
Social Security - The Basics

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SSDI, SSI – what’s the difference?

- SSDI (Social Security Disability Insurance)
 - a/k/a RSDI “Retirement, Survivors and Disability Insurance”
 - based on earnings and work quarter credits (yours or eligible spouse’s)
 - SSI (Supplemental Security Income)
 - needs-based payment
 - replaces or supplements SSDI, other income
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Read Your Social Security Benefits Statement

Do I have enough work credits for SSDI?

Am I entitled to claim on my spouse's record?

Will my dependents get benefits?

How much will my monthly benefit be?
(SSDI varies by taxes paid to FICA, length of work history)

Applying for SSDI or SSI

Must be in writing.

Can begin process (called “protective filing date”) by phone (1-800-772-1213) or on-line (www.socialsecurity.gov)

Not complete until you sign application.

Don't wait!

When should I apply for benefits?

- If you are disabled . . .
 - If you have stopped working . . .
 - If you have cut down on your work significantly . . .
 - If you anticipate one of the above. . .
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Determining Disability

- **“Disability”** is a legal term, not a medical term.

Your doctor will not determine disability and may not have a role in Social Security’s determination.

- Social Security is responsible for determining disability.
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Disability – Sequential Evaluation

5 steps:

1. are you working*?
2. do you have a severe* medical condition?
3. does your medical condition meet* or equal* a listed condition?
4. can you do your past work*?
5. can you do any work*?

*defined terms

Medical Listings

- 14 “body systems”
 - § 13.00: Malignant Neoplastic Diseases, includes ovarian cancer (13.23 E)
 - You can “meet” the listing (i.e., non-germ-cell tumor implanted on the bowel surface)
 - You can “equal” the listing (i.e., recurrent tumors that are not malignant but result in repeated hospitalizations and surgeries)
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Medical-Vocational Guidelines (Grid)

- Steps 4 & 5
 - Involves determinations of:
 - Age
 - Education
 - Work History, skills
 - Residual Functional Capacity (the most someone can physically do despite specific limitations caused by their medical conditions)
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What you will need when applying

- Social Security number
 - Birth certificate or other proof of age
 - Names, addresses of medical providers
 - Employment history for last 15 years
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What you will NOT need when applying

- Medical records themselves
- Statements from medical providers

Remember: Application dates matter,
Don't wait until you have
everything to apply.

Keeping Social Security informed

Keep Social Security informed if:

- You move
- You change doctors
- Your doctor says something new
- You go into the hospital
- You start to work

Note where & when you called, who you spoke to.

Keep copies of paperwork!

Keeping Social Security informed

Use toll-free number sparingly! Check information with local office.

Important information – go to your local SSA office or call them:

- ❑ Minneapolis – (612)870-2004
- ❑ Brooklyn Center – 1(866)602-3259
- ❑ Edina – (952)831-9026

Get the name, number (& extension) of claims representative

What if I get Denied?

Appealing a Social Security decision

1st Application >>> initial determination

2nd Reconsideration >>> reconsideration
determination

3rd Administrative law judge, hearing stage

Then, Appeals Council, Federal Court

60 days to appeal (plus 5) at each stage

Must be in writing (on their forms)

Calling does NOT count

It's Worth it to Appeal

Initial applications – 51% denied

Reconsideration requested – 80% denied

Administrative Law hearing – 65% approved

Appeals can be expedited if your condition changes significantly.

Will I need a Lawyer?

Social Security's duties:

- Assist with paperwork when requested
- Develop the record (i.e., gather medical records)
- Gather information from you
- Schedule “consultative evaluations” when necessary

You don't need a lawyer to do these things.

Finding a Lawyer When You Need One

- Hennepin County Bar Association
(612)752-6666
 - National Organization of Social Security Claimants' Representatives (NOSSCR)
(800)431-2804
 - Cases are “contingency” cases (pay if you win, a percentage of back pay)
 - Ask friends, “interview” prospective attorneys
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How can I help my case?

- Be aware of your symptoms and how they impact work.
 - Keep a diary and an appointment calendar.
 - Don't work beyond your capacity.
 - Know your benefits and plan accordingly.
 - Ask questions, know which decisions are up to you.
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What if I get approved? “Back Benefits”

Date of disability vs. date of eligibility -

SSDI eligibility = 5 mo. after onset of disability, up to 12 months before application

SSI eligibility = disabled, application on file, eligible month after application month

Non-disability criteria: income, assets

- Income, earned and unearned, effects SSDI and SSI differently
 - SSI – “need based,” all income counts.
 - SSDI -
 - Earned (work) income counts over certain limits. There are “work incentives”
 - Unearned income (i.e., long-term disability, pensions) depends on source. Check with insurer.
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Non-disability criteria: income, assets

- Assets/resources for SSI

 - \$2000 asset limit for single adult

 - \$3000 asset limit for couple

 - (and MA: \$3000 asset limit for single, \$6000 for couple)

- SSDI does not have asset/resource limits
