

The Texas Governor's Committee on People with Disabilities
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Social Security Disability Benefits 101

Presented by

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Mission Statement

The committee's mission is to further opportunities for persons with disabilities to enjoy full and equal access to lives of independence, productivity, and self-determination.

Key Services

The Governor's Committee recommends changes in disability policies and programs in the areas of accessibility, communication, education, emergency preparedness, health, housing, recreation, transportation, veterans and workforce. The Committee also supports a network of committees on people with disabilities, issues awards to promote greater awareness, and promotes compliance with disability related laws.



Social Security Benefit Types

- Retirement Insurance Benefits
- Social Security Survivor Benefits
- Supplemental Security Income
- Social Security Disability Insurance



Retirement Insurance Benefits (RIB)

- This is the Social Security benefit that people can collect at retirement with enough work credits.
- Earliest age is at 62 with full benefits starting at ages 65 to 67.
- Automatic eligibility at age 65 for Medicare A & B.



Social Security Survivor Benefits

- Dependents of a deceased person who was eligible for or receiving benefits.
- Spouse can collect at age 60 (or 50 if disabled) between 71.5% to 100% of original benefits.
- Minors (up to 18-19) and Disabled Children (before 22 years old) can collect 75% as long as unmarried.
- Parents (62 or older) who are financially dependent on child. 82.5% for one parent or 75% each parent.
- If already claiming a different benefit, only the benefit with the higher amount will be given.



Supplemental Security Income (SSI)

- Cash assistance program. Monthly benefits to low-income individuals who are 65+, blind, or disabled.
- SSI beneficiaries may be eligible for other programs like SNAP (Food Stamps) and Medicaid.
- Payments are determined by household income and resources.



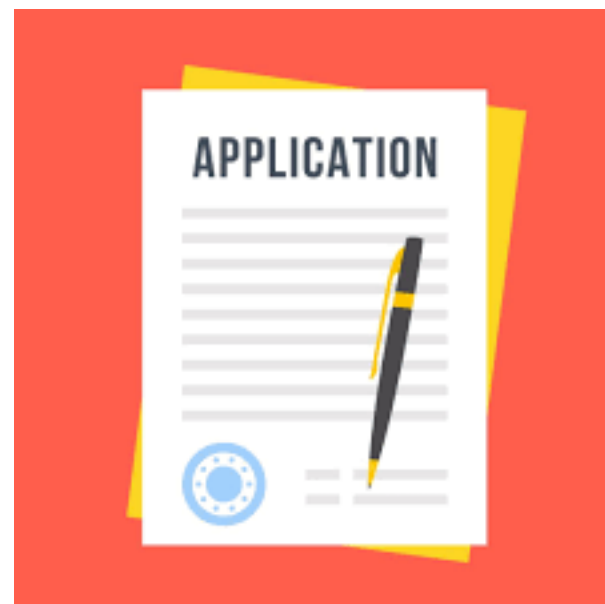
Social Security Disability Insurance

- SSDI benefits are for people with qualifying disabilities that are under retirement age.
- Must have earned enough work credits and disability must have occurred within 5 years of stopping work.
- Eligible for Medicare after two years of benefits.
- Monthly payment is determined by the highest earning years over 35 years.
- Five month waiting period with first payment on your 6th full month of disability.



Social Security Application

- Fastest way is to complete online at www.SSA.gov.
Must make a SSA account.
- Can call 1-800-772-1213 to apply.
- Visit local Social Security office. Call ahead to make appointment.



Disability Determination

SSA Definition of Disability

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



Disability Determination (cont'd)

Disability Eligibility

For disability eligibility, you must meet “SSA Blue Book” listing of impairments.



The “Blue Book”

Child and Adult Disability

Definitions of impairment are different for children compared to adults.



Disability Determination Example

Childhood Impairment Listing

102.10 Hearing loss not treated with cochlear implantation.

- **A.** For children from birth to the attainment of age 5, an average air conduction hearing threshold of 50 decibels or greater in the better ear.
 - **B.** For children from age 5 to the attainment of age 18:
 - 1.** An average air conduction hearing threshold of 70 decibels or greater in the better ear and an average bone conduction hearing threshold of 40 decibels or greater in the better ear.
- (See blue book for #2 and #3).

Adult Impairment Listing

2.10 Hearing loss not treated with cochlear implantation.

- **A.** An average air conduction hearing threshold of 90 decibels or greater in the better ear and an average bone conduction hearing threshold of 60 decibels or greater in the better ear
- OR**
- **B.** A word recognition score of 40 percent or less in the better ear determined using a standardized list of phonetically balanced monosyllabic words.



Daily Living Activities

Activities of Daily Living

This is a question on the application that asks about your activities in an average day.



List Affected Activities

Only list affected activities and how the disability affects it.

Work History Requirements

Work Credits

Can earn maximum of 4 credits in one year. A work credit is determined by your earnings that year. In 2023, you earn a credit for every \$1,650 in income up to \$6,560 to get all 4.

Work Credit Eligibility for SSDI

Must meet Recent Work Test and Duration Work Test except if statutorily blind.



Work History Tests

<https://www.ssa.gov/benefits/retirement/planner/credits.html>

Recent Work Test

Must have earned at least 20 credits in the last 10 years of work. If younger than 31, fewer credits and years are required.

Duration Work Test

Based on how many years of work credits you have earned up until the disability began. The number varies depending on your age.



Income & Resources

Income

Household income includes those who provide food and shelter. Household income can affect eligibility for SSI. Your earned income will only affect eligibility for SSDI or Survivor benefits.

Resources

Resources are assets such as savings accounts and property. This will only affect eligibility for SSI.



Appeal Process

If you are denied for benefits:

You will receive a letter explaining why you were denied. You have 60 days to file an appeal which will be explained in this letter.

Four opportunities for appeal:

1. Request reconsideration;
- 2) Hearing with a judge;
- 3) Review of hearing decision; and
- 4) File in federal district court action



Benefit Payments

Cost of Living Adjustments and Max Payments

Benefit maximum payments are evaluated and adjusted every year with a possible Cost of Living Adjustment (COLA)



2023 Maximum Monthly Payments

SSI- \$914 single, \$1,371 couple

SSDI- \$3,627

RIB/Survivor- \$2,572 to \$4,555



Benefit Updates

Automatic Transition of Benefits

- Children that age out will have their benefits terminated. They have to reapply as an adult to determine their continued eligibility.
- At full retirement age, disability benefits automatically transfer to retirement benefits.

Continuing Disability Reviews

- If improvement is expected, the first review will be 6-18 months after the date of disability. If possible, but unpredictable, it will be every 3 years. If no improvement is expected, a review will be performed every 7 years.



Work and Receiving Benefits

Work Incentives

You may be able to work and keep your benefits. There are programs like Ticket to Work which help people with disabilities get back to work.

Community Resources

Work Incentives Planning and Assistance (WIPA)

www.ssa.gov/work/WIPA.html

Protection & Advocacy for Beneficiaries of Social Security (PABSS) www.disabilityrightstx.org/en/home



Benefit Overpayment

Overpayment of Benefits

Overpayment commonly comes from:

- Nonqualifying payments
- Unreported earned income
- Excessive resources (under SSI)
 - \$2,000 for individual or \$3,000 for couple.
 - <https://www.ssa.gov/ssi/spotlights/spot-resources.htm>



Receiving Benefits

Strategies for Overpayment Situations

- Do not use the money and pay it back.
- Negotiate on repayment— Form SSA-634
- Request reconsideration – Form SSA-562-U2
- Request waiver – Form SSA-632
- Use Allowable Saving Options.



Q&A



GCPD Policy Recommendations

- Access the full GCPD Policy Recommendations
<https://gov.texas.gov/organization/disabilities/gcpd-reports>

Texas Governor's Committee on People with Disabilities



**2024-2025 Policy Recommendations
Report to the 88th Texas Legislature**

February 2023



Thank You!

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