

*The Arc*

# The Road to SSI



**Navigating the Adult Social Security Disability Determination Process**



# Disclaimer

- I am NOT an attorney
  - This is for informational purposes only
  - Designed to talk you through the process and discuss information that may help in the disability determination process
- Information may differ
  - Official Social Security policies may differ from what we share
  - Sharing information of what we see occurring in real life



# Why is this an issue?

- Indiana is now a 1634 state
- Must be determined disabled by SSA to qualify for Medicaid
  - 2 exceptions
    - Children
      - Look at family income and assets
    - Those with religious objections to accepting federal benefits
      - Amish
  - FSSA Jan. 30, 2014 Stakeholder Briefing on 1634 Transition (page 25)



# When to apply for Social Security benefits

- Typically, you want to apply after the individual turns 18
- If an individual received Social Security benefits as a child, must be redetermined as an adult
  - Different eligibility requirements for adults and children
  - Process should start automatically



# Social Security disability benefits

- Two Different Social Security Disability Programs

- Supplemental Security Income (SSI)

- Designed for people who are Aged, Blind, or Disabled and have very low income and very few resources
    - Maximum benefit in 2024 is \$943 per month for an individual; in 2025, the maximum benefit will be \$967

- Social Security Disability Insurance (SSDI)

- Designed for people who have earned a certain amount of work credits in a certain amount of time and become disabled (varies by age)
    - “Disabled Adult Children” getting benefits based on a retired, disabled, or deceased parent’s work history
    - Benefit amount based on work history

- Social Security Administration decides which is appropriate



# How Social Security determines disability

- 5 part sequential evaluation process

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

- Regardless of the severity of the disability, if engaging in SGA, not disabled according to SSA
- Considers Impairment Related Work Expenses
  - Disability based transportation that an individual pays for
  - Support person
  - Production levels
- 2024- \$1,550 or \$2,590 for individuals who are blind
- 2025 - \$1620 of \$2,700 for individuals who are blind
- Child support counts toward SGA



## 2. Is the disability or combination of disabilities “severe?”

- Severe = significant limitations in the person’s ability to engage in basic work activities
- Can consider how a combination of all disabilities impact the ability to work



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3. Does the disability meet or medically equal a listed impairment?
- SSA Blue Book lists all recognized impairments
  - Meets = exactly conforms to Blue Book definition
  - Medically Equals = not exact definition; does it rise to the same level?
- Sub-part
- Determine Residual Functional Capacity
  - Ability to do physical or mental work activities on a sustained basis despite impairment





#### 4. Does the Residual Functional Capacity allow the person to perform “Past Relevant Work?”

- To be Past Relevant Work, needed to make SGA
- Any Past Relevant Work done in last 5 years
  - This is a change – they used to go back 15 years
- If the person has Residual Functional Capacity to engage in Past Relevant Work or work to SGA, not disabled



5. Can the person do any other work to achieve SGA?

- Burden of proof shifts to SSA
- SSA has book of all jobs in national economy – Dictionary of Occupational Titles
- Work exists in significant number in the national economy that the individual can do considering RFC, age, education, and experience
  - Recently made some changes and are trying to modernize the list
- SSA does not care job is close
  - Walmart Greeter
  - Movie theater ticket taker
  - Potato chip factory



# Application Process

- Now permanently online – this is a change
  - Take 2-3 hours to complete
  - List ALL diagnoses
  - Asks if anyone helped with the application
    - Yes- who and why
- Provide any and all information to help show level of impairment
- Implementing multi-year simplification process



# Types of information

- Medical information
  - Given the most weight
  - SSA will only consider records within the last three years
    - Often only tries to get medical records for last 1-2 years
  - May send individual out for testing with Social Security doctors
    - They set and pay for the appointments



# Documenting medical information

- Make appointment with doctor
  - Get information in medical records
    - LOCSI
    - RFC forms
  - Explain how disability affects daily life
  - Give concrete examples
    - Weekly migraines that require several hours to recover
    - Anxiety attacks that take an hour to recover
    - Can't maintain attention/stay on task



# Examples of Disability Related Functional Impairments

- Anxiety
  - Can't go into crowds – every time, regardless of crowd composition or if associated with desired activity
  - Can't handle high concentrations of people in a certain space, even if the number of people isn't large – every time
  - Can't handle loud situations – every time
  - Isolating himself more – withdrawing even from familiar people and situation; removes himself from family and preferred activities; daily
  - Engaging less than 10 minutes before trying to retreat from situations
  - Shuts down when questioned about anything – school, studying, what he wants for dinner, etc.; on good days, immediately says, "I don't know," as agitation visibly builds; if pressed, or if difficult day, will clench eyes closed, cover ears, and sometimes fall to ground due to overwhelming anxiety from stress of answering question
  - Rarely able to make even simple decisions anymore, even when limited to two choices; multiple times weekly
- Engages in self-talk 20+ times per day as a coping skill for anxiety
  - Higher the anxiety, the harder to pull him out of it
  - Often needs to withdraw into secluded room to recover for 20 minutes – 2 hours, depending on intensity
- Cannot engage at a minimal level with new people without engaging in self-talk; every time
- Needs to decompensate for a minimum of one hour daily after school to recover from the stress of the day, despite supports in school
- Communication
  - Significant difficulty answering how and why questions
  - Difficulty processing and expressing verbal communication
  - Can't engage in 2-3 exchange conversations
  - Had to extend classes that are language based to allow him more time to learn, process, and understand (spreading a two trimester course over three trimesters)



# Examples of Disability Related Functional Impairments

- Attention
  - Completely disengaged 30% of the time
  - Inattentive beyond the disengagement
  - Difficulty staying on task
    - Ex: Will put away 2-3 items from the grocery, then stop, despite several bags being left
    - Only does a small amount of a task, then stops; ex: will put one stack of clean laundry away but leave several others
    - Need redirection and supervision to complete tasks often
  - Difficulty establishing a routine
    - Takes a long time to establish a routine
    - Once established, has difficulty deviating from that routine
    - Increases anxiety
  - Affects ability to read and process information
  - Can't address with meds, yet, because attention meds increase anxiety; need to get anxiety under control first
  - Withdraws, even from preferred activities, multiple times per week
- Speed
  - Takes much longer to do things
    - Needs time and a half on tests at school
  - Needs regular reinforcement to keep a skill
  - Takes longer to understand and to learn
    - Classes modified to spread out material (3 trimesters instead of 2)
    - Attends help sessions weekly for extra instruction
  - Not able to hurry
  - Slow to understand concepts
- Autism
  - Had to increase the number accommodations at school so he can engage in school work
  - Had to add assistive technology to help him organize, complete tasks, reduce anxiety, access educational material
  - Can't initiate tasks without direct intervention
  - Withdraws from emotional situations or discussions, including on tv, daily
  - Must clarify obvious situations to make sure he understands what's going on, especially the social impact



# Types of information

- Nonmedical information
  - Not given as much weight as medical information
  - Can make a difference, especially at the appeals level
  - Person needs to provide any information or documentation that shows impairment





# Information to provide

- LOCSI
- Relevant Incident Reports
- Letters from Providers
- Impairment Related Work Expenses
- Job accommodations
- Employer subsidies
  - Production level



# Other Information

- VR file
- IEP
- Letters from teachers
  - What the individual needs help with
  - Speed and accommodations compared to nondisabled peers
- ADL diary
  - ABCD reports for meltdowns, anxiety attacks, etc.
  - What can do, what can't do



# Who makes the decision?

- First application
  - Disability Determination Bureau of FSSA
- First appeal
  - Back to DDB for redetermination
- Second appeal
  - Administrative Law Judge
- Third appeal
  - Appeals Council Review
- Fourth appeal
  - Federal Court
- To reapply, something needs to have changed



# National and Indiana approval rates 2023

- First application
  - National approval rate = 38.9%
  - Indiana approval rate = 34.9%
- First appeal
  - National approval rate = 15.5%
  - Indiana approval rate = 12.4%
- Second appeal
  - National approval rate = 56.8%
  - Indiana approval rate = 59.8%



# Other changes

- In-Kind Support and Maintenance
  - When someone else was subsidizing food or shelter costs
  - Counted as unearned income
  - Would reduce benefits
- Food no longer considered In-Kind Support and Maintenance
- Rent subsidies/discounts no longer considered In-Kind Support and Maintenance if over Presumed Maximum Value (\$334.33 in 2024)
- Public Benefit Household only requires one other person in the home to be on benefits



# Other changes

- If determined disabled and changing programs, like being on DAC benefits and switching from one parent's work history to the other's, individuals will no longer have to undergo a full disability redetermination process
- Updating the listings of impairments and adjusting definitions of those impairments – ongoing
- Will continue to try to streamline the application and appeals process





**The Arc**  
Indiana

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**and ask to speak to a family advocate!**  
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