

WEBINAR & TELELEARNING SERIES



The Complete Guide to Social Security Disability



March 15, 2016

Presented by:



EMD Serono | Teva Pharmaceuticals

Acorda Therapeutics | Mallinckrodt Pharmaceuticals Autoimmune and Rare Diseases



THE POWER TO BE MORE THAN YOUR MS
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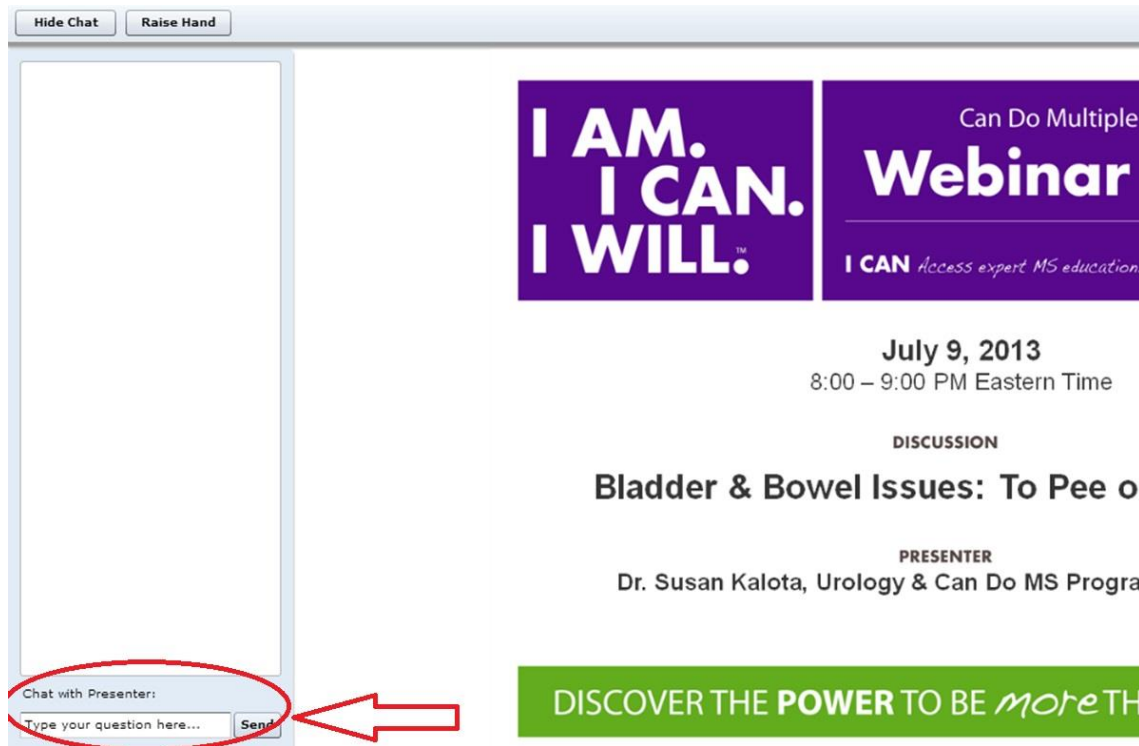


**National
Multiple Sclerosis
Society**



How to Ask Questions During the Webinar:

- **Chat Feature** – Type in your questions using the chat box on the lower left hand side of your screen.



The screenshot shows a webinar interface. On the left, there is a chat box with a "Hide Chat" and "Raise Hand" button at the top. The chat box contains a "Chat with Presenter:" label, a text input field with the placeholder "Type your question here...", and a "Send" button. A red oval highlights the chat box area, and a red arrow points to the "Send" button. To the right of the chat box, there is a purple banner with the text "I AM. I CAN. I WILL." and "Can Do Multiple Webinar". Below the banner, the date "July 9, 2013" and time "8:00 – 9:00 PM Eastern Time" are displayed. The topic "Bladder & Bowel Issues: To Pee or Not to Pee?" is shown under the heading "DISCUSSION". The presenter is identified as "Dr. Susan Kalota, Urology & Can Do MS Program" under the heading "PRESENTER". At the bottom, a green banner reads "DISCOVER THE POWER TO BE more THAN".

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Social Security Disability Insurance

- **Federal Program**
- **Considerations:**
 - Sufficient disabling condition (12 mos./death)
 - Sufficient work history (quarters system)
 - Lifetime work
 - Recent work

SSDI (Cont'd)

- Residual work capacity – two step test
 - Prior Work (15 years)
 - Age-based ‘fictional work’
 - Under 50 – any work
 - Over 50 – light duty work
 - Over 60 – medium duty work

SSDI (Cont'd)

- **Special MS 'Listing'**
 - Fatigue
 - Disorganization of Motor Function
 - Visual Impairment
 - Mental Impairment

Filing Procedure

- **Can file online, in person or via phone**
 - Advantages and disadvantages to each
 - Be prepared (work history, doctors)
- **SSA Forms (Work History, Adult Function)**
 - Better submissions give better results!

Administrative Process

- **SSA Form Letters and Adjudicator Calls**
 - Be responsive, don't panic with timelines
- **Consultative Examinations**
 - Problematic but often required
- **Initial decision likely four to six months after application**

Administrative Appeal

- **If denied initially, appeal is appropriate.**
 - Only 36% approved at initial level in 2010.
- **Only 60 days to appeal; respond promptly!**
- **Reconsideration (most states)**
 - One to nine months, initial level all over again (8% reversal in 2010).

Hearing Level

- **If denied at reconsideration, request a hearing. 15 month wait to see judge.**
 - Hearing is best chance at approval, only chance to 'meet' decision maker.
 - Strongly recommend counsel at this stage (if not before).
 - Judges vary dramatically, assigned randomly (Elkins Park, 76% vs. 38%).

Further Appeals

- **Beyond hearing, appeals are difficult, as judges are given great deference.**
- **Theoretically, can appeal to Appeals Council, then Federal Court, then U.S. Supreme Court.**

SSDI Benefits

- **Benefits (after waiting periods)**
 - Monthly payments (online estimates)
 - Medicare eligibility
- **Opportunity for supplementing income.**

Supplemental Security Income

- **Federal program (sister to SSDI)**
- **Considerations:**
 - Sufficient disabling condition
 - Identical medical test to SSDI
 - Sufficiently minimal assets
- **Benefits:**
 - Monthly payments & Medicaid eligibility

Work Incentives Planning and Assistance (WIPA)

- **Created and funded by Social Security**
- **Provides free services to SSI and SSDI beneficiaries across the country**
- **Helps you understand and use work incentives to become more independent financially through work**
- **An independent voice**

Who and What?

Who WIPAs serve:

- Individuals who receive benefits from Social Security (SSI or SSDI)
- Are between the ages of 14 and full retirement age
- High priority given to those who are working and transitioning youth

Services WIPAs offer:

- Information & Referral
- Benefits Summary & Analysis
- Problem Solving & Advocacy
- Benefits Management

Definition of Disability

SSA defines disability for both SSI and SSDI programs as:

- The inability to engage in **Substantial Gainful Activity (SGA)** by reason of any medical (physical and/or mental or blind) impairment.
- Disability must have lasted or be expected to last for a continuous period of not less than 12 months or result in death.

Substantial Gainful Activity

SGA=A basic test used by SSA to establish disability status

- SGA is the performance of significant mental and/or physical duties for profit.
- It is usually determined to be gross earnings (before taxes) of an amount of money that is set January 1 of each calendar year based on the National Average Wage Index. 2016=\$1130, statutory blindness=\$1820
- To meet this test a person must not be working, or if working earning less than the annual SGA level amount.

Work Incentive Overview Chart

SSDI (Title II)

- Trial Work Period (TWP)
- Extended Period of Eligibility (EPE)
- Special Rules for the Blind (Higher SGA)
- Continuation of Medicare

SSI (Title XVI)

- Continuation of SSI
- Student Earned Income Exclusion
- Blind Work Expense (BWE)
- 1619(a) & 1619(b)
- Property Essential for Self-Support (PESS)
- Plan for Achieving Self-Support (PASS)

Work Incentive Overview

Chart- cont

SSDI and SSI work Incentives

- **Impairment Related Work Expense (IRWE)**
- **Section 301**
- **Subsidies (only during initial eligibility for SSI)**
- **Ticket to Work**
- **Expedited Reinstatement**

SSI Work Incentive

Student Earned Income Exclusion (SEIE)

Allows a person under age 22 and regularly attending school to exclude earnings from income.

- **In January 2016 the amounts are \$1780 monthly up to a yearly maximum of \$7180.**
- **Individuals not able to claim the full amount in a month can carry the balance over to the next month.**
- **Regularly attending school:**
 - College- at least 8hrs/week
 - Grades 7-12-at least 12hrs/week
 - In training course to prepare for employment at least 12hrs/week
 - Home school- at least 12hrs/week and in accordance with home school law in the state

<http://www.socialsecurity.gov/ssi/spotlights/spot-student-earned-income.htm>

SSI Work Incentive

1619(b):

When a beneficiary earns enough income to no longer receive an SSI monthly check but maintains medical eligibility then 1619 (b) provides for the continuation of Medicaid with no spend-down requirements in every State.

• **Qualifications:**

- Eligible for an SSI cash payment for at least 1 month
 - Still be disabled
 - Meet all eligibility rules, resources & unearned income
 - Need Medicaid to work
 - NOT enough income to replace SSI, and Medicaid (including personal assistance services).
- **How much can be earned?** There is a “threshold amount” used to measure if earnings are high enough to replace SSI and Medicaid:
- The amount of earnings causing the SSI cash payment to stop in the State;
 - Annual per capita expenditure for Medicaid in the State.

<https://www.socialsecurity.gov/ssi/spotlights/spot-medicaid.htm>

SSDI Work Incentives

Trial Work Period (TWP)

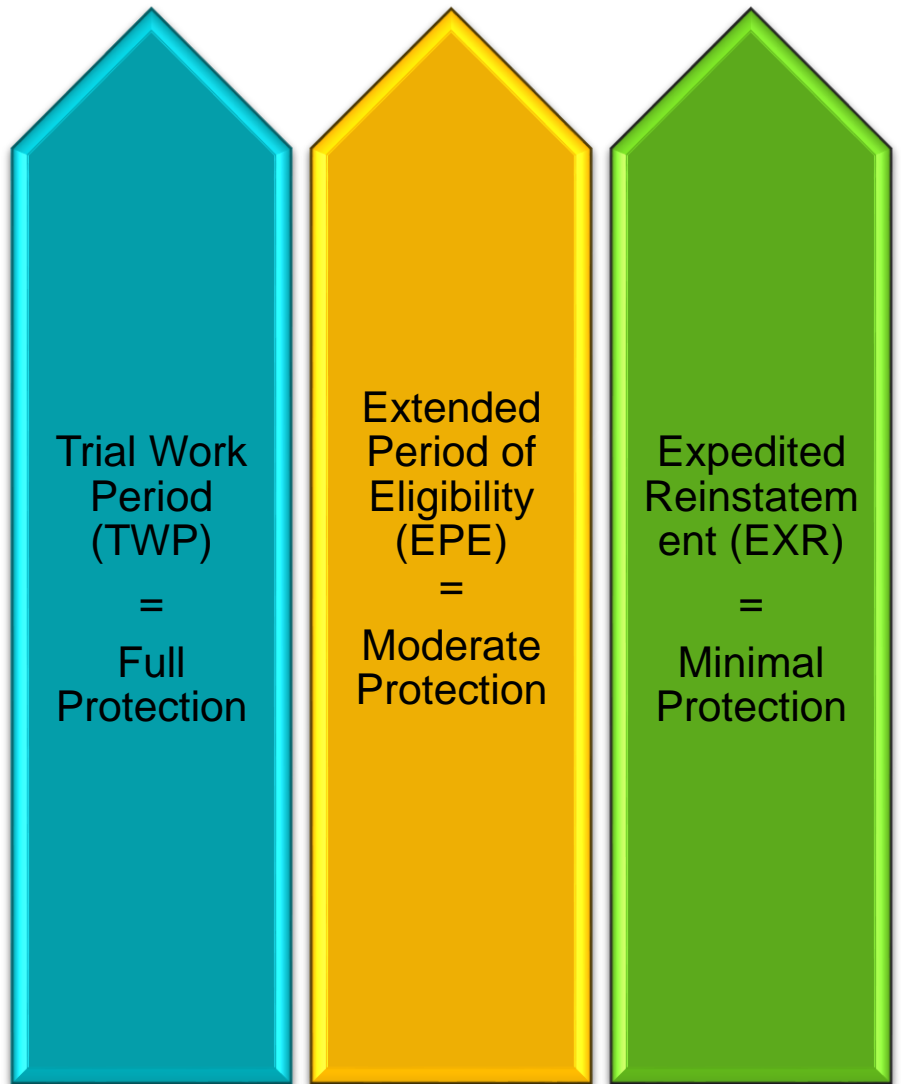
- 9 non-consecutive months to test ability to work
- must be completed within 60 months
- In 2016, \$810/month gross wages
- keep SSDI check

Extended Period of Eligibility (EPE)

- 36 consecutive months immediately following TWP
- Eligible for SSDI check if earnings below SGA (\$1130 in 2016)

Expedited Reinstatement (EXR)

- After Termination
- 6 months of cash payment
- Quicker re-determination
- Don't have to file full application



Impairment Related Work Expense- SSI & SSDI

- **PURPOSE:** IRWE is used to enable beneficiaries of SSI to reduce gross income and/or SSDI to reduce SGA due to out of pocket expenses that support a disability to allow a person to earn income, even if those items or services are needed for non-work activities.
- **Allowable Expenses:**
 - Must be directly related to supporting the disability
 - Must be paid out-of-pocket and not covered by other sources
 - Must be paid in a month wages are earned or had been earned
 - Expense must be reasonable
- **Examples:**
 - Copays for medication/doctor visits/therapy
 - Assistive Technology
 - Specialized transportation
 - Personal Care Assistance
 - Service Animal and all related expenses

Subsidies & Special Conditions- SSI & SSDI

- **Subsidies** apply to **SSI** during the initial eligibility process ONLY; using a subsidy reduces SGA
- **Subsidies** apply to **SSDI** during the initial eligibility process as well as keeping a beneficiary below SGA to maintain SSDI eligibility while earning income when support is required to earn income.
- **Financial Value:** The dollar amount of the subsidy is subtracted from gross monthly earnings, potentially reducing gross wages below the SGA level
- **Qualifications:**
 - Evidence of receiving a subsidy
 - Extra Support
 - Supervision
 - Lower Productivity
 - Difference job functions than co-workers
 - A Subsidy may be agency sponsored, employer sponsored, or self-employment supports

Ticket to Work- SSI & SSDI

- **A voluntary program for people with disabilities who want to work. A person who receives a SSI or SSDI cash payment has a “ticket” that can be used and will have:**
 - Greater Choice
 - Not be subject to Medical Review when Ticket is assigned and meeting timely progress
 - Increased Network of Vocational Service Providers
- **The entire United States and it’s Territories are involved.**
- **The National Program Manager for SSA is MAXIMUS.**
- **What is an Employment Network:**
 - Contractor with SSA to provide vocational services
 - State Vocational Rehabilitation Agencies are also required Employment Networks

Reporting Wages

Before using work incentives, you'll need to report wages. You should report by the 6th of each month.

Three ways to report:

1. In-person (ask for a receipt)
2. Fax (print fax history as receipt)
3. Mail (use tracking)

Additional ways to report for SSI:

1. Special phone # open from 1st-6th of each month (866-772-0953)
2. SSI Mobile Wage Reporting app

Resources

- **SSA-** www.ssa.gov
- **SSA Redbook-** <http://www.socialsecurity.gov/redbook/index.html>
- **PASS-** www.passonline.org
- **Ticket to Work and WIPA-** www.chooseworkttw.net
- <https://www.ssa.gov/disabilityssi/ssi-wage-reporting.html>

Thank You!

**Questions?
Comments?**

Can Do MS Resources

e | NEWS
your best life update

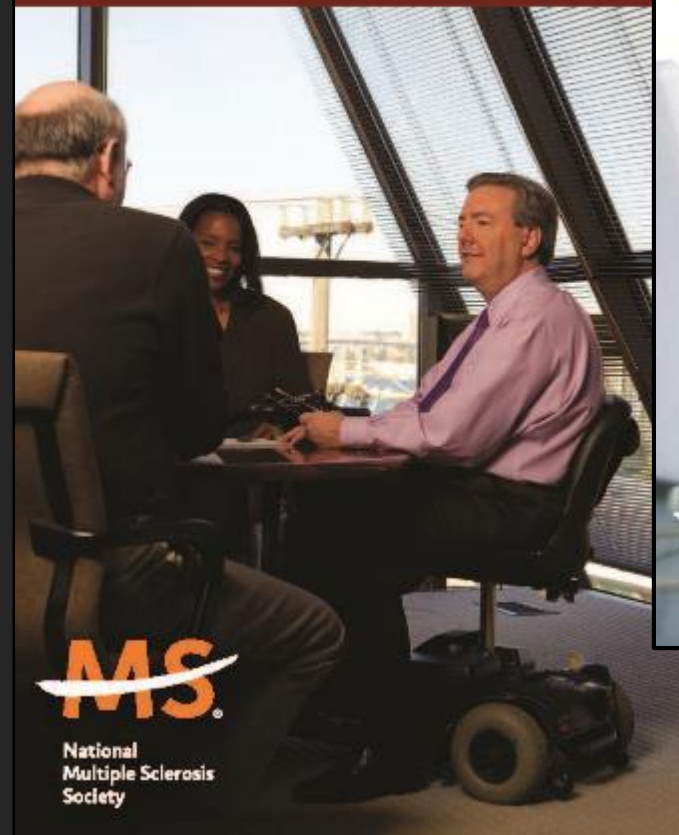
Q&A

Can Do Library

Find these resources at www.MSCanDo.org.

National MS Society Resources

The Win-Win Approach to Reasonable Accommodations



Should I Work? INFORMATION FOR EMPLOYEES LIVING WITH MS EMPLOYMENT ISSUES



EMPLOYMENT MATTERS

MANAGING MS IN THE WORKPLACE



FEATURED VIDEO SERIES

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Learn how to navigate the complexities of managing work and MS through this six part video series and companion toolkit.

Part 1- Thinking Proactively About Employment

Part 2- Recent Changes to the Americans with Disabilities Act (ADA)

Part 3- Disclosure in the Workplace

Part 4- Managing Fatigue in the Workplace

Part 5- Managing Cognitive Challenges in the Workplace

Part 6- Assistive Technology and the Workplace

nationalMSSociety.org/employment

WEBINAR & TELELEARNING SERIES



Home Based Employment: What Employers Want



March 29, 2016

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