

Key Facts

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Benefits Assistance Resource Center

Virginia Commonwealth University, Rehabilitation Research
& Training Center on Workplace Supports



ADVOCACY SKILLS AND THE SOCIAL SECURITY ADMINISTRATION

Individuals with disabilities are actively searching for self advocacy training information and programs. People with disabilities are speaking out, and seeking information about their rights to determine the choices that are available to them. The goal of this fact sheet is to share information about techniques to prevent overpayments or underpayments and to present advocacy strategies for a successful relationship with the Social Security Administration.

Available Services

Since its inception in 1935, the Social Security Administration (SSA) has provided benefits for the retired and disabled, as well as their families. SSA currently provides benefits to about 44 million Americans. One out of every three people receiving Social Security benefits has a disability, or is a dependent or survivor of a worker (many of them also with disabilities). Ask the Social Security Administration the following questions:

- Could you please tell me about your Social Security Disability Insurance program (SSDI) and Supplemental Security Income (SSI) programs?
- Will qualifying for these programs assist me in becoming eligible for Medicaid and/or Medicare benefits?
- Could you share information about these programs.

Advocacy Strategies

1. Gather general information about SSA prior to formal application meeting.
2. Talk with SSA staff to gather general information and/or view their web site at www.ssa.gov
3. Don't leave the SSA office without written material

Establishing Eligibility

Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) are SSA's two disability programs. The disability eligibility criteria for both



programs are the same and require that a person have a medically determinable disability that prevents them from working at a substantial level. Additional eligibility criteria for each of the programs follows.

- SSDI is an insurance program and in order to qualify, one must meet an insured status test. In other words, the individual must have contributed a sufficient amount to the program through past employment in Social Security covered job(s). Individuals with disabilities who do not have insured status on the own may qualify as a dependent of another insured worker such as a parent. The dollar amount of the monthly SSDI benefit received depends on the level of contributions made to the program. Therefore, the amount varies from person to person.
- SSI is a program that provides monthly cash benefits for people with disabilities who have limited income and resources. SSI is intended to supplement any other income a person may have to ensure they are afforded a minimum level of monthly income to meet expenses. The amount of earnings a person has from work, as well as any other unearned income they have from other sources determines the amount of their monthly SSI cash benefit.

Advocacy Strategies for Establishing Eligibility

1. Apply in person, if possible.
2. Bring a friend, family member, and/or notetaker to assist in asking questions.
3. Ask for written information explaining facts.
4. Bring all records to SSA for making a disability determination (public school, vocational rehabilitation, and/or medical records).
5. Ask how the work incentive programs can be used to determine eligibility for SSI and SSDI.
6. Obtain the names and numbers of SSA's local work incentive liaisons or outreach specialists.
7. Develop a personal Social Security notebook with contact names, dates of contact, and information obtained.
8. Save all written notices and letters.

Advocacy Strategies for SSA Partnership

Once your eligibility has been determined you will begin re-receiving SSA benefits. However, this will also signal that you are embarking on a relationship with a very large government program that has many complex rules and regulations. To reduce frustration and to increase success in this endeavor, the following advocacy strategies are suggested.

- **Notebook** -- Every time you go to the SSA office bring your SSA personal notebook that you have developed.
- **Log** -- Keep a log of phone calls, office visits, and names of SSA staff members who assist you in any way.
- **Benefit Check** -- Know which benefit(s) you are receiving. Is it Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI)? You will receive a letter from the SSA office identifying the type and amount of benefit you will receive. Keep this original document in your notebook, as it also contains the factors that are considered in determining your benefit award.
- **Responsible Person** -- Know who is responsible for reporting your information to SSA. This person will be YOU unless you have a payee. If you have a payee, it will be their responsibility to report information to SSA.
- **Keep SSA Informed** -- Reporting information to SSA will include any and all changes in the following: income, resources, living arrangements, living expenses, student status, and marital status.
- **Tracking** -- Develop a common drop spot within your household for collecting all original paycheck stubs. SSA will want to see all of these original documents.
- **Reporting Income** -- Send a written notice to SSA when there is an increase or decrease in your paycheck stubs. Changes in unearned income such as SSDI should also be reported.
- **Tracking Other Information** -- If you are receiving and/or paying for on-the-job training provided by a job coach, co-worker, or mentor or if your company makes

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an accommodation for you, this type of information should be tracked and reported to SSA. Employment supports such as the ones listed are some possible indicators of a work subsidy or a work incentive that may positively impact eligibility and/or the cash benefit.

Know Your Rights -- THE KEY TO SUCCESS!!!

Knowing your rights is the most critical aspect to making the system work for you. If you know what you are entitled to as an individual with a disability you will be able to ask the right questions and know where you can find the information you need for the SSA. Below are some KEYS TO SUCCESS:

- You have the right to appeal any and all decisions made by the SSA including eligibility decisions.
- Complete application forms and/or appeal forms even if you are told that you do not stand a good chance.
- If you win your appeal, benefits will be paid retroactive to the date of the appeal.
- If you do not win on this first appeal, KEEP TRYING.
- The appeal process does not require a lawyer however, in complex situations you may decide to contact a lawyer who specializes in SSA disability policy.

Resources

BENEFITS PLANNING, ASSISTANCE & OUTREACH PROJECTS

Cornell University -- www.ilr.cornell.edu/ped/dep/nwittac

Region 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont -- Region 2: New York, New Jersey, Puerto Rico, Virgin Islands -- Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

University of Missouri -- www.rcep7.org/ssa

Region 7: Iowa, Kansas, Nebraska, Missouri -- Region 8: Colorado, Montana, North Dakota, S. Dakota, Utah, Wyoming -- Region 10: Alaska, Idaho, Oregon, Washington

Virginia Commonwealth University - Benefits Assistance Resource Center -- www.vcu-barc.org

Region 3: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, W. Virginia -- Region 4: Alabama, Florida, Georgia, Kentucky, Mississippi, N & S Carolina, Tennessee -- Region 6: Arkansas, Louisiana, New Mexico, Oklahoma, Texas -- Region 9: Arizona, California, Hawaii, Nevada, American Samo, Guam, Saipan



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