

# public benefits

for low-income individuals and families  
applying for and using  
public benefit programs

supplemental security income  
for adults

Center for  
Benefits and  
Services

Community  
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Society | Fighting Poverty  
Strengthening  
New York

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# **Supplemental Security Income for Adults**

**Center for  
Benefits and  
Services**

**A PROGRAM OF THE COMMUNITY SERVICE SOCIETY**

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## Supplemental Security Income

### What is SSI?

SSI stands for Supplemental Security Income. It is a federal welfare program that pays monthly cash benefits, if you meet all the requirements of the program.

### *Is Medicaid included with my SSI benefit?*

When you get SSI in NYS you also automatically get Medicaid coverage. Medicaid continues as long as you are paid any SSI benefit, no matter how small.

### *Who operates the SSI program?*

The Social Security Administration (SSA) operates the SSI program and determines whether you are eligible or not for SSI.

### *How much does SSI pay?*

Each state pays a different SSI monthly benefit amount. This is because the federal government and sometimes, a state government, contribute to the SSI benefit amount. Not all states contribute to the SSI benefit amount, and the states that do give different amounts. Thus, some states have a higher maximum SSI benefit amount and some states have a lower maximum SSI benefit amount.



In NYS the monthly benefit amount depends on whether you are living alone, living with others, or living in the household of another.

### *What does “living alone” mean?*

Living alone is defined in many ways. It can mean any of the following:

- An eligible individual living by him/herself, or an eligible couple living by themselves, or

- An eligible individual/couple living with someone else, but they pay their fair share of all household expenses, and eat separately from anyone else in the household, or
- An eligible individual/couple who rents a room in someone else's house or apartment and fixes their own meals separately from anyone else who lives there, or
- An eligible individual/couple who pays a flat fee to the landlord for both room and meals.

*How much does SSA pay to people who are “living alone”?*

SSA pays the highest SSI benefit to people who “live alone”. In NYS in 2011 the monthly SSI benefit is \$761 for a single individual and \$1,115 for a couple.



*What does “living with others” mean?*

Living with others includes the following:

- If you pay your fair share of all the household expenses, but you share your meals with other people in your household.
- Disabled children under 18 living with their parents, or a disabled parent(s) living with their children under 21
- A couple, where one spouse is receiving SSI and the other spouse is not receiving SSI

*How much does SSA pay to people who are “living with others”?*

SSA pays the next highest benefit to people who “live with others”. In NYS in 2011 a single person living with others receives an SSI benefit of \$697 per month, and a couple living with others receives \$1,057 per month.

*What does “living in the household of another” mean?*

SSA considers you living in the household of another when someone else in the household (other than a spouse or parent) is paying for your food and shelter either in part or whole.

*How much does SSA pay to people who are “living in the household of another”?*

SSA pays the lowest SSI payment to people who are “living in the household of another”. In NYS in 2011 a single person living in the household of another receives \$472 per month, and a couple receives \$720 per month.

*Eligibility Chart*

Household Living Arrangement	Single	Couple
Living Alone	\$761.00	\$1,115.00
Living with Others	\$697.00	\$1,057.00
Living in the Household of Another	\$472.00	\$720.00

**Who Can Get SSI?**

You can get SSI if you pass certain eligibility tests, called eligibility criteria. Eligibility criteria include your income, your resources, your immigration status, and whether you are disabled, blind or aged. These criteria are explained below.

*How does SSA define aged?*

You are considered aged if you are 65 years old or older.

*How does SSA define blind?*

You are blind if you meet the definition of legal blindness.

### *How does SSA define disabled?*

You are disabled if you suffer from a physical or mental condition, or a combination of conditions that prevents you from working (earning at least \$1,000 per month) for at least 12 months, or your medical problem is expected to end in death. Your age, education and any skills you developed in your past work will be considered in making the determination of disability.

### *If I am working when I apply, might SSA still consider me disabled?*

That depends. If you are applying as a disabled applicant and earning more than \$1,000 a month when you first apply, SSA will probably not think you are disabled. If you are earning less than \$1,000, SSA will still have to decide whether you can work and earn at least \$1,000 per month. If SSA decides you are able to earn at least \$1,000 per month, they will not think you are disabled.

### **How Much Income Can I Have?**

You must have limited income.

### *What is income?*

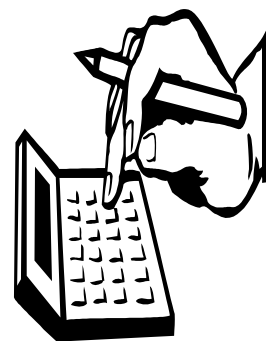
Income is a recurring payment from any source such as salary, Social Security, a pension, unemployment insurance, disability benefits, or bank interest.

### *What kinds of income does SSI count?*

SSI counts most, but not all, of your income. There are different kinds of income, such as unearned income, earned income, in-kind support, and deemed income. It is important to understand how Social Security counts these kinds of income.

### *What is unearned income?*

Unearned income is any income that is not earned. This includes Social Security benefits, workers compensation payments, unemployment insurance benefits, private pension funds,



dividends, interest, cash gifts or any other regular unearned income you might have.

#### *How does SSA count unearned income?*

The first \$20 of unearned income is not counted. The remaining unearned income is subtracted dollar for dollar from the SSI payment; depending on your living arrangement, see above.

*For example, Mary, single, receives \$400 per month from Social Security Disability Insurance (SSDI) benefits. SSDI is unearned income. The first \$20 is not counted, but \$380 does count and will be subtracted from the SSI benefit amount. If Mary were living with others she would receive: \$697 - \$380 = \$317, her monthly SSI benefit.*

#### *What is earned income?*

Earned income includes wages or self-employment income. Wages are counted before any deductions for taxes, union dues, medical insurance or anything else. Self-employment income is counted after business expenses are deducted. SSA counts earned income differently from other types of income.

#### *How does SSA count my earned income?*

Remember if you are earning \$1,000 or more a month when you apply for SSI, SSA will very likely not find you disabled. However, if you are earning less than this amount and SSA determines you are unable to work at a level where you would be earning at least \$1,000 or more a month, SSA may find you are disabled.

If this is case, the first \$65 of your earnings will not be counted. If you do not have any other unearned income, the first \$85 of your earnings will not be counted. In addition, one half of whatever earned income remains is also not counted. The remaining income is subtracted dollar for dollar from the SSI payment; depending on your living arrangement.

*For example, Joe has a part time job that pays him \$485 gross per month. He applies for SSI and SSA determines he is unable to engage in work where he would be able to earn at least \$1,000 per month. Joe does not have any other unearned income. In order to determine how much of his earnings would count you would do the following:*

$$\$485 - 85 = \$400$$

$$\$400/2 = \$200 \text{ (this is the amount that is countable)}$$

*SSA would subtract \$200 from the maximum SSI benefit. If Joe were living alone he would receive:  $\$761 - \$200 = \$561$ .*

### *What is in-kind support?*

In-kind support is not cash; rather it is goods or services that someone else (other than a spouse or parent) gives you that you can use for food or shelter. Thus, a bag of groceries, a delivery of heating oil or a cord of wood, someone paying your rent or utility bills would all be considered in-kind support.

However, if someone pays for your gym membership, or your cable bill, or a subscription to a magazine, or for anything that cannot be used for food or shelter, then it will not be counted at all.

### *How will SSA count in-kind support?*

When you receive in-kind assistance for food or shelter its value is subtracted dollar for dollar from your SSI payment. There is a limit, however, to how much SSA is allowed to subtract from your SSI benefit. In 2011, the maximum SSA can subtract from your benefit amount, if you are a single individual is \$244.66. The maximum they can deduct from your benefit amount, if you are an SSI couple is \$357.

*For example, if someone gives you, a single person, a bag of groceries every month worth \$250, SSA will only be able to subtract \$244.66 from your SSI payment. However, if the actual value of the in-kind assistance is only \$30, then SSA should only subtract \$30. It is up to you to prove the actual value of any in-kind support you report to SSA. You can do this by showing a bill of sale or a receipt or a statement from the person who gave you the in-kind support to SSA.*

*Are there other sources of income that do not count?*

Some other examples of income that SSA does not count are home energy assistance payments, income tax refunds, loans and money received as repayment of a loan and government financed rent subsidies. This is not a complete list, but will give you an idea of what does and does not count

*What is deemed income?*

Deemed income is money from someone else that SSA counts as if it were yours. When income is deemed, SSI assumes that this other person's income is available to you, whether or not it actually is.

*What are the types of deemed income?*

There are three situations when SSA counts someone else's income to determine your eligibility. Deeming occurs between spouses, from parents to disabled children, and from those people who sponsor immigrants to the United States. Let's look at each situation.



*How does SSA count my spouse's income?*



If you are married and living with your spouse, and both of you are applying for SSI, then you will use the couple rates. However, if only one of you is blind, aged or disabled then a portion of your spouse's income will be counted as if it were yours. This is known as spousal deeming. You do not have to be legally married for deeming to happen. Under SSA rules if you are living together as a married couple, then your spouse's income will be deemed available to you. If you stop living together, whether you are legally

married or not, your spouse's income will no longer be deemed available to you the month after you split.

### *How does SSA count a parent's income when a child is applying?*

If you are a parent applying for disabled child who is under 18, a portion of your income will be counted when determining your child's eligibility. This is known as "parental deeming". Only the income of the parent(s) who lives in the same household will be counted. For more information about SSI for children, see the brochure, *SSI for Children*.

### *How does SSA count a sponsor's income when an immigrant is applying?*

If someone sponsored you so you could enter the U.S. a portion of your sponsor's income will be counted when determining your eligibility. This is known as "sponsor to immigrant deeming".

## **How Many Resources Can I Own?**



You must have limited or no resources.

### *What are resources?*

Resources are defined as cash, property, retirement accounts you own. Examples include savings and checking accounts, stocks, CDs, bonds, real property, IRAs, automobiles, life insurance, burial funds, etc.

### *When are resources counted?*

Under SSI, resources count from the first of the month, so if you don't actually have a resource in your possession on the first day of a month, it won't be counted as a resource until the following month.

*For example, if you received an inheritance of \$1,000 in October, it is income in October. If you still have that \$1,000 as of the first of the month of November then it becomes a resource.*

*What are the maximum amounts of resources I can own?*

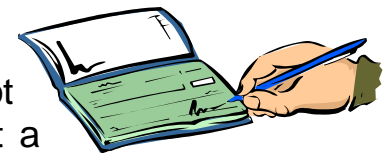
An individual can have resources of \$2,000 and a couple can have \$3,000 and still be SSI eligible.

*What kind of resources does SSA count?*

- Any property that you own, if you are not living in it as your primary residence
- Funds in bank accounts, stock accounts, bonds or other financial instruments which can be readily turned into cash and which exceed the applicable resource limit.
- All the money in a joint bank account, unless you are able to show that it belongs to someone else
- Jewelry or other goods that have inherent resale value.

*Are there resources that SSA does not count?*

There are some types of resources that SSA does not count when they determine your eligibility. This is not a complete list, but will give you an idea of what does not count.

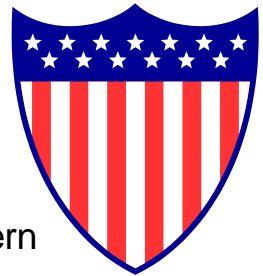


- The home you own as long as you live in it, it can be a house, a condo, or a coop
- A burial fund of up to \$1,500 plus any interest, or a life insurance policy with a cash value not exceeding \$1,500.
- Personal and household goods: furniture, kitchen utensils, clothing, television, stereo and other household equipment and furnishings
- A wedding or engagement ring
- An automobile of unlimited value, if used for transportation for the SSI individual or a member of the SSI individual's household (Other automobiles would be counted toward the limit).

- Family burial plot for each member of the household
- Tools or other equipment used for work.

### **Where Must I Live?**

As long as you live in the United States you can receive SSI benefits.



*What is included as the United States?*

The United States includes the 50 states, D.C. and the Northern Mariana Islands.

*What is not included as the United States?*

It does not include Puerto Rico, Guam or the U.S. Virgin Islands.

*What will happen to my benefits if I leave the U.S. for 30 days or more?*

If you leave the country for 30 days or more, you are no longer eligible for SSI benefits until you return and remain in the country for 30 days.

*What will happen to my benefits if I leave the U.S. for 12 months?*

If you leave the U.S. for 12 months in a row, you will be terminated from SSI and would have to apply for benefits again when you return to the U.S.

### **Must I Be a U.S. Citizen?**

No, you can be an immigrant and still get SSI. However, with the passage of the welfare reform law in 1996, only certain kind of immigrants, known as qualified aliens might be eligible for SSI.

*What is a qualified alien?*

Qualified aliens include legal permanent residents, refugees, asylees, those who have withholding of deportation, parolees who have been admitted to the U.S. for at least one year, Cuban/Haitian entrants, Amerasians, and

victims of trafficking. If you are not in one of these immigration statuses you probably are not eligible to receive SSI.

### *Can I get SSI if I am a qualified alien?*

Not necessarily. Just because you are a qualified alien does not mean you meet the immigration criteria. Only certain qualified aliens are eligible and include:

- Refugees, within the first seven years after entering the country
- Asylees, within the first seven years of receiving asylee status
- Persons granted withholding of deportation, within the first seven years of receiving this status
- Victims of trafficking, within the first seven years of receiving this status
- Qualified aliens who were lawfully residing in the U. S. before 8/22/96 and who are now blind or disabled
- Qualified aliens who are on active duty in the U.S. armed forces, or honorably discharged veterans and their dependents
- Legal permanent residents (these are people with a “green card”) who entered the U.S. prior to 8/22/96 must have 40 quarters of coverage under the Social Security system
- Legal permanent residents (these are people with a “green card”) who entered the U.S. on or after 8/22/96 must have 40 quarters of coverage under the Social Security system and have been present in the country for 5 years.

### *What are quarters of coverage?*

When you work both you and your employer pay a certain tax called a FICA tax. This tax goes to the Social Security Trust Fund, which is your contribution to the Social Security system. In 2011, when you earn \$ \$1,120 you receive one quarter of coverage with Social Security. You can only

receive a maximum of 4 quarters a year. Under the SSI rules, legal permanent residents must have 40 quarters with Social Security to be eligible to receive SSI. U.S. citizens and other immigrants do not need quarters to receive SSI.

*Do I have to collect all 40 quarters on my own?*

If you are a legal permanent resident, you do not have to collect all 40 quarters on your own work record. You can use your spouse's quarters of coverage. But the work performed by your spouse must have been done while you were married. Any work performed before you were married does not count. And your husband or wife's work record can only be counted while you remain married. So, if you divorce you will no longer be able to use these quarters. But you would be able to keep the quarters if your spouse dies.

*Can my child collect quarters on my record?*

Yes, a disabled child can use the work quarters collected by both parents, as long as the quarters were earned before the child's 18th birthday.

## **How Do I Apply for SSI?**

You can apply for SSI at your local Social Security office either by phone or in person. You can also start a claim over the Internet, although you must finish the process either by phone or in person.

SSA no longer uses a paper application. If you apply in person or over the phone, the SSA worker will ask you a series of questions, which you must answer. The SSA worker will input your answers into the computer system.

In addition, disability applicants must fill out 3 reports: a disability report, a work history report form, and an authorization to disclose information to SSA, so SSA can contact your doctors to get your medical records.

*What kind of documents must I give to SSI??*

You must be able to prove all the statements you made on the application, including proof of identity, proof of income, proof of resources, proof of

residency, proof of age, disability or blindness, proof of citizenship/immigration status.

If you are applying for SSI-disability you should also have a list of the names, addresses and phone numbers of the doctors, psychologists, clinics or hospitals which have treated you, including the dates and location of any hospital admissions. A list of your medications may also be helpful.

If you can obtain a copy of your medical records from each place you have been treated it can speed up the processing time. Additionally, it will be helpful if you can get your treating doctor to explain why she or he believes you have not been able to perform any work for the last 12 months or why you are not expected to be able to perform any work for the next 12 months.

*How soon will I receive a decision?*

SSA regulations do not state any specific time frames under which SSA must make a determination regarding your application. SSA says the application process takes a minimum of 4 to 6 months to process a disability application, if all necessary documentation is submitted timely. It may take longer if all required documentation is not submitted timely. The period of time to process claims for aged and blind applicants is shorter.

The Social Security Administration will notify you in writing once it has made its decision. This is known as the initial determination.

*If it is taking a long time, can I do anything to make SSA go faster?*

You may want to contact your local elected official and ask if they would call SSA to see if they can make SSA go faster.

### **How Do I Keep SSI?**

You have to continue to prove that you meet all the eligibility criteria even after you are first approved. This is called a redetermination.

*What kinds of eligibility criteria are included in the redetermination?*

SSA will periodically re-determine both your financial and medical eligibility.

*What is my financial eligibility based on?*

Financial eligibility is based on your income, resources, and living arrangements.

*How often does a financial redetermination take place?*

A financial redetermination usually takes place once a year.

*What is my medical eligibility based on?*

If you are receiving SSI-disability benefits, SSA will conduct a Continuing Disability Review (CDR). A CDR will re-evaluate your disability to see whether you still meet SSA's disability standard. The NYS Division of Disability Determination (DDD) will look over your medical evidence and will determine your initial disability as well as ongoing disability.

It is important that you respond to the CDR. If you do not respond, SSA can discontinue your benefits.

*What happens during a CDR?*

Generally, the DDD will review whether there has been any medical improvement in reference to your disability. They will consider the impairments which were present during the most recent decision regarding your disability, as well as any other impairments that you may currently suffer.

*What happens if there is no medical improvement with my condition?*

If there is no medical improvement, the CDR ends and your SSI benefits continue, even if you are working at the time of the CDR.

*What happens if there is medical improvement with my condition?*

Just because your condition has medically improved does not mean your SSI benefits will automatically end. The DDD must still determine whether you are able to engage in work at a level where you would be earning at least \$1,000 per month.

*Are there any other ways that I can lose my benefits?*

If new or improved diagnostic tests show that your impairment is not as disabling as it was considered when the case was most recently reviewed, or significant proof shows the prior determination about your impairment was a mistake you may lose your SSI benefits

*How often is a medical redetermination performed?*

A redetermination is usually done once every 1 to 7 years depending on how severe your disability is

*Do I need to tell SSA about any changes that happen before my re-determination?*

Yes, once you are approved for SSI you must report any changes that might affect your eligibility for SSI.

*What kinds of changes must I report?*



You must report the following changes:

- Income or resources, including if you return to work
- Moves or change in address
- Persons moving in and out of the household
- Death of a household member
- Changes in help with living expenses
- Entering or leaving an institution
- Marriage, separation, or divorce or change in “holding out” status
- Leaving the U.S. for more than 30 days in a row and the date of return to the U.S.
- Changes in school attendance (if under age 22)
- Death of the recipient
- Fugitive felons status (fleeing prosecution, unsatisfied warrants, probation and parole violation)

*When should I report a change?*

You should report a change within 10 days after the month in which the change occurred.

*What happens if I don't report changes to SSA?*

If you fail to report any changes as soon as they occur, you can be charged with an overpayment (or underpayment) of benefits. The longer a change goes unreported the bigger the overpayment (or underpayment) grows.

### **What are My Rights if I am Denied SSI?**



When your application has been denied, you have the right to file an appeal. This begins what can be a lengthy, multi-step appeal process. Each step must be taken in the correct order and you cannot avoid taking any step if you wish to keep your claim active in the hope of eventually winning SSI benefits.

*What are the time limits?*

All appeals must be filed within 60 days of receiving a denial notice. SSA adds on 5 days for mail delivery. If you miss that deadline you must show that you had good cause for late filing or you will have start over again by filing a new application.

*What is good cause?*

Good cause means that you were very sick during the appeal period and could not contact SSA in time, or that you had a death in your close family, or that you received wrong information from someone at SSA or from some other official government source about the filing requirements, or that you have a severe physical or mental impairment or language problem that prevented you from understanding how to file an appeal.

*What are the steps in the appeals process?*

In NYS, the Social Security Administration (SSA) appeals process depends on whether the issue you are appealing relates to disability or to some other

issue. If it relates to disability there are two levels of appeal: an ALJ hearing and Appeals Council review.

If you are appealing an issue that does is not related to disability, there are three levels of review: the reconsideration, the Administrative Law Judge hearing and the Appeals Council.

Finally, if you are not happy with the decision at the end of these steps, you can ask for a judicial review.

### *What is an Administrative Law Judge (ALJ) hearing?*

If your claim for disability is initially denied, you should request an ALJ hearing. Most ALJ hearings have to do with the denial of a disability claim. However, ALJ's can consider any issue that is properly appealed.

### *How long must I wait for an ALJ hearing?*

From the time you ask for an ALJ hearing until the hearing is scheduled it can be as much as a year.

### *What happens during an ALJ hearing?*



At an ALJ hearing you can testify yourself and you can bring witnesses to testify for you. You can ask the ALJ to issue subpoenas or requests for any records that you cannot obtain by any other means. A tape recording is made of everything said during the hearing.

### *What happens after the ALJ hearing?*

After the hearing it may take several weeks to several months for the ALJ to issue his or her decision, which will be in writing. If the ALJ approves your claim you need not do anything further.

### *What if the ALJ denies my claim?*

If the ALJ denies your claim, and you wish to continue pursuing it, you must file a request for Appeals Council review within 60 days.

### *What is an Appeals Council Review?*

The Appeals Council is a body that is located in Falls Church, Virginia. It is the final step in administrative review of SSI claims. Unfortunately, the Appeals Council takes even longer than ALJ hearings to decide cases. However, any additional evidence collected while you wait can be submitted to the Appeals Council as long as the condition is related to something that the ALJ considered, not a totally new condition.

### *What happens after an Appeals Council denial?*

If the Appeals Council continues to deny the claim there is the possibility to take the case to federal court. This is a judicial review.

### *Do I need a lawyer to appeal a denial?*

While it is not required, it is helpful to have a lawyer through the SSI appeal process. This is especially true at an ALJ hearing. Your representative need not be a lawyer but if you want representation you should try to find someone who is familiar with SSI rules and regulations, because a representative who is not familiar with SSI cannot be very helpful to you. A lawyer can also help you decide whether to file further appeals.

### **Where Can I Turn for Help?**

Representation can be found at many Legal Services and Legal Aid offices around NYC for individuals seeking SSI. For individuals seeking both Social Security Disability Insurance and SSI, you may not qualify for free legal assistance. However, private attorneys can charge a fee only if you win, and SSA must approve the fee before it can be paid. Some private attorneys and paralegals in private practice also handle SSI only cases. Any fee they charge must be approved by SSA. You can get a listing of attorneys from SSA.

#### **Find a Lawyer**

[www.Lawhelp.org](http://www.Lawhelp.org)

#### **Legal Aid Society**

[www.legal-aid.org](http://www.legal-aid.org)

**Urban Justice Center  
Mental Health Project**  
(646) 602-5600 x64

**Social Security Administration**  
(800) 722-1213  
[www.socialsecurity.gov](http://www.socialsecurity.gov)

**Center for Benefits and Services** (*legal assistance not provided*)  
(212) 614-5552  
[www.cssny.org](http://www.cssny.org)