



VIRGINIA
LEGAL AID
SOCIETY

SUPPLEMENTAL SECURITY INCOME (SSI)

The SSI program makes payments to people with low income, who are age 65 or older, or are blind, or have a disability. The Social Security Administration manages the SSI program. Even though Social Security manages the program, SSI is not paid for by Social Security taxes. SSI is paid for by U.S. Treasury general funds, not the Social Security trust funds.

What is SSI?

SSI makes monthly payments to people who have low income and few resources and are:

- Age 65 or older;
- Blind; or
- Disabled.

Disabled or blind children also can receive SSI. The basic SSI amount is the same nationwide. However, many states add money to the basic benefits.

What are the rules for getting SSI?

Whether you can get SSI depends on your income and resources (the things you own).

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Income

Income is money you receive such as wages, Social Security benefits and pensions. Income also includes such things as food and shelter. The amount of income you can receive each month and still get SSI depends partly on where you live.

Social Security does not count all of your income when deciding whether or not you qualify for SSI. For example, they do not count:

- The first \$20 a month of most income you receive;
- The first \$65 a month you earn from working and half the amount over \$65;
- Food stamps;
- Medical care and services;
- Money from the sale, exchange or replacement of things you own (though the money may count as a resource if you retain it until the next month);
- Income tax refunds;
- Earned Income Tax Credit payments;
- Payments made by life or disability insurance on charge accounts or other credit accounts;
- Proceeds of a loan;
- Bills paid by someone else for things other than food, clothing or shelter;
- Replacement of lost or stolen income;
- Shelter you get from private nonprofit organizations; and
- Most home energy assistance.

If you are married, part of your spouse's income and resources are also included when deciding whether you qualify for SSI. If you are younger than age 18, part of your parents' income and resources are included. And, if you are a sponsored noncitizen, your sponsor's income and resources may be included.

If you are a student, some of the wages or scholarships you receive may not count.

If you are disabled or blind but work, Social Security does not count wages you use to pay for items or services that help you to work. For example, if you need a wheelchair, the wages you use to pay for the wheelchair do not count as income when deciding whether you qualify for SSI. If you are disabled or blind, some of the income you use (or save) for training or to buy things you need to work may not count.

Resources

Resources counted in deciding whether you qualify for SSI include real estate, any bank account with your name on it, cash, Christmas club accounts, certificates of deposit, stocks and bonds.

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You may be able to get SSI if your resources are worth no more than \$2,000. A couple may be able to get SSI if they have resources worth no more than \$3,000. If you own property that you are trying to sell, you may be able to get SSI while trying to sell it.

Social Security does not count everything you own in deciding whether you have too many resources to qualify for SSI. For example, they do not count:

- The home you live in and the land it is on;
- Life insurance policies with a face value of \$1,500 or less;
- Your car (usually);
- Burial plots for you and members of your immediate family; and
- Up to \$1,500 in burial funds for you and up to \$1,500 in burial funds for your spouse.

Are there other rules that I must meet?

To get SSI, you must live in the U.S. or the Northern Mariana Islands and be a U.S. citizen or national. In some cases, noncitizen residents can qualify for SSI.

You may be eligible if:

- You live in certain types of institutions;
- You live in a publicly operated community residence that serves no more than 16 people;
- You live in a public institution mainly to attend approved education or job training to help you get a job;
- You live in a public emergency shelter for the homeless; or
- You live in a public or private institution and Medicaid is paying more than half the cost of your care.

What do I need to apply for SSI?

If you are applying for SSI, you can complete a large part of your application online at www.socialsecurity.gov or you may schedule an appointment with a Social Security representative by calling 1-800-772-1213.

Parents or guardians usually can apply for blind or disabled children under age 18. In some cases, other third parties can apply for children.

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You should take certain items with you when you apply. Even if you do not have all of the things listed below, apply anyway. The people in the Social Security office can help you get whatever is needed. You will need:

- Your Social Security card or a record of your Social Security number;
- Your birth certificate or other proof of your age;
- Information about the home where you live, such as your mortgage or your lease and landlord's name;
- Payroll slips, bankbooks, insurance policies, burial fund records and other information about your income and the things you own;
- The names, addresses and telephone numbers of doctors, hospitals and clinics that you have been to, if you are applying for SSI because you are disabled or blind;
- Proof of U.S. citizenship or eligible noncitizen status.

You should also take your checkbook or other papers that show your bank, credit union or savings and loan account number so SSA can have your benefits deposited directly into your account. Direct deposit protects benefits from loss, theft and mail delay. The money is always on time and ready to use without making a trip to the bank.

If you do not have a bank account, then you may request a Direct Express® card. The Direct Express® card is a new debit card you can use to access your benefits. With the Direct Express® card program, the SSA deposits your federal benefit payment directly onto your card. Your monthly benefits will be available on your payment day – on time, every time. You can use the card to make purchases, pay bills or get cash at thousands of locations, and most transactions are free. The Direct Express® card is both safer and more convenient than paper checks. It's quick and easy to sign up for the card. Call the toll-free Direct Express® hotline at 1-877-212-9991, sign up online at www.USDirectExpress.com, or Social Security can help you sign up.

Can I receive other forms of assistance?

If you get SSI, you may also be able to get help from your state or county. For example, you may be able to get Medicaid, food stamps or other social services. If you receive Medicare, you can apply for Medicaid to cover your Medicare premiums.

How much will I get in SSI benefits?

The most you can get per month is \$733. If you are married and both you and your spouse are eligible for SSI, the most you can get is \$1,100. These are the amounts as of January 1, 2015. In most years, there is a slight cost of living adjustment, so this may change at the beginning of following years.

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If you think you are not getting the right amount of SSI benefits, you should first check with Social Security to get an explanation and a possible correction. If you are not satisfied with their response, you should contact your legal aid office, a private attorney, or some other advocate, to see if you can appeal.

What should I know about SSI payments?

Before you begin receiving SSI, you will receive a letter telling you when your payments start and how much you will get.

Your first SSI payment will be made for the first full month after you applied or became eligible for SSI. The amount may not be the same every month. The amount depends on your other income and living arrangements. You will be notified in advance whenever your payment amount will be changed.

Your first, second and third monthly amounts will be based on your first month's income. Sometimes a type of income in the first month is not received in the second month. We call this "nonrecurring income." When this happens, the SSI benefit for the second and third month is based on the countable income from the first month, minus the nonrecurring income.

After that, your SSI amount usually is based on your income from two months before. For example, a woman living in California gets a \$500 Social Security widow's payment and a \$270 SSI payment. In June, she buys a lottery scratch-off card and wins \$200 and reports that to the Social Security office. That means in August her SSI payments will be reduced to \$70. In this example, her SSI payment will go back to \$270 in September.

If you are living with someone else and are not paying rent, your monthly SSI payment will be reduced by 1/3. SSA considers your free rent to be the same as income to you. If you start paying rent in an amount that's at least 1/3 of a full monthly SSI allotment, then SSA should restore you to the maximum SSI amount.

Your federal SSI payment may increase in some years to keep up with the cost of living. These increases usually will be in your January payment, which you will receive at the end of December.

You are required to receive your monthly benefits by electronic payment. This means either by direct deposit into your bank account, or by a credit to your government-issued DirectExpress debit card (which the Social Security Administration will help you get).

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There are several exemptions from the requirement of direct deposit or DirectExpress debit card:

- If you were born prior to May 1, 1921, you are automatically exempted, and may receive your benefits by check.
- Social Security may allow an exemption from electronic payment if:
 - You have a mental impairment so you can't handle electronic payments, and you don't have a representative payee to do it for you, or
 - You live in a remote geographic location that doesn't have facilities that are necessary to handle electronic payments.

If you receive your SSI benefits by check instead of direct deposit or DirectExpress card, here are some things you should know:

Your SSI checks are U.S. government checks. They usually come in the mail on the first of the month. Your check must be cashed within 12 months after the date of the check or it will be void. If the first day of the month falls on a Saturday, Sunday, or legal holiday, you will get your check on the banking day before the first.

Cash or deposit your check as soon as possible after you receive it. You should not sign your check until you are at the bank of place where you will cash it. If you sign the check ahead of time and lose it, the person who finds it could cash it.

If your check is lost, stolen or does not arrive within the fourth mail day from its usual day, call SSA immediately.

What do I do if I disagree with a SSA decision?

If you disagree with any decision made by SSA, you have the right to request that your case be reviewed again. If you wish to file an appeal, you must make your request in writing within 60 days from the date you received the decision letter.

You can go to the local SSA office and fill out the appeal forms, or you can file your appeal online at www.socialsecurity.gov/disability/appeal. If you cannot get to your local office and you are not able to complete the appeal request online, you may call your local office or the SSA toll-free number, 1-800-772-1213, and ask them to send you the forms to fill out.

If your deadline to appeal is coming up very quickly, you should call the local office or the SSA toll-free number immediately and tell them you want to appeal. Ask them to make a note in your file that you called and requested an appeal. Ask them to mail you the forms right away. This should protect your deadline for appealing. The SSA office will send you the paperwork to fill

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out and send back by a certain deadline. Your request for appeal is not considered to be official until SSA gets your written request.

SSA can accept a late appeal if there is good cause for the late filing. You will have to give a reason why you were late and SSA will have to determine if there was good cause. SSA can reopen an old application for any reason if you are filing the new application within 1 year of the 1st denial on the last one. Otherwise there must be good cause and there are time limits for SSD and SSI. SSA can provide more information on that.

What happens during the appeal process?

There are four levels of appeal. They are:

1. Reconsideration
2. Hearing with an Administrative Law Judge
3. Review by the Appeals Council, and
4. Federal Court review.

Reconsideration

A reconsideration is a complete review of your claim by someone who did not take part in the first decision. The SSA will look at all the evidence submitted when the original decision was made, plus any new evidence.

Most reconsiderations involve a review of your files without the need for you to be present. But when you appeal a decision that you are no longer eligible for disability benefits because your medical condition has improved, you can meet with a Social Security representative and explain why you believe you still have a disability.

Hearing

If you disagree with the reconsideration decision, you may ask for a hearing. The hearing will be conducted by an administrative law judge who had no part in the original decision or the reconsideration of your case. The hearing is usually held within 75 miles of your home. The administrative law judge will notify you of the time and place of the hearing.

Before the hearing, the SSA may ask you to provide more evidence and to clarify information about your claim. You may look at the information in your file and give new information.

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At the hearing, the administrative law judge will question you and any witnesses you bring. Other witnesses, such as medical or vocational experts, also may give us information at the hearing. You or your representative may question the witnesses.

In certain situations, your hearing may be held by a video conference rather than in person. The SSA will let you know ahead of time if this is the case. With video hearings, the hearing can be more convenient for you. Often an appearance by video hearing can be scheduled faster than an in-person appearance. Also, a video hearing location may be closer to your home. That might make it easier for you to have witnesses or other people accompany you.

It is usually to your advantage to attend the hearing (in person or video conference). You and your representative, if you have one, should come to the hearing and explain your case.

If you are unable to attend a hearing or do not wish to do so, you must tell the SSA why in writing as soon as you can. Unless the administrative law judge believes your presence is necessary to decide your case and requires you to attend, you will not have to go. Or the SSA may be able to make other arrangements for you, such as changing the time or place of your hearing. You have to have a good reason to request that other arrangements be made.

After the hearing, the judge will make a decision based on all the information in your case, including any new information you give. The SSA will send you a letter and a copy of the judge's decision.

Appeals Council

If you disagree with the hearing decision, you may ask for a review by Social Security's Appeals Council. The SSA can help you ask for this review.

The Appeals Council looks at all requests for review, but it may deny a request if it believes the hearing decision was correct. If the Appeals Council decides to review your case, it will either decide your case itself or return it to an administrative law judge for further review.

If the Appeals Council denies your request for review, the SSA will send you a letter explaining the denial. If the Appeals Council reviews your case and makes a decision itself, you will be sent a copy of the decision. If the Appeals Council returns your case to an administrative law judge, you will be sent a letter and a copy of the order.

Federal Court

If you disagree with the Appeals Council's decision or if the Appeals Council decides not to review your case, you may file a lawsuit in a federal district court. The letter sent to you about the Appeals Council's action also will tell you how to ask a court to look at your case.

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Do I need someone to represent me during the appeal process?

You have the right to have an attorney, or certain non-attorneys, represent you. This does not mean you must have an attorney or other representative. There are rules about who can represent you and what your representative can do. Contact your local SSA for more information.

You may also call Virginia Legal Aid Society at 1-866-534-5243, for advice and possible representation. If you are not eligible for Legal Aid, you may contact the Virginia Lawyer Referral Service at 1-800-552-7977. There is a \$35 fee for using this service. You can also contact the National Organization of Social Security Claimants Representatives (NOSSCR), 1-800-431-2804. Both organizations can refer you to private attorneys that handle social security cases. Private attorneys may charge 25% of a back award with a maximum of \$6,000.00. All fees must be approved by SSA.

Will my benefits continue?

In some cases, you may ask the SSA to continue paying your benefits while a decision is being made on your appeal. You can ask for your benefits to continue when:

- You are appealing a decision that you can no longer get Social Security disability benefits because your medical condition is not disabling; or
- You are appealing a decision that you are no longer eligible for SSI payments or that your SSI payment should be reduced or suspended.

If you want your benefits to continue, you must tell the SSA within 10 days of the date you receive their letter. If your appeal is turned down, you may have to pay back any money you were not eligible to receive.

What can I do if SSA says I got benefits I should not have gotten?

SSA may decide that you were paid benefits that you were not entitled to. This is called an “overpayment.” They may say that you got too much, or that you should not have been getting any benefits at all. They will send you a written notice telling you that you were overpaid, and they will tell you to make arrangements to pay it back. Here are some of the things you can do if you get such a notice:

First, if you disagree that you were overpaid, you should appeal SSA’s decision. The first step is to make a written Request for Reconsideration. You must make that request within 60 days after you received the notice of overpayment. If you are again denied, you can continue with the usual appeal process, as described above.

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Second, even if it's finally determined that you were overpaid, after you've appealed and lost, you can request waiver of recoupment of the overpayment. By doing so, you are asking SSA to not make you repay the overpaid benefits.

Your request for waiver of recoupment must be in writing. You must be able to show that you were without fault in getting the overpayment and that it would be an undue hardship for you to have to repay it. To show an undue hardship you generally need to be able to show that you would be unable to meet your necessary living expenses if you had to repay.

There is no time limit within which you need to request a waiver of recoupment. You can request it at any time. But if you request it within 30 days after you got the notice of overpayment, then SSA will hold off on any attempt to recoup until the waiver is dealt with.

SSA must give you the opportunity for an in-person or telephone conference before they make a decision on your waiver. They can't proceed to recoup any money until they offer you that conference and rule on your waiver request.

Finally, if you've gone through the appeal and lost, and if you've requested and been denied a waiver, SSA will recover the money you owe. If you are still receiving Supplemental Security Income, they will withhold 10% of your ongoing monthly benefits until it's all repaid. However, you can request that the amount be lowered if you can show you can't meet your living expenses.

If you are receiving Social Security benefits other than SSI, then SSA is able to withhold your entire monthly check until the overpayment is repaid. But you can try to work out a plan with SSA to get that lowered so you would get at least part of your ongoing monthly benefits.

If you are no longer receiving benefits of any kind from SSA, then SSA will still try to recover the overpayment and will ask you to either pay it in full or make a plan for repayment. They may also intercept your federal income tax refund, or garnish your wages. If you go back on SSA benefits in the future and the overpayment has not been repaid, they may start withholding it from your benefits.

If the amount of the overpayment is \$1,000 or less, SSA may "administratively waive" repayment, but they're not required to. This means they may excuse repayment even if you don't request a waiver. Basically, SSA would be determining that "it's not worth the effort and expense" for them to pursue repayment.

When do Cost-of-Living adjustments occur?

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If there has been an increase in the cost of living, Social Security may increase your monthly benefits, usually at the beginning of the calendar year. However, this is not automatically done every year. For example, if the cost of living has increased by two percent, your benefits may increase by two percent. If you receive your benefits by direct deposit, the SSA will notify you in advance of your new benefit amount. If you receive your benefits by check, a notice explaining the cost-of-living adjustment will be included with your check.

Why does SSA have to review my case?

The law requires that the SSA look at every SSI case from time to time to make sure that people getting payments should still get them and are getting the right amount. You will be notified when it is time for your review. The review will be done by mail, phone or in person in the Social Security office.

You will be asked the same kind of questions you answered when you applied for SSI. You will need to provide information about your income, your resources, your living arrangements and your bank accounts. Keep savings or checking account statements you get from your bank. You may need them for your case review. Also, keep your pay slips if you work. Do not wait for your review to notify SSA about any changes. You should report a change as soon as it happens.

What changes do I have to report?

You must report a change within 10 days after the month it happens. You should report a change even if you are late. If you do not report changes or you give the SSA false information or withhold information, you can receive a fine, a penalty or sanction, or imprisonment. If you are penalized, it means that you did not report a change to SSA on time. With a penalty you can lose additional money from your check. This amount is from \$25 to \$100. If you are sanctioned, that means you gave false information or withheld important information. If SSA discovers that you gave false information or withheld information on purpose, your payments can be stopped from six to 24 months.

You must report the following changes:

- **If you move or change your address** – your benefits will be stopped if SSA is unable to contact you.
- **If you change direct deposit accounts** – it takes about 30-60 days to change this information. Do not close your old account until after you make sure your Social Security benefits are being deposited into the new account.
- **If someone moves into or out of your household** – this includes:

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- Someone moving into or out of the household;
- Someone who lives with you dies;
- Your or someone who lives with you gives birth to or adopts a child;
- You start living in someone else's home or if you move out of someone else's home.
- **If there is a change in your income or the income of family members** – this includes spouse, children, and everyone living in the household. Keep records of your income as SSA will need to verify the information you provide.

Income includes:

- Wages from a job, whether in cash or another form;
- Net earnings from a business if self-employed;
- The value of food or shelter that someone gives you, or the amount of money someone gives you to help pay for them;
- Department of Veterans Affairs benefits;
- Railroad retirement and railroad unemployment benefits;
- Annuities, pensions from any government or private source, workers' compensation, unemployment insurance benefits, black lung benefits and Social Security benefits;
- Prizes, settlements and awards, including court-ordered awards;
- Proceeds of life insurance policies;
- Gifts and contributions;
- Support and alimony payments;
- Inheritances in cash or property;
- Interest earned, including interest on savings, checking and other accounts;
- Rental income; and
- Strike pay and other benefits from unions.
- **If there is a change in resources.**
- **If you get help with living expenses or if the amount of that help changes.**
- **If you or your spouse enter or leave an institution** – this includes a residential institution, hospital, skilled nursing facility, nursing home, intermediate care facility, halfway house, jail, prison, public emergency shelter, or any other kind of institution. You will need to provide the name of the institution and the date you entered or left.
- **If you get married, separated or divorced.**
- **If you change your name.**
- **If you have an outstanding arrest warrant.**
- **If you violate a condition of parole or probation.**
- **If you are age 18 to 22 and begin or stop attending school.**
- **If a person receiving SSI is not able to manage funds.**
- **If your immigration status changes.**

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- **If your medical condition improves.**

How do I report a change?

You can report a change by calling toll-free at 1-800-772-1213 (TTY 1-900-325-0778). When you call, have your Social Security number handy. You can also report changes by mail or in person. If you send a letter, be sure it shows:

- The name of the person for whom the change is being reported;
- The Social Security number of the person who gets SSI;
- The change being reported;
- The date the change happened; and
- Your signature, address and phone number

Why is my SSI case being reviewed?

All people receiving SSI because they are disabled must have their medical conditions reviewed from time to time. Your SSI will continue unless there is strong proof that your condition has improved medically and that you are able to return to work.

How frequently will my case be reviewed?

How often your medical condition is reviewed depends on how severe it is and the likelihood it will improve. Your award notice tells you when you can expect your first review.

- **Medical improvement expected** – if your condition is expected to improve within a specific time, your first review will be six to 18 months after you started getting SSI.
- **Improvement possible** – if improvement in your medical condition is possible, your case will be reviewed about every three years.
- **Improvement not expected** – if your medical condition is unlikely to improve, your case will be reviewed only about once every five to seven years.

What happens during a review?

SSA will send you a letter telling you that they are conducting a review. Soon after that, someone from your local SSA office will contact you to explain the review process and your

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appeal rights. The SS representative will ask you to provide information about your medical treatment and any work that you may have done.

A team consisting of a disability examiner and a doctor will review your file and request your medical reports. You may be asked to have a special examination. SSA will pay for the examination and some of your travel costs.

When a decision is made, you will receive a letter. If SSA determines that you are still disabled, your SSI will continue. If you are no longer considered disabled and you disagree, you can file an appeal by sending a letter to SSA requesting a hearing.

Can I work and keep receiving SSI?

Inform SSA right away if you begin working, no matter how little you earn. There are special SSI rules to help you try to work. Your SSI may continue while you work if you are still disabled. As your earnings go up, the amount of your SSI will go down and eventually may stop. Even if your SSI stops, you may be able to keep your Medicaid coverage. (Medicaid coverage may continue if you depend on it to work and do not earn enough to pay for similar medical care.)

Inform SSA if you have any special work expenses. These include items or services you need to work, such as: a wheelchair, attendant care services, Braille devices, certain drugs and medical services. The earnings you use to pay for these expenses do not count as income, so they will not lower the amount of your SSI. You should keep receipts for any work expenses related to your disability.

If you work or would like to work, you may be able to have a plan to achieve self-support. This plan allows you to work towards a career goal and helps you pay for things such as college, vocational training, work-related equipment or starting a business. Having this plan usually means you can keep more of your SSI, because the money you set aside will not lower your SSI amount. As your earnings and resources increase, it becomes important for you to develop a plan.

If your SSI checks stop because you have a job and sometime in the next six years your disability forces you to quit working, you can get back on SSI immediately without filing a new application.

Someone came to my door saying they were from SSA. How do I know they're really a representative?

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The SSA will generally mail you a letter or notice when contacting you, but sometimes a Social Security representative may come to your home. A representative will show you identification before talking about your benefits. If you ever doubt someone who says he or she is from SSA, call the Social Security office to ask if someone was sent to see you. SSA employees will never ask you for money to have something done. It is their job to help you.

I saw an ad where I can get a name changed quickly if I pay a fee, can I do that?

Some businesses advertise that they can provide name changes or Social Security cards for a fee. All these services are provided free by SSA, so do not pay for something that is free. Call SSA or visit their website first, www.socialsecurity.gov. SSA is the best place to get information about Social Security.

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Free Legal information by Web and Phone: www.vlas.org and
1-866-LegalAid (534-5243)

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