



# CENTRAL VIRGINIA LEGAL AID SOCIETY

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## Supplemental Security Income (SSI) Benefits

### What is SSI?

SSI is a federal program that pays monthly payments to aged, blind and disabled people. You must have low income and low resources or property. The Social Security Administration (SSA) runs the program. Unlike the Social Security program, SSI is like a welfare program. You don't need to have worked or paid Social Security taxes to get SSI.

### Who can get SSI benefits?

To get SSI, you must have low resources. This means less than \$2,000 in countable resources for one person. This means less than \$3,000 in countable resources for a couple. Your home and all property next to it, a motor vehicle, household goods, furniture, and clothing are not counted. You also must have low income. You must be aged, blind or disabled.

### What if I have too many resources to get SSI?

If this happens, you may become eligible for SSI by reducing your resources below the limit. However, *if you give away or sell resources for less than what they are worth, you will be found ineligible for SSI for a long period of time.* You will be asked about any resources you transferred in the last 36 months. Transfers that you make after you are eligible for SSI also can result in you being ineligible for SSI for a long period of time

### Who can get SSI benefits based on age?

To get old age benefits, you must be 65 or older. There are no early "old age" benefits as with Social Security.

### Who can get SSI benefits based on blindness?

To get blind benefits, you must be legally blind. This means your vision in your worse eye can't be corrected to at least 20/200.

### Who can get SSI benefits based on disability?

To get disability benefits, you must have a serious physical or mental impairment, or combination of impairments. You must show with medical evidence that your impairment(s)

keeps you from working at your old job or any other job. You also must show your disability has lasted or will last for at least 12 months in a row. You can apply for disability benefits at any age. It is harder for people under the age of 50 to get disability benefits unless they are very severely disabled.

### **Can children get SSI benefits based on disability?**

Yes, but it is hard. In a Child's SSI disability case, SSA looks at how a child functions in six areas. These are: (1) acquiring and using information, (2) attending and completing tasks, (3) interacting and relating to others, (4) moving about and manipulating objects, (5) caring for self, and (6) health and physical well-being. To be disabled, a child must have *two* marked limitations, or *one* extreme limitation.

A marked limitation means the impairment is **serious**. It means the child is functioning at a level  $\frac{2}{3}$  (67%) that of the child's chronological age. (For example, a 12 year old functions like an 8 year old child.) An extreme limitation means the impairment is **very serious**. It means the child is functioning at a level  $\frac{1}{2}$  (50%) that of the child's chronological age. (For example, a 12 year old functions like a 6 year old child.)

### **Are there other rules to get SSI?**

Because SSI is based on need, you must apply for all other benefits for which you might be eligible. This includes Social Security, Veterans' benefits, and private pensions. You must live in the United States. You also must be a citizen, a legal permanent resident, or in the country under color of law.

### **How much are SSI benefits?**

In 2022, the most you can get from SSI is \$841 a month for one person and \$1,261 a month for a couple. These amounts change each year when the government makes a "cost of living adjustment." This is a change that accounts for inflation. You can get both Social Security and SSI. However, your Social Security check must be less than the SSI amount. In this case, you get both Social Security and SSI. Your total will be \$20 a month more than the SSI amount.

### **How do I apply for SSI benefits?**

You apply for SSI at your local SSA District Office. When you apply for SSI, you also can apply for Supplemental Nutrition Assistance Program (SNAP) benefits at the same time. Do this by telling the worker at the SSA office you want to apply for SNAP benefits.

You also may be eligible for Medicaid. However, you must make a separate application for Medicaid. You must do this at your local Department of Social Services (DSS) office. You should apply for Medicaid as soon as possible after you apply for SSI. You should make sure the DSS worker knows you have applied for SSI. You also should make sure the DSS worker

lets you apply for Medicaid. Usually, you will not be found eligible for Medicaid until you become eligible for SSI.

### **What happens after I apply for SSI benefits?**

There are five steps in an SSI case.

- Initial decision. This is a paper review of your medical evidence and work history. Most people are denied at this step.
- Reconsideration. This also is a paper review of your medical evidence and work history. Almost everyone is denied at this step.
- Hearing before an Administrative Law Judge (ALJ). This is your first and only chance for a face-to-face meeting with the person who will decide your case. About half of the people who get to this step are approved.
- Appeals Council. This is a paper review of all the evidence and testimony before the ALJ. Almost everyone is denied at this step.
- Federal court. This also is a paper review of all the evidence and testimony before the ALJ. You have a better chance to win here than before the Appeals Council, but not as good a chance as before the ALJ.

### **Can I appeal an SSI denial?**

SSA will give you a written decision at each step. You may appeal a denial at each step. You must do this within 60 days of getting the decision. If you disagree with any decision on your SSI case, you have 60 days to appeal in writing. You file your first three appeals with SSA. Your fourth appeal is filed with your local federal court. You need a lawyer to do this.

### **Do I need a lawyer to get SSI?**

You may be able to do this, but it is not recommended. Getting SSI based on disability is hard. You may lose income or other rights if you don't know the law.