



# Social Security Disability Benefits

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# Two Types of Social Security Disability Benefits

## Social Security Disability Insurance (SSDI)

- Created, as part of the Social Security Act, in the 1950s
- Benefit for those who are disabled, blind or aged
- Insurance program - eligibility based on contributions to the Social Security Trust Fund (FICA)
- Financial need is not required
- Benefit amount based on earnings history
- Medicare

## Supplemental Security Income (SSI)

- Created in 1972
- Benefit for those who are disabled, blind or aged 65
- Must be low resourced and low income
- Must reside in U.S. and be in a qualified immigration category
- Federal benefit rate = \$943 (CA raises to \$1,182.94; \$1,311.81 if no cooking facilities)
- Medi-Cal

# Social Security Eligibility: Disability

Adult disability criteria  
are *exactly the same* for both SSI and SSDI.

## Social Security's Definition of Disability

The inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which has lasted or can be expected to last for a continuous period of not less than 12 months or result in death. 20 CFR §§ 404.1505, 416.920.

# Drug Addiction & Alcoholism

- Social Security used to recognize addiction as a severe impairment that would allow people to get benefits
- Starting in 1996 SSA is no longer allowed to award disability benefits based on substance use disorder
- People with substance use disorder can still get SSI/SSDI, but it has to be because of their other health conditions.
- SSA will evaluate which physical and mental limitations would remain if the applicant stopped using drugs or alcohol and then determine whether the remaining limitations are disabling. (20 C.F.R. § 416.935)

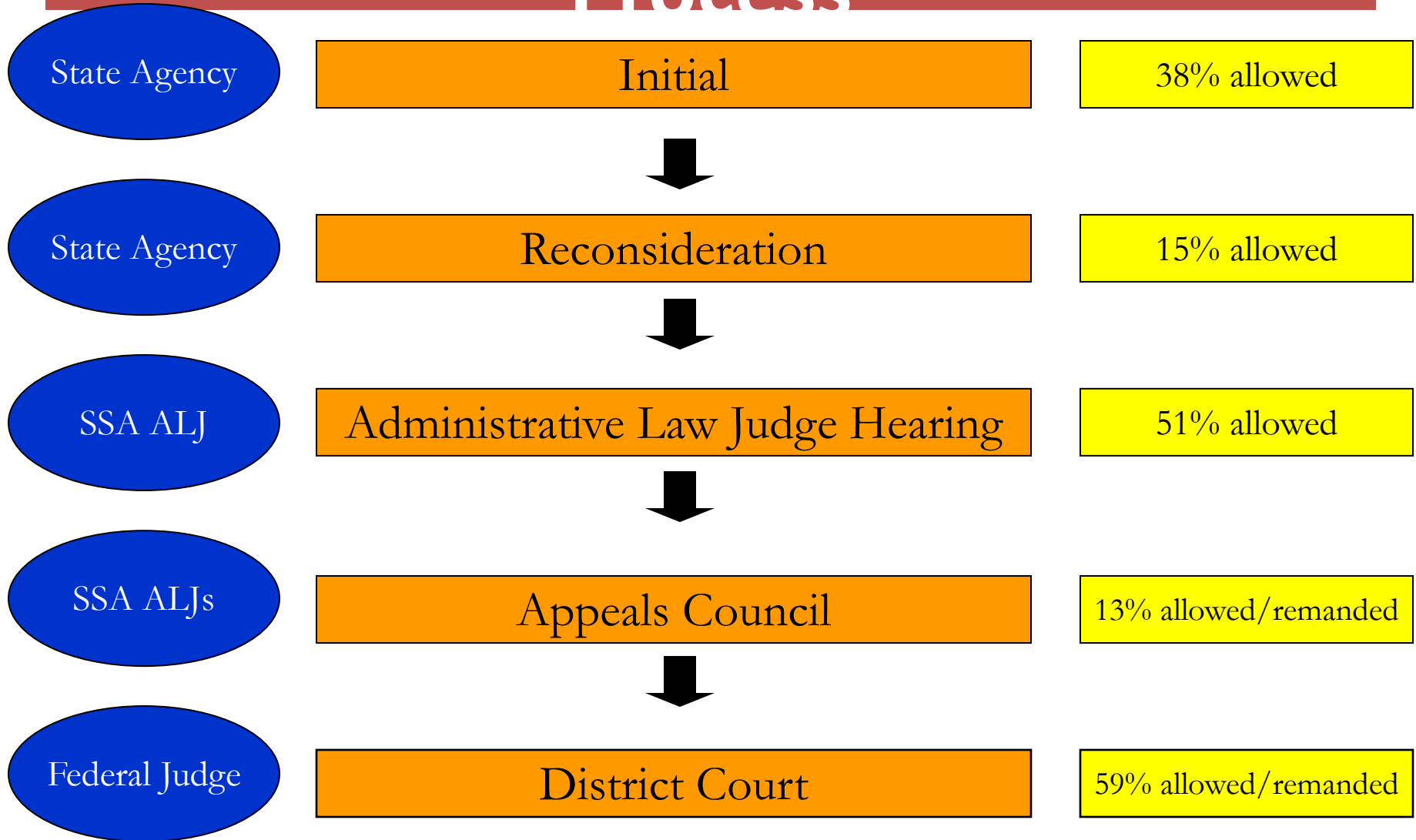
# How to Apply for SSI/SSDI

- People can apply on line for SSDI: <https://www.ssa.gov/>
- The SSI application is trickier, most people have to do the application by phone or go into the SSA office.
  - You can start an application online at <https://www.ssa.gov/apply/ssi>
  - Someone from SSA is supposed to call to complete the application
- If applying for SSI, must also apply for SSDI
- It is helpful for applicants to know their health conditions, medical providers, and what work they did in the past 5 years

# How to Appeal

- If a claim is denied a notice will be sent and the applicant has 65 days from the date on the notice to appeal
  - Applicants need to regularly check mail
- Appeals at most stages can easily be done online.
  - <https://www.ssa.gov/apply/appeal-decision-we-made>
  - HAC can help with this in person or over the phone.
- Generally, applicants should appeal denials not apply again

# The Application and Appeals Process



# How to keep benefits

- SSI recipients must do a financial review every year
- Less frequently SSI and SSDI recipients must do a continuing disability review (CDRs)
  - The frequency of CDRs depends on the beneficiary's condition
  - If they do not respond to CDR paperwork they will be cut off benefits
- SSI/SSDI recipients should continue going to their medical providers regularly as they will need medical evidence to show that their conditions, symptoms and limitations have continued
  - Health care providers not responding to requests for paperwork from SSA may also lead to their patients being cut off benefits



# How to keep benefits

- In addition to complying with Financial Reviews and CDRs, to keep benefits SSI beneficiaries must tell SSA anytime they:
- Move/ have a new address
- Get married
- Get a new job
- Receive money from any source
- Change contact information
- Change bank accounts (if they get direct deposit)

# What to do when benefits stop?

- If someone's benefits are stopped Social Security should send a notice with the reason why the benefits were stopped
- Some common reasons include:
  - CDR- found to no longer be disabled (try to appeal within 10 days)
  - Over resourced or over income
  - Updated information needed
  - Incarcerated
- How to appeal- appeals can be done online:  
<https://www.ssa.gov/apply/appeal-decision-we-made>
  - They can also be done at the Social Security office or on the phone
  - Notices will give details of how and when to appeal

# How can I help my client?

- If your client is already on SSI or SSDI:
- Go to Social Security with your client or do a three-way call to Social Security
  - the information Social Security gives out is not always clear
  - Social Security staff's customer service skills can escalate some people
- Read over Social Security letters- SSA notices are very confusing, a second set of eyes reading and interpreting them
- If a CDR is being conducted, send all medical records, and a form or letter of support to Social Security

# How can I help my client?

- If your client is applying for SSI or SSDI:
- Help them get a representative
  - If they are over 65 they should not need an SSI attorney, but could use your assistance
- If you are not a clinician:
  - Fill out a third-party function report
  - Encourage clients to regularly go to medical appointments
- If you are a clinician:
  - Submit all medical records to SSA (or your client's representative)
  - AND
  - Fill out forms (medical forms about functioning; payee forms)

# SSA Contact Information:

## Social Security Field Offices:

- Berkeley: (877) 531-4696; 2045 Allston Way, Berkeley, CA 94704
- Downtown Oakland: (866) 964-7420; 360 22nd St., Suite 400, Oakland, CA 94612
- East Oakland: (888) 527-9329; 7200 Bancroft Ave., Suite 263, Oakland, CA 94605
- Fremont: (888) 632-7073; 3100 Mowry Avenue, Suite 100, Fremont, CA 94538
- Hayward: (866) 964-5054; 24301 Southland Dr., Suite 500, Hayward, CA 94545
- San Leandro: (866) 331-2181; 320 Davis St, San Leandro, CA 94577

# HAC Contact Information:

HAC has two offices located at

- 2601 San Pablo Ave Oakland CA 94612
- 3126 Shattuck Ave Berkeley CA 94705

Each office has drop in hours on

- Mondays- Thursday 1-5

During these times people can also call our help line for assistance:

- 510-775-0035.

During drop in hours each office has an advocate helping walk-ins on a first come first served basis.

# HAC Services:

- For SSI/SSDI/CAPI representation people need to be eligible under one of our contracts
- But, any Alameda County resident can come in to our office and get assistance on a brief service basis.
- Frequent brief services include:
  - Applying for SSDI (Not SSI)
  - Appealing SSDI/SSI denials
  - Applying for County benefits (GA, Food Stamps, Medi-Cal)
  - Referrals for any matter of legal questions
  - DMV ID Vouchers
- HAC is NOT a shelter and does NOT do Eviction Defense