

Social Security and SSI



John S. Whitelaw
Advocacy Director
Community Legal Aid society, Inc.
100 W. 10 th Street
Suite 801
Wilmington, DE 19801
302.575.0663
jwhitelaw@declasi.org

Tips to get on and stay on

2

Open all of your mail from SSA

Tips to get on and stay on

3

Tell SSA when you move

Tips to get on and stay on

4

Report all changes
to income/resources
and living
arrangements

Tips to get on and stay on

5

Report work

Tips to get on and stay on

6

Keep copies; get receipts

True/False Quiz



SSA makes lots of mistakes

Tips to get on and stay on

8

Don't wait to get
help

Social Security Administration Programs

9

- Supplemental Security Income (SSI)
- Child Benefits (Survivors/Dependents)
- Childhood Disability Benefits (CDB)
a/k/a Disabled Adult Child (DAC) benefits
- Social Security Disability Benefits
- Social Security Retirement Benefits

Applying for Benefits

10

- In person
- Online
 - www.ssa.gov
 - www.socialsecurity.gov
- Via the Toll Free Telephone Number
 - 1-800-772-1213

What are Social Security Benefits

11

- Title II of the Social Security Act

Insurance Program for those workers who have paid enough in Social Security taxes to be covered

- Retirement
- Survivors/Dependents
- Disability

What is Supplemental Security Income (SSI)?

12

Title XVI of the Social Security Act
Federal needs-based program for those:

who have insufficient work history to qualify for Social Security disability insurance payments

or

who only receive a small amount of Social Security benefits,

and

who are elderly or disabled



SSI

13

- **Disability / Age**
 - 65

- **Financial Need**
 - Income
 - Assets/Resources

Disability

14

- What is disability?

- ✦ Child

A medically determinable physical or mental impairment which results in marked and severe functional limitations

- ✦ Adult

Unable to engage in substantial gainful activity because of a medically determinable impairment which is expected to last twelve months or result in death



DISABILITY

15

- Physical
- Mental
- Combination

But note not ongoing substance abuse
DAA (Drug and Alcohol Addiction)

Re-Evaluation

16

- All children receiving SSI are re-evaluated at age 18 using the ADULT standard for disability
- SSA can re-evaluate adults to decide if they still meet the rules to be considered disabled (Continuing Disability Review (CDR))

SSI Monthly Benefit Amounts

17

- **\$794** Federal benefit amount

CDB/DAC

18

- Over age 18
- Disabled before age 22
- Collect on parent's account (when parent becomes eligible through retirement, disability or death)
- Note: lose eligibility when marry unless spouse also receives Social Security benefits (not SSI)
- Not “needs” based (compare to SSI)

Dependents/Survivors

19

- Minor Child of retired, disabled or deceased wage earner
- Up to age 18; or
- If still in high school, continue until graduation or month before turning 19
- Continue indefinitely if DAC

Retirement

20

- **Early Retirement Benefits**
 - Age 62
 - No Medicare until 65

- **Full Retirement Age (FRA)**
 - Traditionally 65
 - Moving towards 67

How Do I Get On SSI/Soc Sec

21

- Apply
 - Local office
 - Toll Free Number
- What Happens Next – Lots of Forms to Fill Out
- Gather medical/educational records



FILLING OUT THE FORMS

22

THESE FORMS ARE IMPORTANT

Be as detailed as you can

Focus on the negative

Denials

23

- What do I do if I am turned down?

APPEAL

**60 DAYS TO FILE APPEAL
(plus five for mailing)**

**10 DAYS TO KEEP BENEFITS IN CUT OFF
CASES
(plus five for mailing)**



Other SSI Rules

24

- Income
- Resources
- Living Arrangements

Resources -- What doesn't count

25

- House that you own and live in
- 1 car
- Money in an ABLE Account or Special Needs Trust
- The limit for an individual is \$2,000 in countable resources



Income

26

- Money that the SSI recipient gets

LIVING ARRANGEMENTS MATTER

- Free food/shelter that not paying for from a friend or relative

What is an Overpayment?



GET HELP!!!!!!

28

- Even if the amount is very large there are things you can do.
- Many Overpayments are wrong

Overpayments & Waivers



- **SSA withholds funds from benefits to repay itself**

✦ **SSI:** 10% of full check
(\$79.40)

✦ **Title II:** no limit

CHOICES



- Appeal the overpayment
- Request a waiver
- Negotiate a lower repayment amount
- (Do nothing)

Requirements for Waiver



Without fault

AND

**Defeat the purpose of the Act
(financial hardship)**

OR

Against equity and good conscience



Tips for Fixing Overpayments



- Persistence pays off
- Put requests in writing and provide support with documentation
- Follow up with a phone call
- Local office personnel have a lot of discretion in deciding “without fault”
- Grovel, beg... and cut a deal.

Where can I get HELP?

33

Community Legal Aid Society, Inc. “CLASI”

WILMINGTON

110 West 10th Street, Suite 801
Wilmington, DE 19801

302-575-0660

DOVER

840 Walker Road
Dover, DE 19904

302-674-8500

GEORGETOWN

Georgetown Profession Park
20151 Office Circle
Georgetown, DE 19947

302-856-0038



Contact Information

34

John S. Whitelaw
Community Legal Aid Society, Inc.
Suite 801
100 w. 10th Street
Wilmington, DE 19801

302.575.0663
jwhitelaw@declasi.org

