

# UNDERSTANDING SOCIAL SECURITY DISABILITY & SSI BENEFITS

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# Social Security Disability Benefits/Medicare

- SSD is provided for under Title II of the Social Security Act.
- SSD benefits are funded and paid for out of the Social Security Trust Fund created by revenue from FICA payroll taxes paid by workers.
- Your monthly disability benefit amount is based upon your earnings.
- You can only receive SSD benefits 1 year prior to the date of your application, as long as you were not working and the 5 month waiting period has passed.
- SSD benefits go along with Medicare (5 month period + 24 months).

# Supplemental Security Income Benefits/Medicaid

SSI is covered in Title XVI of the Social Security Act.

SSI is paid for out of the general revenues of the federal government and begins on the date of application.

SSI is a needs-based program which includes a “means” test. A person cannot receive SSI if their income or assets exceed certain resource guidelines.

SSI beneficiaries are eligible for Medicaid and food stamps in most states.

# What are the differences between SSD and SSI?

Under both programs, the disability requirements are the same.

SSD does not have a “means” test. You either paid into the system and are eligible or you are not.

SSI benefits require disability and income and asset qualification.

A person can receive **BOTH SSD and SSI**.

# What is a Date Last Insured?

If you are applying for SSD benefits, it is important to know your Date Last Insured (DLI). If you last worked (Substantial Gainful Activity) a number of years ago, then you should be worried about your DLI. You must prove you were disabled prior to your DLI in order to receive SSD benefits.

If you cannot prove that you were disabled prior to your DLI, then you can file for SSI benefits, but you can only receive those benefits if you meet the income and asset restrictions and you are disabled.

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# How do I apply for disability benefits?

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All applications for SSD and SSI can be done online at [ssa.gov](https://ssa.gov). It is very easy to go online to fill out the basic application for benefits. The mistake most people make is they fail to file for benefits.

The best choice is to file for benefits, because no one knows the future and if you don't file, you can't get benefits.

All benefits, SSD and SSI are tied to the application date. If you wait to file, you are losing money. You can go online and begin the application for benefits, even if you don't have all of the information. If you get a re-entry number you can re-enter the online application and complete it later.



## What is the appeal process?

- 1) Apply online at [ssa.gov](https://ssa.gov)
- 2) Receive an initial denial.
- 3) File a Request for Reconsideration.
- 4) Receive a second denial.
- 5) File a Request for a Hearing before ALJ.
- 6) If you receive an Unfavorable Decision, file a new application or appeal to the Appeals Council.
- 7) If the Appeals Council denies review, file your case in U.S. District Federal Court where you reside.

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# How Do I Prove Disability?

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There are 3 ways to prove disability:

- 1) Meet the Listing of Impairments.
- 2) Equal the Listing of Impairments.
- 3) Be found disabled vocationally:
  - a) Under the Medical Vocational Guidelines or
  - b) the combination of your age, education, past relevant work and residual functional capacity prevent you from performing all full-time work in the national economy.



# Meeting the Listing of Impairments

It is very hard to meet a listing on the Listing of Impairments.

In order to meet the listing, you must have every single element outlined on the list.

Example: Depression - Part A & Part B &/or Part C

12.04 -

Depressive, bipolar and related disorders (see 12.00B3), satisfied by A and B, or A and C:

1. Medical documentation of the requirements of paragraph 1 or 2:
  1. Depressive disorder, characterized by five or more of the following:

## 12.04 Part A

1. Depressed mood;
2. Diminished interest in almost all activities;
3. Appetite disturbance with change in weight;
4. Sleep disturbance;
5. Observable psychomotor agitation or retardation;
6. Decreased energy;
7. Feelings of guilt or worthlessness;
8. Difficulty concentrating or thinking; or
9. Thoughts of death or suicide.

# Or Bipolar Disorder

OR

Bipolar disorder, characterized by three or more of the following:

1. Pressured speech;
2. Flight of ideas;
3. Inflated self-esteem;
4. Decreased need for sleep;
5. Distractibility;
6. Involvement in activities that have a high probability of painful consequences that are not recognized; or
7. Increase in goal-directed activity or psychomotor

## 12.04 Part B

### AND

1. Extreme limitation of one, or marked limitation of two, of the following areas of mental functioning (see [12.00F](#)):
  1. Understand, remember, or apply information (see [12.00E1](#)).
  2. Interact with others (see [12.00E2](#)).
  3. Concentrate, persist, or maintain pace (see [12.00E3](#)).
  4. Adapt or manage oneself (see [12.00E4](#)).

# 12.04 Part C

OR

1. Your mental disorder in this listing category is “serious and persistent;” that is, you have a medically documented history of the existence of the disorder over a period of at least 2 years, and there is evidence of both:
  1. Medical treatment, mental health therapy, psychosocial support(s), or a highly structured setting(s) that is ongoing and that diminishes the symptoms and signs of your mental disorder (see [12.00G2b](#)); and
  2. Marginal adjustment, that is, you have minimal capacity to adapt to changes in your environment or to demands that are not already part of your daily life (see [12.00G2c](#)).



## How do I equal the listing?

If you have a combination of impairments, no one of which meets a listing, but the combination of the impairments are equal in medical significance to those of a listed impairment, the you equal the listing.

Hint: ALJ cannot determine this without a doctor's medical opinion.

**2 + 2 = 4?**

Depression + Diabetes = Disability?

There is no listing for Diabetes, so you can never meet the listing. But you can “equal” another listing. For example, a listing for retinopathy, peripheral neuropathy, kidney damage, or 12.04 for depression.



# How do I win vocationally?

The Medical Vocational Guidelines (GRIDS)

You win benefits if the guidelines state that the combination of your age, education, skills or lack of skills from past relevant work, and your residual functional capacity (your physical ability to perform activities such as lift, sit, stand, walk, bend, climb stairs, and use your hands), prevents you from working.

We will talk more about the GRIDS in the next session.






# If the GRIDS don't apply - The ALJ determines your RFC

You can help the ALJ find you disabled by:

- 1) Submitting medical records from a valid, acceptable medical source: a medical doctor, treating psychologist or psychiatrist, a trained nurse practitioner, a counselor with a degree, like an LCSW.
- 2) You can testify at the hearing about how your disability limits your physical and mental capabilities.

# How can you help yourself at the vocational stage?

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- A decorative graphic on the left side of the slide, consisting of several overlapping, semi-transparent green arrow shapes pointing to the right. The arrows are layered, with some appearing in front of others, creating a sense of depth and movement.
- 1) WHEN YOU COMPLETE THE WORK HISTORY FORM DON'T BRAG OR MAKE YOURSELF LOOK BETTER THAN YOU ARE. IT IS NOT A JOB INTERVIEW.
  - 2) WHEN YOU ANSWER QUESTIONS ABOUT YOUR ABILITY TO LIFT, SIT, STAND, WALK, CLIMB STAIRS, LAY DOWN DURING THE DAY, ETC., REMEMBER THAT YOUR ANSWERS ARE PUT INTO THE CONTEXT OF AN 8 HOUR WORK DAY. SO IF YOU SAY YOU CAN LIFT 20 POUNDS, THE SSA ASSUMES YOU CAN DO THAT REPETITIVELY, DURING AN 8 HOUR WORKDAY.
  - 3) HIRE AN EXPERIENCED ATTORNEY TO PREPARE YOU FOR THE VOCATIONAL PORTION OF THE HEARING.



**Questions?**