

Social Security Disability Benefits

Social Security Defines Disability as:

- The inability to engage in **SUBSTANTIAL GAINFUL ACTIVITY** by reason of any **MEDICALLY DETERMINABLE PHYSICAL OR MENTAL IMPAIRMENT**
- Which can be expected to result in death or which has lasted or can be expected to **LAST FOR A CONTINUOUS PERIOD OF NOT LESS THAN 12 MONTHS.**
- To meet this definition, a claimant must have a severe impairment(s)
- that makes him/her **UNABLE TO DO HER PAST RELEVANT WORK** or
- **ANY OTHER GAINFUL WORK** that exists in significant numbers in the national economy.

What this means is really defined in the
evaluation process

5 step sequential evaluation process

1. Is the claimant engaging in Substantial Gainful Activity (SGA)

- This is an amount set by Social Security annually which determines if your current work is in excess of the amount a disabled person is allowed to earn
- The amounts differ in Blind claims vs Low Vision claims

Blind SGA currently is \$2,110

Low Vision SGA is \$1,260

SGA is determined based upon gross earnings minus

- The value of special accommodation you receive from your employer
- Impairment related work expenses or blind work expenses
- Subsidies in employment
- There are special rules for self employment
 - If no SGA, then

2. Does the claimant have a severe impairment

- Impairment must be medically determinable
- Impairment must meet the 12 month durational requirement
 - If yes, then

3. Does the impairment Meet or Equal a Listing

- Blind Listings are found in Listings 2.02-2.04. They require
 - Remaining vision in the best eye at 20/200 or less after best correction. Or
 - Limitation of vision field as defined. Or
 - Loss of visual efficiency as defined
- There is no Listing for Low Vision
- If a Listing is Met or Equaled, Disability is awarded.
 - If not

4. Can the claimant perform their
Past Relevant Work

Past work is work done in the 15 years prior to the onset of disability and is broken down by categories, physical, non-exertional and cognitive requirements

Physical requirements

Job duties are categorized as

- Sedentary: Lift no more than 10 pounds, sitting six hours out of an eight hour day, with two hours of standing and walking
- Light: Lift 20 pounds occasionally and 10 pounds frequently with the ability to stand or walk six hours per eight hour day
- Medium: Lift 50 pounds occasionally and 25 pounds frequently with unlimited standing/walking
- Heavy: Lift 100 pounds occasionally with frequent lifting or carrying of objects weighing up to 50 pounds

Non-exertional

What was required in past work for activities such as bend, squat, kneel, reach and see

Cognitive requirements: Job duties are characterized as

- Unskilled: Work which needs little or no judgment to perform, and can be learned in a short period of time
- Semi-skilled: Work requiring some skills but does not involve more complex work duties. May require alertness and close attention to watching a machine process or inspecting or testing. Generally, semi-skilled work involves a training period of less than three months
- Skilled: Work requiring the use of judgment and may require dealing with people, facts or figures or abstract ideas at a high level of complexity, judgment to determine what machine or manual operations are to be performed in order to obtain the proper form, quality or quantity of material produced

Once we have the past work categorized we look to see if the **RFC** matches the past work

RFC or Residual Functional Capacity
means what the claimant is able to do
despite the impairment

If the RFC and the Past Work match,
no disability and the inquiry ends. If
they can't do the past work, then

5. Is there other work the claimant can do in light of their age, education, transferable skills and RFC

Age categories

- Younger: Under age 50
- Closely approaching advanced age: 50-54
- Advanced age: 55 and older
- Closely approaching retirement: age 60 and older

Education categories

- Illiterate
- High school
- More than high school

Transferable work skills

Applied to a Grid System or use of a Vocational Evaluator

If you can't do other work, **DISABLED**

Special Blindness Rules

- SGA is higher than non-blind
- Special Rules at age 55. If you can only do lesser work, you are entitled to being found disabled. You only get cash benefits if you are earning less than SGA.
- In an SSI claim, there is no 12 month durational requirement
- Special Rules apply to determination of SGA in self-employment

Low Vision claims are evaluated as all other disability claims. Evaluation of all symptoms which are due to the
Low Vision

How to Get Benefits

- Application
- Reconsideration
- Hearing
- Further Appeals

Benefit Programs

SSI

- Needs based program
- Benefit is cash payment and Medicaid

SSDIB

- Based upon insurance premiums paid into Social Security
- Must be fully and currently insured
- Benefits are cash and Medicare
- Minor children may be entitled to a benefit