

Social Security Benefits

Are you or your relative entitled to Social Security Disability Benefits?

Mental illness, like a physical illness, can be disabling. Persons with a serious mental illness are just as entitled to disability payments as persons with a serious physical illness. If you or your relative has a mental illness such as schizophrenia, obsessive-compulsive disorder, manic depression, or another disabling brain disorder (mental illness), you may be entitled to benefits from the Social Security Administration. For all inquiries, call the Social Security Administration at **1-800-772-1213** or visit their website at www.ssa.gov.

What are Social Security Disability Benefits?

The benefits include cash payment that averages \$900 per month. In most states, Social Security Disability Insurance comes with Medicare and Supplemental Security Income with Medicaid, although some states have different names or slightly different programs. Often the Social Security Disability benefit is the most important benefit because many states tie a Social Security Disability finding to eligibility for local programs.

Who receives disability payments?

Millions of Americans receive Social Security Disability benefits each year, and each year more than 2.5 million new applications are filed. The Social Security Administration defines disability in terms of ability to work. Persons who cannot work for a year or more, or whose condition is likely to result in death, may qualify for benefits. Disability examiners at state agencies, consulting with SSA doctors, determine disability based on clinical evidence and examinations. Unfortunately, these examiners do not meet the applicants.

What specific disability program might I be eligible for?

You could be entitled to receive payments from one, or both, of two Social Security programs: Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI). SSI is for persons who are disabled, poor, and unable to work. SSDI is for persons who are disabled and unable to work, but who have worked in the past, or whose parents have worked and paid into the social security trust fund. The most SSI will pay for 2007 is \$623 a month for an individual. About half the states supplement SSI, which

increases cash benefits. The amount you may be entitled to from SSDI can be much larger, depending on work history, but the average payment is about \$900 per month.

How do I apply for Social Security benefits?

All disability claims start with an application to Social Security. This may be done in person, or electronically over the internet at www.ssa.gov. Or call any local Social Security office or the national toll free number: 1-800-772-1213. Family members or guardians should call SSA to find out what procedures they should follow.

If it's clear I have a disability, will I automatically receive benefits?

No. The Social Security Administration has four basic standards for determining disability:

1. **Earnings** - Generally, if you make \$900 a month or more in 2007, you will not be considered disabled. Some expenses directly related to your and that enable you to go to work may be deducted.
2. **Severity** - If your condition does not interfere with basic work-related activities, your claim will be denied. SSA must consider all your severe medical problems in combination, so make sure you tell them about each medical problem that affects your ability to work.
3. **Checklist** - If your condition(s), either individually or in combination, meet or equal the medical criteria on a list of disabling impairments maintained by Social Security, SSA will usually decide your case fairly quickly.
4. **Type of work** - If you cannot do the work you did in the 15 years before you became disabled, SSA looks to see if you can do any other kind of work, taking into account your age, education, past experience and skills. If you cannot sustain work, at a competitive pace, day after day, you may be found disabled.

What does an application involve?

A claim representative will conduct an in-depth interview in person or over the telephone with the applicant and ask you to complete a variety of application forms. The representative will ask about the applicant's disability, medical history, leisure time activities, and financial status. This process can be difficult particularly if the applicant is experiencing symptoms or if the interviewer is not skilled. You may want a relative or friend, or a representative or lawyer, to accompany you to provide support and assistance.

After the interview is complete, what's the next step?

A caseworker from SSA and a caseworker from the state Disability Determination Service (DDS) share responsibility for determining eligibility for disability programs. The SSA caseworker will focus on financial eligibility while the DDS caseworker will focus on medical and functional information. A decision should be reached within three months from the application date. This happens rarely, however. The process will more

likely take six months. It's a good idea to call and check on the status of the application. The DDS caseworker will NOT meet with you.

What are the chances of receiving benefits?

Good, if you are willing to be persistent. Two out of three persons who apply for disability benefits are initially rejected, although the rejection rate varies widely from state to state. These applications are often rejected for what appear to be arbitrary reasons. If you appeal an initial rejection until you get a hearing with a judge – and most persons do not appeal – your chances of obtaining benefits improve. In 2004, over 60% of disability cases that were appealed to an administrative law judge were won by beneficiaries.

If the application for benefits is turned down, what can I do?

There are four levels of appeal. You can:

1. Ask for **reconsideration** by another decision maker to determine whether the initial decision was proper. More than 90% of all reconsideration requests are denied.
2. Ask for an **administrative hearing**, which is a formal but private hearing before an administrative law judge. You may request a hearing before a judge if you disagree with the reconsideration decision. Such judges try hard to remain objective. In 2004, 64% of disability cases appealed to these judges were decided in favor of beneficiaries.
3. Ask for a review by the **SSA Appeals Council**. This council reviews decisions by administrative law judges. The council usually leaves judges' decisions unchanged about 70% of the time. Note that SSA has begun to do away with this appeal step, starting in the New England region on August 1, 2006. Those applicants will have to go to federal court.
4. Appeal a denial of disability benefits to a **U.S. Federal District Court**. Although relatively few cases get to federal court, almost 50% of applicants got some positive relief.

What if I was denied benefits in the past?

You can reapply. In some cases, you can reapply while an earlier unfavorable decision is on appeal. There may even be ways to “reopen” an old unfavorable decision; usually expert help is necessary to do this.

If I have other questions, where do I go for answers?

Call the Social Security Hotline at **1-800-772-1213** between 7 a.m. and 7 p.m. EST weekdays. The best times to call are early in the morning and early in the evening, in the middle of the week, and in the middle of the month. It may be worthwhile to call more than once and get a second opinion, or to consult with an attorney.

Two national groups have referral lists of representatives who can help you with your claim: The National Association of Disability Representatives (NADR) at 1-800-747-6131, or the National Organization of Social Security Claimants' Representatives (NOSSCR), at 1-800-431-2804.

Updated January 2007

Permission is granted for this fact sheet to be reproduced in its entirety, but it must include the NAMI name and logo.