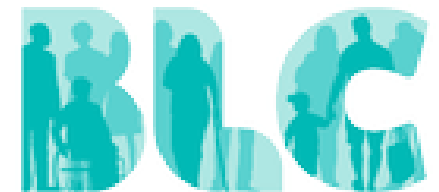
- Follow this link: <https://secure.ssa.gov/ICON/main.jsp>
- Input the zip code for where client generally resides.
- Look at the address of the claimant's local office and use the chart below to find their telephone number. SSA lists

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



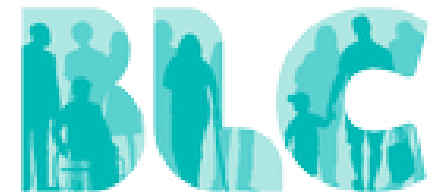
Online Applications + Follow-Up

- SSA offers a portal where claimants can apply for disability benefits online.
- Link: <https://secure.ssa.gov/iClaim/Ent002View.action>
- Completing the online disability application collects all the information required for an SSDI application. Some simple follow-up is required to also submit an SSI application using the same information submitted online.
- Pros:
 - The online application provides you a “reentry code” you can use to log in and out of an incomplete application. Work at your own pace but sure to write the code down!
 - The client does not have to wait for an appointment or have to interact directly with Social Security to apply.
- Cons:
 - Requires the claimant to create or log into a “MySSA” before they can fill out/submit the application.
 - Setting up a “MySSA” is straightforward but may require the client to wait until an activation code from SSA in the mail.



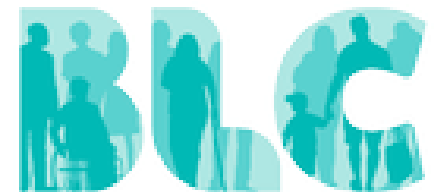
Online Applications + Follow-Up (cont.)

- If your client only wants to apply for SSDI:
 - Complete the online disability application.
- If your client wants to apply for SSDI and SSI:
 - Complete the online disability application.
 - Call your client's local SSA office to inform them the client submitted an online disability application and want to schedule an appointment to complete the SSI portion.
- If your client only wants to apply for SSI:
 - You can use the same method as above.
 - A notice rejecting the client's application for SSDI benefits does not mean they were rejected from the SSI. If a client's claim for SSDI and SSI benefits are both denied, they will receive two letters.



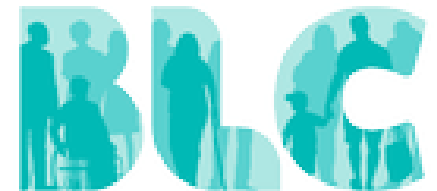
Why is Medical Info So Important?

- 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?



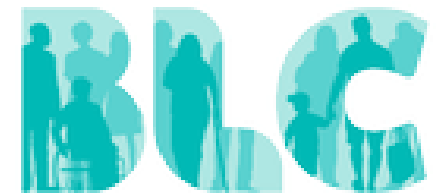
Remarks

- My [caseworker] helped me complete this application. They read the questions and typed my answers. The answers were my own
- Address anything specific from Application that needs more explanation
- If Claimant is Homeless – state it again
- Brief statement – why I can't work – what limitations
- How would benefits help? E.g. allow me to survive; have hope for better future, etc.



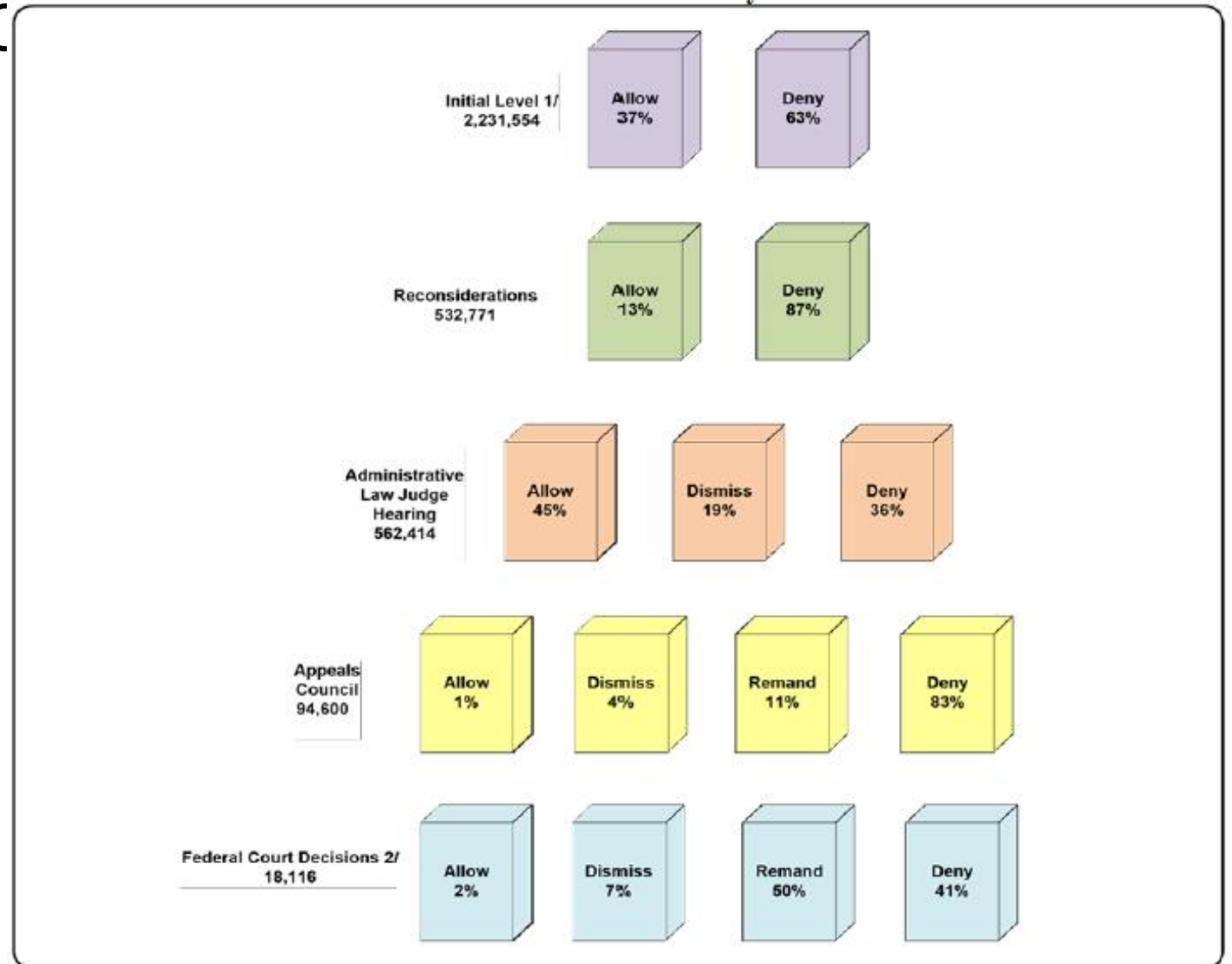
The Application Process:

- 1. Submit an application: Local SSA Field Office
 - Review the application for basic eligibility (e.g. like finances, immigration status, etc.). (2-3 months)
 - If meet basic eligibility requirements → transfer to the claim to the Division of Disability Determination Services (DDS) branch of DSHS.
- 2. DDS: Application
 - Assigned to an “adjudicator” - they will request records, send questionnaires to claimant, and communicate by mail.
 - Consultative Exam or “CE” - if there is not enough current medical evidence to support the impairments claimed.
 - Makes Recommendation to SSA FO to make decision: approve or deny (6-9 months)
- 3. DDS: Reconsideration
 - If SSA denies, can file Request for Reconsideration (RFR) – SSA FO
 - Goes back to DDDS for second review (often 6 months +)
- 4. OHO (Office of Hearings) - Hearing:
 - If denied on RFR, Claimant and file Request for Hearing. (may add another year+)



The Application Process

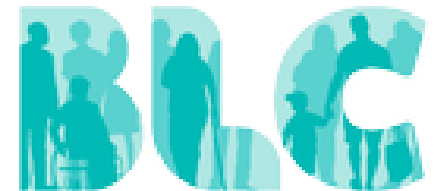
- 4. Appeals Council Review:
 - Allow, dismiss, remand, or deny
- 5. Federal Court:
 - BLC do not take these types of cases and only handle claims up to the Appeal's Council level. We have a list of attorney referrals who do this type of work.
 - May remand back to hearing level
- Appealing vs. New Application:
 - Appealing Preserves the PFD = more backpay if approved
 - Chavez – new or worsening condition



2019 data

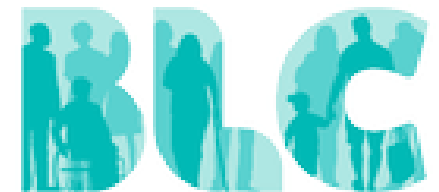
How to Help Your Client Through the Application Process:

- Assistance scheduling or completing an application.
 - Set up my SSA Account (login.gov – username and password) – make sure client can later obtain login info
 - Gathering materials needed for an application.
 - Cover letter – “flag as homeless”
- Establishing a **reliable mailing address**:
 - Ex: setting up general delivery, PO box, or allowing applicants to use your mailing address to receive communications from SSA.
- Managing claim and deadlines



How to Help Your Client Through the Application Process (Continued):

- Establishing care or referrals as needed
- Help gather evidence (post-application):
 - Medical records, educational (e.g. IEP), agency (DVR, DSHS)
 - Supporting materials – letters of support
- Referrals to BLC – helping client establish line of communication w/us
 - claimant's initial application has been denied and they would like to consider/submit an appeal.
 - potential claimant is facing unusual barriers to submitting an application.



Supporting Materials

- Letters of Support: Medical Providers, Case workers, and/or Friend/Family
 - How long know claimant, 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



Protective Filing Date

- Earliest Possible Application Date – verbal or written intent to file
- Title XVI (SSI) – PFD preserved = earliest date can receive benefits
 - Backpay - calculated from PFD through approval
 - Installments
- GOAL: Contact SSA ASAP = earlier PFD = more backpay



Alleged Onset Date

- Date Claimant alleges unable to work b/c of Medical condition
- Title XVI (SSI)
 - Backpay relates back to PFD of application, even if AOD earlier
- Title II (SSDI)
 - Backpay relates back to AOD, up to 12 months before application
 - Insured through work credits: 20 credits / last 10 years
 - Date Last Insured (DLI) – “insured” status ends
 - Goal: AOD before DLI



Follow Through During Application

- Keep copy of application and proof of submission
- 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 you get approved – PERC meeting – must attend
- Deadlines for Appeal – 60 days +5 days mailing



Questions?

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Mobile Attorney

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Benefits Law Center
Social Security Advocacy

Social Security Overpayments

Peter Grieser
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Potential Overpayment Issues

- SSDI/SSI
 - CDR
 - Income (earned)
- SSI
 - Unearned income (settlements, inheritance, gifts, child support)
 - Living situation (child moves out, claimant moves in and is not paying rent)
 - Travel outside of US for more than 30 calendar days
 - Too many resources (# of cars allowable)



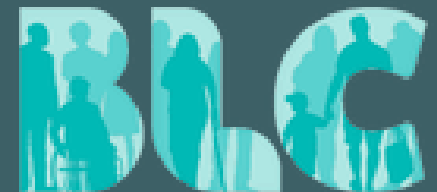
Income vs. Resources

- For SSI, there are two kinds of financial rules:
 - Income- reduces monthly SSI benefit
 - Earned: at a 2:1 rate
 - Unearned: at a 1:1 rate
 - In-kind Support and Maintenance (“ISM”): value of food or shelter provided
 - In other words, are you paying your “fair share” of food and shelter
 - Exception: federally subsidized housing (Section 8)
 - Resources- \$2000 limit (if over, ineligible for that month)
 - Determined on the first of each month
 - KEY EXCEPTIONS
 - The home/property that you live in.
 - The car that you use for primary mode of transportation



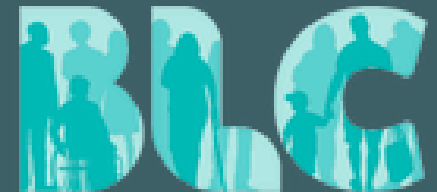
How to Respond to an Overpayment

- Time Sensitive
 - 10 days (plus 5 for mailing) to respond in order to continue benefits while SSA evaluates your claim – SSI only.
 - 60 days (plus 5 for mailing) to appeal any decision.
- Request for Reconsideration (Appeal)
- Request for Waiver
- Request for Change in Overpayment Recovery Rate (“Payment Plan”)



Request for Reconsideration (Form SSA-561)

- Form SSA – 561 to be filed if:
 - You disagree with the reason for the overpayment or,
 - You disagree with the amount of the overpayment



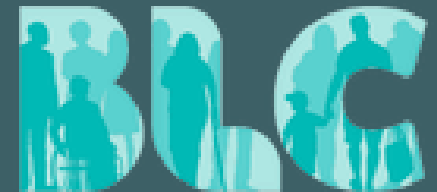
Request for Waiver (Form SSA-632)

- Form SSA – 632 to be filed if:
 - It is not your fault you were overpaid
 - Example: Social Security gave you incorrect or misleading information
 - It would be unfair to collect against you
 - Example: you were overpaid by Social Security and you relied on them to your financial detriment.
- You can request a waiver at **any** time.



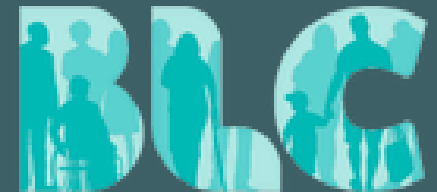
Payment Plan

- SSA-634-BK: Request for Change in Overpayment Recovery Rate
- Rule of Thumb: SSA will approve plan that repays the overpayment within 36 months.
- Otherwise, SSA's discretion.



Continuing Disability Reviews

- **Continuing Disability Review**
 - Every 2-7 years, every person who receives disability benefits will have their disability reviewed by SSA to ensure benefits are going only to those who qualify. Depending on the application process, this can be traumatic. Respond to all communication, and return all forms completed.
 - If denied, claimant has 10 days to choose to receive “conditional benefits.”
 - If, after all the appeals, claimant is still denied benefits, the “conditional benefits” would be considered overpaid.



Questions?

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