

# Indiana Legal Services, Inc

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## Social Security Benefits for Disabled People – SSD and SSI

### **What kinds of social security benefits can I receive if I am disabled?**

There are two types of social security benefits for disabled people: **Social Security Disability (SSD)**, which you can get if you are both disabled AND have worked enough in the past in a job where you paid Social Security taxes; or

**Supplemental Security Income (SSI)**, which you can get if you are disabled AND have low income and resources. For SSI, it does not matter if you worked and paid Social Security taxes in the past.

It is possible to receive both SSD and SSI at the same time if your monthly SSD amount is small.

### **How can I show that I am disabled under Social Security's rules?**

In general, to show that you are disabled for either SSD or SSI, you must prove you have a physical or mental health problem which will last at least 12 months and which prevents you from working in a past job or any other job. This does not consider whether or not you have been able to find a job. It looks at whether there are types of jobs you could do, considering your physical and mental abilities, age, education, and work experience.

In some cases, if you are over the age of 50, it can be somewhat easier to get benefits. You may need to show only that your health problems prevent you from doing certain types of work.

Because medical records are very important in showing that you are disabled, you should have medical records from your doctors and other health care providers explaining what your medical problems are and how these problems keep you from being able to work. Just your doctor's opinion that you are disabled is usually not enough to get disability. You also need regular progress notes from your doctor, as well as any test results such as x-rays or laboratory tests that show that you have a serious health problem that keeps you from working.

### **What are the differences between SSD and SSI?**

- You may get more money with the SSD program. Your monthly benefit amount depends on how much you have paid into the Social Security system in the past. The more you paid into the system, the higher your benefit will be. SSI is a set monthly benefit (\$579 per month in 2005). It does not matter whether you have ever worked or not.
- If you are eligible, you can get SSD even if you have other income and resources. Social

Security will not look at your income and resources when determining your SSD benefit. SSI benefits are available only if you are disabled (or over 65) AND have limited income and resources.

- After you are found to be disabled and eligible for SSD, you must wait 5 months before your benefits can begin. There is no such waiting period for SSI. For SSI, your benefits will usually be paid starting with the date you filed your SSI application.
- The SSD program can also provide benefits to some of your family members. The SSI program does not give benefits to family members; only the disabled person can get SSI benefits.

### **How do I apply for SSD or SSI?**

You need to contact your local Social Security Administration office and fill out an application. A representative at the Social Security Administration should help you fill out the application. You should be ready to give information about your work history and health problems.

### **What do I do if my application for SSD or SSI is denied?**

You have only 60 days from the date of your denial to ask for Reconsideration. If your Reconsideration is denied, you will have 60 days to appeal again and ask for a hearing before an Administrative Law Judge. At the hearing, evidence can be presented and witnesses can testify. In order to do either appeal, contact the Social Security office and fill out the proper papers. When you go to the Social Security office, it is helpful for you to bring along a copy of your most recent denial.

If you go to a hearing and the Administrative Law Judge decides that you are not disabled, you will have another 60 days from the date of the judge's decision to ask for an Appeal's Council review. If you lose at the Appeal's Council stage, you can file an appeal in federal court.

### **Do I need an attorney if I have been denied SSI or SSD?**

An attorney can be very helpful at the Administrative Law Judge stage and beyond. Some private attorneys may represent you without charging you a fee up front because the attorney can get his or her fee out of your social security benefits if you win your case. Contact a private attorney or your local legal services program for help.

### **What should I do if I receive SSD or SSI and I get a notice that my benefits are going to stop?**

It is important to carefully read your notice. You generally have 60 days from the date of the notice to contact the local Social Security office and appeal. HOWEVER, if you appeal in writing within 10 days of receiving your notice, your monthly benefits should continue until there has been a decision by an Administrative Law Judge that you are no longer disabled. If the judge finds that you are no longer disabled, you may be asked to pay back the benefits you received while you waited for the hearing.

## Can a disabled child receive disability benefits?

A child under the age of 18 who is disabled, and whose family has limited resources, may be able to get SSI benefits. The rules for children are different than the rules for adults. To get SSI benefits, a child must have a very severe physical or emotional health problem. The health problems must limit the child in several areas. In addition to medical records, school records and other non-medical records can be helpful in showing that a child is disabled.

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