

UNDERSTANDING SOCIAL SECURITY DISABILITY AND SSI BENEFITS - DAY 2

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MEDICAL-VOCATIONAL GUIDELINES - THE GRID RULES

DO THE MEDICAL-VOCATIONAL GUIDELINES APPLY TO YOUR CASE?

THE OLDER YOU ARE THE MORE FAVORABLE THE GRIDS ARE IN ELIMINATING THE ABILITY TO WORK.

EXAMPLES:

50 YEARS OLD - CLOSELY APPROACHING ADVANCED AGE - SEDENTARY, UNSKILLED WORK

55 YEARS OLD - ADVANCED AGE - LIGHT, UNSKILLED WORK

60 YEARS OLD - CLOSELY APPROACHING RETIREMENT AGE - LIGHT, UNSKILLED WORK - THAT USES THE SAME WORK PROCESSES, WORK TOOLS, AND WORK SETTING.

WHAT IS A SKILL?

A skill is knowledge of a work activity which requires the exercise of significant judgment that goes beyond the carrying out of simple job duties and is acquired through performance of an occupation which is above the unskilled level (requires more than 30 days to learn).

ONE GAINS A SKILL BY PERFORMING WORK, BUT...

The work must have:

1. been performed within the relevant period (15 YEARS PRIOR TO AOD);
2. been substantial gainful activity (SGA); and
3. lasted long enough for claimant to learn to do it.

DO SKILLS TRANSFER?

Whether or not skills transfer to other jobs depends upon the type of job performed in the past, the claimant's residual functional capacity, and the vocational expert's testimony at the hearing.

There are also age-specific rules:

Claimants closely approaching retirement age would have to make very little, if any, vocational adjustment, in order for their skills to be deemed transferable. The job they would transfer to would be required to require the same work processes, tools, and work setting.

How can I prove I cannot use my skills to do other work?

- 1) HAVE YOUR DOCTOR DOCUMENT FATIGUE:
 - NEEDING TO LAY DOWN 2 HOURS A DAY
 - NEEDING TO TAKE EXTRA BREAKS
 - INABILITY TO GET ALONG WITH CO-WORKERS, SUPERVISORS OR THE PUBLIC
 - INABILITY TO FOCUS AND MAINTAIN CONCENTRATION, ATTEND TO AND FINISH TASKS

YOU MAY NEED TO OBTAIN THE ASSISTANCE OF A MENTAL HEALTH PROFESSIONAL TO DOCUMENT THESE TYPES OF IMPAIRMENTS

CHILDRENS' BENEFITS - SSI

WHAT IS THE PROCESS TO OBTAIN
CHILDHOOD DISABILITY
BENEFITS/SUPPLEMENTAL SECURITY
INCOME?

Meet a listing

OR be found functionally disabled.

CHILDHOOD DISABILITY BENEFITS

If you are under age 18 you may be found disabled if you have a medically determinable physical or mental impairment that:

- Results in marked and severe functional limitations; and
- Can be expected to result in death; or
- Has lasted or can be expected to last for a continuous period of not less than 12 months.

The federal base rate for SSI benefits is \$750 in 2018

Functional Domains

If your child's medical condition does not meet a listing, the SSA will evaluate how your child's impairment affects certain areas of your child's life, called "domains of functioning." To be found disabled, your child's condition must cause a "marked" limitation in at least of the two domains or cause an "extreme" limitation in at least one domain.

There are six domains that the SSA will assess.

These are the child's:

- ability to learn and use information
- ability to attend and complete tasks
- ability to interact and relate with others
- ability to move about and manipulate objects
- ability to care for personal needs, and
- general health and physical well-being.

What is “marked” and what is “extreme”?

A “marked” limitation is one that seriously interferes with your child’s ability to “independently initiate, sustain, or complete activities.” It means more than a moderate limitation but not as severe as an extreme limitation. An “extreme” limitation is one that *very* seriously interferes with your child’s ability to independently initiate, sustain, or complete activities.

The SSA will accept evidence such as:

- school records
- individualized education plan (IEP) reports
- doctors’ records
- hospital records
- lab results, and
- reports from therapists or psychologists.

SSI INCOME & ASSETS

INCOME

INDIVIDUAL = \$771

COUPLE = \$1157

ASSETS

\$2,000

\$3,000

Resident of the U.S.A.

Not confined to prison

Files application and is disabled.

WHAT ARE “LIMITED RESOURCES” FOR THE PURPOSES OF SSI

- cash
- bank accounts, stock, U.S. savings bonds
- land
- vehicles
- personal property
- life insurance
- anything else you own that could be converted to cash and used for food or shelter.

WHAT INCOME DOES NOT COUNT FOR SSI?

- The first \$20 of most income received in a month;
- The first \$65 of earnings and on-half of earnings over \$65 received in a month;
- The value of SNAP (food stamps) received;
- Income tax refunds;
- Home energy assistance;
- Assistance based on need funded by local government, state, or Indian tribe;
- Small amounts of income received irregularly;
- Grants, scholarships, gifts used for tuition and educational expenses;
- Food or shelter based on need provided by nonprofit agencies;
- Loans you have to repay