

**TO: ADJUDICATION MANAGERS AND CLAIM ADJUDICATION  
STAFF MEMBERS**

**FROM: PAUL CONNOLLY PROGRAM DIRECTOR, UI POLICY &  
DETERMINATIONS (BY PAT GRAHAM)**

**SUBJECT: SSI (SUPPLEMENTAL SECURITY INCOME) AND SSDI (SOCIAL  
SECURITY DISABILITY INSURANCE)**

**DATE: MARCH, 2010**

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It has come to the attention of the Agency that notices of disqualification are being issued to claimants due to the fact that they have applied for, or are receiving SSI or SSDI benefits.

Issues that arise due to a claimant's application for or receipt of SSI/SSDI benefits should be reviewed carefully. The mere fact that individuals have applied for, or are receiving SSI/SSDI does not automatically preclude them from receiving UI benefits.

The Social Security Administration encourages disability benefit recipients to try to work and provides substantial work incentives to those in both the SSI and SSDI programs. For SSI recipients, SSA only counts about half of gross monthly earnings to reduce the SSI payment. The work incentives for SSDI recipients are different. During the 9 month trial work period, there is no reduction in benefit for SSDI recipients with earnings. After the trial work period, there is another 36 month period in which those who continue to meet the disability standard can continue to test their ability to work without loss of entitlement.

### **SSI**

SSI is designed to help aged, blind, and disabled people, who have little or no income; and it provides cash to meet basic needs for food, clothing and shelter. This income is not based solely on a disability. Fact finding must be done to determine which category the SSI is paid (aged, blind or disabled).

In the event that the SSI benefits are being paid due to a disability, and the claimant states that he is able, available and actively seeking work, whether full time or part time and with or without a reasonable accommodation, medical documentation (form 268) must be obtained from a health care provider. If the documentation indicates that the claimant can work, no disqualification will be imposed. If, after providing the claimant with the opportunity to provide documentation, and the documentation indicates that the claimant is unable to

perform any wage earning services, only then should Form 3720, Notice of Disqualification, be issued citing Section 24(b) of the Law.

### **SSDI**

A claimant that states that he/she is **receiving** SSDI (also known as OASDI) will be presumed to be totally disabled and incapable of work and will be disqualified pursuant to Section 24(b) of the Law, unless the claimant produces a statement from a health care provider that indicates that he/she is able to work either full time or part time with or without a reasonable accommodation. If the claimant can work only on a part-time basis, then you must check to see if the claimant meets the part-time availability regulations at 430 CMR 4.42-4.45

A claimant who has applied for SSDI may not be subject to disqualification pursuant to Section 24(b) due to the mere fact that they submitted an application. If the claimant can document that he or she is capable of working, then a disqualification will not be imposed. However, medical documentation will be necessary in order to make this determination.

### **SSI/SSDI While Working Part-time**

In the event that a claimant is receiving SSI/SSDI and has restricted capability to work part-time only, it is necessary to document the number of hours worked along with the number of hours that the claimant is capable to work. In the event that a claimant can work 15 hours per week, due to his/her circumstances, and is working 15 hours per week, that individual would not be considered unemployed and would be subject to disqualification under Section 29(b)&1(r) due to the fact that he/she is working to his/her full capacity.

In all instances, no presumption should be made that a claimant is to be disqualified without asking whether or not the claimant can work full time or part time with or without reasonable accommodation and without giving the claimant a reasonable opportunity to provide medical documentation.

If you have any questions concerning this memorandum, please contact the Determinations Department at 617-626-6422.