

411 on SSI and SSDI

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ADVOCATE **C**AITLIN **T**HOMAS

WHOM AM I?

Advocate Caitlin Thomas BSN, RN

Social Security Disability Representative

Child & Adult SS Disability Representation

(Se habla Español)

Cell: 413-446-6633

FAX: 413-523-0247

PO Box 60585, Florence, MA 01062

E-mail: caitlinthomas@comcast.net

ADVOCATE CAITLIN THOMAS

- ✓ 18 yrs experience with SSA Disability Claims
- ✓ BSN, RN
- ✓ Disability Determination (DDS) Advisory Board (SSA's medical deciding body)
- ✓ DDS Homeless Advisory Board
- ✓ SSI Coalition- Disability Law Center
- ✓ Former Treasurer NADR (Nation Association of Disability Representatives)

SSDI vs SSI

Social Security Disability Insurance (title II)

- Work history → paid SS into the system
- Enough work quarters (depends on age)
- Earned quarters within 5 yrs of date disabled
- NOT income asset dependent (after 1st 5 months)
- **Kids can pull off parents record** (DAC- Disabled Adult Child) if:
 - Parent receives Social Security for Disability or Retirement or is Deceased
 - Claimant (kid) is found disabled before age 22
 - After 2 yrs meeting above DAC receives Medicare
- If benefit low enough can also receive SSI

SSDI vs SSI

Social Security Income (title XVI)

- No or Insufficient work history (earned quarters)
- All children
- Program Income and Asset Dependent
- Possible State Supplement (depends on state)
- Receive Medicaid (not Mass, but some states you have to apply for this)
- Possible to receive with SSDI at the same time
- Not just for disabled can receive if past retirement age and low income

APPLYING

EVERY TIME CONTACTING SSA KEEP A RECORD OF IT

- Date
- Who you spoke with & ext.
- What was discussed
- Print screen if you submit information through internet
- Email print screen to yourself to keep

APPLYING

PATH OF AN APPLICATION:

1st Field Office (FO) where assessed for assets income if SSI, and/or work quarter for SSDI

2nd Goes to the medical deciding body Disability Determination Services (DDS)

3rd Once medically evaluated goes back to FO where they put into pay or wait for appeal

4th Recon (repeat 2nd- 3rd)

5th If denied twice and appealed it will go to Office of Hearing Operations, this is the department where they handle the hearing with an administrative law judge

If the claimant is over 18 **MAKE AN SSA ACCOUNT ON LINE**

APPLYING

KEEP ALL DOCUMENTS RECEIVED OR SUBMITTED TO SSA

Whenever submitting something:

- In person (get complete copy of submission stamped, or your cover letter stating what was submitted and how many pages for each document, write down who took the document)
- FAX
 - list on cover all documents submitted with number of pages for each document
 - Request call back if anything is missing
 - Keep confirmation sheet that shows cover
- Send Certified (listing all documents included on receipt)
- Print screen if you submit via internet

APPLYING

PFD- Protective Filing Date

- Date of 1st contact
 - Calling for an appt
 - Starting application on line (print receipt of reentry #)
 - **Even if you do an internet application one must still have a phone interview for SSI.**
- Effects retroactive payment
 - SSI Benefit (1st month following PFD or Onset Date)
 - **If done by the last day of the month can get recipient **1 whole extra month in retro**)**
 - SSDI (Most someone will get is 1 yr prior to their PFD)
- Different than application date

APPLYING

IF AIDING APPLICANT 18 or SOON TO BE 18 YRS OLD COMPLETE SSA 1696 YOU CAN FIND ON THE WEB (web page at end of slides)

- This way SSA and DDS can speak with you about all matters
- You can even do appeals on their behalf
- Make sure to check “Waiving fees from any source” at the bottom
- Check all three Title II (SSI), Title III(Medicare), & Title XVI (SSI)
 - Title III is in case they end up pulling off a parents record of have work history

Put parents (wage earner’s) SSN on application incase the parents become disabled or retire and claimant could pull off their record

APPLYING SSI

Assets

- Max \$2000 for claimant + \$2-3000 for parents
- Ex: Bank Accts
- Ex: 401K of individual or spouse (not parents)
- Ex: 2nd home or 2nd car (minus loan amount)

Income

- Paychecks (including legally married spouses or parent living in home if a minor) (every \$2 earned ↓ \$1 benefit)
- Rental income (minus expenses)
- Unearned ← (counts dollar for dollar in reduction of SSI)
 - Welfare; Trust fund; Disability Payments

SSDI

Income

- Earned only, paychecks of parents if minor, if over 18 only claimant

APPLYING

Medical Information (!!! MOST IMPORTANT PART !!!)

- Alleged Onset of Disability (AOD)
 - SSDI: date no longer could work (not always date you last worked)
 - SSI: DOB; date of accident/incident; or date medical recs support claim
 - They will often put the PFD as the EOD (Eligible Onset Date)
 - **If the claimant is over 22 this can impact their ability to pull off parents record see later slide.**
- Diagnoses
- Symptoms (frequency, level, duration)
 - Focus on symptoms that limit mobility, dexterity or cognitive function, impeding behavior
 - Give them numbers whenever possible (talk like a Dr./Nurse charts)

APPLYING

Medical Information (most important part)

- **If claimant is over 22 may need to get records supporting disability prior to 22 for if/when parents retire, die or become disabled**
- **Providers (with address, zip AND phone)**
 - Primary, Specialists, Places tests are done, Hospitals, Speech/Occupational/Physical Therapists, Visiting Nurse, Early Intervention, Schools, etc.
 - Even ones that you have an appointment and have not seen yet

APPLYING

Medical Information (most important part)

- Tests/Evaluations (MRI, EMG, IEP testing, Neuro/Psyche, etc.)
 - Even ones that have not been done yet, but you have an appointment or are waiting for the date (put an approximate date)
 - IEP testing is what they need, IEP w/out testing useless
 - IQ tests are valid for 18 and over if done by age 16
- Medications
 - Give dosage, frequency not just the name
 - Side affects ← report to providers as well
- History of Head Trauma ← particularly if homeless

APPLYING

AGE DEPENDENT FUNCTION REPORT (for kids)

- Do not just check yes or no → give examples
- Describe behaviors, actions, places child is not like other children his/her age

FUNCTION REPORT (ADLs) FOR ADULT (form)

- Report about good and bad days
- Give numbers, frequency duration
- Give example of limitations or where help is needed

REPORTING TO PROVIDER MEDICAL RECORDS, MEDICAL RECORDS, MEDICAL RECORDS

**(Also for Claims Disability Review [CDR] and
Redetermination at age 18)**

Make list of symptoms

- Put it in your wallet, NOT fridge, NOT beside bed, etc.
 - If symptoms change, change them on the list
- Read EVERY time they see provider
- SHORT phrases (How Often, How Long, Level & When)
- Report how they felt from last visit, NOT just that day
- Make appointments for time of day when symptoms are worse (i.e. swelling or cognitive worse in a.m.)

REPORTING TO PROVIDER

KIDS: Think about SSA's 6 DOMAINS

(needs to be moderate in 2 or severe in 1)

- Acquiring and Using Information
- Attending and Completing Tasks
- Interacting Relating with Others
- Moving About and Manipulating Objects
- Caring for Yourself
- Health and Physical well-being

REPORTING TO PROVIDER

THINGS TO REPORT (for kids or adults with delays)

- Delays in Developmental Milestones:
 - Staring at face; passing one hand to another; sitting; crawling; standing/furniture surfing; walking; hopping/jumping; stairs; pincer grip
 - Parallel play; not playing with others
 - Challenges with: dress, bathing themselves, potty training
 - Personal safety: sharp objects; heights; crossing the street; strangers, etc.
 - Learning colors/shapes/alphabet
 - Tantrums -Speech -Sleep habits

REPORT TO PROVIDER

KIDS (Cont.)

- Sensory issues:
 - Can only wear certain textures
 - Can only eat certain foods
 - Can only take bath certain temp, foods certain temp
 - Sensitive to certain or loud noises
- Habits:
 - Collects things
 - Rituals
 - Biting or banging head on floor or wall
 - **Things other kids that age don't do or behave like**

REPORT TO PROVIDER

KIDS (Cont.)

- Can they complete things, even a one step or two step request
- Do they need reminders for brushing teeth, bathing, everyday tasks.
- Are they inappropriate with animals
- Do they attack others, throw things (particularly if for no reason)
- Request a Daily Communication Log with daycare provider or teacher (teacher AND parent log behavior)
 - State it's for the therapist/provider they want to know what is happening in the school, from the school in their words.
 - This MUST be added to IEP/504 (write a letter requesting it and get it stamped when submitted).

REPORT TO PROVIDER

ADULTS/KIDS:

- Nightmares; Anxiety; Panic Attacks; Crying Spells; Flash backs; No Motivation; Can't leave house Alone; Hallucination (Auditory/Visual) etc.
- Pain (where, level, frequency, what makes it worse)
- Memory decreased when, how, examples
- Side affects of medications
- Swelling; Deformity
- Limitations (walking, sitting, standing, needs help with bathing/dressing, etc.)
 - Can they lift a gallon of milk and how

REPORT TO SSA

SSA FIELD OFFICE (FO/DO)

Changes in house:

- Contact info: Address, phone, alt. contact
- Number of people in household (if SSI)
- Income (if SSDI only if claimant is earning)
- If still under medical evaluation (at DDS) do NOT report new MEDICAL information providers/diagnoses to SSA office (FO/DO) report to information to the DDS Examiner

REPORT TO DDS

DDS (Disability Determination Services- medical evaluation body)

Report to DDS all NEW Medical Information after submitting application:

- Providers
- Hospital Visits
- Tests/Evaluations (Including IEP testing)
- Physical/Occupational/Speech Therapy
- Procedures, Surgeries
- Diagnoses
- Equipment (oxygen, walker, braces, etc.)

DDS

(Better than FOs/DOs)

- Either in Worcester or Boston (mostly)
- Examiner- is person gathering information to submit to Drs for decision
 - You get a letter from them stating name and contact info
- Contact them with all new info
- Submit all forms sent **TIMELY** (call and let them know if you are having challenges with form)
- Leave message every time you submit documentation
- See if they are having challenges getting records

DDS

(Better than FOs/DOs)

FORMS:

- Return timely (call if you have to delay)
- List ALL limitations with numbers frequency
- List who and how they help with ADLs and other house tasks
- Talk about a good day AND a bad day
 - Give Frequency of BAD days
- DDS may send claimant for a CE- a medical exam for evaluation

DENIED

- Appeal On Time (says 60, but it's 65 days of date on letter)
 - Reconsideration: 1st Denial Appeal goes back to DDS (State) **wait close to 60 days to do this appeal**
 - ALJ (Administrative Law Judge): 2nd Denial Appeal
 - **GET REPRESENTATIVE**, don't go before judge alone
 - This is a hearing before an ALJ- depending on the state and judge it can be highest odds of winning
- On Appeal Give **ALL** Medical Information again
- Submit any Medical/School Records you have
 - Get Necessary School Records: IEP testing; IEP; Attendance; Grades; Disciplinary Notes; Nursing Records
- Follow up with examiner @ DDS (just like initial), see what they are looking for, report submissions

CDR (Claims Disability Review)

BE PREPARED

Huge increase of CDRs from previous years

Infants- frequently after 1st year

Frequency Depends on Diagnosis and Age

SSA must evaluate has the claimant improved from their last Comparison Point Decision (CPD).

- Looking at med recs/diagnoses that resulted in an approval did the claimant get better? Are you symptoms as severe?
- If the claimant got better, how much better? Are they still too limited?
- **No provider visits or insufficient provider visits, not enough records, could result in a cessation.**

CDR (Claims Disability Review)

BE PREPARED

Keep all records

- Tests/evaluations always get copies
- Get cards of anyone who gives services
 - Write date of 1st visit if possible
- IEP testing ALWAYS get a copy
- IEP (most recent)

Keep Reporting to Providers

Keep Logs of Behavior or Symptoms

Keep records proving all documents submitted to SSA

TURNING 18 (Child to Adult)

- At 18 someone who has not been eligible due to parents assets/income may now be able to get SSI/SSDI disability.
- They are considered an adult and their own assets/income are evaluated independently.
- If they have a trust it must be a special needs for them to be eligible for SSI.
- If living at home they need an appropriate room and board agreement to maximize their benefit.
Make sure to mention agreement when applying

TURNING 18 (Child to Adult)

- Recommend to try and get involved with Mass Rehabilitation freshman/sophomore year for transition post graduation
- It takes 3 mos for an appointment (if not in school)
- It will either help support the claim or get the claimant trained and working
- Make sure claimant is reporting to Mass Rehab support person how they feel when they do the work, are at the job
- They only work 4 hrs at time (NOT full time)

TURNING 18 (Child to Adult)

Requirements for Adult are different than Kids

- Can they do work? (8 hrs a day, 5 days a week)
- Limitations
 - Moving; Lifting; Fine Motor;
 - Paying attention, staying on task, consistency, pace
 - Get along with supervisors, other employees, public
 - Can they take public transportation

TURNING 18 (Child to Adult)

Respond to request TIMELY (10 days) if you are receiving

- If you don't payment stops
 - After evaluation if denied when appealing can request reinstatement of benefits
 - NOTE: After all levels if denied MUST REPAY benefits
- Submit Medical Information (as stated previously)
- Get all school records:
 - IEP testing
 - Attendance
 - Disciplinary notes
 - IEP
 - Grades
 - Nursing notes

ONCE APPROVED

If possible get Direct Deposit, rather than Debit Card

- (As of March 2013, very limited cases can get checks)

REPORT:

- Changes in contact info
- Bank Direct Deposit Information (bank, acct., & routing #)
- For SSI (Part is paid by Feds, supplement by state)
 - Income/Asset changes
 - Number house hold
 - If getting Federal payment need only to report changes to SSA
FO
 - If only getting State Supplement need to report info to State
NOT SSA

SSDI

- Only need to report if claimant is EARNING income

GETTING & STAYING APPROVED

It's all about MEDICAL RECORDS, MEDICAL RECORDS, MEDICAL RECORDS

- Make sure all providers are listed accurately
- Report EVERY time to provider information
- Keep Logs of symptoms; communications
- Keep your own records
- Keep cards of all providers that have been seen
- Keep GOING to providers, cease visits → cease records → cease benefits when they review

IMPORTANT THING TO REMEMBER

When dealing with SSA if they say no to something or tell you something has to be done a certain way.....

Kindly ask for the POMS stating, “So you can educate yourself about the matter.”

They can't give you POMS they can't enforce what they are saying.

Program Operations Manual System (POMS)

- The rules and regulations to SSA disability

COVID INFLUENCE

- You can get in person appointments, BUT only for specific things
- Nearly everyone is working from home, this can have limitations
- FAXES get processed much slower
 - If you know the first and last name of the person you are dealing with you can email them
 - EX: firstname.lastname@ssa.gov
- More time has been granted if you are late with appeals

HELPFUL WEBSITES

Several SSA publications on MANY topics

<https://www.ssa.gov/pubs/>

SSA Red Book (Guide to employment support for persons with disabilities)

<https://www.ssa.gov/redbook/>

SSA Acronyms (learn the lingo and use it)

<https://www.nosscr.org/nosscr-acronyms>

SSA Medical Listing of Impairments (SSA Blue Book)

<https://www.ssa.gov/disability/professionals/bluebook/AdultListings.htm>

HELPFUL WEBSITES

Greater Boston Legal Services info concerning retroactive payment for minors and a DEDICATED account for it.

http://www.gbls.org/sites/default/files/cdp_spending_kit_full.pdf

Mass Legal Services' great site for information and Medical Source Statement forms

<http://www.masslegalservices.org/library/directory/disability-benefits/childrens-benefits>

The Teacher Questionnaire is an important form for pre-school and up age children.

<https://www.ssa.gov/forms/ssa-5665.pdf>

HELPFUL WEBSITES

ABLE accounts in Massachusetts through MEFA

<http://www.mefa.org/products/able-savings-account-program/>

SSA rules on ABLE Accounts (POMS)

<https://secure.ssa.gov/poms.nsf/lnx/0501130740>

Mass Vocational Rehabilitation Offices

<http://www.mass.gov/eohhs/consumer/disability-services/vocational-rehab/vr-area-offices/>

Work Accommodation Form

<https://www.ssa.gov/forms/ssa-3033.pdf>

Ticket to work program if a claimant starts to work they should definitely be enrolled in this program. It helps protect them better than if not in the program.

<https://www.ssa.gov/work/>

HELPFUL WEBSITES

For the following online initial filing and appeal print/e-mail to yourself with the reentry number. It documents when you started the request VERY important. Then the application can be done in chunks, not all in one sitting.

Filing a Child Disability Report on line

<https://secure.ssa.gov/apps6z/i3820/main.html>

Filing an Adult Disability Report on line

<https://secure.ssa.gov/iClaim/dib>

Appealing an Initial or Reconsideration denial. Note at this stage if you have documents in PDF you can upload them when you do the appeal.

<https://secure.ssa.gov/iApplsRe/start>

HELPFUL WEBSITES

CDR (Claim Disability Review) time frames based on medical diagnosis:

<https://secure.ssa.gov/apps10/poms.nsf/lnx/0428010030>

Online filing of CDR information (form SSA 455). To use you must have received a request for an updated disability report in the mail.

<https://secure.ssa.gov/ssa455/front-end/>

Appeal (reconsideration/ hearing request) for non-medical/non-disability related issues such as (reduction; suspension of SSI benefits; or an overpayment decision). This web site is DIFFERENT than the normal appeal web page

<https://secure.ssa.gov/iApplNMD/start>

HELPFUL WEBSITES

Over 18 starting you SSA online account

<https://www.ssa.gov/pubs/EN-05-10540.pdf>

Receiving SSI and turning 18

<https://www.ssa.gov/pubs/EN-05-11005.pdf>

Appointment of Representative (can be a parent). If not receiving a fee as the representative **make sure to check** “I waive the right to a fee”) SSA-1696

<https://www.ssa.gov/forms/ssa-1696.pdf>