Supplemental Security Income (SSI)

SUPPLEMENTAL SECURITY INCOME (SSI) is a federal program that provides money to low-income people who are aged, blind or disabled. You may be able to get SSI even if you don't qualify for Social Security disability or retirement benefits.

How can I get SSI?

Apply at your local Social Security office. You should apply for SSI immediately if you think you might be eligible, because you cannot start getting SSI until the date you apply. To get SSI, you must be either:

- **Aged.** A person must be age 65 or older; or
- **Disabled.** A child or adult must have a mental or physical disability that has lasted 12 months or is expected to last 12 months or longer, or result in death. The disability must be so serious that it prevents a child from doing normal activities or an adult from doing any substantial gainful work; or
- **Blind.** A person must meet the Social Security Administration's definition of blindness. This is usually decided by the Social Security Administration based on reports from your doctor.

If you are getting public assistance, a Disability Advocacy Program (DAP) worker at your local public assistance office may be able to help you apply for SSI.

The amount of SSI you will get depends on your situation. If you have no income, you will get the maximum payment. If you have some income, your payments will depend on the amount of your income. Even if you qualify for very little SSI, it is helpful to get SSI because then you will also get full medical assistance coverage.

Can I be denied SSI because I own property?

You can get SSI even though you own some property. You can have resources (assets), including cash, of up to $2,000 ($3,000 if you are married and your spouse is also eligible for SSI). Certain resources are not counted toward this limit. Important examples of assets not counted are your home, most household goods, and in most cases, your car.

What else should I know about SSI?

- You get SSI each month.
- Sometimes income of another person such as your spouse, or non-cash benefits you receive (for example, free shelter) may be counted as (deemed) your income. If the Social Security Administration tries to deem income to you, you should consult an attorney.

If you do get SSI, you will also get Medical Assistance from your local County Assistance Office. You should be eligible for food stamps and other benefits, depending on your income and resources.

If I am turned down, can I appeal?

You have the right to appeal if the Social Security Administration turns down your application for SSI.

There are four appeal steps: reconsideration, hearing by an Administrative Law Judge, Appeals Council Review, and Federal Court Review. If you get denied on your initial application, you must file a Request for Reconsideration within 60 days to appeal that decision.

- If your Request for Reconsideration is denied, you must file a Request for a Hearing by an Administrative Law Judge within 60 days. It is a good idea to have an attorney at this stage.
- If the Administrative Law Judge decides against you, you have the right to ask that your case be reviewed again by the Social Security Administration Appeals Council. It is a good idea to have an attorney at this stage also.
- If the Appeals Council decides against you, you have the right to file a lawsuit and ask a Federal Court to grant you benefits. It is important to have an attorney at this stage.

At each stage of your case, you must appeal within 60 days of the date you received your denial notice, unless you can show a very good reason for being late. You have the right to reapply for SSI at any time.

What if I receive an overpayment?

Sometimes people receive more SSI than they should (this is called an overpayment). This could happen, for example, if:

- you got an SSI check greater than your regular monthly amount; or
- you received an extra SSI payment; or
- the Social Security Administration was slow to act on something you reported, or you failed to report a change such as a change in income or household.

If you receive an SSI check you think you are not entitled to, call or visit your local Social Security office immediately to determine if the check is correct.

If you were overpaid, you may be required to pay back the extra money you received. But you can ask for reconsideration if you believe you were actually entitled to some or all the money you received Requests for reconsideration must be in writing.

Most important, even if you received more SSI than you were entitled to, you may be excused from repaying it if you can show that

- the overpayment was not your fault; and
- at least one of the following is also true in your case:

    1. repaying the money would be a hardship because it would take away money needed to pay your necessary daily living expenses; or
    2. it would be unfair to make you repay it because you thought you were entitled to the money, spent it, and would suffer harm if you had to pay it back; or
    3. the amount of the overpayment is so small (presently $1000 or less) that it would not be worthwhile for the Social Security Administration to collect it.

If you can demonstrate those things, you must ask in writing to have the overpayment waived. You may do so by filling out a form available at your local Social Security office. You have the right to appeal if the Social Security office refuses to waive the overpayment. It is a good idea to have a lawyer if you appeal.

REMEMBER

The law often changes. Each case is different. This pamphlet is meant to give you general information and not to give you specific legal advice.

Please use the information found in this brochure carefully since the law is constantly changing and the information may not accurately reflect any changes in the law that occurred following the creation and publication of the brochure.

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For more information on this issue and other topics visit:

PALawHelp.org

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