

The Nuts and Bolts of Social Security Disability

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Supplemental Security Income (“SSI”)

- It is a federal program designed to help aged, blind, and disabled people, who have little or no income; and
- It provides cash to meet basic needs for food, clothing, and shelter.
- This is the program that you would apply for if you have a disabled child under the age of 18 years old.
 - ▶ In order to qualify, SSA must find that your child meets the medical requirements for disability and your family must meet certain financial requirements.

Disability

- Social Security's definition of disability for children is:
 - ▶ The child must have a physical or mental condition(s) that very seriously limits his or her activities; **and**
 - ▶ The condition(s) must have lasted, or be expected to last, at least 1 year or result in death.
- Essentially, it does not matter what your child is diagnosed with. SSA is looking at how the disability affects your child's ability to function in comparison to other children his/her age.

Applying for SSI

- ▶ Currently there are three ways to apply for SSI benefits:
 - Online
 - Telephone
 - Mail

Online

- ▶ This is only an option for adults (18 - 64) applying for SSI based on disability - there is no online option for an SSI application for children (under 18) or seniors (65+). In order for an adult to use the online SSI application, they must:
 - have never been married,
 - never have applied for or received SSI benefits in the past, and
 - be applying for Social Security Disability Insurance at the same time as SSI.

Telephone

- Currently, this is the most popular way to apply for SSI benefits. If you need to file an application, you call SSA and they will set up a telephone appointment with you. They will call you on a specific date/time and take all the information over the phone in order to start processing the application.
- The day you call to schedule your appointment is considered your protective filing date which can impact the amount of benefits you are entitled to.

Mail

- There is a paper application that can be completed and mailed to SSA. However, this is the least preferred way to apply for benefits at this time.
- The delay in processing mail is significant.
- If you have to file an application by mail, I highly recommend it be sent via certified mail, so you have documentation that SSA received it.
 - It is **very** common for SSA to lose documents or claim they never received anything.

Before You Apply

- Gather as much information as you can related to your child's impairments and treatment.
- A good starting point is SSA's SSI Child Disability Starter Kit.

Checklist – Childhood Disability Interview

You should have as much of the following information as possible **before your interview**. This is in addition to the items requested in the enclosed appointment letter. Be ready to give us your observations about the child's daily activities.

Keep your appointment, even if you do not have all of this information. We will help you get any missing information.

Check off the items below as you gather them for your interview.

MEDICAL INFORMATION

- Name, address, and phone number of every doctor, therapist, hospital and clinic that has seen or treated the child for at least the last year.
- Any medical records you already have, including the dates the child was seen or treated and the child's patient ID number(s), if known.
- Medication(s) the child is taking. These can be found on the medicine containers.
- Child's medical assistance number, if any.

OTHER INFORMATION

- Names, addresses and phone numbers of any schools the child attended in the past 12 months, including the names of teachers, psychologists, counselors, speech and other therapists who have seen or treated the child.
- The child's Individualized Family Service Plan (IFSP) for early intervention services or Individualized Education Program (IEP) for special education services, if the child has one and any other school records that you may have.
- Names, addresses and phone numbers of any social service programs and the name of caseworkers that have information about the child.
- Name, address and phone number of another adult who helps care for the child and can help us get information, if necessary.
- Names, addresses and phone numbers of any employers the child has had.
- An original or certified copy of the child's birth certificate. If the child was born in another country, we also need proof of U.S. citizenship or legal residency.
- Names and Social Security Numbers for all the children and adults who live in the household.
- Proof of current income for the child and family members living in the household (for example, pay stubs, self-employment tax returns, unemployment or other program benefits, child support).
- Proof of resources for the child and parents living in the household (for example, bank account statements, life insurance policies, certificates of deposit, stocks or bonds).

The enclosed **Medical and School Worksheet** will help you collect the information you need for your interview.

MEDICAL AND SCHOOL WORKSHEET - CHILD

Completing this worksheet will help you get ready for the interview. It will also speed up the interview. We may ask for additional information. If you need more space, use blank sheets of paper.

- A. Child's height and weight. _____
- B. Name, address, phone number, and relationship of another adult who helps care for the child and can help us get information about the child if necessary.

- C. The child's illnesses, injuries, or conditions. _____
- D. When the child's condition(s) began. _____
- E. How they affect the child's activities. _____
- F. The child's current grade, if in school. _____
- G. Schools or preschools the child is currently attending, and any other schools he or she attended in the last 12 months.

NAME	ADDRESS, ZIP CODE, and PHONE NUMBER	DATES ATTENDED	KIND(S) OF SPECIAL ED. SERVICES (if any)

H. Current teacher's name(s) and school. _____

I. School testing the child has had, such as tests for behavior or learning problems.

NAME OR KIND OF TEST	DATE(S)	NAME OF SCHOOL

J. Name of any school therapist the child is seeing or has seen (for example, speech, physical, or occupational) and the school name.

K. Hospitals, clinics, doctors, or therapists that have seen the child within at least the last 12 months.

NAME	ADDRESS, ZIP CODE, and PHONE NUMBER	PATIENT I.D. NUMBER	DATE FIRST SEEN	DATE LAST SEEN

L. Other agencies or programs that tested or examined the child, or that provided services (such as HeadStart, Early Intervention Services or Special Education, Public or Community Health, Welfare or Social Service Agency, Mental Health/Mental Retardation Center).

NAME	ADDRESS, ZIP CODE, and PHONE NUMBER	KIND OF TEST OR SERVICE	DATE(S)

M. Medicine(s) the child takes, and the doctor's name if it is a prescribed medication.

NAME OF MEDICINE	PRESCRIBED BY

N. All medical tests the child had or will have for his or her illnesses, injuries or conditions. (For example, hearing test, vision test, IQ testing, blood tests, breathing tests, x-rays.)

NAME OF TEST	DATE(S)	WHERE DONE	WHO SENT CHILD FOR TEST

Child Disability Report

- This report is completed when you file your application for SSI. It is a 14 page document that has you list all of your child's medical providers and treatment.
- You will need to list all of your child's medications and any testing they have received.
- You will need to provide your child's school information. Please indicate in this section whether your child has an Individualized Education Plan ("IEP") or a Section 504 Plan.
 - ▶ This is one of the first questions I ask when talking to a parent about filing a claim for SSI. This is usually one of the strongest pieces of evidence you can have in support for your claim for disability.

What Happens After I Apply?

- Unfortunately, there is no time limit on Social Security to make a decision in your child's claim.
- After the application is submitted, Social Security will request any outstanding medical records you identified in your application. After this information is received, your child's claim will be reviewed.
- Compassionate Allowance List
 - ▶ Compassionate Allowances are a way to quickly identify diseases and other medical conditions that, by definition, meet Social Security's standards for disability benefits. These conditions primarily include certain cancers, adult brain disorders, and a number of rare disorders that affect children. The CAL initiative helps SSA reduce waiting time to reach a disability determination for individuals with the most serious disabilities.

Processing Times

- Prior to the pandemic, it took an average of 30-90 days to receive an initial decision on an SSI application.
- Currently it takes approximately **8 to 14 months** to receive an initial decision on an SSI application.
- There are multiple reasons why this wait time has increased.
 - Reduced number in SSA staff and they are working from home;
 - Delays in receiving medical records from providers;
 - Consultative examinations were stopped for a significant period of time; and
 - Increased number of applications.

Domains of Functioning

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

Acquiring and Using Information

- ▶ In this domain, Social Security is evaluating how well a child is able to acquire or learn information, and how well a child uses the information he/she has learned.
 - ▶ Examples of documentation that can show limitations in this domain
 - ▶ IEPs
 - ▶ Report cards
 - ▶ Teachers' observations
 - ▶ Standardized testing
 - ▶ Being held back a grade

Attending and Completing Tasks

- ▶ In this domain, Social Security is evaluating how well a child is able to focus and maintain attention, and how well he/she is able to begin, carry through, and finish activities, including the mental pace at which he/she performs activities and the ease of changing activities.
 - ▶ Examples of documentation that can show limitations in this domain
 - ▶ IEPs
 - ▶ Report cards
 - ▶ Teachers' observations
 - ▶ Standardized testing
 - ▶ Medication side effects

Interacting and Relating With Others

- ▶ In this domain, Social Security is evaluating how well a child is able to initiate and sustain emotional connections with others, develop and use the language of the community, cooperate with others, comply with rules, respond to criticism, and respect and take care of the possessions of others.
 - ▶ Examples of documentation that can show limitations in this domain
 - ▶ 504 Plans
 - ▶ Teachers' observations
 - ▶ School discipline records
 - ▶ Detentions/suspensions
 - ▶ Police reports
 - ▶ Speech impairments

Moving About and Manipulating Objects

- ▶ In this domain, Social Security is evaluating how well a child is able to move his/her body from one place to another and how a child moves and manipulates objects.
 - ▶ Examples of documentation that can show limitations in this domain
 - ▶ Neurological impairments
 - ▶ Musculoskeletal impairments
 - ▶ Physical deformities
 - ▶ IEPs
 - ▶ Teachers' observations

Caring for Yourself

- ▶ In this domain, Social Security is evaluating how well a child maintains a healthy emotional and physical state, including how well a child satisfies his/her physical and emotional wants and needs in appropriate ways.
 - ▶ Examples of documentation that can show limitations in this domain
 - ▶ IEPs
 - ▶ Limitations in the ability to feed, dress, toilet, or bathe self age-appropriately
 - ▶ Engaging in self-injurious behavior
 - ▶ Refusal to take medications
 - ▶ Baker Acts
 - ▶ Disturbances in eating or sleeping patterns

Health and Physical Well-Being

- In this domain, Social Security is evaluating the cumulative physical effects of physical and mental impairments and any associated treatments or therapies on a child's health and functioning that were not considered in the evaluation of the child's ability to move and manipulate objects.
- This domain addresses how recurrent illness, the side effects of medications, and the need for ongoing treatment affect the child's health and sense of physical well-being.

My child is receiving SSI and will be turning 18 years old soon. What happens now?

- ▶ The Social Security Act provides that individuals who are eligible for SSI as children must have their disability redetermined under the rules for disability used for adults.
 - ▶ Some claimants will be found disabled under the adult standard, but most will not.
- ▶ A non-examining state agency physician will review the record and opine that the 18 year old is not disabled.
 - ▶ Once you receive that notice, be aware of the **10 day deadline** to request the continuance of benefits.
- ▶ You need to Request a Reconsideration of that decision and attend a hearing before a hearing officer at your local Social Security office.
- ▶ Generally, the Request for Reconsideration is denied and you need to file a Request for Hearing Before an Administrative Law Judge.

My child was ineligible for SSI benefits due to my income. He/she will be turning 18 soon.
What should I do?

- ▶ Parents' income/assets are no longer deemed to the child.
- ▶ Apply for SSI on your child's 18th birthday.
- ▶ If denied, file a Request for Reconsideration.
- ▶ If denied, file a Request for Hearing Before an Administrative Law Judge.

Hearing Before an Administrative Law Judge

- ▶ Do not attend the hearing without an attorney or representative.
 - ▶ Contingency fee agreement
- ▶ Judge conducts a five step sequential evaluation
 - ▶ 1. Is the individual engaging in substantial gainful activity?
 - ▶ 2. Does the individual have a severe impairment?
 - ▶ 3. Does the individual's impairment meet or equal a Listed impairment?
 - ▶ If yes, the inquiry ends and a finding of disabled is entered.
 - ▶ 4. Can the individual return to his/her past work?
 - ▶ 5. Can this individual perform any other work considering his/her residual functional capacity, age, education, and work experience?

The judge found the 18 year old disabled. What happens now?

- ▶ Interview regarding finances, assets, and living arrangements
- ▶ Presumption of 1/3 reduction of benefits
- ▶ Notice of Award
 - ▶ Maximum monthly SSI payment is \$914
- ▶ Medicaid
- ▶ Continuing Disability Reviews

Ages 18 to 22

Extremely Important Time Period

- ▶ Receive continuous medical treatment
- ▶ Make sure the doctors are documenting everything appropriately
- ▶ Keep copies of all medical records
- ▶ Work attempts/earned income must be reported to SSA

Disabled Adult Child's Benefit

If the parent is deceased or starts receiving retirement or disability benefits, their adult child may be eligible for Disabled Adult Child's Benefits on their earnings record.

- ▶ The adult child must go through the same adult five step sequential evaluation process to prove they are disabled; **and**
- ▶ *The adult child must prove their impairment was disabling prior to the age of 22.*
 - ▶ This is why it is so important to establish disability sometime between the ages of 18 to 22.
 - ▶ The disability must be continuous.
- ▶ Medicare coverage

If your adult child wants to try to work, let them!

- ▶ SSA encourages people to try to work.
 - ▶ Unsuccessful work attempt
 - ▶ Ticket to work program
 - ▶ Vocational Rehabilitation
 - ▶ Sheltered work
 - ▶ Accommodations
 - ▶ Part-time work
 - ▶ Volunteer

Thank you!

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