

## BENEFITS ADVISEMENT RESOURCE DOCUMENT

This website does not contain legal advice, and is for information purposes only.

**The goal of the Benefits Advisement Resource Document is to improve awareness of and access to Benefits Advisement.**

**An individual's benefits can be affected by any number of personal circumstances; you may use the following benefits information and contact a Benefits Advisor to assist in planning and managing your benefits.**

### Common myths and facts regarding social security and social security disability benefits and benefits advisement

**MYTH 1:** a) Working will result in loss of benefits  
b) Working means I don't have a disability and then they'll cut me off

**FACT:** Many individuals with disabilities can work without losing their cash benefits or health insurance through Medicaid or Medicare through Work Incentives. If on **SSI**, benefits checks may decrease, but monthly income can increase.

Below are several Internet links, which can help you understand how Social Security Work Incentives can help you keep your Medicaid, avoid a continuing disability review, and continue to receive your benefit check. (**Note: Loss of Benefits and Fear of loss of benefits is the number one barrier to pursuing employment**)

<a href="http://www.nls.org/ssassi/1619b.htm">http://www.nls.org/ssassi/1619b.htm</a>	[1619b Medicaid]
<a href="http://www.nls.org/ssassi/pass.htm">http://www.nls.org/ssassi/pass.htm</a>	[Plan for Achieving Self Sufficiency]
<a href="http://www.nls.org/ssassi/subsidies.htm">http://www.nls.org/ssassi/subsidies.htm</a>	[Subsidies]
<a href="http://www.nls.org/ssassi/wiia.htm">http://www.nls.org/ssassi/wiia.htm</a>	[Ticket to Work]

**MYTH 2:** Benefits Advisement is not available.

**FACT:** Benefits Advisement is readily available in the community and throughout Erie County. By understanding how and when your benefits will be affected by work, you will be better able to plan financially and avoid overpayments. See the benefits advisement section below for a brief list of resources in the community.

Agencies such as Neighborhood Legal Services provide this service and some behavioral health agencies have Benefits Advisors on staff.

There are **FREE**, on-going, in-services and presentations in the community, where consumers and providers can go to get up-to-date accurate benefits information and training. For more information call: Neighborhood Legal Services: **716-847-0650**

Currently, available resources for benefits advisement are underutilized. The first step towards increasing the availability of benefits advisement is to improve access to these resources. Below is a list of resources in the community where you may go to get benefits advisement.

**Technical assistance for Benefits Advisement can be obtained by e-mailing or by calling:**

[NYWISC@NLS.org](mailto:NYWISC@NLS.org)

1-888-224-3272

**MYTH 3:** If I lose benefits, I can't get them back

**FACT:** The loss of benefits is not necessarily a permanent event, and they can be reinstated fairly quickly. Contact the links below for more information:

<http://www.nls.org/ssassi/reinstat.htm>

<http://www.nls.org/ssassi/1619b.htm>

**MYTH 4:** Working results in overpayments

**FACT:** Working does not always result in overpayments or loss of Medicaid benefits. An individual's benefits can be affected by any number of personal circumstances, work being only one. Use the information that has been provided on this sheet and contact a Benefits Advisor to assist in planning and managing your benefits. Also, Technical Assistance can be obtained by E-mailing or calling the below listed supports.

[NYWISC@NLS.org](mailto:NYWISC@NLS.org)

Work Incentive Support Center at 1-888-224-3272

**MYTH 5:** I can't trust Social Security

**FACT:** This myth relates back to the need for benefits advisement. Many problems that are encountered with Social Security are the result of not reporting earnings in a timely fashion, misinformation, and a lack of understanding about what you can expect when you return to work. Benefits Advisement can provide help and education about what to expect and alleviate some of the fear.

**MYTH 6:** If I go to work, Social Security will find out and start sending me letters that I'm getting kicked off or I must have a continuing disability review

**FACT:** People are not just "kicked off" their benefits. There are clear rules and formulas applied to people's benefits when they begin to work. By understanding the rules and the formulas, and **working with a benefits advisor**, working individuals will know from month to month what their income will be, and if they are approaching a wage which could impact their eligibility.

**MYTH 7:** I can't earn more than \$500 per mo or I will lose my **SSI** or **SSDI** benefits

**FACT:** See explanations and examples on next page for **SSDI** and **SSI**:

## ***Social Security Disability Insurance (SSDI) 2007***

To be eligible for **SSDI**, you must have a work history, and have earned enough Social Security Credits in the years prior to becoming disabled. A person may also be eligible for benefits on the earning's record of a parent or spouse, if the parent or spouse is deceased, disabled, or retired.

For **SSDI** purposes, the Trial Work Period (**TWP**) allows you to test your ability to work for at least nine months. Your **TWP** starts with the first month you are eligible for **SSDI** benefits. During the **TWP**, you will receive full **SSDI** benefits regardless of how high your earnings may be so long as you have a disabling impairment. A Trial Work Period begins once a person on **SSDI** earns **\$640** in gross wages. A **TWP** is a total of nine months of earning over a set amount of money within a 60-month period. After the ninth month of the **TWP**, a new phase begins. The Extended Period of Eligibility (**EPE**) is a 36-month period of time in which earnings are tracked according to whether or not a person is performing substantial gainful activity (**SGA**). These 36 months do run consecutively. **SGA** is determined to take place when a person who is not blind earns over the limit of **\$900** per month in gross wages. When **SSA** is determining whether or not a person's wages exceed the **SGA** limit, **SSA** will not count the part of the wages that are subsidized and will subtract for any Impairment Related Work Expenses (**IRWE**).

The **EPE** is an "all or nothing" period. If you are entitled to receive an **SSDI** check or not, is based solely on whether you performed **SGA** for that particular month. Following the ninth **TWP** month, a three-month grace period is given. This grace period starts the month **SGA** is performed and continues for two more months. During this time, you can receive your **SSDI** check and retain any wages.

A new rule became effective January 1, 2001. It is called Expedited Reinstatement (**EXR**). If you lose your **SSDI** benefits due to wages after the **EPE**, you are still disabled due to the same impairment, and your wages have fallen below **SGA** level within 60 months of the last **SSDI** check, you can file for reinstatement. That means you will not have to go through the entire reapplication process to get your checks back. While the **SSDI** reinstatement investigation is pending, you would be eligible for up to six months of checks.

## ***Supplemental Security Income (SSI) 2007***

- You can earn up to \$85 per month with no change in your **SSI** check (\$65 if you have other income)
- If you earn more than \$85, your **SSI** check is reduced \$1 for every \$2 you earn. As long as you get at least \$1 in **SSI** per month, you will keep your Medicaid.
- A **PASS** (Plan for Achieving Self-Support) allows you to exclude income or resources to pay for services or items to increase your employability. Money in a **PASS** is not counted when determining your eligibility for **SSI**.



**Myth 3:** I have 3 months to report my wages to Social Services.

**Fact:** A person has 10 days from receipt of their first paycheck to report his/her wages to his/her PA worker.

**Myth 4:** I can quit my job or I can work for a short time as long as it's not more than 3 months and go back on Public Assistance.

**Fact:** You must *always* report income/wages to Social Services. If a person voluntarily quits their job, he/she may be sanctioned for 90 days before he/she is eligible to receive benefits again.

A person who voluntarily quits his or her job will not automatically be sanctioned. It depends on the reason for the quit. If you quit to qualify or become eligible for PA then you may be sanctioned. However, if you quit because of inadequate child care, the illness of a family member, etc. you may not be sanctioned.

**For Family Assistance households and Safety Net Assistance [SNA] Households, which include a dependent child:**

If a recipient begins working, the first \$90 per month is disregarded (deducted) from the gross wages when calculating how much of the household's income will be budgeted against the Public Assistance grant. Under the current law, an additional **43%** of the remaining earned income will now be disregarded.

**Example:** Ms. Green earns a gross income of \$400/ month. However, after applications of the disregards, her countable income is only \$176.70/ month.

- \$400	gross income	\$310
<u>- \$90</u>	disregard	<u>-\$133.30</u> (43% of 310)
\$310		\$176.70 countable income

The Countable Income will then be compared to the FA standard of need for the household size to determine whether the household is eligible for any benefits.

The \$90 and the 43% disregards only apply to **earned income** (not unearned income such as SSD, Veteran benefits, etc)

- The 43% disregard only applies when budgeting income for **Family Assistance** and to any **SNA** family with a dependent child receiving Safety Net Assistance.
- **For Safety net Households without dependent children**, the 43% disregard is not applicable and only the \$90 disregard applies. The 43% disregard does not apply to people who voluntarily quit a job, fail to report wages or refuse to accept a job.
- The 51% disregard applies to **recipients**. For **applicants**, the 43% disregard only applies if the applicant received Temporary Public Assistance (PA) in one of the four months prior to application.
- Special rules apply to student income for Temporary Assistance and food stamp budgeting.
- Income disregards are only applied if wages are reported in a timely manner. Wages must be reported to DSS within 10 days of receipt of income in order to be considered timely.

## Reporting Requirements:

People who have changing income have an obligation to report their earnings within 10 days of receiving it. DSS should not start budgeting the income **unless the initial paycheck is actually received by the client**. If it is income from employment, a client should begin receiving reports in the mail every 3 months to complete. A recipient must submit the report along with copies of pay stubs by the due date stated on the report. If the Department of Social Services does not receive a report, benefits may be discontinued.

When an applicant applies for assistance, the budget is set by looking at the 8 most recent workweeks. When a recipient is on quarterly reporting, the income from 3 months is "averaged" as follows:

*If the recipient is paid weekly, the examiner adds the last four weekly pay stubs, divides the total by 4, and multiplies by 4.3333. If paid bi-weekly, the last 2 pay stubs will be added together, divided by 4 and multiplied by 2.1667.*

*There is an obligation to inform DSS of any changes in earned or unearned income. These reports should be made in writing. Clients should keep a copy of any document that is submitted to DSS.*

Note link: [www.nls.org/benehl.htm](http://www.nls.org/benehl.htm)

## ***BENEFITS ADVISEMENT***

### ***RESOURCES: WHERE TO RECEIVE BENEFITS ADVISEMENT***

The following links provide benefits education / advisement and information; frequently in English and Spanish; helping individuals with employment growth and stability

Neighborhood Legal Services  
Technical Assistance 1-888-224-3272 [NYWISC@NLS.org](mailto:NYWISC@NLS.org)

Independent living project  
716-836-0822 [www.wnyilp.org](http://www.wnyilp.org)

General Information Resource (for people who receive SSDI and/or SSI):  
Action for Mental Health, Inc.

PHONE: 716-871-0581

Basic benefit educational presentations for consumer and provider groups and information and referral

## ***Ticket to Work Program Administration/Employment Network phone numbers***

MAXIMUS 1-866-968-7842

[www.yourtickettowork.com](http://www.yourtickettowork.com)

### **Local WNY Employment Networks:**

1. **DRS (Diagnostic Rehab. Services)**  
716-633-7138 [www.drsandassociates.net](http://www.drsandassociates.net)
2. **People Inc.**  
716-633-8152 <http://www.people-inc.org/>
3. **Phoenix Frontier Inc.**  
716-982-0161 [www.phoenixfrontier.org](http://www.phoenixfrontier.org)
4. **VESID: Vocational and Educational Services for Individuals with Disabilities**  
716-848-8001 [www.vesid.nysed.gov/](http://www.vesid.nysed.gov/)

## ***BENEFITS INFORMATION/ EDUCATION***

**Neighborhood Legal Services 716-847-0650 / 716-847-0227:**

At-a-Glance Series [www.nls.org/ssahl.htm](http://www.nls.org/ssahl.htm)

Benefits Planner [www.nls.org/tocplanr.htm](http://www.nls.org/tocplanr.htm)

Medicaid Buy-In at a Glance [www.nls.org/ssassi/medicaid.htm](http://www.nls.org/ssassi/medicaid.htm)

**Education on emergency housing, transportation, food stamps, public assistance, utilities, transitional child care and other resources:** [www.nls.org/benehl.htm](http://www.nls.org/benehl.htm)

**Education on: Home energy** [www.nls.org/benefits/heap2002.htm](http://www.nls.org/benefits/heap2002.htm)

**Project Dandelion** [www.nls.org/dndelion.htm](http://www.nls.org/dndelion.htm)

## COMMONLY USED ACRONYMS

SSI – Social Security Insurance	SSDI – Social Security Disability Insurance
SSA – Social Security Administration	SGA – Substantial Gainful Activity
EPE – Extended Period of Eligibility	EXR – Expedited Reinstatement
TWP – Trial Work Period	PASS – Plan for Achieving Self-Sufficiency
TTW – Ticket to Work	IRWE – Impairment Related Work Expense
TA – Technical Assistance	BA – Benefits Advisement
PA – Public Assistance	TANF – Temporary Assistance for Needy Families
SNA – Safety Net Assistance	FS – Food Stamps
MUR – Medicaid Utilization Review	CWEP – Community Work Experience Program
AOD – Alcohol and Other Drugs	MAAT Unit - Multi-Abuse Assessment Team
CM – Case Management	EIC – Earned Income Credit
WTW – Welfare to Work	
ECDSS – Erie County Dept. of Social Services	

Transitional Services – Program that assists TANF households once employed transition if a PA case is closed. Individual may still be eligible for other benefits, such as medical assistance, childcare, transportation or food stamps.

Sanction - A penalty imposed on individuals who are ineligible for PA and who willfully fail to comply without good cause with work requirements.

Work Mandates - Individuals can be mandated to work if they do not comply with regulations as set forth from the service/agency that they are involved with such as: ECDSS, MAAT Unit, Drug Courts, Parole/Probation Officers.

EIC – Earned Income Credit is a tax credit for families that work and have at least one child living with them. A family's EIC benefit does not count as income when the family's eligibility or benefit level is determined for PA, Medicaid or Food Stamps. To obtain the credit, eligible families can either file an income tax return (even if no taxes are owed), or they can elect to receive their EIC throughout the year in the regular paychecks by filing a W-5 form with their employer.

If you would like to offer feedback on this document, please e-mail [Rhartman@lake-shore.org](mailto:Rhartman@lake-shore.org)