

Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

Applying for Social Security Disability Benefits

What are SSI and SSDI?

Both **Supplemental Security Income (SSI)** and **Social Security Disability Insurance (SSDI)** are federal programs, administered by the Social Security Administration, that provide financial assistance to eligible individuals. An individual can be eligible for both SSI and SSDI.

- **SSI** is available to individuals age 65 or older and/or individuals with disabilities whose combined income and resources are below a specified amount.¹
- **SSDI** is available to individuals with disabilities that have worked at least five out of the last ten years, with some exceptions, and paid social security taxes.²

How does the Social Security Administration define disability?

According to the Social Security Administration (SSA), an individual with a disability is someone that:

- is unable to do **substantial gainful activity**;
- has a medically determined physical and/or mental impairment that is expected to result in death or is expected to last for at least 12 months.³

Substantial gainful activity (SGA) is work that involves significant physical and/or mental activity and is done for pay.⁴ A person who can earn more than a certain gross income is generally deemed able to perform substantial gainful activity. Although the amount changes annually, in 2022 that amount before taxes is:

- \$1,350 a month for an individual with a disability other than blindness; and
- \$2,260 a month for an individual who is blind.⁵

¹ 20 CFR § 416.110; 20 CFR § 416.202

² Social Security Administration, *Benefits for People with Disabilities*, <https://www.ssa.gov/disability/>

³ 20 CFR § 404.1505(a)

⁴ 20 CFR § 416.910; 20 CFR § 404.1510

⁵ Social Security Administration, *Substantial Gainful Activity*, <https://www.ssa.gov/oact/cola/sga.html>

Supplemental Security Income has additional limitations on the amount of resources an individual can possess. The limit is:

- \$2,000 for an individual
- \$3,000 for a couple
 - This includes, but is not limited to: the value of bank accounts, CDs, IRAs, a vehicle that is not the applicant's primary mode of transportation, stocks, bonds, 401ks, liquid assets, and property except where the applicant lives.
 - This does NOT include: the home that the applicant lives in, the applicant's primary automobile, burial plots, or certain resources set aside for burial expenses.⁶
- These additional resource limitations do not apply to applicants seeking Social Security Disability Insurance.

How do I apply for SSI or SSDI?

You can apply:

- online at <https://www.ssa.gov>;
- by phone at 1-800-772-1213 (TTY: 1-800-325-0778); or
- at your local SSA office (find your local office at <https://secure.ssa.gov/ICON/main.jsp>).⁷

When should I apply?

Apply as soon as possible. If your disability makes it hard for you to apply, you can ask SSA for help. Tell them about your disability and the kind of help you need.

How can I improve my application?

To help with the application process you should:

- Read the Disability Starter Kit online at: https://www.ssa.gov/disability/disability_starter_kits.htm.
- Gather:
 - Your Social Security number;
 - Names, addresses, and phone numbers of doctors, caseworkers, hospitals, and clinics that provided you care and the dates of that care;
 - Information about current medications;
 - If you have past work history, information about that work history and your most recent W-2 form.⁸

⁶ 20 CFR § 416.202(d); 20 CFR § 416.1201-1266

⁷ <https://www.ssa.gov/benefits/disability/apply.html>

⁸ *Id.*

- Talk to your medical care provider before applying. Your medical provider may be able to clarify why your records support your application and verify that those records appropriately reflect your disability.
- Attend any appointments SSA makes for you with their doctors;
 - These appointments should be free to you. After the appointment, make a note of how long the appointment lasted, what exams were performed, and what questions you were asked.
- Keep copies of all documents you give to SSA.
- When you provide medical information make sure that information is honest, complete, and detailed. You should talk about how your disability has affected you and your day-to-day life.

What if my application is denied?

If your application is denied and you disagree with the denial, you should appeal as soon as possible. You have **65 days** from the date on your denial letter. If you do not appeal within this time frame, you may lose your right to appeal.⁹ You can appeal by requesting a reconsideration in writing. This is done by:

- Calling the Social Security Administration and requesting a Request for Reconsideration form;
- Filling out the online appeal form at www.ssa.gov/disability/appeal; or
- Sending a note with your Social security Number and a clear statement on your wish to appeal the denial.¹⁰

A reconsideration is a review of your initial application plus a review of any new evidence. This review is done by someone at the SSA who had no part in the initial decision to deny your claim.¹¹ The SSA will then send you a letter explaining their decision. If they deny your application again, you can ask for a hearing in front of an administrative law judge.¹² You can request this hearing in the same way you requested the first reconsideration. During the hearing, you may bring witnesses and letters from medical professionals. You should also be prepared to answer questions brought by the administrative law judge.¹³ You are not required to use an attorney for the appeal process, but it may increase your chances of winning if you hire one.

If your application is denied again, you can file a new application or appeal to the Appeals Council.¹⁴

⁹ <https://www.ssa.gov/pubs/EN-05-10058.pdf>

¹⁰ *Id.* at pg. 2

¹¹ *Id.* at pg 5

¹² *Id.* at pg. 7

¹³ *Id.*

¹⁴ *Id.*