

## **BASIC SSDI AND SSI INFORMATION**

### **What Are SSDI and SSI?**

We manage two major programs that provide benefits based on disability or blindness.

- SSDI** Social Security Disability Insurance (SSDI) provides benefits to disabled or blind individuals who are “insured” by workers' contributions to the Social Security trust fund. These contributions, required by the Federal Insurance Contributions Act (FICA) are based on your earnings or those of your spouse or your parents. Title II of the Social Security Act authorizes SSDI benefits. See page 19 for related health insurance information.
- SSI** The Supplemental Security Income (SSI) program makes cash assistance payments to aged, blind, and disabled individuals (including children under age 18) who have limited income and resources. The Federal Government funds SSI from general tax revenues. Most states pay a supplemental benefit to individuals in addition to their Federal benefits. Some of these states have arranged with us to combine their supplementary payment with our Federal payment into one monthly check to you. Other states manage their own programs and make their payments separately. Title XVI of the Social Security Act authorizes SSI benefits. See page 19 for related health insurance information.
- SSDI  
SSI** These two programs share many concepts and terms. However, there are also many, very important differences in the rules affecting eligibility and benefit payments. These differences are important as many individuals may apply or be eligible for benefits under both programs. We use the term “concurrent” when individuals are eligible for benefits under both programs. We have provided an illustration of a “concurrent” beneficiary situation on page 49.

### **Are You Eligible?**

- SSDI** To be eligible for SSDI:

You must have worked and paid Social Security taxes for enough years to be covered under Social Security insurance; some of the taxes must have been paid in recent years; and you must:

1. Be the worker, the worker's widow(er), the surviving divorced spouse, or the worker's child with disabilities (requirements for a childhood disability beneficiary include: the individual must be unmarried, age 18 or over, and his/her disability must have begun before age 22);

2. File an application;
3. Meet our definition of medically disabled (see page 16); and
4. Not be working, or working but not performing substantial gainful activity (SGA). (See page 13.)

**SSI**

To be eligible for SSI based on disability, you must:

1. Have limited income and resources (see pages 60 and 61, for definitions of income and resources);
2. Be a U.S. citizen or meet the requirements for non-citizens;
3. Meet our definition of medically disabled or blind (see page 16);
4. Be a resident of the 50 States, District of Columbia, or Northern Mariana Islands;
5. File an application;
6. File for all other benefits for which you are eligible; and,
7. Not be working or working but not performing SGA when you apply, if your impairment is other than blindness. (See page 13.) (Once you are receiving SSI benefits, this requirement no longer applies. Your eligibility will continue until you medically recover or do not meet a non-disability-related requirement.)

If you are blind, only the first six requirements apply to you. While receiving SSI, you could become eligible for SSDI if you begin to work and pay sufficient Social Security taxes to become eligible.

**When and How Do You File for Benefits?**

When do you file?

You should file for benefits as soon as you believe that you might be eligible. Waiting to file may result in loss of benefits and could make it more difficult to collect the records that you need to support your claim.

How do you file?

Call our toll-free number at 1-800-772-1213. If you are deaf or hard of hearing, call our toll-free “TTY” number, 1-800-325-0778. We may be able to answer your questions over the telephone. We will then schedule an appointment to take your claim either over the telephone or at our office, and we will send you a confirmation of this appointment. We will also send you a form to get your claim started. Fill in the form as completely and as accurately as you can.

Our claims representative will tell you how to send the form to us. If you visit our office before then, bring the form with you.

If you have access to the Internet, you can file for Social Security disability benefits on our web site, <http://www.socialsecurity.gov/onlineservices>.

### **What Records Do You Need?**

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Do not wait to file for benefits just because you do not have all of the information you need. The Social Security office will be glad to help you. However, you can speed things up by bringing certain documents with you when you apply, if they are available. You can also help by bringing any other information or medical evidence needed to assess your medical condition. These items include (but are not limited to):

- The Social Security number and birth certificate or other proof of age for each person applying for benefits (including your spouse and children, if they are applying for benefits);
- Names, addresses, and telephone numbers of doctors, hospitals, clinics, and institutions that treated you and dates of treatment;
- Names and prescribed dosage of all medications you are taking;
- Medical records from your doctors, therapists, hospitals, clinics, and caseworkers;
- Laboratory and test results;
- A summary of where you worked in the past 16 years (company names, addresses, supervisors' telephone numbers) and the kind of work you did;
- A copy of your W-2 Form (Wage and Tax Statement), or if you are self-employed, your federal tax return for the past year; and
- Dates of your current and any prior marriages, if applicable.

If you have a checking or other bank account, you should also bring something from your bank that shows your account number so we can have your benefits deposited directly.

SSI

If you are applying for SSI, you should have all the documents listed above. In addition, you may need:

- Information about where you live, for example, your mortgage or lease and your landlord's name;
- Payroll slips, bank records, insurance policies, car registration, burial fund records, and other information about your income and the things you own (including loan notes, stocks, bonds, or other investments); and
- Proof of U.S. citizenship or non-citizen status, such as a birth certificate, a government-issued passport, or immigration documents (for non-citizens.)

### **How Do We Define Disability?**

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For both SSDI and SSI, we define disability as the inability to engage in any substantial gainful activity (SGA) because of a medically determinable physical or mental impairment(s):

- That can be expected to result in death, or
- That has lasted or that we can expect to last for a continuous period of not less than 12 months.

We evaluate the work activity of individuals claiming or receiving disability benefits under SSDI. For the SSI program, we evaluate work activity only for those individuals claiming benefits because of a disability. Under both programs, we use earnings guidelines to evaluate whether the work activity is SGA, and whether we may consider you disabled under the law. While this is only one of the tests that can be used to decide if you meet our definition of disability, it is the critical first step in the disability evaluation.

If your impairment is anything other than blindness, earnings averaging over \$900 a month (for the year 2007) generally demonstrate SGA. If you are blind, earnings averaging over \$1500 a month (for the year 2007) generally demonstrate SGA. These amounts are established by law and are adjusted each year based on the national average wage. Deductions from your earnings that are counted toward this SGA determination may be available. (See pages 26-31.)

Under the SSI program, there is a separate definition of disability for children (individuals under age 18.) Once they have been found disabled, SSI children are eligible for the SSI employment supports described later in this book.

SSDI When you apply for SSDI benefits, we use SGA as a factor to decide if you have a disability. We also use SGA as a factor to decide if your disability continues when you are already receiving benefits.

SSI When you apply for SSI based on a disability other than blindness, we use SGA as a factor to decide if you have a disability. We use the same SGA rules as we do in SSDI; however SGA is not a factor for SSI applicants who are blind.

For SSI, we do NOT use SGA as a factor to decide if your disability continues after you begin receiving benefits. Your SSI eligibility continues until you recover medically or your eligibility stops for a non-disability-related reason.

### **What if You Are Self-Employed?**

#### *If you are not blind*

SSDI If you are self-employed and your disability is not blindness, the way we evaluate your work activity for SGA purposes will depend on whether the work activity being evaluated occurs before or after you have received SSDI benefits for 24 months and on the purpose of the evaluation. We will apply either the three tests or the countable income test to determine if your work activity is SGA.

#### The Three Tests:

We apply the three tests to evaluate your work activity when you initially apply for SSDI and prior to you receiving benefits for 24 months. We will also use the three tests to evaluate your work activity during the reentitlement period to determine whether benefits can be reinstated or suspended because we have already determine your disability has ended due to SGA work activity. Your self-employed work activity is SGA if:

1. You render significant services to the business, AND you receive the SGA level average monthly income; or
2. Your work is comparable to the work of individuals without disabilities in your community engaged in the same or similar businesses; or
3. Your average monthly work is worth the SGA level earnings in terms of its effect on the business, or when compared to what you would have to pay to an employee to do the work.

#### The Countable Income Test:

We will apply the countable income test if you have been entitled to and received SSDI benefits for at least 24 months. We will only use the countable income test to determine whether you have engaged in SGA, and if your disability has ended as a result of that SGA.

We will compare your countable earnings to the SGA earnings guidelines. If your monthly countable income averages more than \$900 (for 2007) we will consider you have engaged in SGA unless there is evidence that you are not rendering significant services in the month. If your monthly countable income averages less than \$900 (for 2007) we will not consider you to have engaged in SGA.

SSI If you are self-employed and your disability is not blindness, we will look at your activities and their value to the business if you are performing SGA.

***If you are blind***

SSDI Special SSDI rules are in the law for individuals who are blind. (See page 46).

SSI In the SSI program, SGA does not apply to individuals who are blind. Your eligibility continues until you medically recover or your eligibility stops because of a non-disability-related reason.