

Social Security Disability

To qualify for benefits, you must first have worked in jobs covered by Social Security. Then you must have a medical condition that meets Social Security's definition of disability. In general, Social Security pays monthly cash benefits to people who are unable to work for a year or more because of a disability. Benefits usually continue until you are able to work again on a regular basis. There are also a number of special rules, called "work incentives," that provide continued benefits and health care coverage to help you make the transition back to work. If you are receiving Social Security disability benefits when you reach age 65, your disability benefits automatically convert to retirement benefits, but the amount remains the same.

How Much Work Do You Need?

In addition to meeting the definition of disability, you must have worked long enough — and recently enough — under Social Security to qualify for disability benefits. Social Security work credits are based on your total yearly wages or self-employment income. You can earn up to four credits each year. The amount needed for a credit changes from year to year. In 2005, for example, you earn one credit for each \$920 of wages or self-employment income. When you've earned \$3,680, you've earned your four credits for the year. The number of work credits you need to qualify for disability benefits depends on your age when you become disabled. The rules for how much work you need to qualify for disability benefits are as follows:

Before age 24—You may qualify if you have 6 credits earned in the 3-year period ending when your disability starts.

Age 24 to 31—You may qualify if you have credit for working half the time between age 21 and the time you become disabled. For example, if you become disabled at age 27, you would need credit for 3 years of work (12 credits) out of the past 6 years (between ages 21 and 27).

Age 31 or older—In general, you need to have the number of work credits shown in the chart below. Unless you are blind, you must have earned at least 20 of the credits in the 10 years immediately before you became disabled.

IMPORTANT: Remember that whatever your age is, you must have earned the required number of work credits within a certain period ending with the time you become disabled.

Born after 1929, Become Disabled at Age:	Credits Needed:
31 through 42	20
44	22
46	24
48	26
50	28
52	30
54	32
56	34
58	36
60	38
62 and older	40

What Social Security Means By "Disability"

The definition of disability under Social Security is different than other programs. Social Security pays only for total disability. No benefits are payable for partial disability or for short-term disability. Disability under Social Security is based on your inability to work. You are considered disabled under Social Security rules if you cannot do work that you did before and Social Security decides that you cannot adjust to other work because of your medical condition(s). Your disability must also last or be expected to last for at least one year or to result in death.

To decide whether you are disabled, Social Security uses a step-by-step process involving five questions. They are:

1. Are you working?

If you are working in 2005 and your earnings average more than \$830 a month, you generally cannot be considered disabled. If you are not working, Social Security goes to Step 2.

2. Is your condition "severe?"

Your condition must interfere with basic work-related activities for your claim to be considered. If it does not, Social Security will find that you are not disabled. If your condition does interfere with basic work-related activities, Social Security goes to Step 3.

3. Is your condition found in the list of disabling conditions?

For each of the major body systems, Social Security maintains a list of medical conditions that are so severe they automatically mean that you are disabled. If your condition is not on the list, Social Security has to decide if it is of equal severity to a medical condition that is on the list. If it is, Social Security will find that you are disabled. If it is not, Social Security goes to Step 4.

4. Can you do the work you did previously?

If your condition is severe but not at the same or equal level of severity as a medical condition on the list, then Social Security must determine if it interferes with your ability to do the work you did previously. If it does not, your claim will be denied. If it does, Social Security goes to Step 5.

5. Can you do any other type of work?

If you cannot do the work you did in the past, Social Security will see if you are able to adjust to other work. They consider your medical conditions and your age, education, past work experience and any transferable skills you may have. If you cannot adjust to other work, your claim will be approved. If you can adjust to other work, your claim will be denied.

How Do You Apply for Social Security Disability Benefits?

You should apply at any Social Security office as soon as you become disabled. You may file by phone, mail or by visiting the nearest office. You can find out the name and address of the closest Social Security office by visiting <http://s00dace.ssa.gov/pro/foi/foi-home.html>. If you want to apply by phone, call their toll-free number, 1-800-772-1213, and they will set up a time for your local Social Security office to contact you.

Claims for disability benefits take more time to process than other types of Social Security claims — from 60 to 90 days. You can help shorten the process by bringing certain documents with you when you apply, and by helping Social Security get any other medical evidence you need to show that you are disabled. Here is what you should bring:

Your Social Security number and proof of your age (birth certificate)

Names, addresses and phone numbers of doctors, hospitals, clinics and institutions that treated you and the dates of treatment

Names of all medications you are taking

A summary of where you worked and the kind of work you did

Your most recent W-2 form, or your tax return if you're self-employed

Social Security numbers and proof of age for each family member applying for benefits

Dates of prior marriages if your spouse is applying

IMPORTANT: You will need to submit original documents or copies certified by the issuing office. You can mail or bring them to Social Security. They will make photocopies and return your original documents. If you don't have all the documents you need, don't delay filing for benefits. Social Security will help you get the information you need.

When Do Benefits Start and How Much Will You Receive?

If your application is approved, your first Social Security benefit will be paid for the sixth full month after the date Social Security finds that your disability began. For example, if your disability began on June 15, 2000, your first benefit would be paid for the month of December 2000, the sixth full month of disability. Social Security benefits are paid in the month following the month for which they're due. This means that the benefit due for December would be paid to you in January 2001, and so on.

The amount of your monthly disability benefit is based on your lifetime average earnings covered by Social Security. The Social Security Statement that is sent to you each year will tell you how much you would get if you became disabled at the time the Statement is prepared. If you receive certain other government benefits such as workers' compensation, public disability benefits or pensions based on work not covered by Social Security (for example, government or foreign employment), the Social Security benefits payable to you and your family may be reduced.

Social Security will also automatically enroll you in Medicare. Medicare has two parts — hospital insurance and medical insurance. Hospital insurance helps pay for inpatient hospital bills and some follow-up care. The taxes you paid while you were working financed this coverage, so it is free. Medical insurance helps pay doctors' bills, outpatient hospital care and other medical services. You will need to pay a monthly premium for this coverage if you want it.

What About Taxes On Your Benefit?

Some people have to pay federal income taxes on their Social Security benefits. This usually happens only if your total income is high. For example, up to 50 percent of benefits may be taxable for individuals with total income between \$25,000 and \$34,000 or married couples with total income between \$32,000 and \$44,000. Up to 85 percent of benefits may be subject to tax for individuals with income over \$34,000, or over \$44,000 for couples. At the end of the year, you will receive a Social Security Benefit Statement (Form SSA-1099) that shows the amount of benefits you received. You can use this statement when you are completing your federal income tax return to find out if any of your benefits are subject to tax. For more information about taxation of benefits, see the Internal Revenue Service's Publication 915, Social Security Benefits and Equivalent Railroad Retirement Benefits. If you do have to pay taxes on your Social Security, you may choose to have federal taxes withheld from your benefits.

How Long Do Benefits Last?

In most cases, you will continue to receive benefits as long as you are disabled. However, there are certain circumstances that may change your continuing eligibility for disability benefits. Two things can cause Social Security to decide that you are no longer disabled and to stop your benefits.

1. Your benefits will stop if you work at a level Social Security considers "substantial." Usually, average earnings of \$780 or more per month are considered substantial. Social Security encourages you to go back to work and has special rules called "work incentives" that can help you make the transition back to work. These incentives include, but are not limited to, continued monthly benefits and Medicare coverage while you attempt to work on a full-time basis.
2. Your disability benefits will also stop if Social Security decides that your medical condition has improved to the point that you are no longer disabled.

You are responsible for letting Social Security know if your health improves or you go back to work. The law requires that Social Security review your case from time to time to verify that you are still disabled. They will tell you if it is time to review your case, and will keep you informed about your benefit status. How often Social Security reviews your case depends on whether your condition is expected to improve.

- If medical improvement is "expected," your case will normally be reviewed within six to 18 months after your benefits start.
- If medical improvement is "possible," your case will normally be reviewed no sooner than three years.
- If medical improvement is "not expected," your case will normally be reviewed no sooner than seven years.

What Happens If You Go Back To Work?

There are a number of special rules called "work incentives" that provide cash benefits and Medicare coverage while you try to work. The following is a brief description of the rules that will help you work while you get Social Security disability benefits.

Trial Work Period — If you return to work for nine months (not necessarily consecutive), your earnings will not affect your Social Security benefit. If the nine months of trial work do not fall within a 60-month period, you may have even longer to test your ability to work.

Extended Period Of Eligibility — For at least 36 months after a successful trial work period, if you continue to work while disabled, you may receive a benefit for any month your earnings fall below the "substantial gainful activity" level (\$740 a month for people with disabilities in 2001).

Expedited Reinstatement Of Benefits — If you become unable to work again because of your medical condition within 60 months after your extended period of eligibility has ended, and your benefits were stopped because of your earnings, you may request reinstatement of benefits without filing a new disability application.

Continuation Of Medicare — If you have premium-free Medicare hospital insurance and you start working, you may have at least 8 1/2 years of extended coverage (including the nine-month trial work period). After that, you can buy Medicare coverage by paying a monthly premium.

Impairment-Related Work Expenses — Certain expenses for things you need because of your impairment in order to work may be deducted when counting earnings to determine if you are performing substantial work.

Are Other Family Members Eligible for Benefits?

When you start receiving disability benefits, certain members of your family may also qualify for benefits on your record. Each family member may be eligible for a monthly benefit that is up to 50 percent of your disability rate. However, there's a limit to the total amount of money that can be paid to a family on your Social Security record. The limit varies, but is around 150 to 180 percent of your disability benefit. If the sum of the benefits payable on your account is greater than this family limit, the benefits to the family members will be reduced proportionately. Your benefit will not be affected.

Benefits For Your Spouse

Benefits are payable to your spouse age 62 or older, unless he or she collects a higher Social Security benefit based on his or her earnings record. The spouse benefit amount will be permanently reduced by a percentage based on the number of months up to his or her full retirement age.

Benefits are also payable to your spouse at any age if he or she is caring for your child who is under age 16 or disabled and receiving Social Security benefits. Your spouse would receive these benefits until the child reaches age 16. At that time, the child's benefits continue, but your spouse's benefits stop unless he or she is old enough to receive retirement benefits (age 62 or older) or survivor benefits as a widow or widower (age 60).

If your spouse is eligible for retirement benefits on his or her own record, Social Security will always pay that amount first. But if the spouse benefit that is payable on your record is a higher amount, he or she will get a combination of benefits that equals that higher amount. It doesn't matter if your spouse starts getting benefits before, after, or at the same time you do — Social Security will check both records to make sure that your spouse gets the higher amount whenever he or she becomes entitled to it.

Benefits For Your Children

When you qualify for Social Security disability benefits, your children may also qualify to receive benefits on your record. Your eligible child can be your biological child, adopted child or stepchild. A dependent grandchild may also qualify. To receive benefits, the child must be unmarried; and be under age 18; or be 18-19 years old and a full-time student (no higher than grade 12); or be 18 or older and have a disability that started before age 22. Normally, benefits stop when children reach age 18 unless they are disabled. However, if the child is still a full-time student at a secondary (or elementary) school at age 18, benefits will continue until the child graduates or until two months after the child becomes age 19, whichever is first.

Within your family, each qualified child may receive a monthly payment up to one-half of your full disability amount, but there is a limit to the amount that can be paid to the family as a whole. This total depends on the amount of your benefit and the number of family members who also qualify on your record. The total varies, but it is approximately 150 to 180 percent of your disability benefit.

Where Do You Get More Information or Get Assistance?

You can get more information 24 hours a day by calling Social Security's toll-free number, 1-800-772-1213. You can call for an appointment or to speak to a service representative between the hours of 7 a.m. and 7 p.m. on business days. The lines are busiest early in the week and early in the month so if your business can wait, it's best to call at other times. Whenever you call, have your Social Security number handy. If you have a touch tone phone, recorded information and services are available 24 hours a day, including weekends and holidays. Information is also available on the Social Security website at www.ssa.gov/disability/.

There is a program called Access that will help you step by step when applying for Social Security. They answer all your questions and help you fill out forms. They will also file an appeal for you if you are turned down. They are very nice and willing to help in any way that they can. This is an excellent organization and the services are 100 percent free. Their toll free phone number is 888-700-7010.

Social Security Disability (SSD)

Phone: 800-772-1213

When calling, make sure you get the number of your local field office so you can call them directly.

Disability under Social Security is based on your inability to work. If you are unable to do any kind of work and your disability has lasted or is expected to last for at least a year, you are probably eligible for social security disability. You can receive benefits at any age as long as you have put into social security. To qualify, you need to have worked 5 out of the last 10 years, ending with the year you became disabled.

You should apply as soon as you can no longer work. Social Security benefits will not begin until the sixth full month of disability. The payments will be retroactive to the date you became disabled.

You will automatically be enrolled in Medicare after you have been getting Social Security disability benefits for five months. You will receive a letter several months before this happens, letting you know when you will be entitled to Medicare, and how much will be deducted from your benefits to pay for Medicare coverage.

Supplemental Security Income (SSI)

Phone: 800-772-1213

TTY number: 800-325-0778

When calling, make sure you get the number of your local field office so you can call them directly.

This program pays monthly benefits to people who are aged 65 or older, or blind, or who have a disability and limited income. People who receive SSI qualify for Medicaid and may qualify for food stamps and other government programs. If you work, you may still be able to receive SSI benefits, or to keep your Medicaid coverage. However, there are specific regulations regarding this issue.