



Working While Receiving Public Benefits

Issues When Working



Can I keep the job?



Will I lose my SSD [SSI, Medicaid, Medicare]?



How can I make it without waiver services?



How can I avoid getting an overpayment?



Benefits Planning Query

- **Submit SSA Form 2459 or call SSA (1-800-772-1213) to determine benefits**
- **Third parties requesting BPQY must submit SSA-3288**
- **Includes:**
 - Which benefits the person is receiving
 - When they started
 - Next medical review date
 - Whether trial work period has been completed
 - Any overpayments?
 - Prior reported earnings

The Two Primary Programs

SSI – Title XVI

- 20 CFR 416.1110 *et seq.* and 416.1225 *et seq.*; POMS SI 820.000 *et seq.*

SSDI – Title II

- Social Security Handbook, Section 506 *et seq.*; 20 CFR 404.1571 *et seq.*; POMS DI 10501.001 *et seq.*

Supplemental Security Income (SSI)

- Disabled, blind, elderly
- Must be financially eligible
- \$914/month in 2023
- State supplement (Ohio does not have)

SSDI – Three Programs

SSDI – Social Security Disability Insurance

- Insurance for disabled worker based on own earnings

CDB – Childhood Disability Benefit

- Child disabled prior to 22, on parent's account

DWB – Disabled Widow Benefit

- Surviving or former spouse of deceased insured worker ≥ 50

The Progression of SSI, SSDI, and CDB



- Jack is on SSI and begins part-time work after finishing school at 22
- Earns \$10 per hour for 20 hours/week (\$860/month gross)
 - Jack's SSI will decrease to \$526.50
 - He is accumulating work credits for SSDI
- He will earn four credits/year, so he will have 6 credits after working 18 months
- Jack will begin receiving a small SSDI benefit, which will decrease his SSI benefit further
- Jack's father retires when Jack is 40. Jack is now entitled to one-half his father's SS benefit under CDB
- When Jack's father dies, Jack will receive 75% of his father's benefit

Effect of Earnings on SSI

Earnings counted in month received

Offset benefit amount

Disregard first \$65 (\$85 if no unearned income)

Disregard $\frac{1}{2}$ of remainder

Break-even point - \$1,913/month

Student earned income exclusion (SEIE) \$2,220/mo.
(maximum \$8,950/yr.)

Jack Example (Continued)

Jack first receives \$914/month SSI

After working he gets \$860 (wages) + \$526.50 (reduced SSI benefit) = \$1386.50

Assume at age 24, Jack begins receiving \$300 SSDI on his earnings

Upon dad's retirement, assume dad's benefit is \$3,000

He will now receive \$860 wages + \$300 SSDI + \$226.50 SSI = \$1386.50

24 months after SSDI starts, Jack will begin receiving Medicare benefits

Jack will receive another \$1,200/month from dad's benefits, his own \$300 SSDI, and his wages of \$860 = \$2,660/month

SSDI – Quarters of Coverage

One work credit (quarter) is earned for each \$1,640 earned, with a maximum of 4 per year. \$6,560 earned at any time during the year gives 4 quarters

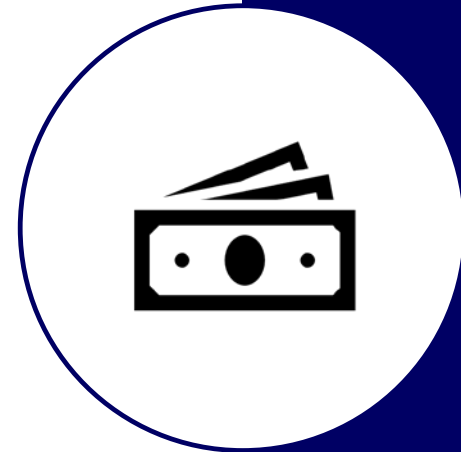
<24 years old – 6 credits earned in the prior 3-year period

Age 24 – 30 – one-half the credits they could have earned if they worked full time from age 21

Age 31 – 42 – minimum of 20 credits

Effect of Earnings on SSDI

- Earnings counted in month earned
- SSDI is all or nothing
- Earnings don't effect unless making SGA \$1,470/mo. (\$2,460 blindness)
- Disregards
 - IRWE
 - Supports/subsidization
- If steady SGA, entire benefit lost (after trial work period)



The SGA Rule

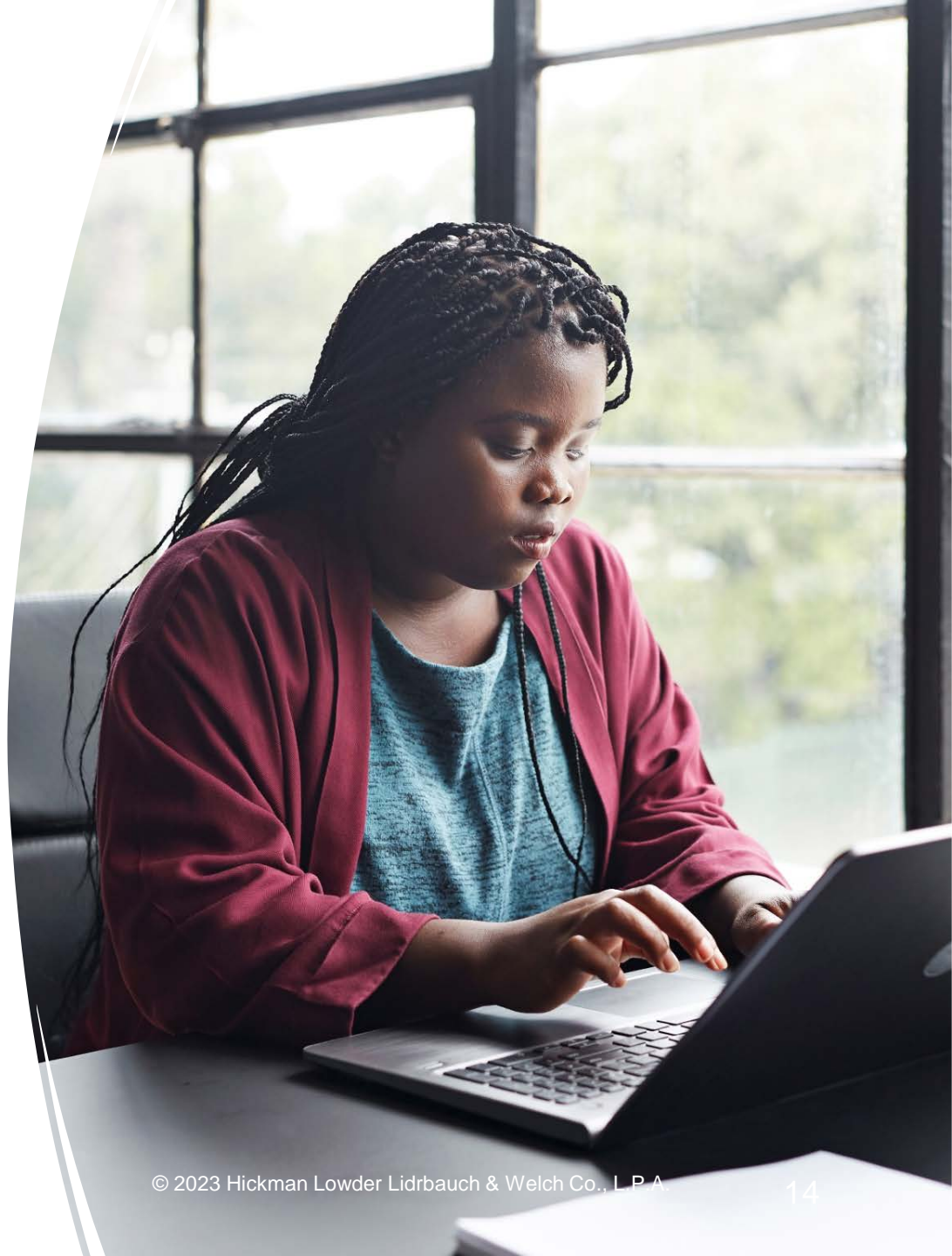
- **Substantial work activity**
 - Exerting significant mental or physical effort
 - Even if part-time
- **Gainful activity**
 - Work for pay or profit
 - Work of a nature generally for pay or profit
 - Work intended for profit

- Goods or services needed to work
- Must be paid out of pocket after starting work
- Amortization over 12 months
- Examples:
 - Durable medical equipment
 - Transportation (other than public)
 - Service animal
 - Medications

Impairment- Related Work Expenses (IRWE)

Subsidies or Supported Work

- Value of subsidies can be deducted from gross wages
- Extra supervision
- Assistance with ordinary or simple tasks
- Pay greater than productivity
- Training grants
- Job coach





Business- Related Expenses

Self-employed individual can deduct:

- Reasonable cost of business expenses
- Includes typical expenses and value of unpaid help from family members or others
- Business expenses paid by another individual or agency

SS Can Find SGA When Earnings Are Less Than \$1,470

- **Work is comparable to that of unimpaired persons taking into consideration:**
 - Energy
 - Time
 - Skill
 - Responsibility
- **If value of work is < non-disabled worker, but > SGA amount**

Avoiding Consequences of SGA Rule

- **Rebuttable presumption**
 - Amount of work completed
 - Quality of work
 - Increased supervision
 - Employer's evaluation of worth
 - Need for coach or other help
- **Income averaging rules**



Avoiding Consequences of SGA Rule (cont.)

- **Unsuccessful work attempts (UWA)**
- **< 3 months as result of impairment or removal of special conditions essential to performance of job; or**
- **>3 but <6 months for same reasons plus one of the following:**
 - Frequent absences from impairment
 - Unsatisfactory work from impairment
 - Work occurred during temporary remission
 - Work performed under special condition

Avoiding Consequences of SGA Rule (cont.)

- **Countable wages < \$1,470**
 - Deduct IRWE, subsidies, business related expenses from gross wages
 - IRWEs may include prescriptions, counseling, transportation to work, job coach or attendant, wheelchair, specialized work equipment
 - Deduct paid vacation and sick time



Trial Work Period (TWP)

- Any nine months within 60-month period
- Earnings \geq \$1,050 month or self employed and work at least 80 hours in a month
- 60 months is “rolling” forward until 9 TWP months are used
- SGA does not apply no matter how high earnings are

Extended Period of Eligibility (EPE)

- **36 months (after TWP) during which SSDI can be paid any month earnings drop below SGA as long as you still have an impairment**
- **The first time earnings > SGA in EPE, SSA may determine disability has ceased**
 - Pay 3 months benefits – grace period
 - Reinstate benefits without application if earnings < SGA





Expedited Reinstatement (EXR)

- Safety net after EPE
- Allows temporary cash benefits for 6 months if work stops within 5 years of termination of benefits, while SSA conducts disability review
- Medicare and Medicaid may be available

Conditions for EXR

SSDI stopped due to SGA, or SSI stopped for excess earned income or combination of earned and unearned

No SGA when applying for EXR

Unable to perform SGA because of medical condition

Current impairment same as or related to original impairment

Requested within 5 years

Continuing Disability Medical Review (CDR)

Seven triggers

1. SSA needs current evidence
2. Return to work and completion of TWP
3. Substantial earnings reported
4. Recipient reports recovery or return to work
5. VR Agency reports completion
6. Someone else reports to SSA
7. Other evidence raises questions

Section 301 Payments

- **Medical improvement after starting an approved vocational rehabilitation program will not stop benefits**
- **Payments continue if**
 - Person continues in program
 - SSA feels likely to get off disability



REPORTING REQUIREMENTS – SSI



You start or stop working

Change in duties, hours or pay

You begin paying expenses for work related to your disability

Monthly earnings must be reported:

- Through your personal “my Social Security” account at [SSA.gov/myaccount](https://www.ssa.gov/myaccount)
- Through the automated wage reporting telephone system by the 6th of the following month 1-800-772-1213
- Through the SSA Mobile Wage Reporting app by the 6th of the following month
- Submit paystubs to your local SS office by the 10th of the month

REPORTING REQUIREMENTS – SSDI

If receiving SSDI you must report the following:

You can report these changes by phone, mail or in person at your local office

You can report monthly wages through your “my Social Security” account at [SSA.gov/myaccount](https://www.ssa.gov/myaccount)

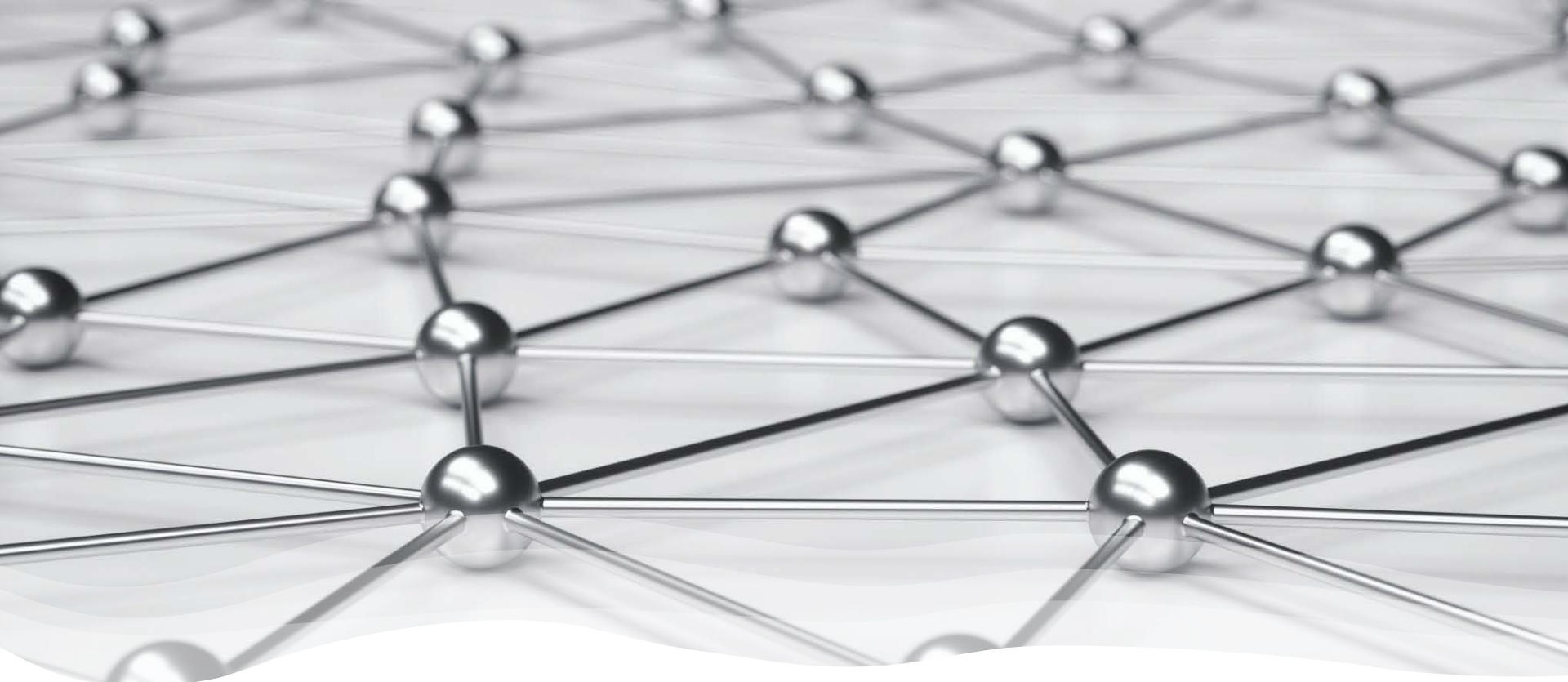
You start or stop work

Your duties, hours or pay changes

You began paying expenses related to your disability, or those expenses change

A black and white photograph of a person walking up a wide staircase in a modern building. The person is silhouetted against a bright light coming from a large window in the background, which shows a cityscape. The text "RESOURCES FOR RETURNING TO WORK" is overlaid in the center of the image.

**RESOURCES FOR
RETURNING TO WORK**



SSA Work Resources

- Work Incentive Liaison
- Area Work Incentives Coordinator
- Work Incentives Planning and Assistance Projects (WIPA)
- Work Incentive Seminar Events (WISE)
<https://www.choosework.ssa.gov/>

Other Work Resources

- State Vocational Rehabilitation providers
 - Opportunities for Ohioans with Disabilities (ODD)
- Protection & Advocacy for Beneficiaries of SS (PABSS)

PASS PLAN

Allows person receiving disability to set aside income and resources (including deemed) for a period of time to pursue a feasible work goal which will decrease the SSI substantially or, if on SSDI, achieve SGA

PASS PLAN

- Written plan – Form SSA-545-BK
- Reasonable occupational objective & projected earnings
- Summary of background
- List of sequential goals
- Planned expenditures
- Income & resources to be excluded
- Approved by SSA

Allowable PASS Expenditures

Transportation

Tuition

Business
equipment,
supplies,
inventory

Child care

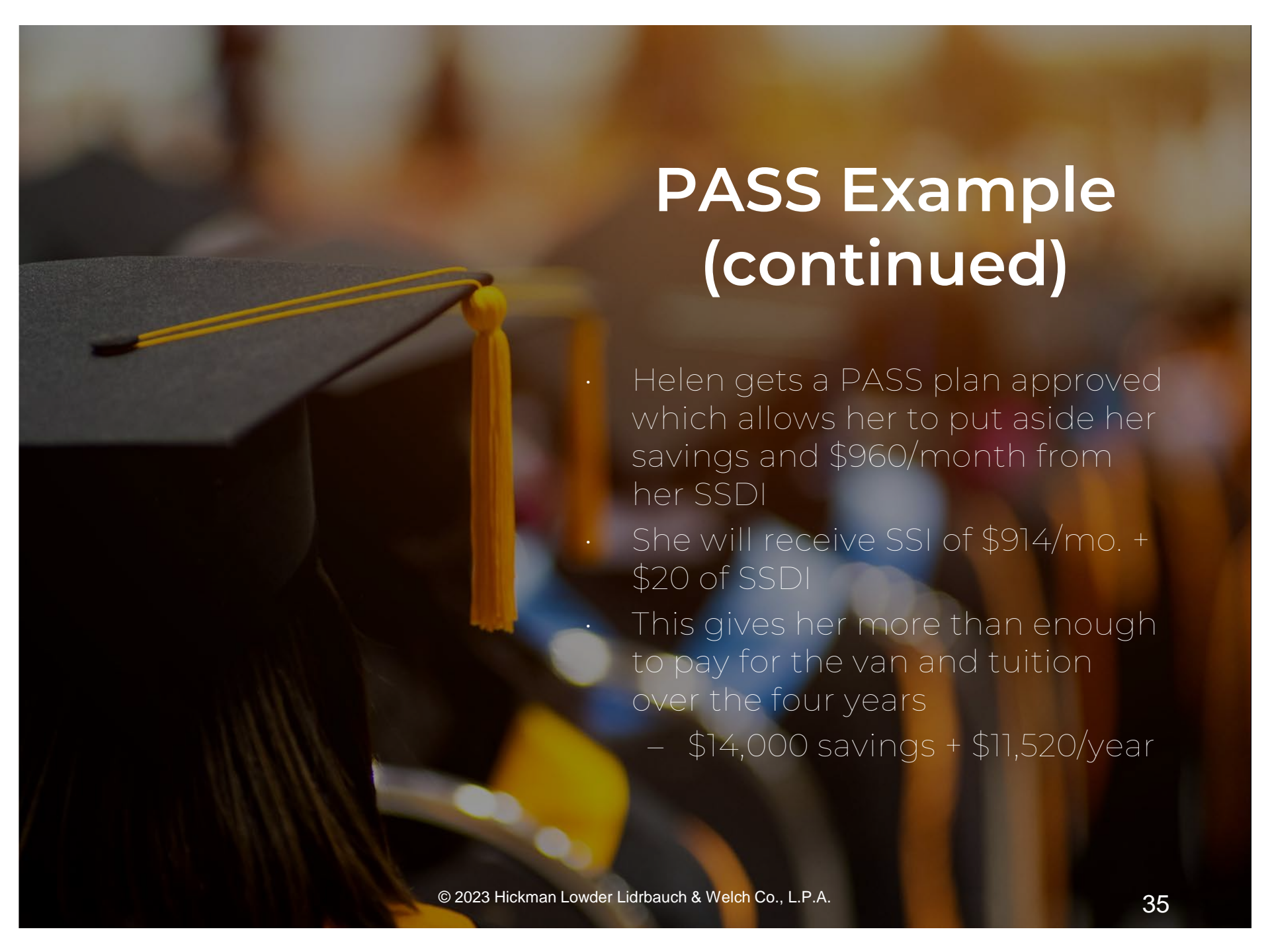
Attendant care

Meals during
work

PASS Example

- Helen, age 25, is a partial quadriplegic whose goal is to be a kindergarten teacher. She is not working now.
- She has:
 - \$14,000 saved for college
 - SSDI \$980/month
- She needs:
 - \$26,000 for a used van
 - \$24,000 for tuition





PASS Example (continued)

- Helen gets a PASS plan approved which allows her to put aside her savings and \$960/month from her SSDI
- She will receive SSI of \$914/mo. + \$20 of SSDI
- This gives her more than enough to pay for the van and tuition over the four years
 - \$14,000 savings + \$11,520/year

Ticket to Work (TTW)

Free, voluntary service which assists individual to return to work

Employment Networks (EN) are providers of services approved by SSA

Individual Work Plan (IWP) is developed by the EN and the individual

TTW Help Line 1-866-968-7842

Individual Work Plan (IWP)

- Employment goal
- Services and supports required
- Conditions under which IWP can be amended or terminated
- Individual's rights under the program
- Remedies available



TTW Progress

- Progress reviews are required for each 12 month period
- As long as the individual continues to participate and is making timely progress, SSA will not conduct any CDRs
- Cash benefits continue


TTW Eligibility

Age 18 to 64

Receiving cash
disability
payments

Not medically
improved

Only one ticket
per period of
benefits



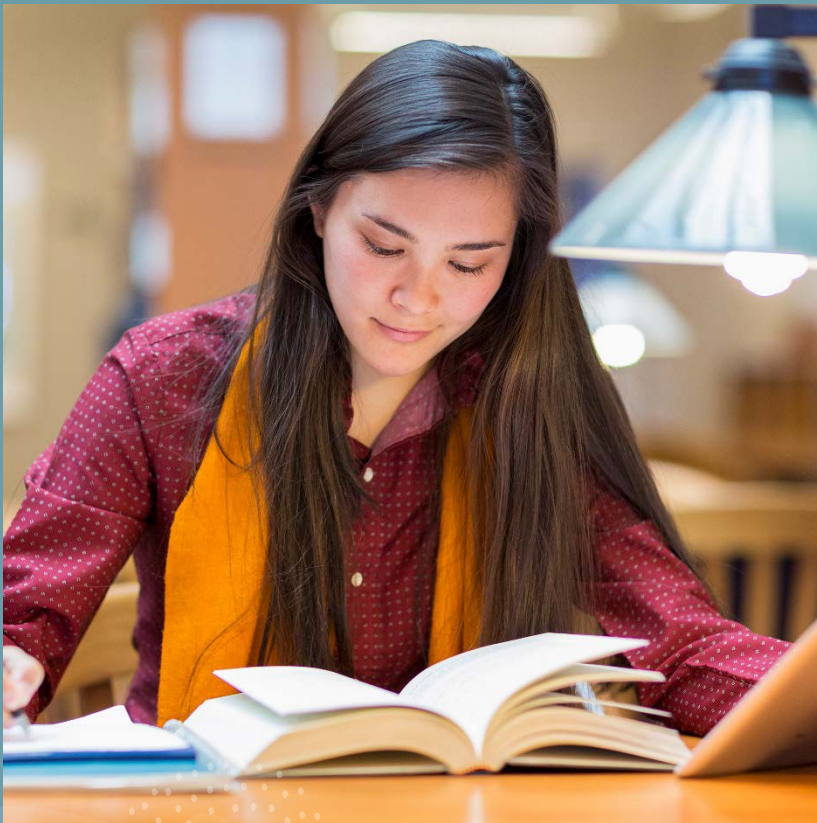
SSI-Only Work Incentives

- Earned income Exclusion
- Student Earned Income Exclusion
- Property Essential to Self-Support (PESS)
- Section 1619(A)

Earned Income Exclusion (EIE)

- **This is the basic disregard of**
 - First \$65 of income earned; and
 - 1/2 the remainder.
- **Calculation example:**
 - **Gross Income - \$665**
 - **Less \$85 disregard = \$580**
 - **One-half is countable - \$290**
 - **SSI drops from \$914 to \$624**
 - **Total gross income - \$1,289**

Student Earned income Exclusion (SEIE)



- Under age 22 and regularly attending school
- SSI will not count up to \$2,200 per month, up to \$8,950 per year, of earnings.
- This exclusion is applied before the general earned and unearned income exclusions

Property Essential for Self-Support (PESS)

SSA excludes the following property from the \$2,000 resource limit:

- Property used in trade or business
- Government permits
- Personal property used for work as an employee
- Up to \$6,000 non-business property used to produce goods or services for personal consumption or which produces income of at least 6%/annum

Section 1619(a)

- This prevents the SGA rule from applying to SSI recipients
- Must have been eligible for SSI in the month before earning SGA
- Must still be disabled and meet all other eligibility requirements
- If earnings cause SSI to zero out, 1619(b) can protect ongoing Medicaid

Extension of Medicare

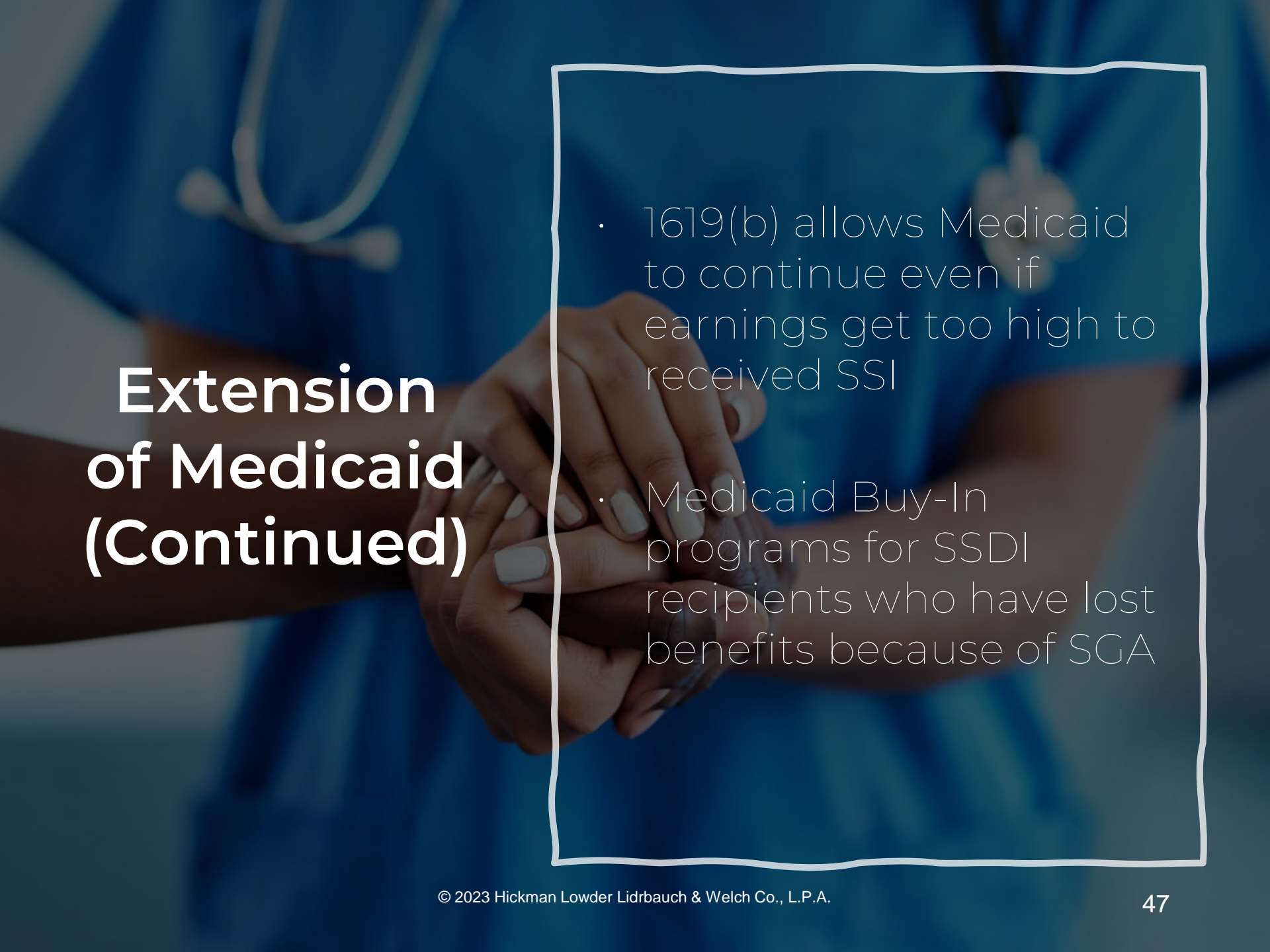
- Medicare eligibility begins in the 25th month after SSDI cash benefit begins
- If a person's benefits cease because of work at SGA, but not because of medical improvement, Medicare will continue for 93 months after the last month of the Trial Work Period





Extension of Medicare (Continued)

- After 93 months extension, the former SSDI beneficiary can purchase Parts A, B & D.
- Must have a continuing disabling impairment and lost Medicare due to work.



Extension of Medicaid (Continued)

- 1619(b) allows Medicaid to continue even if earnings get too high to receive SSI
- Medicaid Buy-In programs for SSDI recipients who have lost benefits because of SGA



1619(b) Requirements

- Was eligible for SSI for at least 1 month
- Must still be disabled
- Meets all on-disability SSI requirements
- Needs Medicaid to work
- Does not have sufficient gross unearned income to replace SSI, Medicaid and publicly funded attendant care

1619(b) (continued)

- SS sets threshold based on:
 - Amount of earnings which cause SSI to stop; and
 - Average Medicaid expenses in state
- Ohio's threshold this year is \$41,830
- Individual threshold also takes into consideration:
 - IRWE's
 - PASS plan
 - Personal attendant who is publicly funded
 - Medical expenses > state average amount



Medicaid Buy-In for Workers with Disabilities (MBIWD)

Eligibility

- 16 – 64 years old
- Disabled as determined by SSA or ODJFS, or be eligible under MBIWD medically improved category.
- Employed in paid work (includes part-time work).
- Countable income < \$56,450/yr
- Countable resources < \$14,318
- Pay a premium, determined by individual's income.
- US citizen or meet Medicaid citizenship requirements.
- Ohio resident
- Social Security Number

References



Securing today
and tomorrow

Red Book

A Summary Guide To Employment Supports For
Persons With Disabilities Under The Social Security
Disability Insurance (SSDI) and Supplemental
Security Income (SSI) Programs

SocialSecurity.gov |     

<https://www.ssa.gov/redbook/index.html>



Thank
You

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