

If you're 60 or over, call your local legal aid office:

Eastern CT	800-413-7796	Western CT	800-413-7797
Hartford Area	860-541-5000	Bridgeport Area	800-809-4434
Stamford Area	800-541-8909	New Haven Area	203-946-4811

If you're under 60, call SLS for help:



Statewide Legal Services
1-800-453-3320
860-344-0380

Search our website for help:



www.ctlawhelp.org

We offer free legal help in many areas, including

- welfare,
- SNAP (food stamps),
- divorce,
- child support,
- domestic violence,
- bankruptcy,
- special education,
- nursing home care,
- health insurance,
- eviction,
- foreclosure,
- and more.

See the reverse side for more about legal services.

BENEFITS

LEGAL SERVICES

SELF-HELP SERIES

SSI and Social Security Disability

September 2018



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1-800-453-3320 or 860-344-0380

Search our website for help:



www.ctlawhelp.org

If you're over 60, call your local legal aid office.

Connecticut Legal Services

www.ctlegal.org

Bridgeport

1000 Lafayette Blvd 203-336-3851
Suite 950

New Britain

16 Main Street 860-225-8678

New London

125 Eugene O'Neill Dr.
Suite 120 860-447-0323

Stamford

20 Summer Street 203-348-9216

Waterbury

85 Central Avenue 203-756-8074

Willimantic

1125 Main Street 860-456-1761

Greater Hartford Legal Aid

www.ghla.org

999 Asylum Avenue
Hartford, CT 06105
860-541-5000

New Haven Legal Assistance Association

www.nhlegal.org

426 State Street
New Haven, CT 06510
203-946-4811

Consumer Law Project for Elders

Free legal assistance to people 60 and over throughout Connecticut who have money/debt problems.

1-800-296-1467

SSI and Social Security Disability

What are SSI and Social Security Disability?	3
How do I apply?	4
What if SSI denies my application?	6
What should I do after I get disability benefits?	10

This booklet was produced by Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.

The information in this booklet is based on laws in Connecticut as of 9/2018. We hope that the information is helpful. It is not intended as legal advice. For advice on your situation, call Statewide Legal Services or contact a lawyer.

What should I do after I get disability benefits?

Note: If you get disability benefits or you win your appeal, learn the rules of your disability program(s) to avoid an overpayment and possible fraud charges.

- Overpayments can lead to the lowering or loss of your disability benefits and even fraud charges.
- Overpayments and fraud charges are most common when people work and do not report that they are working, or they don't report their income on time (by the 10th day of the following month).
- Learn the SSA definitions of income and report that income to SSA on time. Keep a record of your reports to SSA, since SSA is often behind in adjusting benefits.

SSI and SSDI have different rules about how working affects your benefits.

- SSI also has additional rules that affect the amount of your benefit. Examples include:
 - how much money or other personal property (such as savings accounts) you can have and still get SSI;
 - when food or shelter provided to you must be counted in calculating your monthly benefit; and
 - whether a spouse's or parent's income must be partly counted in calculating your monthly benefit.
- If your SSDI is supplemented by SSI, the rules of both programs will apply to you.
- Report all changes, in addition to work, that could affect your benefits.
- Being in the Ticket to Work program does not protect you from being overpaid. Know the rules.
- It is possible to work while you get disability benefits but you must know the rules.

What are SSI and Social Security disability?

SSI and Social Security disability are federal programs that provide cash assistance to people who cannot work because of a disability.

- Social Security Disability Insurance (SSDI) benefits are based on a person's work and earnings history.
- SSI is a needs-based program for people who haven't earned enough to get benefits based only on their work record. The amount of the benefit increases slightly each year.

How serious must my disability be?

Your disability is considered serious if it will

- prevent you from working for one year or more, or
- cause you to die.

What kinds of medical problems show that my disability is serious?

A physical condition that

- makes it hard for you to do things like sit, stand, walk, lift, carry; or
- causes you pain, tiredness, shortness of breath, or other serious symptoms that affect your ability to work.

A mental health condition that causes problems with

- your memory, thinking, understanding, moods, or concentration; or
- your ability to work with other people.

How do I apply for SSI or Social Security disability?

You should apply for both programs if you have worked. You can apply

- online at www.ssa.gov;
- by phone at 1-800-772-1213 (TTY: 1-800-325-0778); or
- at your local SSA office (find your local office at <https://secure.ssa.gov/ICON/main.jsp>).

When should I apply?

Apply as soon as you become disabled. There is no deadline, but the sooner you apply, the sooner you could get benefits. If your disability makes it hard for you to apply, you can ask SSA for help. Tell them about your disability and the kind of help you need. For example, you may need help

- filling out forms,
- getting documents to support your application, or
- getting to the SSA office (SSA could interview you at home).

If you are eligible for disability benefits based on your work history but you wait too long after you become disabled to apply, you would not be able to get SSDI benefits. In that case, if SSA finds that you are disabled, you could get SSI benefits instead.

Tips for applying

To get ready to apply, read the Disability Starter Kit online at https://www.ssa.gov/disability/disability_starter_kits.htm.

If you want to help the application process move along quickly, you should do these things:

- Apply online.
- Be ready to meet with SSA.
- Find all the documents and information that SSA may ask for.

If the ALJ denies your application, you can

- file a new application; or
- appeal to the Appeals Council within 65 days of the date on the denial letter. It usually takes at least a year to get a decision from the Appeals Council.

NOTE: If you do not appeal your ALJ decision, it becomes final. Depending on the timing of when you last worked and the ALJ decision, a final ALJ decision could cut off your ability to get SSDI benefits based on your work record. It could also affect the amount you get in retirement benefits if you earned enough to be eligible later in life. This is another reason to have a lawyer represent you at the ALJ hearing if possible.

How to appeal to the Appeals Council

Fill out a Request for Review of Hearing Decision/Order (HA-520-U5, <https://www.ssa.gov/forms/ha-520.html>) and mail it to:

Appeals Council, SSA/OHO
5107 Leesburg Pike
Falls Church, VA 22041-3255

You can also get the form at

- your local Social Security Administration office;
- an Office of Hearings Operations in New Haven or Hartford; or
- by calling SSA toll-free at: 1-800-772-1213 (it is not easy to get through by phone).

Keep a copy for your records.

NOTE: If you get a lawyer to represent you, it is best to get a lawyer who handles all levels of appeals. Many cases are denied after an ALJ hearing, and it helps to have a lawyer who will appeal further. When you talk to lawyers, you can ask

- what appeal levels they handle, and
- if they have taken appeals to the Appeals Council and Federal District Court.

How long do I have to wait for a hearing?

It takes about one year to get a hearing. SSA will mail you a notice with the date and time of the hearing at least 75 days before the hearing. If you miss your hearing, you may have to wait four months or longer for a new one.

How can I get ready for the hearing?

Make sure your medical and mental health professionals have given SSA all of your records about your disability. If you aren't sure which of your records SSA has, ask them to send you a list of all the records they have. If there is any new information or medical records about why you cannot work, send SSA copies of that information right away.

What will happen at the ALJ appeal hearing?

At your hearing, an *Administrative Law Judge* (ALJ) will look at the evidence SSA has about why you cannot work. If a medical provider's records are not in the SSA file, tell the ALJ that they are missing and ask SSA to request those records and add them to your case.

The ALJ may ask an employment and/or medical expert to testify about your condition and your ability to work. You can also give the ALJ other information about your disability by

- bringing witnesses who can testify about your disability; and
- showing letters from doctors, co-workers, and family about your disability.

- Go to any appointments SSA makes for you with their doctors.
- Contact SSA if you move or change your phone number.
- Keep copies of all documents you give to SSA.
- Call every two months to check on your application.

Tips for filling out your application

- ▶ **Give complete information about the medical problems that cause you to be disabled**, even if you are waiting to see a doctor or the problem is embarrassing. Explain how your disability has changed your life. Be honest and don't try to hide or downplay any problems. Describe things you did before that you can no longer do (or you cannot do as well as you did before), such as cooking and cleaning, driving, shopping, being with others, caring for yourself or others, and more.

You can also give SSA reports about your disability from doctors, nurse practitioners, chiropractors, therapists, social workers, teachers, and other agencies such as DSS.

- ▶ **Go to your medical appointments and follow your treatment plan.** Make sure you update the person who is treating you for your medical problems; they can change over time.
- ▶ **SSA may send you to a doctor for a medical or mental health exam. You must go to this appointment** so that SSA can have current information about your health. You will not have to pay for the appointment. Make a note of how long the appointment lasts, what exams the doctor does, and what questions the doctor asks you.
- ▶ **If sobriety is an issue for you, get help now.** Try to maintain a solid period of sobriety so your disabilities stand out from the substance abuse issues.

- ▶ **If you have a medical problem that appears now and then**, such as seizures, having trouble getting to the bathroom in time, severe migraines, or dizziness, keep a record of when that happens.
- ▶ **Answer questions about your work history.** Fully describe the kinds of work you had to do and list any problems you had at work because of your disability.
- ▶ **Describe your education.** Put the last grade you finished, and if you were in special education, tell them how long.

What happens after I apply?

Someone from SSA will interview you at the SSA office or by phone. The interview takes about an hour. SSA will mail you a decision within 3 to 5 months.

What if I need money or other benefits while SSA is deciding?

If you need HUSKY medical and you have minor children or your income is less than about \$1,400 per month for one person, contact AccessHealthCT (AHCT) at 1-855-905-4325.

If you need cash assistance and SNAP or AHCT says you cannot get HUSKY from them, you can apply at DSS:

- online at www.ct.gov/dss;
- by calling the DSS call center at 1-855-626-6632; or
- at your local DSS office (call 2-1-1 for the address).

What if SSA denies my application?

SSA denies many new applications. If your application is denied or SSA says you are not disabled, you should appeal right away. Many people who appeal get approved for SSI or Social Security disability.

You have 65 days from the date on the denial letter to appeal. If you have a good reason for missing the deadline, Social Security might let you appeal late.

How do I appeal?

If you file a *Request for Reconsideration*, SSA will look at your claim again, along with any new evidence. To appeal you can

- get the *Request for Reconsideration* form from Social Security by calling 1-800-772-1213 (TTY: 1-800-325-0778);
- file your request online at <https://www.ssa.gov/benefits/disability/appeal.htm>; or
- write a letter to your local SSA office that says you still cannot work and you want to appeal the denial.

If SSA denies your Request for Reconsideration, ask for an Administrative Law Judge (ALJ) hearing. To request an ALJ hearing you can

- get the ALJ hearing appeal form from Social Security by calling 1-800-772-1213 (TTY: 1-800-325-0778);
- file your request online at <https://www.ssa.gov/benefits/disability/appeal.html>; or
- write a letter to your local SSA office that says you still cannot work and you want to appeal for an ALJ hearing.

You have 65 days from the date on the denial letter to appeal. If you have a good reason for missing the deadline, you can ask Social Security to let you appeal late.

Should I get a lawyer to help me with my appeals?

You don't need a lawyer to file the appeal paperwork, but your chances of winning an appeal are much better if you have one, especially if you are appealing for an ALJ hearing.

Try to talk to a lawyer as soon as you file your appeal. You can hire a private lawyer or call Statewide Legal Services at 1-800-453-3320 for help.

But be sure to file your appeal on time.