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SOCIAL SECURITY DISABILITY

The Social Security Administration (SSA) is a federal government agency that administers benefits for people with disabilities and older adults of retirement age.

Social Security Disability Programs provide income intended to cover the cost of living for individuals who are unable to work due to their disability and/or to retired senior citizens. There are two programs: Supplemental Security Income (SSI) and Social Security Disability Income (SSDI).

	SSDI: Social Security Disability Income	SSI: Social Security Income
What is it?	A disability insurance program that provides income to workers who become "disabled" (or who retire), and to their dependents and survivors.	A needs-based program that provides a basic income to pay for the cost of living for people unable to work due to their disability and who meet specific low-income guidelines.
Eligibility	Meet SSA’s disability criteria and have a history of taxes paid to FICA (federal employment tax) from salary or wages, or those of your spouse or parents.	Meet SSA’s disability criteria and have limited income and resources (usually no work history).
Monthly Payment Amount	Varies based upon your lifetime average salary or wages earnings, and other sources of income and resources.	The standard Federal Benefit Rate (FBR), \$735 in 2017 for one qualified person. Other countable income is subtracted from the FBR.
Health Insurance Provided	Medicare.	Medicaid.

SSA Definition of Disability for Adults:

A person who is unable to work (full or part time) because of a medically-determined physical or mental impairment that has lasted or is expected to last at least 12 months. SSA determines some conditions to be automatically disabling and lists these on their “Listing of Impairments.”

SSA Definition of Disability for Children:

A person under age 18 with a medically determinable physical or mental impairment severe functional limitations, that has lasted or is expected to last at least 12 months.



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APPLYING FOR DISABILITY

HOW TO APPLY:

- Online: www.ssa.gov/myaccount/
- Over the phone: 1-800-772-1213 (free interpreter services available) TTY Phone: 1-800-325-0778 (hearing impaired)
- In person: Social Security Administration- Applications 1233 W. Adams, Chicago, IL 60607

DOCUMENTS REQUIRED FOR APPLICATION:

- Records of birth, citizenship, military service, marriage or divorce
- Names and birth dates of dependents
- Direct deposit information
- Contact information of someone to assist you with the claim
- Employment & Education Documentation:
 - Employment and income details for past 2 years (employer contact information, dates of employment, total earnings)
 - Date your medical condition began to affect your work
 - Type of jobs (up to 5) held during the 15 years prior to being unable to work due to disability including dates of employment and types of duties
 - Information on highest level of education achieved and completion of special job training, trade school or vocational school
- Medical Documentation
 - List of medical conditions
 - Information about doctors, healthcare professionals, hospitals and clinics where you have received treatment (contact information, dates of examinations and treatments)
 - Names of medications and prescribers
 - Information about other sources of documentation of your impairment (criminal justice system, social service agency, attorney or lawyer, vocational rehabilitation service, etc)



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Disability Determination Process

The Social Security Administration (SSA) will review your:

1. Current work activity
2. Severity of your impairment(s)
3. Determination of whether the impairment meets disability criteria
4. Residual functional capacity
5. Your past work history
6. Your ability to do the work based upon your age, education, and work experience

SSA will review your application, contact providers and assess the severity of your impairment. If you have not received medical care recently or your records do not contain the necessary information, SSA may pay to send you to a doctor for an examination. Claims typically take 3-5 months to process but may take up to a year; SSA may also contact you if further information and documentation is needed.

Working with a Lawyer

Disability applications can be long and complicated, so a lawyer may be hired to assist with the application and any necessary appeals. There is typically no upfront cost for legal representation; payment is made only after disability benefits are obtained and can be paid directly by SSA out of your retroactive benefits. As determined by the SSA, the legal fee shall be no more than 25% of the total of the first payment (including retroactive benefits).

Contact NAMI Chicago at 312-563-0445 for referral to a lawyer to assist you.

Appealing the Decision

Decisions you can appeal:

- The SSA denies your application despite your disability
- Wrongful termination of benefits
- Wrongful charging of overpayment
- Wrongful requirement of a representative payee

If you disagree with a decision made by SSA you can submit an appeal. Each level of the appeal must be submitted in writing within 65 days of receiving notice of the SSA's previous decision. If you are in disagreement with decisions made during the appeal process it will move on to each of the below bodies for review. It is recommended to have legal representation throughout the appeal process.

- Request for Reconsideration
- Administrative Law Judge (ALJ) Hearing
- Review by the Appeals Council
- Lawsuits in the US District Court



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Maintaining Your Benefits

Continuing Disability Review (CDR)

Once you are receiving Social Security disability benefits, your case will be reviewed regularly to assess the continued affect of the disability on the possibility of employment. The review will include your medical records and other requested information. After the Continuing Disability Review is complete, SSA will issue a decision to continue or terminate benefits.

Representative Payee

A Representative Payee is a person who receives your disability benefit payments and manages your finances if you are mentally or physically unable to manage your financial affairs. Your Representative Payee should be a person who is best able to serve your interests, usually the legal guardian, spouse or relative. If no such person is available the SSA may appoint an agency or institution as the payee. An agency or institution functioning as your payee may request approval from SSA to collect a monthly fee of \$25 for their services as payee.

Returning to Work

Special rules make it possible for SSI and SSDI recipients to work and still receive monthly payments with certain limitations. Furthermore, if you find you are unable to continue working due to your disability after you have returned to work, these special rules allow your benefits to be reinstated potentially without having to file a new application.

Work incentives include:

- Continued cash benefits for a time while you work;
- Continued Medicare or Medicaid while you work; and
- Help with education, training, and rehabilitation to start a new line of work.

For questions on returning to work, call the Ticket to Work HelpLine at 1-866-968-7842.

Source: <https://www.ssa.gov/redbook/index.html>