



Social Security Disability



Presented by

Patient Advocate



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THE MYOSITIS ASSOCIATION

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Two Federal Programs

Social Security Disability Insurance Benefits Implemented 1956	Supplemental Security Income Implemented 1974
<ul style="list-style-type: none"> • Title 2 (SSD, SSDIB,DIB) 	<ul style="list-style-type: none"> • Title 16 (SSI)
<ul style="list-style-type: none"> • Medicare 	<ul style="list-style-type: none"> • Medicaid
<ul style="list-style-type: none"> • Must be disabled as defined 	<ul style="list-style-type: none"> • No Insurances status nor work record requirement
<ul style="list-style-type: none"> • Income and resources are not a factor 	<ul style="list-style-type: none"> • Must be disabled as defined in the act
<ul style="list-style-type: none"> • Benefit is based on individual lifetime SS earnings up to a maximum amount 	<ul style="list-style-type: none"> • Benefit level is capped at Federal benefit/unrelated to earnings
<ul style="list-style-type: none"> • Dependent benefits 	<ul style="list-style-type: none"> • No dependent benefits
<ul style="list-style-type: none"> • Can work and earn minimally without benefit loss 	<ul style="list-style-type: none"> • Working will reduce benefit
<ul style="list-style-type: none"> • Waiting period 	<ul style="list-style-type: none"> • No waiting period

Social Security Disability

Social Security Disability Insurance

Social Security Disability Insurance pays benefits to you and certain members of your family if you are "insured," meaning that you worked long enough and paid Social Security taxes.



Title 2

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS.

The Old -Age, Survivors, and Disability Insurance program (OASDI) began in 1935 originally did not contain provisions for disability insurance. In fact, the "D" in OASDI was implemented more than 20 years later, on August 1, 1956. This is the date that President Dwight D. Eisenhower signed into law the 1956 Amendments to the Social Security Act establishing the Social Security Disability Insurance program. At first the program provided monthly benefits only to disabled workers between the ages of 50 and 65 who met certain requirements for insured status. Even though the program later significantly expanded its coverage, its implementation in 1956 represented the historic culmination of an effort by Social Security planners that began in the 1930s.



MEDICARE

If you get Social Security Disability Income (SSDI)...

You probably have Medicare or are in a 24-month waiting period before it starts. You have options in either case.

- You're considered covered under the health care law and don't have to pay the penalty that people without coverage must pay.
- You can't enroll in a Marketplace plan to replace or supplement your Medicare coverage.
 - One exception: If you enrolled in a Marketplace plan before getting Medicare, you can keep your Marketplace plan as supplemental insurance when you enroll in Medicare. But if you do this, you'll lose any [premium tax credits and other savings](#) for your Marketplace plan.

If you get SSDI benefits and are in a 24 month...

If you get SSDI benefits and are in a 24 month waiting period before getting Medicare:

- [Create an account](#) or [log in](#) to complete an application. Answer “yes” when asked if you have a disability. We’ll forward your application to your state Medicaid agency.
- Apply directly to your state Medicaid agency
- If you’re eligible for Medicaid, your Medicaid eligibility may continue even after you enroll in Medicare.
- If you’re turned down for Medicaid, you may be able to enroll in a private health plan through the Marketplace while waiting for your Medicare coverage to start. You may qualify for [lower costs on Marketplace coverage](#) based on your income and household size.

To receive benefits, you must be found disabled



The law defines **disability** as *the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.*

Evaluation

When evaluating your claim, Social Security takes into account:

- the severity of your condition(s)
- your age
- your education
- your past work experience
- transferable skills
- whether you are able to do any other substantial gainful activity

To be successful in obtaining benefits, you must have a severe impairment that is supported by medically acceptable clinical and laboratory findings.

Who is Eligible?

SSDIB is available to individuals who are insured.

- This means you must have an earnings record which shows that you have worked at least five of the last 10 years or twenty out of the forty quarters before you became disabled.
 - This is known as quarters of coverage or credits. (For individuals under age 30 years, the requirements are a somewhat different since they have not been in the work force as long.)

Income and Resources

To be eligible for SSDI, an employee has to pay FICA taxes into the Social Security system for many years.

- Again, for the SSDI program, there is no limit to the amount of assets, cash, or resources you own.
- You can continue to work, but keep in mind that if you make more than a certain amount by working in a job or being self-employed, you won't qualify as disabled because you'll be considered to be capable of **substantial gainful activity**.
- And if you make a sizeable income from unearned sources (interest or investments) and/or your spouse makes money from working, you will be taxed on a portion of your SSDI benefits.

Myositis and Social Security Disability

There are illnesses which are listed by the Social Security Administration as being so severe that they qualify you medically for disability as a matter of law without considering:

- your age
- your education
- or your work experience.



Unable to work?

Some illnesses will automatically medically qualify for Social Security benefits.

Help is available for you.

Social Security Disability

Myositis is covered in the SSA's Blue Book of Medical Listings section 14.00



The "Blue Book" is the listing of disabling conditions used by the Social Security.



Social Security Disability

Dermatomyositis

- Dermatomyositis included in the Social Security Administration's Blue Book of Medical Listings under Section 14.05
- May qualify for Social Security Disability benefits if they have had a documented diagnosis using muscle biopsy or electromyography. The individual must also suffer from muscle weakness in the pelvic area or shoulders, resulting in an inability to move effectively or to perform movements as defined in Section 14.00C6 and 14.00C7 of the Blue Book.
- If they are suffering from impaired swallowing with aspiration due to the muscle weakness involved with the condition's symptoms, which include impaired breathing, diaphragmatic muscle weakness, and diffused calcinosis with limitation to joint mobility and intestinal motility.

Section 14.05

- States an individual may also qualify for Social Security Disability benefits if their specific case of dermatomyositis results in repeated manifestations of the condition that display at least two of the symptoms or signs of the condition in a severe nature, such as: fatigue, malaise, involuntary weight loss, fever and at least one of the following
 - Limitation of activities of daily living.
 - Limitation in maintaining social functioning.
 - Limitation in completing tasks in a timely manner due to deficiencies in concentration, persistence, or pace.

Polymyositis

- **Polymyositis** has been identified by the Social Security Administration as one of the conditions that can cause a person to qualify to receive Social Security Disability Income benefit

Evaluation

Criteria they use to evaluate the impact of the disease.

- Weakness of the pelvis, hips or shoulders causing the inability to walk or to perform large and small movements effectively (at a given level of severity), or
- Difficulty swallowing caused by muscle weakness resulting in aspiration into the lungs, or
- Breathing difficulties due to weakness of the diaphragm or intercostal muscles, or
- Calcium deposits which limit joint mobility or intestinal function, or Repeated symptoms of Polymyositis, with a minimum of 2 constitutional symptoms, and one of the following:
 - Impact to the activities of daily living
 - Impact to social function
 - Impact to one's ability to complete caused by inability to concentrate or focus.

Social Security Disability

Inclusion Body, Orbital and Juvenile Myositis

- **Would all be included under section 14.00**



Social Security Disability

5 Questions Used to Determine Eligibility

- 1) Are you working?
- 2) Is your condition severe?
- 3) Is your condition found in the list of disabling impairments?
- 4) Can you work as you did previously
- 5) Can you do any other type of work



Be Prepared for Initial Denial



It is not unusual for an initial application to be denied! If the application is denied, a letter will be sent explaining why and how to appeal the decision. An appeal must be filed within 60 days of the date the disapproval letter was received.

You Have Earned It

- Nobody expects to have to file for disability; instead, most people expect to be able to work until retirement.
- However, if they become disabled, they have earned the right to apply for SSDI benefits since all workers pay into the Social Security system.
- All that is required is that they meet the requirements that deem them eligible and follow the appropriate steps to apply.

Supplemental Security Income (SSI)

Supplemental Security Income (SSI), implemented in 1974 under President Nixon.

- SSI targets eligible persons who have limited income and resources and who are disabled, blind, or aged 65 or older.
- Blind or disabled children, as well as adults, are also eligible to receive SSI benefits.
- The monthly benefits assist with the costs of food, clothing, and shelter.
- Unlike Social Security OASDI benefits, SSI benefits are not based on prior work.
- Instead, SSI is financed by general funds of the U.S. Treasury—personal income taxes, corporation taxes, and other taxes.
- The medical standards for disability are the same in both programs for individuals aged 18 or older.
- There is a separate definition of disability for SSI children younger than age 18.

Needs Based

Social Security Disability Title XVI Benefits, also known as **Supplemental Security Income (SSI)**, include benefit payments made to the blind, the elderly and completely disabled individuals who have a demonstrated financial need. Social Security Disability Title XVI Benefits are funded by the general US Treasury.

- **Supplemental Security Income** pays benefits based on financial needs

No Insurances status nor work record requirement

The rules for SSI are completely different.

- To be eligible for SSI, a person has to have low income and low assets (less than \$2,000).
- This is because **SSI is a need-based program**, whereas Social Security disability insurance is a benefit that workers pay for, and qualify for, through contributions (FICA taxes) paid into the Social Security system (typically through payroll check deductions).



Medicaid

Medicaid

Medicaid is a jointly funded, Federal-State health insurance program for low-income and needy people.

- It covers children, the aged, blind, and/or disabled and other people who are eligible to receive federally assisted income maintenance payments.



Social Security Disability

Myositis and SSI

Myositis, a rare, autoimmune muscle disease may cause temporary or even permanent disability leading to the need to file for Social Security Disability Insurance (SSDI).

- But, what if you have never worked?
- What if you have not worked in a such a time that you are not eligible for SSDI?

This is where SSI (Supplemental Security Income) comes in to help.

What you will receive

Recipient	Unrounded annual amounts for -		Monthly amounts for 2017
	2016	2017 ^a	
Eligible individual	\$8,804.43	\$8,830.84	\$735
Eligible couple	13,205.18	13,244.80	1,103
Essential person	4,412.31	4,425.55	368
^a The unrounded amounts for 2017 equal the unrounded amounts for 2016 increased by 0.3 percent.			

Keep in mind that if you have a low SSDIB monthly benefit; you could also qualify for SSI benefits and Medicaid.

When Should I Apply



You should apply for disability benefits as soon as possible after becoming disabled.

Social Security Disability

Preliminary Steps



- Speak with your doctor!
- Document work restrictions!
- Gather clinical data!

Should I Hire an Attorney

- *A lot of applications are denied for technical reasons*
- They have experience
- They are familiar with the need documentation and can help you put it together.
- Many applications are initially denied

IG Living

Questions?

Contact Information

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