



A Division of the New York Legal Assistance Group

LegalHealth
Professional Partnership to Promote Well Being

This is general information, not legal advice. Patients should consult an attorney for specific guidance.

Accessing Disability Benefits

If a patient has a disabling condition that has lasted for or is expected to last for 12 months or more, or if the patient has a terminal diagnosis, they may be eligible for benefits from Social Security.

What type of benefits are available through social security?

- Social Security Disability Income (SSD) is a benefit from the patient's own Social Security retirement account if he or she becomes disabled and has sufficient work history (usually 10 years). The disability must have started within five years of when the applicant last worked. SSD beneficiaries are eligible for Medicare after receiving SSD for two years.
- Supplemental Security Income (SSI) is for the low-income disabled individual who lacks a work history or the blind or individuals age 65 or older. SSI has a resource limit of \$2,000 if living alone or \$3,000 for a couple. In 2016, an SSI beneficiary living alone in New York State can receive \$820 per month, and a beneficiary living with others can receive \$756 per month. SSI recipients automatically receive Medicaid .

Are there immigration requirements to be eligible for SSD or SSI?

- Yes, benefits are available only to individuals who are U.S. citizens, Lawful Permanent Residents (LPR's) before 8/22/1996 or LPRs who have 10 years of lawful work history, or to individuals with Asylee or Parolee status.

How can patients apply for SSI or SSD?

- Patients can start an application online at www.ssa.gov or go to her/his local SSA office or call (800) 772-1213 to complete an application.

How can you help strengthen your patient's application?

- Help the patient complete a detailed narrative on their application;
- Help the patient collect medical records from treating providers;
- Encourage patient compliance with treatment; and
- Have health care providers complete functional capacity questionnaires available at <http://legalhealth.org/providers/forms/> Password: nylag

What happens if the patient is denied benefits?

- If denied, the applicant has two months from the date on the denial letter to appeal by filing a "Request for Hearing" at the local SSA office. The patient must ask for a receipt or date-stamped copy as proof of the appeal.

Can someone who receives SSI or SSD return to work?

- A patient may work while receiving SSI or SSD, but the amount that can be earned is limited and may affect the benefits received. Patients must report any earned income to Social Security by bringing copies of their pay stubs to the local Social Security office and keeping a second date-stamped copy as proof.

More questions? Refer patients for an appointment with a LegalHealth attorney

www.legalhealth.org

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