



# Getting Help: Social Security

## Disability Insurance

### *The Law*

#### WHAT KINDS OF SOCIAL SECURITY DISABILITY PROGRAMS ARE AVAILABLE?

The social security administration makes disability payments under two programs.

- a. **Social Security Disability Insurance (SSDI)** is for disabled workers and their children who have social security coverage. You can receive SSDI benefits if:
  - you have worked 5 of the last 10 years before the disability started,
  - you have paid into the social security system long enough to be covered,
  - you are disabled
  
- b. **Supplemental Security Income (SSI)** is for disabled people with little or no income and resources. You can receive SSI if:
  - you have little or no other income or assets
  - you have not worked long enough or paid enough into the social security system
  - you are disabled

#### WHAT IS THE DEFINITION OF DISABILITY?

The definition of disability for adults states that a person must have a condition that is severe enough to prevent him or her from working for at least 12 months or that the condition is expected to result in death. The social security administration uses a set of guidelines that contain a list of impairments for each body system that are so severe they automatically mean a person is disabled. If the condition does not meet the criteria on the list, the agency looks at vocational factors to decide if the person has a condition that prevents work.

The definition of a disability for children requires that the child's impairment be medically proven and will be considered disabling if it causes marked and severe functional limitations. (Those with less severe learning disabilities and behavioral disorders are no longer eligible for SSI). This medically proven physical or mental condition must last or be expected to last at least 12 months or be expected to result in death. Also, if the child is working at a job we consider substantial, that child may not be considered disabled.

The law requires that a continuing disability review (CDR) be done to determine whether or not the child is still disabled. This needs to be done at least every three years for those who are under the age of 18 if their condition is likely to improve. A CDR may also be



done for those whose conditions are not likely to improve. A CDR must also be done no later than 12 months after the birth of a baby whose disability is based on their low birth weight. When the social security administration does a CDR, evidence that the child is and has been receiving treatment considered medically necessary must be provided. Failure to provide this will result in suspension of benefits. After a person turns 18, there must be a disability redetermination done during the year.

### **CAN NON-CITIZEN IMMIGRANTS GET SSI IF THEY ARE DISABLED?**

If you moved to the U.S. before August 22, 1996 you should be eligible for SSI if you become blind or disabled. If you came to the U.S. after that time you won't be able to get SSI if you are disabled until you become a citizen or in some cases, until you have been in the U.S. for five years.





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## *Activity: You Decide*

Read the following situations and decide what kind of public assistance payments these people would receive.

**MFIP, SSI, SSDI, GA.**

- \_\_\_\_\_ 1. John has always held a steady job. Just recently he was diagnosed with Multiple Sclerosis. He continued working until his disease prevented him from working.
- \_\_\_\_\_ 2. Renee is 15 years old. She was in a car accident that left her paralyzed from the neck down.
- \_\_\_\_\_ 3. Julia is 25 and has had difficulty holding down a job. She has worked a couple of months in her adult life. She is diagnosed with schizophrenia.
- \_\_\_\_\_ 4. Ophelia is a teenage mother who lives at home. She is enrolled in high school.
- \_\_\_\_\_ 5. Shawn and Linda are married. Neither of them have a job or a place to live. They do not have any children. They are staying in homeless facilities.
- \_\_\_\_\_ 6. Alan is an alcoholic and is unable to hold down a steady job. He is currently going to AA.
- \_\_\_\_\_ 7. Sierra is a 27-year-old mother of two. Her husband left her and she has no income and hasn't been successful at getting a job. She has never received any help from the county.
- \_\_\_\_\_ 8. Janine is has been in a wheelchair most of her life. She has been able to work, but lately she has been in too much pain to go to work.