


May 11, 2017

SSI & Medicaid When you Become an Adult

What Youth with Disabilities & Their Families  
Need to Know



# **SSI and SSDI:**

## **Transition Booster Session**

### **What Youth & Families Need to Know**

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Advocate



**Disability  
Rights** OHIO

We have the  
legal right of way.

# Disability Rights Ohio



- DRO is **Ohio's protection and advocacy agency**, which is a congressionally-mandated, legally-based disability rights agency. Every state has its own P&A. We are a Nonprofit corporation with a Board of Directors.
- Federal and state law gives us authority to provide legal advocacy, investigations of abuse/neglect, policy advocacy, outreach, and education.
- We take direction from the person with a disability who we represent, although the input of family and friends is important.

# Disability Rights Ohio



- **Community Integration**: addressing segregation, housing discrimination, voting rights, accessibility, health care/Medicaid
- **Employment**: vocational rehabilitation, return to work for SSI/SSDI beneficiaries, employment discrimination, accommodations in employment and training/education
- **Education**: special education services, accommodations in schools
- **Abuse/Neglect**: investigations, monitoring, criminal justice, guardianship, civil commitment
- **WIPA**: benefit planning for SSI/SSDI beneficiaries returning to work
- **Policy/Communication**: outreach and education
- **Intake**: available Monday through Friday, 9am to 4pm
  - We try to provide all callers with at least basic information and referrals through our intake process.

# Social Security Disability Programs



- **Supplemental Security Income**  
aka SSI, Title XVI, or Title 16
  - pays benefits to disabled adults and children with limited income and resources.
  - funded by general fund taxes
- **Social Security Disability Insurance**  
aka SSDI, Title II, or Title 2
  - Pays benefits to workers who have accumulated a sufficient number of work credits & to their children
  - Funded through payroll taxes
    - SSDI recipients are considered "insured" because they have worked for a certain number of years and have made contributions to the Social Security trust fund in the form of FICA Social Security taxes

# Overview of SSI



- Supplement Security Income (SSI)
  - Eligibility
  - Benefits
  - Income
  - Resources
  - Application Process & Rights
  - Work Incentives

# SSI Eligibility



- Any age if **disabled** or **blind**; or **65 or older**
- Must have **limited income** and **resources**
  - **Parents' income/resources count** for child <18 living at home in most instances
  - **Parents' income/resources do not count** if child:
    - >18, even if living at home
    - is expected to be or has been hospitalized for full calendar month.

# SSI Benefits



- 2017 maximum benefit = \$733/month
  - Benefit may be less depending on parent/child income, living arrangements
  - Hospitalized children may receive only \$30/month
- Presumptive disability benefits may be payable before final medical decision is made
- Direct deposit is required



# SSI Resource Requirements for Adults



- Resource limits:
  - \$2,000 for individual
  - \$3,000 for couple
- Social Security counts:
  - Bank accounts (CDs, IRAs)
  - Second car
  - Stocks and bonds, 401Ks
  - Liquid assets
  - Property other than where you live
- Social Security excludes:
  - Home in which you live
  - First car
  - Burial plots
  - Some resources set aside for burial
  - Certain trust funds (Regional Office must review document)

# SSI Resource Requirements for Children



- Resource limits:
  - \$4,000 if living with 1 parent
  - \$5,000 if living with 2 parents
  - \$2,000 if living with others
- Social Security counts:
  - Bank accounts (CDs, IRAs)
  - Second car
  - Stocks and bonds, liquid assets
  - Property other than where you live
- Social Security excludes:
  - Home in which you live
  - First car
  - Burial plots
  - Some resources set aside for burial
  - Certain trust funds (Regional Office must review document)
    - **Parents' 401Ks and other retirement accounts**

# When a Child with a Disability Turns 18



- Social Security no longer counts parents' income and resources to determine eligibility
- If adult child continues to live with parent(s) but does not pay for food or shelter, a reduced SSI payment may apply
  - Full SSI benefit may be payable if s/he pays money toward food and shelter
- New disability determination is made using adult rules
  - SSA will contact beneficiary for Age 18 Redetermination

# SSI Application Process



- How to Apply for Adult
  - Review Adult Disability Starter Kit  
<https://www.ssa.gov/disability/Documents/SSA-1170-KIT.pdf>
  - Online
    1. Go to [www.SSA.gov](http://www.SSA.gov) and select “Disability” then select “Apply for Disability” then select “Start a New Application”
    2. Fill out the Disability Application
    3. Answer all the disability questions to best of your ability
      - Leaving questions blank may delay process
      - Write "don't know," "none," or "does not apply" where appropriate
    4. Mail or take the documents SSA asks for to your local SSA office
  - Phone or in person at local Social Security office
    - Call 1-800-772-1213 to make an appointment

# www.SSA.gov



The screenshot shows the homepage of the Social Security Administration website. At the top, there is a navigation bar with the Social Security logo, a search bar, and links for "MENU", "LANGUAGES", and "SIGN IN / UP". Below the navigation bar, there are several featured tiles. The largest tile on the left shows a woman and a man looking at a laptop, with the text "Putting you in control... Learn what you can do online". To the right of this are four smaller tiles: "Disability" (highlighted with a red box), "Retirement", "Extra Help with Medicare Prescription Drug Plan Costs", and "Get to know your Social Security". Below these tiles is a row of four circular icons with text and descriptions: "my Social Security" (highlighted with a red box), "Social Security Number", "Retirement Estimator", and "FAQs". The bottom of the page shows a Windows taskbar with various application icons and a system tray with the date and time (12:22 PM, 5/9/2017).

https://www.ssa.gov/

Social Security

SEARCH MENU LANGUAGES SIGN IN / UP

Disability

Retirement

Putting you in control...  
Learn what you can do online

Extra Help with Medicare  
Prescription Drug Plan Costs

Get to know  
your Social Security

my Social Security  
Check out your *Social Security Statement*, change your address & manage your benefits online today.

Social Security Number  
Your Social Security number remains your first and continuous link with Social Security.

Retirement Estimator  
Calculate your benefits based on your actual Social Security earnings record.

FAQs  
Get answers to frequently asked questions about Social Security.

12:22 PM  
5/9/2017





The screenshot shows the SSA.gov website interface. The browser address bar displays "https://www.ssa.gov/site/menu/en/". The page header includes the Social Security Administration logo, a search bar, a menu icon, and language/sign-in options. The main content area is divided into several sections:

- Left Navigation Menu:** Home, Online Services, Social Security Number & Card, Change Your Name, Social Security Statement, **my Social Security** (highlighted with a red box), Accessibility, Contact Us, FAQs, Español, Other Languages, Social Media Hub.
- BENEFITS:**
  - Retirement
  - Disability** (highlighted with a red box)
  - Medicare
  - Survivors
  - Supplemental Security Income** (highlighted with a red box)
  - Retirement Estimator
  - After Incarceration
  - Appeal a Decision** (highlighted with a red box)
  - Benefits Planner
- Business & Government:**
  - Business Services
  - Congress
  - Data Exchange
  - Electronic Records Express
  - Employers
  - Financial Institutions
  - Government Services Online
  - Self-Employed
  - Small Business
  - Software Developers
- INFORMATION FOR...:**
  - Appointed Representatives
  - Educators
  - Financial Planners
  - Groups & Organizations
  - Health & School Professionals
  - Human Resource Professionals
  - People Like Me
  - Press
  - Representative Payees
  - School Officials
  - Service Providers for the Homeless
  - Tax Preparers
- AGENCY INFORMATION:** (partially visible at the bottom)

Additional elements include a "Benefits Outside the U.S." section with links like "Check Application or Appeal Status" and "Extra Help with Medicare Prescription Drug Plan Costs", and social media icons for Twitter and Facebook. The Windows taskbar at the bottom shows the time as 12:35 PM on 5/9/2017.

# SSI Application Process



- How to Apply for Child (Under 18)
  - Complete application for SSI & Child Disability Report
    - Step 1: Review the Child Disability Starter Kit  
<https://www.ssa.gov/disability/Documents/SSA-1171-KIT.pdf>
    - Step 2: Contact Social Security
      - right away to find out whether your income and resources are within the allowed limits, and to start the SSI application process.
    - Step 3: Fill Out the online Child Disability Report  
<https://secure.ssa.gov/apps6z/i3820/main.html>

# SSI Applicant's Rights



- You have the right to Apply
- You have the right to receive help from SS
- You have the right to a Representative
  - may appoint someone as your representative to help you with your SSI claim and go with you to your appointment(s)
- You have the right to a Notice
  - any decision about your SSI eligibility or change in benefit amount
- You have the right to examine your File
  - You or your appointed representative may request and examine or get a copy of the information in your case file.
  - may review and copy the laws, regulations and policy statements used in deciding your case at: [www.socialsecurity.gov/ssi/ssi-law-regs.htm](http://www.socialsecurity.gov/ssi/ssi-law-regs.htm).
- You have the right to Appeal



# SSI Applicant's Responsibilities



## REPORT! REPORT! REPORT!

### Any Changes in Work Activity

- Must report the following right away
  - You start or stop work;
  - You already reported your work, but your duties, hours, or pay have changed;
  - You start paying for expenses that you need for work due to your disability
- How to report
  - By phone, fax, or in person
  - toll-free automated wage reporting telephone system and/or a mobile wage reporting app on smart phone
    - Wage Reporting Reminder by email or text <https://www.ssa.gov/disabilityssi/ssi-wage-reporting.html>
- When to report
  - Report monthly wages as soon as you receive your last pay check each month, but no later than 10<sup>th</sup> day of the next month
    - Ex: Sally started working Jan 23, 2017 and gets paid on the 7<sup>th</sup> and 22<sup>nd</sup> of each month, she must report her earnings no later than March 10<sup>th</sup>

# Social Security Work Incentives



## What are Work Incentives?

Special rules that make it possible for people with disabilities receiving SSI or SSDI to work and still receive monthly payments and Medicare or Medicaid.

# SSI Work Incentives



- Impairment Related Work Expenses (IRWE)
- Earned Income Exclusion
- Student Earned Income Exclusion
- Blind Work Expenses
- Plan to Achieve Self-Support (PASS)
- Property Essential to Self-Support (PESS)
- Continued Medicaid Eligibility (Section 1619 (b))
- Special Benefits for People Eligible Under Section 1619 (a) or (b) Who Enter a Medical Treatment Facility
- Reinstating Eligibility Without a New Application
- Medicaid Buy-In for Workers with Disabilities

# SSI Work Incentives



## Impairment Related Work Expenses (IRWE)

- Social Security deducts the cost of certain IRWEs that a person with a disability needs in order to work from their earnings when they engage in Substantial Gainful Activity (SGA); i.e. is earning \$1170 (Non-blind disabled worker's) or \$1950 (blind individuals)
- Examples:
  - out-of-pocket expenses for medical services such as doctors visits and some attendant care services charged for preparing you for work, attending to you while you are at work, or getting you to and from work.
  - out-of-pocket expenses for transportation and modifications to your home, car, or van to allow you to work

# SSI Work Incentives



## Earned Income Exclusion

- Social Security does not count the first \$65 of earnings person with a disability received in a month, plus 1/2 of the remaining earnings.
- SS applies this exclusion in addition to the \$20 general income exclusion deducted first to any unearned income that person may receive.

# SSI Work Incentives



## Earned Income Exclusion Example

- Ed receives \$250 unearned income each month, wages of \$1000 each month & no other income.
- \$230 countable unearned income
- $\$1000 - \$65 = \$935 / 2 = \$467.50$  countable earned income
- $\$230$  countable unearned income +  $\$467.50$  countable earned income =  $\$697.50$  Total Countable Income
- $\$735$  SSI Federal Benefit Rate -  $\$697.50$  Total Countable Income =  $\$37.50$  SSI Payment
- Total monthly income ( $\$250 + \$1000 + \$37.50$ ) =  $\$1287.50$

# SSI Work Incentives



## Student Earned Income Exclusion

- If person with disability is under age 22 and regularly attends school, then SS does not count up to \$1790 of earned income per month when it figures SSI payment amount.
- The maximum yearly exclusion is \$7,200.
- **“regularly attending school” means that you take one or more courses of study and attend classes:**
  - In a college or university for at least 8 hours a week; or
  - In grades 7-12 for at least 12 hours a week; or
  - In a training course to prepare for employment for at least 12 hours a week (15 hours a week if the course involves shop practice); or
  - For less time than indicated above for reasons beyond the **student’s control, such as illness.**

# SSI Work Incentives



## Student Earned Income Exclusion Example

- Joan is a student who receives SSI, and is eligible for SEIE. That means we can exclude **a greater amount of Joan's earnings when we figure her SSI benefit amount**
- The example on next slide includes the **amounts of Joan's monthly earnings that we do not count each month subject to the monthly and yearly SEIE exclusion amounts.**



	June	July	August	Sept	Oct	Nov	Dec
Monthly earnings	\$1,790	\$1,790	\$1,790	\$870	\$840	\$800	\$800
Monthly SEIE exclusion	\$1,790	\$1,790	\$1,790	\$870	\$840	\$120	\$0
Annual Student Earned Income Exclusion \$7,200	\$7,200 - 1,790 \$5,410	\$5,410 - 1,790 \$3,620	\$3,620 - 1,790 \$1,830	\$1,830 - 870 \$960	\$960 - 840 \$120	\$120	\$0
Monthly Countable Earned Income (monthly earnings - SEIE exclusion)	\$0	\$0	\$0	\$0	\$0	\$680 (\$800-120)	\$800
Earned Income (countable earned income - general and earned income exclusions divided by 2)	\$0	\$0	\$0	\$0	\$0	\$297.50 (\$680-20-65 =\$595/2)	\$357.50 (\$800-20-65 =\$715/2)
Monthly benefit amount	\$735	\$735	\$735	\$735	\$735	\$438	\$378

# SSI Work Incentives



## Blind Work Expenses

- Unlike Impairment Related Work Expenses because BWE items do not have to be related to persons blindness,
- Examples
  - Service animal expenses
  - Transportation to and from work
  - Federal, state, and local income taxes
  - Social Security taxes
  - Attendant care services
  - Visual and sensory aids
  - Translation of materials into Braille
  - Professional association fees, and
  - Union dues.

# SSI Work Incentives



## Continued Medicaid Eligibility (Section 1619 (b))

- After returning to work, Medicaid coverage can continue, even if your earnings (alone or in combination with other income) become too high for a SSI cash payment.
- To qualify, you must meet all of the following qualifications:
  - Were eligible for an SSI cash payment for at least 1 month;
  - Would be eligible for cash payment except for earnings;
  - Still be disabled;
  - Still meet all other eligibility rules, including the resources test;
  - Need Medicaid in order to work; and
  - Have gross earned income that is insufficient to replace SSI, Medicaid, and any publicly funded attendant care.

# SSI Work Incentives



## Reinstating Eligibility Without a New Application (aka Expedited Reinstatement)

- safety net for people who return to work and lose SSI benefits because income is too high.
- Eligibility
  - Your previous SSI disability/blindness eligibility ended because of excess earned income or a combination of earned and unearned income;
  - You are unable or become unable to perform Substantial Gainful Activity (i.e. \$1170 or \$1950 blindness) in the month you apply for EXR;
  - You are unable to work at the SGA level due to your medical condition;
  - Your current medical impairment(s) is the same as, or related to, your original disabling impairment(s); and
  - You request EXR within 5 years from the month your benefits stopped.

# SSI Work Incentives



## Medicaid Buy-In for Workers with Disabilities

- Allows people with disabilities to work and keep Medicaid & Medicaid waivers
- To qualify for MBIWD, a person must:
  - Be 16 to 64 years old
  - Be disabled as per the Social Security Administration or as determined by Ohio Medicaid or eligible under the MBIWD medically improved category
  - Be employed in paid work (includes part-time and full-time work)
  - Pay a premium (if applicable)
  - Meet certain basic requirements
  - You must also meet these financial requirements:
    - Have a monthly income less than or equal to \$2,453 (or, 250% of the federal poverty level)\*
    - Must have less than \$11,473 in resources
- For more info visit <http://medicaid.ohio.gov/FOROHIOANS/Programs/MBIWD.aspx>

# Overview of SSDI



- Social Security Disability Income (SSDI)
  - Eligibility
  - Benefits
  - Application
  - Work Incentives

# SSDI Eligibility



- Must have a physical and/or mental condition preventing substantial work for at least 12 months or expected to result in death
  - Substantial work = \$1,170/month in gross wages in 2017 (non-blind), \$1,950/month (blind)
  - Considers ability to do any work, not just most recent job
  - Age, education and work experience all relevant
- Must have paid Social Security taxes on his or her wages long enough to qualify for benefits
  - number of work credits needed to qualify for disability benefits depends on your age when you become disabled
  - Generally, you need 40 credits, 20 of which were earned in the last 10 years ending with the year you become disabled.
  - However, younger workers may qualify with fewer credits **because parents' work credits can be applied to applicants** under the age of 22.

# SSDI Benefits



- **Benefits based on worker's entire work history**
- Average benefit = \$1,341/month as of Jan 2016
- If disability benefit amount is lower than full SSI payment, beneficiary may receive both SSDI and SSI not to exceed \$753/month in 2016
- Direct deposit is required
- Eligible for Medicare after 24 months
- Dependent benefits may be payable
  - Disabled Adult Child (DAC) benefits for those who become disabled before 22 whose parents are deceased or receiving Social Security



# Childhood Disability Benefits

## aka Disabled Adult Child

### (DAC) Benefits



- Payable on record of retired, disabled or deceased parent who worked and paid Social Security tax
- Adult child must be:
  - 18 or older with disabling condition that began before 22
  - **Medically disabled and unable to do “substantial work”**
  - Single (unless married to another disability beneficiary)
- May receive combination of benefits
  - Based on own work record
  - **Based on parents’ work record(s)**
  - SSI

# SSDI Application



- How to Apply for Adult
  - Review Adult Disability Starter Kit  
<https://www.ssa.gov/disability/Documents/SSA-1170-KIT.pdf>
  - Online
    1. Go to [www.SSA.gov](http://www.SSA.gov) and select “Disability” then select “Apply for Disability” then select “Start a New Application”
    2. Fill out the Disability Application
    3. Answer all the disability questions to best of your ability
      - Leaving questions blank may delay process
      - Write "don't know," "none," or "does not apply" where appropriate
    4. Mail or take the documents SSA asks for to your local SSA office
  - Phone or in person at local Social Security office
    - Call 1-800-772-1213 to make an appointment

# SSDI Child Application



- How to Apply for Child (Under 18)
  - Step 1: Review the Child Disability Starter Kit  
<https://www.ssa.gov/disability/Documents/SSA-1171-KIT.pdf>
  - Step 2: Contact Social Security
    - right away to find out whether your income and resources are within the allowed limits, and to start the SSI application process.
  - Step 3: Fill Out the online Child Disability Report  
<https://secure.ssa.gov/apps6z/i3820/main.html>

# SSDI Work Incentives



- Trial Work Period
- Extended Period of Eligibility
- Impairment Related Work Expenses
- Subsidies and Special Conditions
- Unsuccessful Work Attempt
- Continued Payment Under a Vocational Rehabilitation Program
- Protection From Medical Continuing Disability Reviews
- Expedited Reinstatement
- Ticket to Work program

# SSDI Work Incentives



## Trial Work Period

- TWP allows you to test your ability to work for at least 9 months.
- During your TWP, you will receive full SSDI benefits regardless of how high your earnings might be as long as you report your work activity and you have a disabling impairment.
- **starts when you begin working and performing “services,”** i.e. gross earnings are more than \$840 a month, or work more than 80 hours in self-employment in a month
- TWP continues until you accumulate 9 TWP service months (not necessarily consecutive) within a rolling 60-month period

# SSDI Work Incentives



- Extended Period of Eligibility
  - Begins month after you complete TWP
  - SSA evaluates your work and earnings to decide if you can work at the substantial gainful activity
  - First 36 months is re-entitlement period
    - You get benefits for all months your earnings are below SGA as long as you have disabling impairment
  - First time you work above SGA during EPE SSA will decide that you no longer meet the requirements for disability due to work & say that **your disability "ceased"**.
    - **Grace Period** – SSA will pay benefits month your disability ceased and the following 2 months

# SSDI Work Incentives



## Extended Period of Eligibility

- If earnings fall below SGA and you are still in the 36-month re-entitlement period, SSA can restart your benefits without a new application.
- If not working above SGA in 37<sup>th</sup> month benefits will continue until you work a month at the SGA level, or medically recover
- If work above SGA after 36<sup>th</sup> month benefits will end but may be able to restart without new application by requesting Expedited Reinstatement

# SSDI Work Incentives



## Impairment Related Work Expenses (IRWE)

- Social Security deducts the cost of certain IRWEs that a person with a disability needs in order to work from their earnings when they engage in Substantial Gainful Activity (SGA); i.e. is earning \$1170 (Non-blind disabled worker's) or \$1950 (blind individuals)
- Examples:
  - out-of-pocket expenses for medical services such as doctors visits and some attendant care services charged for preparing you for work, attending to you while you are at work, or getting you to and from work.
  - out-of-pocket expenses for transportation and modifications to your home, car, or van to allow you to work



# SSDI Work Incentives



## Subsidies and Special Conditions

- refer to support you receive on the job that could result in your receiving more pay than the actual value of the services you performed
- Examples:
  - You receive more supervision than other workers doing the same or a similar job for the same pay.
  - You have fewer or simpler tasks to complete than other workers who are doing the same job for the same pay.
  - You have a job coach or mentor who helps you perform some of your work.
- Employer must provide SSA with form 3033 the Work Activity Questionnaire

# SSDI Work Incentives



## Unsuccessful Work Attempt

- An unsuccessful work attempt is an effort by a disabled individual to do substantial work that either stopped or produced earnings below the Substantial Gainful Activity level after 6 months or less because of:
  - The individual's disabling condition, or
  - elimination of the special services or assistance that the individual needed in order to work

# SSDI Work Incentives



## Continued Payment Under a Vocational Rehabilitation Program

- If you medically recover and no longer meet SSA's definition of disability, your monthly payments can continue if you are actively participating in an approved VR program that is expected to help you become self-supporting.
- Your monthly SSDI and/or SSI Payments can continue until you complete the program.
- **Ohio's vocational rehab agency is Opportunities** for Ohioans with Disabilities [www.OOD.Ohio.gov](http://www.OOD.Ohio.gov)

# SSDI Work Incentives



## Protection From Medical Continuing Disability Reviews

- What is medical CDR?
  - medical CDR determines if an individual is meeting the medical requirements to collect disability. If the person does not meet the medical requirements, SSA may stop the disability benefits.
- A disabled beneficiary will not have to undergo a medical continuing disability review (CDR) based on work activity alone if he or she:
  - has received disability benefits for at least 24 months; or
  - is participating in the Ticket to Work program.

# SSDI Work Incentives



## Ticket to Work program

- The Ticket to Work program provides Social Security disability beneficiaries who want to work with access to free employment support services
- If you choose to participate, you will receive services such as career counseling, vocational rehabilitation, and job placement and training from authorized Ticket to Work service providers, such as Employment Networks (EN) or your state Vocational Rehabilitation (VR) agency.
- If you decide to participate, getting started is easy! First, call the Ticket to Work Help Line at 1-866-968-7842 / 866-833-2967 (TTY) to verify your eligibility

# SSDI Work Incentives



## Expedited Reinstatement

- safety net for people who return to work and lose SSDI benefits because income is too high.
- Eligibility
  - Your previous entitlement to SSDI benefits terminated due to performance of substantial gainful activity (SGA);
  - You are unable or become unable to perform SGA (i.e. \$1170 or \$1950 blindness) in the month you apply for EXR;
  - You are unable to work at the SGA level due to your medical condition;
  - Your current medical impairment(s) is the same as, or related to, your original disabling impairment(s); and
  - You request EXR within 5 years from the month your benefits stopped.

# Overpayments



## What is an Overpayment?

- A payment made over a period of time (at least 1 month) that was more than the beneficiary should have been paid.
- If Social Security finds that you have gotten too much money in your disability or SSI check, they will send you a Notice of Overpayment
- Most Common Reason: Failure to report any changes
  - Ex: you started working, your child moved out of your house, or that your child began getting child support.
- In some cases, you may have reported the change, but SSA delayed in decreasing your monthly check.

# How to Cope with Social Security Overpayments



- Notice of overpayment gives 30 days to pay it back - **Don't panic!**
  - Read notice carefully to see if SSA is correct
- Ways to Resolve Overpayment
  - Ask for Reconsideration in writing within 60 days
    - you want SSA to look at your case again, either by looking at your file or by meeting with you in a conference or hearing
    - if you think the amount of the overpayment is wrong or the reason SSA gives for the overpayment is wrong
  - Ask for a Waiver
    - If you agree that you were overpaid, you can still ask SSA to waive it so that you don't have to pay it back
    - if you think that the overpayment was not your fault and you can't afford to pay the money back.
  - Ask for a Payment Arrangement
    - if you think that the overpayment was your fault or you can afford to pay it back.
    - You can tell SSA that you want to pay the money back a little at a time



# How to Cope with Social Security Overpayments



## More about Reconsideration

- If you receive SSI or Special Veterans Benefits and are not asking for reconsideration for medical reasons:
  - Ask for reconsideration in writing at your local Social Security office or by filling out the request for reconsideration form
  - File your request within 60 days of getting the Notice of Overpayment
  - ask for one of the following types of review:
    - Case Review. An SSA worker will review the papers in your file and make a new decision based on this file review.
    - Informal Conference. You meet with the person who will decide your case to go over your file, to give new information, and to tell your side of the story.
    - Formal Conference. You can bring witnesses to help present your case to the SSA worker.

# How to Cope with Social Security Overpayments



## More about Waivers

- Automatic Waivers for Small Overpayments
  - SSA must automatically waive your overpayment if:
    - The amount is \$1000 or less.
    - You did not cause the overpayment by making a false statement to SSA, and
    - You request waiver
  - If all 3 of these apply to you and your waiver is denied, remind the SSA worker that you qualify for an automatic waiver

# Steps in Applying for a Waiver of Overpayment



## Step 1: Send SSA “Request For Waiver Of Overpayment Recovery Or Change In Repayment Rate” form

- Must show that the overpayment was not your fault and that you do not have enough money to pay back the overpayment.
  - Reasons not at fault
    - You have trouble reading. You did not know what you had to report to SSA.
    - You have trouble remembering or understanding directions.
    - You believed you reported every change that might have caused an overpayment.
    - You were not told the reporting requirement.
    - You applied for SSI a long time ago and do not remember the reporting rules.

## Step 2: If waiver is denied and you receive SSI, then ask for Reconsideration

# Steps in Applying for a Waiver of Overpayment



**Step 3:** If waiver is still denied you can ask for an Administrative Hearing.

- Request in writing within 60 days after your reconsideration was turned down, or by filling out the Request for Hearing by Administrative Law Judge form.
- At the hearing, you will have a chance to tell the judge your side of the story.

**Step 4:** If you lose your hearing, you can ask to have your case reviewed by the Appeals Council

- Tell the local SSA office that you want to appeal the Administrative Law Judge's decision.
- You do not have to go the Appeals Council to have your case reviewed. They will look over the records in your case to see if the judge at your hearing made a mistake

**Step 5:** If you lose at the Appeals Council level, you can take your case to court.

# Appeal Process



- If you were recently denied SSI or SSDI for medical or non-medical reasons, you must file appeal in writing within **60 days** of date you received denial letter.
  - Online
    - **Medical** <https://secure.ssa.gov/iAppIsRe/start>
    - **Non-medical** <https://secure.ssa.gov/iApplNMD/start>
      - » E.g. income, resources, overpayments, living arrangements
  - Call 1-800-772-1213 ask for appeal form SSA-561

# Appeal Process



- Four Levels of Appeal
  - Reconsideration;
  - Hearing by an administrative law judge;
  - Review by the Appeals Council; and
  - Federal Court review.
- Denial letter will tell you how to appeal the decision.

# Resources



- Understanding Supplemental Security Income SSI Home Page -- 2017 Edition  
<https://www.ssa.gov/ssi/text-understanding-ssi.htm>
- Subsidy Questionnaire  
<https://www.ssa.gov/forms/ssa-3033.pdf>
- Request for Reconsideration form  
<https://www.ssa.gov/forms/ssa-561.pdf>
- Request For Waiver Of Overpayment Recovery Or Change In Repayment Rate Form  
<https://www.ssa.gov/forms/ssa-632.pdf>

# Need DRO Help



- Intake
  - Call 1-800-282-9181 M-F 9AM to 4pm
  - <http://www.disabilityrightsohio.org/intake-form>



# Questions???



Melissa Day, Advocate

Disability Rights Ohio

(614) 466-7264, ext. 184

[mday@disabilityrightsohio.org](mailto:mday@disabilityrightsohio.org)



# Medicaid Overview

Maggie Schade  
Medicaid Liaison  
Cuyahoga County Board of  
Developmental Disabilities  
(216) 898-0039

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# How to apply for Medicaid

- Go to your local Jobs & Family Services office. To find your local office visit: <http://cjfs.cuyahogacounty.us/en-US/home.aspx>
- If you have an assigned support administrator through CCBDD we can assist you with the process
- Apply online: [www.benefits.ohio.gov](http://www.benefits.ohio.gov)

# How is Medicaid eligibility determined?

## Community

- Effective August 2016 any individual approved for SSI is automatically Medicaid eligible
- If an individual is not a recipient of SSI benefits, their Medicaid eligibility is based on income and how taxes are filed

## Long Term Care

- Waiver / Nursing Home clients
- Both resources and income are reviewed

If benefits are denied you can request a hearing by calling: 1-866-635-3748

# Community Medicaid examples

- Megan is a 19 year old who has no income at this time and her mom claims her on her tax return

CJFS would review mom's income when determining Megan's eligibility

- Mike is an 18 year old receiving \$735/month in SSI

He would qualify for Medicaid as long as he maintains his SSI eligibility



# Medicaid Resources



## Standard

- The current Medicaid resource limit is \$2,000

Increased in 2016 to match the SSI resource limit

## MBIWD

- Stands for Medicaid Buy in for Workers with Disabilities
- Program for disabled individuals who are working between the ages of 16-65
  - Working = full time, part time, or a daily stipend
- Current MBIWD resource limit for 2017 is \$11,465

# How to apply for Food Assistance



- Complete a JFS 7200 application
- Complete intake appointment
  - Phone interview unless otherwise requested
- Verify Income and shelter costs

\*An individual who lives with their parent(s) can apply for food assistance on their own once they turn 22 years old\*

# Maintaining your benefits

## Medicaid

- All Medicaid recipients are required to complete a redetermination once a year
- Can be completed via mail or online (no phone interview is required)

## Food Assistance

- CJFS requires individuals receiving food assistance to complete a redetermination once a year
- A phone interview is required to maintain these benefits

Any changes must be reported to your case worker within 10 days.

Changes include:

Change of address  
Change in income

Receipt of Medicare benefits  
Start/stop working



# Authorized Rep vs. Rep Payee

- An authorized representative is for Medicaid and food assistance only
- To become an authorized rep a 6723 form must be completed by the client or guardian (if applicable)
- Allows CJFS staff to discuss case with designated party due to HIPAA laws
- Representative Payee is for Social Security benefits only
- To become a payee you must contact Social Security

Any questions??

