

# **SSA BENEFITS FOR ELDERS**

**Disability Law Center  
May 2024**

# Cash Benefits Administered by SSA

- **Social Security Insurance Benefits – Title II of the Social Security Act (Retirement, Survivors, and Disability Insurance or “RSDI”).**
- **Supplemental Security Income (“SSI”) – Title XVI of the Social Security Act.**

# SSA Organizational Structure –FO,DO

SSA Field Offices (FO) or District Offices (DO) - claims representatives take applications and appeals, make decisions on non-disability issues. 30 DOs in MA.

FOs opened for visitors with or without an appointment April 7, 2022 -

<https://blog.ssa.gov/social-security-administration-to-resume-in-person-services-at-local-social-security-offices/>

# Field (District) Office Jurisdiction

- FO Locator- <https://secure.ssa.gov/ICON/main.jsp>
- FO List- <https://www.ssa.gov/boston/MA.htm>
- SSA must provide services in any FO/DO. Any administrative advantage a given DO might gain or lose is NOT a factor to be considered in resolving jurisdictional issues. The individual's own preference and convenience are controlling. SSA may not discourage the person from contacting the nonresident office if they so prefer. POMS GN 00904.064 (A).

# SSA Organizational Structure- DDS

- Disability Determination Services (DDS) - state agency under contract with SSA - lay disability examiners and DDS doctors develop evidence and make the disability determination. MA DDS is part of Mass. Rehabilitation Commission. Boston, Worcester.  
<https://www.mass.gov/service-details/mrc-disability-determination-services-dds>

# SSA Organizational Structure – OHO, AC, RO

- Office of Hearings Operations (OHO) - Administrative Law Judges (over 1600 nationwide). Boston, Springfield, Lawrence. HO locator  
[https://www.ssa.gov/appeals/ho\\_locator.html](https://www.ssa.gov/appeals/ho_locator.html)
- Appeals Council – In Falls Church, VA.
- There are 10 Regional Offices which oversee the District Offices. MA is in Region I.  
<https://www.ssa.gov/boston/MA.htm>

# Applications

- In person at the local SSA office, by mail or telephone. 1-800-772-1213 (TTY 1-800-325-0778)
- Preferred method now – online at <https://www.ssa.gov/benefits/retirement/apply.html>
- SSI - <https://www.ssa.gov/benefits/ssi/>

# Information About Retirement Benefits

- Retirement Application

<https://secure.ssa.gov/iClaim/rib>

- Retirement Calculator

<https://www.ssa.gov/myaccount/retire-calc.html>

- Benefits Calculator

<https://www.ssa.gov/benefits/retirement/planner/AnypiaApplet.html>



# *my* Social Security Account

- Access to Social Security Statement
- Get benefits verification letter
- Changed address and phone number
- Request a replacement Medicare card
- Request a replacement SSA-1099 or SSA-1042S for tax season
- Start or change direct deposit
- <https://www.ssa.gov/myaccount/>

# Reasonable Accommodations

- SSA must provide interpreters for all interactions
- Blind or visually impaired individuals may receive information in large print, Braille, CD.
- Multilanguage Gateway  
<https://www.ssa.gov/multilanguage/>
- Additional info on how to request reasonable accommodation for deaf and hard of hearing  
<https://www.ssa.gov/people/deaf/>

# Title II - Cash Benefits

-**Full Retirement Age (RIB)**, or

**Early Retirement**, starting at age 62 (RIB), or  
**Disabled (SSDI)** under full retirement age,  
**AND**

**Insured** - worked and earned enough Social Security credits by paying FICA/SECA taxes. For most adults, this means at least 10 years (40 quarters - QC) of qualifying work.

Title II benefits have **no income or asset limits**.

# Earning Credits to Become Insured for RSDI

- Earn 1 credit for every **\$1730** earned in 2024, **\$6920** earned in a year.
- Maximum of 4 credits/year. Most need 40 credits (“quarters”) to be insured.
- No credits for “under the table” work.
- For disability benefits must also have worked close to onset of disability (20 QC earned in the last 10 years ending with the year of disability).

# Retirement Benefits (RIB)

- FRA–based on PIA (max \$3,822/month)
- Early Retirement (between age 62 and FRA, max \$2,710) with **permanent reduction**.  
<https://www.ssa.gov/benefits/retirement/planner/agereduction.html>
- Enhanced benefit if retirement deferred after FRA, up to age 70 (max \$4,873 for high earners for 35 years) <https://faq.ssa.gov/en-us/Topic/article/KA-01897>

# RIB Entitlement

- Must be Fully Insured
- Have attained age 62
- Must File an Application OR
- Be Entitled to DIB “for the month before the month of attainment of full retirement age.” POMS RS 00201.001.

# Annual Earnings Test

- Early retirement (62 – FRA) gross annual earnings over **\$22,320** (2024) reduce benefit \$1 for every \$2.
- In the year of FRA, gross annual earnings over **\$59,520** (2024) reduce benefit \$1 for every \$3.
- Once FRA reached, the annual earnings test no longer applies.
- <https://www.ssa.gov/oact/cola/RTeffect.html> - RET calculator

# Dependents and Survivors Benefits

-Dependents and Survivors benefits are available to certain close relatives of insured deceased wage earners or of insured wage earners eligible for SSDI or RIB. Examples - Benefits for Minor Children or for Disabled Adult Children, Widow/er's Benefits.

-Survivors Benefits -

<https://www.ssa.gov/benefits/survivors/>



# Medicare

- Medicare provides health care coverage to retired workers at 65+ (**not** with Early Retirement benefits).
- Disabled beneficiaries begin Medicare coverage in month 25 of SSDI eligibility.
- People with ALS (Lou Gehrig's) or end stage renal disease (ESRD) do not have to wait 25 months for Medicare coverage.
- Should contact SSA three months before 65<sup>th</sup> birthday to sign up for Medicare
- <https://www.ssa.gov/medicare/sign-up>

# SSI Eligibility

- Categorical Eligibility: aged (65 or older), OR under age 65 and Disabled or Blind
- Low Income – Countable income less than the maximum SSI payable to that individual.
- Low Resources/Assets – Countable assets less than **\$2000** (individual) or **\$3000** (married couple)

# Residency and Immigration Status- SSI

- Residence in U.S. for 30 days.
- Citizen and/or alien status requirements for benefits payable after **December 1, 1996.**

POMS SI 00502.100

<https://secure.ssa.gov/poms.nsf/lnx/0500502100>

# SSI Benefits

-Monthly cash benefit (FBR) - depends upon the recipient's categorical status and living arrangement -

<https://www.ssa.gov/oact/cola/SSI.html>

-Medicaid (**MassHealth**) coverage is automatic for SSI recipients.

Earliest possible SSI payment date is the first of the month after the month of application.

# State Supplement Program Payment (SSP)

- All SSI recipients are eligible for SSP. The SSP payment is based on individual's State Living Arrangement (SLA).
- To get a benefit verification letter, call DTA Assistance Line at (877) 382-2363.

# State Supplement Program Payment (SSP)

- Department of Transitional Assistance (DTA) regulations at [106 CMR 327](#).
- MA SSP Customer Service Center **877-863-1128**. <https://www.mass.gov/service-details/contact-the-massachusetts-state-supplement-program-ssp>
- For any other questions about SSP, or to ask for help, contact the SSP Assistance Line at (877) 863-1128.

# Getting SSI Payments – Direct Deposit

- SSI payments are made via
  - Direct Deposit -  
<https://www.ssa.gov/deposit/>
  - Direct Express Debit Master Card-  
<https://www.ssa.gov/pubs/EN-05-10073.pdf>

# Getting SSI Payments By Check

In rare circumstances, Treasury may grant exceptions to the electronic payment mandate. For more information or to request a [waiver](#), call Treasury at **855-290-1545**. You may also print and fill out a waiver form and return it to the address on the form.



# SSI Income Rules

- Income = “anything you receive in cash or in kind that you can use to meet your needs for food and shelter.”
- Income generally counted in the month of **receipt**.
- [20 CFR 416.1102, 416.1103, POMS SI 00810.005 What is Income](#)

# Types of Income – SSI

**Earned** = from employment

**Unearned** = from other sources, e.g., Title II benefits, alimony, pension, inheritance

**Deeming** = counting portion of someone else's (parent, spouse, sponsor) income as SSI recipient's.

**In-kind** = shelter or food received free or at reduced cost may be countable as in-kind support and maintenance (ISM).

# Changes to In-kind Income Counting – Effective 9/30/2024

- Food no longer counted in ISM calculations.
- 1/3 reduction rule (VTR) limited to the those in **household of another** & receiving shelter and **all meals** from within the household.
- No rental ISM when **rental liability** is at least the amount of the PMV value (1/3 of the SSI FBR plus \$20, e.g., \$334.33 in 2024).
- SNAP added to Public Assistance household.

# Unearned Income - SSI

- Annuities, pensions, and other periodic payments (e.g. SSDI and Unemployment)
- Alimony, child support (1/3 excluded for kids under age 18)
- Dividends, interest
- Gifts, prizes
- Rental income
- Inheritances

# Unearned Income Exclusions

- Only a **\$20** general exclusion is applied to total unearned income
- Certain types of unearned income carry their own exclusions:
  - Gross rental income may be reduced by expenses needed to earn it
  - Deemed income reduced by exclusions included in deeming formulas

# Exclusions from Income - SSI

- Free medical care and services (including reimbursements and payment of health insurance premiums by others)
- Social Services
- Income for the sale, exchange, or replacement of resources (e.g., insurance proceeds)
- Income tax refunds
- Proceeds of a loan

# Exclusions from Income – SSI (cont'd)

- Bills paid for the recipient – IF paid directly to the vendor – for non food/shelter related items
- Replacement of income lost or stolen
- Home Energy Assistance
- Housing assistance such as public housing or Section 8 voucher (fed programs)
- SNAP benefits

# Exclusions from Income – SSI (cont'd)

- Income tax refunds
- Assistance based on need from a state or local political subdivision or Indian tribe
- Federal student assistance, including work-study and Pell grants
- Private donations for tuition and fees to pay educational expenses (not room/board)
- Gifts of domestic airline tickets



# Exclusions from Income – SSI (cont'd)

- Payments for giving foster care to a child not getting SSI, but placed by an approved agency in the home of someone getting SSI
- Compensation for volunteers from the Corporation for national and Community Services (former ACTION) programs run by state and local subdivisions
- EITC and Child Tax Credit payments

# Unearned Income - Example

- Anna is 65 and has RIB of \$763 month. Is she potentially eligible for any SSI?
- Yes, if eligible for the maximum SSI FBR aged benefit (\$943), Mary could receive \$200 in SSI [ $\$943 - (\$763 - \$20) = \$200$ ]. Anna is eligible for SSP of \$128.82. Her combined SSI/SSP benefit is \$ 328.82. Total income is \$1091.82

# Earned Income

- Income from work is treated more favorably than unearned income.
- Earned income includes:
  - **Gross Wages**
  - **Net** self employment income
  - **In-kind** payment (e.g., free rent for work)
  - **Royalties** and honoraria

# SSI and Work

- For SSI, gross monthly wages count when paid/received. [20 CFR 416.1111\(a\)](#).
- To compute countable monthly wages, deduct \$65 plus  $\frac{1}{2}$  of the remainder from gross monthly wages. [20 CFR 416.1112\(c\)\(5\) & \(7\)](#).
- SSI recipients may also deduct the \$20 “general income disregard” from wages, if not used on “unearned” income. [20 CFR 416.1112\(c\)\(4\)](#).
- A good estimate of countable wages is  $\frac{1}{2}$  of gross monthly wages.

# SSI and Work –Example

- Carmen, age 66, receives \$1071.82 in SSI benefits (combined FBR \$943 and SSP 128.82) in 2024. She has no other income.
- She takes a job paying \$1085 in gross wages per month.
- What is the effect on her SSI?

# SSI and Work –Example

- \$500 of Carmen's gross monthly wages will be countable [ $\$1085 - 85 (\$65 + \$20)$  divided by 2 = \$500].
- Carmen's SSI federal benefit will be \$443 ( $\$943 - \$500 = \$443$ ).
- Carmen's total benefit amount (FBR + SSP of \$128.82) will be \$571.82
- Her total gross monthly income will be \$1656.82 ( $\$1085 + 571.82$ ).

# SSI Benefits and Self Employment Income

- SSA starts with **net** self employment to calculate the effect of earnings on an individual's SSI benefit. [20 CFR 416.1110\(b\)](#).
- Applicable SSI earned income deductions apply to net self-employment income.

# Work

## Income Deductions - SSI

- Impairment Related Work Expenses (IRWEs) [20 CFR 416.1112](#)
- Income set aside in an SSA approved Plan to Achieve Self Support (PASS) [20 CFR 416.1112\(c\)\(9\)](#)
- Blind Work Expenses for those eligible on the basis of blindness. [20 CFR 416.1112\(c\)\(8\)](#)
- Red Book at <https://www.ssa.gov/redbook/index.html>



# Resources

- A resource is cash on hand, other personal property, or real property that an individual:
  - owns or has an ownership interest in;
  - has the legal right to dispose of and convert to cash; and
  - is not legally restricted from using for support
- Income remaining after the month received becomes a resource. [20 C.F.R. 416.1201](#)

# Excluded Resources

- The home that the individual lives in.
- Household goods and personal effects.
- An automobile of any value if used for work or medical appointments/services.
- Retroactive SSI/SSDI for 9 months.
- Earned Income Tax Credit for 9 mos.
- Federal tax refunds and advanced tax credits for 12 months

# Excluded Resources (cont'd)

- PASS protected income and resources
- Income producing property (PESS) (limited to \$6000)
- Life insurance (face value up to \$1500)
- Burial funds (up to \$1500)
- Burial spaces (unlimited value)
- State and local government relocation assistance for 9 months
- Federal student aid, including work-study.

# Transfer Of Assets

- Any resource that is transferred for less than fair market value will result in a “transfer of assets penalty” causing ineligibility for a **maximum of 36 months**. [20 C.F.R. 416.1246](#), [SI 01150.001](#) [What is a Resource Transfer](#)

# Definition of Disability (Adults) – SSI and SSDI

- The inability to engage in any substantial gainful activity (SGA) by reason of medically determinable physical and/or mental impairment(s) which can be expected to last for a continuous period of not less than 12 months or result in death.

[20 CFR 404.1505](#) , [416.905](#) , [416.906](#), [DI 00115.015](#)

# 5-Step Sequential Analysis

## 20 CFR 416.920

- **STEP 1.** Is the applicant engaging in Substantial Gainful Activity (SGA) (Gross earnings of **\$1550** per/mo for disability or **\$2590** for stat. blind)?
- **STEP 2.** Does the applicant have a severe impairment?
- **STEP 3.** Does the applicant suffer from an impairment which meets or equals the severity of a listed impairment?

## 5-Steps – (cont'd)

- **STEP 4.** Does claimant have the residual functional capacity (RFC) to perform his/her past relevant work (work performed in the last 15 years)?
- **STEP 5.** Does the claimant have the RFC to perform any other work that exists in significant numbers in the national economy? Burden of proof shifts to SSA at step 5.

# SSI Nondisability Eligibility Review

- Is recipient still eligible for SSI and getting the correct amount of SSI considering:
  - Financial eligibility – income, resources
  - Living arrangement
  - Immigration status
- Periodically scheduled according to likelihood of error; unscheduled based on information received.



# Levels of Appeal

- **Reconsideration** -to appeal application decision
- **Administrative Law Judge (ALJ) Hearing** - to appeal Reconsideration
- **Appeals Council Review** - to appeal ALJ decision
- **Federal Court**

# Deadline for Appeals

- **60-day (from the time notice is received)** deadline for filing appeals; SSA assumes notices received within 5 days of the date on notice.
- Can get aid pending appeal if request it and file **within 10 days of receipt of the notice** if SSI termination, reduction or suspension; medical termination of SSI/DI after CDR. For CDRs can also get aid pending at the ALJ hearing level appeal.

# Filing Appeals

- Good cause (really good reason) for late filing an appeal. [POMS GN 03101.020.](#)
- File appeals at local SSA office; get date stamped and keep copy. File online.
- Appeal forms online at [www.socialsecurity.gov/online/forms.](http://www.socialsecurity.gov/online/forms)

# Appeal or New Application?

- Effective **July 28, 2011**, SSA does not allow the filing of a new application while the appeal is pending on the first application if both applications are for the same title and type of benefits. **SSR 11-1p.**

# Representative Payees

- Adult beneficiary who is not legally incompetent is presumed to be capable of managing/directing the mgmt. of benefits.
- Prior to appointing a rep payee, SSA must determine that the beneficiary lacks the ability to manage/direct the mgmt. of benefits in his/her interest AND the appointment of a rep payee is in the beneficiary's best interest.

## Representative Payees (cont'd)

- SSA will appoint a rep payee if evidence exists that an adult beneficiary has mental or physical impairments that prevent the ability to manage benefits (ability to reason properly, ability to communicate with others).

# Representative Payees – How to Apply

- Social Security Form SSA-11-BK (Request to be Selected as Payee)
- SSA maintains Representative Payee System (RPS) – potential rep payee applicant must have SSN
- SSA is advised to conduct an interview with a beneficiary prior to appointing a payee
- SSA must document a decision to appoint a rep payee

# Useful Websites

- [www.socialsecurity.gov](http://www.socialsecurity.gov) - SSA
- <https://www.ssa.gov/pubs/>
- [www.mass.gov/MassHealth](http://www.mass.gov/MassHealth) - MassHealth
- [www.masslegalservices.org](http://www.masslegalservices.org) – Legal Aid
- [www.cms.hhs.gov/home/medicare.asp](http://www.cms.hhs.gov/home/medicare.asp) - Medicare
- Work Without Limits (benefits counseling)-  
<https://workwithoutlimits.org/benefits-counseling/>