

What you need to know about applying for SSI

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ALL INFORMATION PROVIDED IN THIS PRESENTATION IS INTENDED FOR EDUCATIONAL PURPOSES ONLY
AND SHOULD NOT BE CONSTRUED AS LEGAL ADVICE.

- **What do I need to do *before* applying for SSI benefits for my child?**
- **What forms will Social Security ask us to complete?
How should we complete them?**
- **Appealing denials**
- **How should I address working/work experience?**

SSI = Supplemental Security Income

Eligibility: “disabled” - unable to work a competitive job independently & on a sustained basis

no work/low work history

countable resources \$2000 or less (for unmarried person)

limited monthly income

Benefits: **Medicaid for DDD***

monthly cash benefit

***Check out NJ State Medicaid also**

DAC = Disabled Adult Child

Apply when
parent is receiving SS retirement
SS disability,
or is deceased

Disability started prior to age 22

This is an SSDI program that includes Medicare.
(If SSI Medicaid is lost because the child is now on DAC,
DDD does have a provision for this.)

SSDI – earned income, paid taxes

Some of your children may have enough work credits to apply for SSDI benefits.

This program would give your child a stable monthly benefit and eventually Medicare.

What do I need to do before applying
for SSI benefits for my young adult?

Financial Considerations

Medical/Educational/Vocational Information

Financial Considerations

(age 18 or later)

DO NOT APPLY BEFORE AGE 18

Resources/Assets of the Applicant

\$2000 LIMIT

\$2000

BEFORE starting application

\$2000

\$2000

WHILE Application is being processed

AFTER SSI is awarded

\$2000

ALWAYS-ALWAYS-ALWAYS-ALWAYS-ALWAYS

What is a countable resource?

Common resources for young adults include savings accounts, checking accounts, stocks, bonds... (ABLE Accounts are not countable resources)

The SS website has "SSI Spotlights" giving more detailed information about Resources and many other topics.

<https://www.ssa.gov/ssi/links-to-spotlights.htm>

What matters:

Whose NAME is on the non-exempt resource.

What does not matter:

SS does not care what you intended to do with the resource.

Beware: "secret" accounts
Inheritances (after award)

Resource Spend-Down

DO NOT just transfer money out of the account or sell assets.

Spend-down must be for items acceptable to Social Security and purchases must be *traceable*.

(Keep receipts!) OR **ABLE ACCOUNT**

“WHAT HAPPENS IF I GIVE AWAY OR SELL A RESOURCE?”

If you, your spouse, or a co—owner give away a resource or sell it for less than it is worth, you may be ineligible for SSI benefits for up to 36 months. How long you are ineligible for SSI benefits depends on the value of the resource you transferred.” (From SS Website – SSI Homepage)

It is easy to lose track of the value of the resources.

Make this a priority!

Even having the total countable resources exceed \$2000 for one month will have consequences.

Consequences of exceeding \$2000 (after award)

- Assessment of **Overpayment** and **Demand to Repay**
- **Termination** of SSI benefits

Social Security could notify you YEARS later.

INCOME

For the Application,

ONLY the **income of the Applicant** (not parents)
should be considered once the Applicant turns 18.

After an Award,

MONTHLY Wages and cash gifts must be reported.

Use the Social Security portal.

The Application Process

The SSI Application & the Disability Report

After getting the finances in order, it is time to contact SSA and get a Protective Filing Date (PFD).

At this time, SSI applications cannot be completed online.

What you can do to get an appointment is:

Option 1 -Go to SSA.gov

Click on “Apply for SSI” and answer the prompts – its asking for some very basic information..

If you go this route, make sure to save proof that you did it.

Unfortunately, going through the prompts alone just gets you a promise that an appointment will be scheduled – SSA should notify you of the appointment date and time within 7-10 business days.

Even if you are not particularly computer savvy, this process is pretty simple, and may well get you out of the **very tedious** process of phoning the SSA.

- Downside, If they give you an appointment that will not work with your schedule, you will still have to call SSA to change the appointment.

Option 2 – Call SSA for the SSI appointment.

You can call the national line at 800 -772- 1213
or the local office (see last few slides of this presentation).

During the actual application appointment, Social Security will ask for an **onset date** of disability.

If this is an SSI application **only**, please understand that SSI benefits cannot be **paid** prior to the protected filing date (the date you asked for the application interview by either phone or by going on the website). For this reason, some agents will indicate on this application that your child only became disabled on the date you filed for these benefits. Do not be muscled into that.

If your child's disability began before age 22, and you are applying **after your child turns 22**, definitely make sure to use an onset date that is before their 22nd birthday. I say this because an acknowledgement of disability prior to age 22 will make filing for Disabled Adult Child benefits easier in the future.

***When you have your actual interview,
you will need the information for the APPLICATION
and for the DISABILITY REPORT.***

In most circumstances, this will include:

- 1. The Applicant present to give permission for you to speak on their behalf; it would not be a bad idea to have the applicant answer some of the questions, so that the Agent will have a better sense of their abilities and limitations;**
- 2. The financial information Risa spoke about earlier;**

Identifying information:

- o the Applicant's full name and their address
- o date of birth
- o place of birth/citizenship status
- o Social Security number

Once the Agent has this information, they will move onto the Disability Report questions.

Education Information:

The names and addresses of the schools in which the Applicant received special education/accommodations and the years of attendance.

Work Information:

Information on the jobs your Applicant was paid for – So be ready to provide:

- The contact information for each employer,

- The period of employment,

- The hours worked per week,

- The amount of pay per hour, and

- The job title and work duties.

If DVRS has been involved, make sure to have that information as well.

- Medical Information:
 - The names of the chronic and/or recurring conditions/diagnoses that impact the Applicant's ability to work, and
 - (TO THE BEST OF YOUR ABILITY),
 - the contact information for each doctor/healthcare provider (e.g. therapist) the Applicant has seen in the last few years,
 - the condition(s) each provider is treating and the treatment provided, including the names of medications, and
 - the names of and approximate dates of significant tests.
- YOU DO NOT NEED TO PROVIDE SSA WITH THE ACTUAL MEDICAL RECORDS, AT LEAST NOT AT THIS POINT.
 - It would be helpful to provide what you can to the Claims Adjudicator when that assignment is made.

WHAT'S NEXT?

Once you have finished the Application and Disability report (medical/educational/work questions) your work is done for the time-being. Social Security will review the financial information you provided and make an assessment about whether the Applicant meets the financial eligibility standards for an SSI application.

If the Applicant is found to be financially eligible, **the case will be moved over to DDS** (Division of Disability Determination Services) where a Claims Adjudicator will be assigned. (That should take about 10 days, but it has been taking longer.)

If you do not receive any forms or other communications within 6 weeks after the application has been taken, I recommend calling the District Office and asking for status. (Many of the District Office phone numbers can be found on a slide attached to the end of this presentation.)

What forms will Social Security
ask us to complete?

How should we complete them?

The Simple Forms:

- SSA - 827: An authorization that allows Social Security to reach out for records from your child's healthcare providers and teachers.
- SSA-8240 - An authorization that allows Social Security to obtain wage and employment information; this would only be requested if your child is or has worked.
- SSA will either send you the form(s) for a signature or will ask for permission while doing the phone interview.
-
- **SSA really won't do much on your case if you do not give this permission, so I encourage you to give it.**

- **SSA-821 - Work Activity Report-Employee**

You may also be asked to provide an SSA-821.

This is likely going to be requested if the applicant's work has recently been or is significant in hours and/or pay.

An SSA-821 is generally not requested when the work was part of an unpaid internship program.

The Work Activity Report is very important. Since few of you would be asked for this form, we won't be addressing it tonight. If a group would like us to come back and discuss this form in some detail, let us know, and we'll arrange for that.

From District Office to DDS

Once the case is at DDS the case will be assigned to a Claims Adjudicator.

The CA is the great gatherer of information.

They will send requests to the healthcare providers and schools.

And, they will send you and your child Function Reports

SSA-3373 and SSA-3380

Function Reports are 10 pages long and ask 25 questions about the applicant's daily activities. They are the most mystifying (annoying) of the forms Social Security sends.

What makes them annoying?

- Function Report questions are not tailored to any particular type of claim.
- Your 18-year-old will be asked to fill out the same form given to a 50-year-old alleging problems that are vastly different from your child's situation.
- The questions are broad and repetitive.
- The response time to answer is short, usually 10 days.

While the responses will likely not "win" the case,
they can easily cause the Application to fail.

Why are Function Report forms requested?

Isn't the diagnosis enough?

A diagnosis alone does not mean there is a **severe impairment** that prevents **WORK**.

While the diagnosis may be very compelling, Social Security still needs to know what the actual *impact of the condition* is on this applicant's ability to do work-related activities.

The Function Report Adult (SSA-3373)

CARDINAL RULE #1

Don't Do the Function Report for your child!

For many legitimate reasons, you will be tempted to do the Function Report for your son or daughter.

Don't Do It!

WHY NOT?

For the same reason you do not do their school tests, you should not answer this questionnaire for them.

If you write out their responses, the Claims Adjudicator will have no choice but to credit **your young adult** with:

- a vocabulary that they don't have,
- a processing speed that is not their own, and
- handwriting or typing abilities that do not reflect their abilities.

If I should not do the form for my child, how will the form get done?

If your child can read and write, explain to them that they need to do the form because of the SSA claim and ask them to do it to the best of their ability.

Some will take the form, answer the questions and hand it back to their parent. That applicant should sign the form themselves and it should be returned to the CA.

However, many will find the form overwhelming and get through a couple of questions before getting upset.

If the form is left largely undone, explain *what happened* in the **Remarks Section** at the end of the document.

Where it asks for the name of the person completing the form, write your child's name, and state that you wrote the Remarks, then return it to the CA.

If your child does ask you to sit down and assist, that's okay.

Just make sure that the responses are theirs and

WRITE SOMETHING IN THE REMARKS SECTION EXPLAINING THE ASSISTANCE YOU GAVE AND WHY IT WAS NECESSARY.

For instance:

- If you had to read the questions to the child
- If the child had to do it over a course of days
- If you had to write your child's answers in the form

Where the forms asks for "Name of the person completing this form,"

write that you and your child completed the form together and then return to the CA.

Please note, **neatness does not count.**

If your child's handwriting is horrible,
do not make them rewrite it,
and do not write it out for them.



The Function Report Adult - Third Party Form (SSA-3380)

The **Third Party Function Report** is sent to an identified trusted contact of the applicant, most likely you.

In your child's case, it will likely be the **Third Party Function Report** that will be the more detailed account.

If you look at the two blank Function Report Forms side by side, you will quickly see that the forms are nearly identical. However, your answers may be vastly different from those of your child, and that is fine.

How to Answer Third Party Function Report Questions

CARDINAL RULE #2

You should respond to the questions

HONESTLY,

AS IF UNDER OATH,

and

WITH KEEN INSIGHT!

What I find is that parents will:

1. Overlook problem behaviors, often because there has been some improvement over time, or
2. Write glowing statements about the accomplishments of their child, or
3. Actually, state the truth about their child.

Please try for #3.

The goal is to accurately inform the SSA about your child's ability to function.

Below are some of the Third Party Function Report questions that people often have difficulty with.

While your child's situation is unique, I offer example answers based on a hypothetical claimant, Danny Doe. Danny is a 20-year-old male who has a borderline FSIQ, is on the autism spectrum and has been diagnosed with generalized anxiety disorder.

Please note, NO MATTER WHAT I HAVE WRITTEN, your responses must be based on your child, not Danny Doe.

SECTION B - INFORMATION ABOUT ILLNESSES, INJURIES, OR CONDITIONS

8. How does this person's illnesses, injuries, or conditions limit his/her ability to work?

Comment: This is actually a reasonably good question. There will be more specific questions later on, but your response to this one can set the tone for the reader.

EXAMPLE RESPONSE:

SECTION B - INFORMATION ABOUT ILLNESSES, INJURIES, OR CONDITIONS

8. How does this person's illnesses, injuries, or conditions limit his/her ability to work?

Danny needs a great deal of supervision and encouragement for even simple daily tasks. Without frequent reminders, encouraging words and supervision, he will generally freeze up and get nothing done. His frustration tolerance is very low when he does not get quick feedback and encouragement.

With this answer, I am telling the Claims Adjudicator that if Danny were in a job, he would take other workers off task to give him the attention he needs to accomplish his work.

That would not be tolerated in a competitive work environment.

If my responses are supported by educational and/or medical records, Danny's disability case will be more likely to prevail.

■ SSA-3380 question 9

SECTION C - INFORMATION ABOUT DAILY ACTIVITIES

9. Describe what the disabled person does from the time he/she wakes up until going to bed.

Comment: This is an unreasonable question.

If anyone were to truly answer this question in detail, they would need at least 6 pieces of paper. Social Security gives you 5 lines for your response. So, how do you answer?

I recommend you accept that you have only a few lines and give a general description of what your child does on a typical day, assuming they have typical days.

SECTION C - INFORMATION ABOUT DAILY ACTIVITIES

9. Describe what the disabled person does from the time he/she wakes up until going to bed.

I wake him up at 6:45. On shower days, he needs me to give him instructions. If clothing from the day before is in his room, he will generally put that clothing on again. With my supervision, he will put together a breakfast for himself. He is often ready for the bus before it arrives. He goes to his program; the bus brings him home at 4:10. He has a snack and goes to his room; he paces a lot. At 6pm, I ask him to come down and set the table for dinner. I usually have to ask 3 times and then we set the table together. We eat together at 7pm. He will then play with his action figures in his room until "lights out".

Comment: The answer I have given is as complete as you can get on this form, and it still does not fully answer the question.

Do not sweat it. The questions are repetitive; by the time you have completed the rest of the form, the Claims Adjudicator will have a good sense of your child's daily activities.

SSA-3380 - QUESTION 13:

13. What was the disabled person able to do before his/her illnesses, injuries, or conditions that he/she can't do now?

Comment: This question may seem difficult, but it isn't.
Example response:

13. What was the disabled person able to do before his/her illnesses, injuries, or conditions that he/she can't do now?

Danny has been easily distracted and routine dependent all of his life. He was first diagnosed with Autism
when he was a toddler.

15. **PERSONAL CARE** (Check here ☐ if **NO PROBLEM** with personal care.)

a. Explain how the illnesses, injuries, or conditions affect this person's ability to:

Dress

Bathe

Care for hair

Shave

Feed self

Use the toilet

Other

Observation: Instead of explaining their difficulties, a lot of people inappropriately check the “No Problem” box.

Why do they check No Problem?

For some, it just feels too personal.

I suggest you don't take that approach.

There is a line for each type of personal care that Social Security wants you to address. Think about how your child does with each of the areas and write down what you know to be true.

Example Responses:

Dress: Danny likes to wear the same clothing several days in a row. He feels comfortable in them and he likes the smells. If the dirty clothing has been taken away, he will be confused and have a hard time figuring out what to wear.

Bathe: I get Danny to shower 3 days a week. On shower days, he needs me to stand by the bathroom door and remind him of what he needs to do. About $1/2$ the time, I need to get him back into the shower to get the remnants of shampoo out of his hair.

Care for hair: It gets greasy and knotty because he doesn't like to shampoo.

Shave: His dad shaves him because he is scared to use any kind of razor himself.

Feed Self: He can feed himself, but does not know how to handle a fork correctly.

Use the toilet: Danny is getting better about wiping himself, but at times he gets frustrated with that situation and makes a mess on himself. (Lately, that's been happening 2-3 times a month.)

Other: He won't brush his teeth unless someone watches him.

I wrote a lot here.

Your child may have far fewer issues than Danny Doe.

If the child has no issues with some or all of these personal hygiene issues, you need to leave those areas blank.

This is how my answers for the hypothetical claimant look typed out. Not neat, but readable, and it does give a lot of information about Danny's functioning.

15. **PERSONAL CARE** (Check here ☐ if **NO PROBLEM** with personal care.)

a. Explain how the illnesses, injuries, or conditions affect this person's ability to:

Dress Danny likes to wear the same clothing several days in a row. He feels comfortable in them and he likes the smells. If

Bathe the dirty clothing has been taken away, he will be confused and have a hard time figuring out what to wear.

Care for hair I get Danny to shower 3 days a week. On shower days, he needs me to stand by the bathroom door and remind him of what he needs to do. About 1/2 the time, I need to get him back into the shower to get the shampoo out of his hair. Hair gets greasy and knotty because he doesn't like to shampoo.

Shave His dad shaves him because he is scared to use any kind of razor himself.

Feed self He can feed himself, but does not know how to handle a fork correctly.

Use the toilet Danny is getting better about wiping himself, but at times he gets frustrated with that situation and makes a mess on himself. (Lately, that's been happening 2-3 times a month.)

Other He won't brush his teeth unless someone watches him.

■ **SSA-3380 - QUESTION 16:**

MEALS

a. Does the disabled person prepare his/her own meals?

☐ Yes ☐ No

If "Yes," what kind of food is prepared? (For example, sandwiches, frozen dinners, or complete meals with several courses.)

Comment: I don't like Yes or No questions and I don't like the phrasing of this question.

CARDINAL RULE #3

When the question does not ask for the information you want to give, answer the question as if it did.

16. MEALS

a. Does the disabled person prepare his/her own meals? BREAKFASTS ONLY ☒ Yes ^{and} ☒ No

If "Yes," what kind of food is prepared? (For example, sandwiches, frozen dinners, or complete meals with several courses.)

Danny makes breakfast - Cereal or will reheat with supervision. Danny can pour cereal and milk into a bowl. Danny cannot microwave without supervision because he'll make mistakes and burn the food and/or himself. He is not permitted to use the stove to or oven.

How often does he/she prepare food or meals? (For example, daily, weekly, monthly.)
5-6 days a week.

How long does it take him/her? Depends on what he is making, but generally under 5 minutes.

Any changes in cooking habits since the illness, injuries, or conditions began?

Danny has never been able to cook independently.

b. If "No," explain why he/she cannot or does not prepare meals.

Because he is inattentive, we have agreed that he should not use the stove top or oven.

17. HOUSE AND YARD WORK

a . List household chores, both indoors and outdoors, that the disabled person is able to do .
(For example, cleaning, laundry, household repairs, ironing, mowing, etc.)

b. How much time do chores take, and how often does he/she do each of these things?

c. Does he/she need help or encouragement doing these things?

☐ Yes ☐ No

If "YES," what help is needed?

Remember Cardinal Rule #3:

When the question does not ask for the information you want to give, **answer the question as if it did.**

17. HOUSE AND YARD WORK

a . List household chores, both indoors and outdoors, that the disabled person is able to do .
(For example, cleaning, laundry, household repairs, ironing, mowing, etc.)

With a lot of encouragement, Danny will join me in setting the dinner table most nights. We are trying to build a routine of collecting
garbage from the various trash cans in the house and putting that out twice a week. He helps with laundry. He seems to like
folding the laundry with me, especially when it is still warm. He will not do any chore alone, and I must make sure he washes his hands
especially before we set the table or fold the laundry.

b. How much time do chores take, and how often does he/she do each of these things?

Setting the table, most nights, first he has to wash his hands and then it takes about 5 minutes for the 2 of us to set the table properly
for the 3 of us. Trash collection – that usually takes about 15-20 minutes, and sometimes he forgets a room. Laundry – we usually
do laundry 2x a week. Once Danny washes his hands and the laundry is clean, it generally takes us 30-45 minutes to fold it and put it away.

c. Does he/she need help or encouragement doing these things?

☒ Yes ☐ No

If "YES," what help is needed?

He needs encouragement, someone to do the task with him and someone he likes to be with while doing tasks.

SSA-3380 - QUESTION 18:

Getting Around

a. How often does this person go outside?

Comment: The question is overly vague!

Example Response:

18. GETTING AROUND

a. How often does this person go outside?

Danny goes to school 5 days a week. In good weather, we may take a walk in the neighborhood.

b. When going out, how does he/she travel? (*Check all that apply.*)

☐

Walk

☐

Drive a car

☐

Ride in a car

☐

Ride a bicycle

☐

Use public transportation

☐

Other (*Explain*)

Remember Cardinal Rule #3:

When the question does not ask for the information you want to give, **answer the question as if it did.**

■ For Example:

b. When going out, how does he/she travel? *(Check all that apply.)*

☐ Walk

very limited

☒ Drive a car

Mostly

☒ Ride in a car

☐ Ride a bicycle

☐ Use public transportation

☒

Other (*Explain*)

Special school bus or Access Link

c. When going out, can he/she can't go out alone. _____
If "NO," explain why he/she can't go out alone. _____

Remember Cardinal Rule #3: When the question does not ask for the information you want to give, **answer the question as if it did.**

■ Example response:

c. When going out, can he/she go out alone?

Usually NO

☐ Yes

☒ No

If "NO," explain why he/she can't go out alone.

Danny is fearful. He has been bullied, and is afraid that he will be bullied if he goes out alone. The reverse problem is also true.

When people seem nice, Danny is happy to give them his trust, and his lunch money and the keys to our house. He is easily exploited.

d. Does the disabled person drive?

☐ Yes

☐ No

If he/she doesn't drive, explain why not. _____

Remember Cardinal Rule #3: When the question does not ask for the information you want to give, **answer the question as if it did.**

d. Does the disabled person drive?

VERY LIMITED

☒ Yes

☒ No

If he/she doesn't drive, explain why not.

Danny does not like to be alone. Danny has a driver's license. He worked very hard for it, and likes to drive but only short distances, and only if I am in the car with him. I am trying to teach him to drive to Shop Rite because I am hoping that he will be able to get a part time accommodated position there. I have him drive me there 2x a week.

SSA-3380 - QUESTION 22d:

Question: Does this person have any problems getting along with family, friends, neighbors, or others?

Comment: Each situation is unique. If everyone is kind to your child and he gets along with everyone, that's great. Our hypothetical Danny has issues that this question does not actually address, but we can use this space as an opportunity.

Example Response:

d. Does this person have any problems getting along with family, friends, neighbors, or others?

☒ Yes
often ☐ No

If "YES," explain.

Danny does not understand some people's reactions to him. He is ready to be warm and friendly with everyone, but he gets bullied and sometimes people will pretend to be his friend just to take advantage of his kind heart.

23. a. Check any of the following items the disabled person's illnesses, injuries, or conditions affect:

- | | | | |
|------------------------------------|-----------------------------------|---|--|
| <input type="checkbox"/> Lifting | <input type="checkbox"/> Walking | <input type="checkbox"/> Stair Climbing | <input type="checkbox"/> Understanding |
| <input type="checkbox"/> Squatting | <input type="checkbox"/> Sitting | <input type="checkbox"/> Seeing | <input type="checkbox"/> Following Instructions |
| <input type="checkbox"/> Bending | <input type="checkbox"/> Kneeling | <input type="checkbox"/> Memory | <input type="checkbox"/> Using Hands |
| <input type="checkbox"/> Standing | <input type="checkbox"/> Talking | <input type="checkbox"/> Completing Tasks | <input type="checkbox"/> Getting Along with Others |
| <input type="checkbox"/> Reaching | <input type="checkbox"/> Hearing | <input type="checkbox"/> Concentration | |

CARDINAL RULE #4

While your child's primary medical problems may be non-exertional, you need to inform SSA of all your child's work-related limitations.

Social Security is tasked to look at the whole person, not just the primary medical impairments.

So, if your son or daughter has difficulty lifting more than 5-8 lbs., or has a problem standing for any reason, or any similar limitation, you need to tell Social Security about that as well as their difficulty with things like following instructions.

The Remarks Section:

At the end of the form, you will have a page to add in your remarks.

This will give you the opportunity to further explain your child's limitations.

You can also use this place to comment further on their response, or lack of response, to the First Party Function Report, or anything else you think the Claims Adjudicator should know.

CARDINAL RULE #5

Once completed, re-read the entire report.

If it describes your child well, send it in.

If you are questioning it, try again or share it with someone who can give you some honest feedback.

Only once you are satisfied, fax it or mail it to the Claims Adjudicator (CA).

Remember to **make a copy** of both the completed SSA-3373 and the completed SSA-3380 forms for your files.

To Review – the Cardinal Rules are:

Cardinal Rule #1: Don't Do the Function Report for your child

Cardinal Rule #2: Respond to the questions HONESTLY, AS IF UNDER OATH, and WITH KEEN INSIGHT.

Cardinal Rule #3: (The Big One!) When the question does not ask for the information you want to give, answer the question as if it did.

Cardinal Rule #4: Make sure you inform the reader of all your child's work-related limitations, the non-exertional and the exertional ones.

Cardinal Rule #5: **Once completed, re-read the entire report.** Only once you are satisfied that it describes your child accurately, will it be ready to send to the CA. Remember to **make a copy** of the forms for your files.

APPEAL

APPEAL

APPEAL

About 4-6 months after the case has gotten to the CA at DDS, you will receive a decision.

What should you do if it is a medical denial?

You may be angry, but don't be discouraged.

Risa and I have met many people who gave up when they received their first or second medical denial.

TAKE ACTION: APPEAL!

If you have not retained an attorney before this point, you may want to when you need to appeal. However, if you don't want to involve attorneys or non-attorney advocates, you certainly can do the appeal on your own.

You can do a paper appeal and disability report and send that in to the District Office, or better, do the appeal on the website SSA.gov.

To do the appeal, you will have to answer many questions about your child's ongoing treatment, work and overall condition.

I do prefer an on-line appeal because you will have proof of what you wrote and when the appeal was submitted.

**But Really,
If SSA Has Denied The Claim,
Why Appeal?**

The first two decisions are made by DDS.
These are called the **Initial Decision** and the **Reconsideration Decision**.

After receiving a denial at the Reconsideration level,
the third appeal brings you to a
Hearing before an Administrative Law Judge.

DDS claims adjudicators have little discretion to approve a case that is not crystal clear.

Additionally, they do not need to provide a well-reasoned explanation for their denial.

The ALJ will:

- Look at all the evidence;
- Read through any briefs and legal arguments;
- Listen to testimony and the arguments at hearing;
and
- Render a New Decision.

While the claim cannot be awarded without medical evidence, the ALJ has much more discretion in deciding a case.

Additionally, the ALJ **must** provide a multi-page Decision detailing the reasons for the favorable or unfavorable finding.

How should I address
working/work experience?

Can working hurt the chances of a disability award?

Income from working may affect *eligibility*.

Is the person's income too high?

If an applicant has been earning *close to* **\$1550 a month (gross) in 2024**, SS considers them to be performing "substantial gainful activity" and will determine that they are not disabled unless there are exceptional circumstances. (Blind applicants have higher amount.)

Income might be reduced by

- 1) Impairment Related Work Expenses (unreimbursed)
(**Applicant**, not parent, must be paying these expenses.)
- 2) Form 3033 from employer (For future discussion with Form 821)

Income from work may affect the amount of the *monthly cash benefit* after the SSI Award.

Depending on age and education status, the cash benefit could be reduced.

Work/Work Experience can provide support for a disability claim

Job Exposure Through School

Read reports of job coach and teachers – do you think they are accurate?

If yes, submit to the CA
(even if school tells you that they have sent records).

Paid jobs

How did your child get the job? (family, friend?)

Is there a job coach?

Does the child need more supervision/reminders/redirection?

Is/Was the child doing ALL the tasks required under the job title?

Is/Was the quality of the work the same as others?

Is/Was the productivity/pace the same as others?

How many hours is/was the child working/ are they able to work more? (tired? angry? frustrated?)

How long has the child had the job and do you have feedback from the employer?

If no longer working at the job, how long did it last and why did it end?

Volunteer experience

This can also provide helpful information about abilities and limitations.

Work performed *after* SSI award

Report earnings each month

Include details of **Impairment Related Work Expenses**
(paid by your child) to reduce income deduction.

To be ready for **Continuing Disability Reviews,**

Keep written feedback from job coaches and employers

Keep notes of incidents reported by your child or employer

Continue with appropriate treatment for your child's condition.

Public Service Announcement

CAREGIVERS **Protect Your Own Disability Eligibility**

"SSDI" "Regular" "Title II" Disability is available to people who have sufficient **CURRENT** work credits.

When you work (and pay taxes), you get SS retirement credits and SS disability credits.

Retirement credits do not expire.

Disability credits expire.

Generally, an applicant must have earned **20 quarters of credit in the last 40 quarters** *before becoming disabled* to qualify for a SSDI application.

Stepping away from a paying job to take care of someone else (child, elderly parent, spouse) puts YOU at risk for not being eligible to apply for Social Security Disability .

Credits are earned by working & *paying taxes*.

You can earn up to 4 credits in 1 year.

In 2024, 1 credit = \$1730 gross
4 credits = \$6920 gross

*Even if you can't earn all 4 credits,
every credit that you do earn could make a difference.*

Sufficient credits *ensure your eligibility*.

How much you earn *determines the amount of your cash benefits*.

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**ALL INFORMATION PROVIDED IN THIS PRESENTATION IS INTENDED FOR EDUCATIONAL PURPOSES ONLY
AND SHOULD NOT BE CONSTRUED AS LEGAL ADVICE.**

District Offices Phone and Fax Numbers

Brick District Office:

Phone: 877 405 5870, Fax: 833-950-3595

Bridgewater District Office:

Phone: 866 446 6198, Fax: 833 950 3264

Clifton District Office

Phone: 866-964-0170, Fax: 833-346-7157

East Orange District Office

- Phone: 866 964 0030, Fax: 833 950 3311

Hackensack District Office

- Phone: 866-964-4680, Fax: 833-950-3291

Hoboken District Office

- Phone: 877 505 4547, Fax: 833-950-3268

Iselin District Office

- Phone: 877 600 2852 Fax: 833 950 2980

Jersey City District Office

- Phone: 877-405-2884, Fax: 1-833-950-2982

Mount Laurel District Office

- Phone: 866-837-5002, Fax: 833-950-3279

Neptune District Office

Phone: 877 405 0475, Fax: 833-950-3289

District Office Phone/Fax Continued

Newark District Office

- Phone: 877 255 1507, Fax: 833-950-2690

New Brunswick District Office

- Phone: 877 803 6313, Fax: 833-950-3315

Parsippany District Office

- Phone: 866-331-7131, Fax: 833-950-3313

Paterson District Phone:

- Phone: 888 – 397-9806, Fax: 833-950-2976

Springfield Avenue (in Newark) District Office

- Phone: 877 455 7043, Fax: 833 950 3317

Toms River District Office

- Phone: 877-255-1497, Fax: 833-950-2670

Union District Office

- Phone: 877-803-6306, Fax: 833-950-2978