

Fact Sheet – Social Security Disability Programs

1. What disability benefits are available through the Social Security Administration (SSA)?

Social Security Disability Insurance (SSDI), is for people who have worked for five of the last 10 years and meet the SSA definition of disability. SSDI offers assistance to help you return to work and provides ongoing income if you do not get better. When you receive SSDI you can also qualify for Medicare and prescription drug assistance.

Supplemental Security Income program (SSI), is available to individuals who have limited income and resources, and are considered disabled by the Social Security Administration. SSI provides a monthly assistance check. Medicaid is a health care program for people with low incomes. In most states, children who receive SSI assistance can also get Medicaid. Even if your child cannot get SSI, they may be able to get Medicaid; contact your state or county social services for more information.

2. What is the definition of disability as established by the Social Security Administration?

For adults, the SSA says you have a disability if you cannot work because of a physical or mental impairment that will last a year or cause death within a year. Diabetes is not automatically considered a disability, but is individually evaluated based on its impact on other bodily systems (for example, nerve damage, vision loss, or loss of consciousness). For more information on evaluation criteria, go to www.ssa.gov/disability/professionals/bluebook/9.00-Endocrine-Adult.htm.

Children under 18 qualify for SSI based on disability if they have little income and resources; are not working; have a physical or mental condition that very seriously limits activities; and the condition will last at least a year, or cause death. Children under six years old who require daily insulin are automatically considered to have a disability. In children who are at least six years old, diabetes is individually evaluated based on its impact on other bodily systems (for example, nerve damage, vision loss, or loss of consciousness). For more information on evaluation criteria, go to www.ssa.gov/disability/professionals/bluebook/109.00-Endocrine-Childhood.htm.

3. Must I be permanently disabled to get SSDI or SSI?

No. You must have a disability that prevents you from working for at least a year, or have a condition that can be expected to result in death within a year.

4. What if I have several health problems, such as neuropathy in my fingers and heart disease, as well as type 2 diabetes, but no one of them makes me “disabled” on its own?

The Social Security Administration is supposed to consider whether you can return to work given the combined effect of all of your health problems, as well as your age, education and work experience.

5. What type of evidence do I need to provide?

Your endocrinologist, family doctor and other doctors (such as your optometrist or podiatrist), can provide medical reports about your limitations and what things you can and cannot do in order to

establish that you qualify. Welfare agents, teachers, clergy and family members can provide information about your limitations as well.

6. Why is income important for SSI?

In order to receive SSI benefits, your monthly income must not exceed a certain amount. The amount changes each year, and your earnings may offset your benefit amount. If you live with a spouse who is not eligible for SSI benefits, the SSA may count some of your spouse's income in figuring the SSI benefit. For a child with a disability under age 18, the SSA may count some of the parents' income in figuring the child's SSI benefit.

Additionally, you cannot own property (including cash) in excess of a specified amount at the beginning of each month. The limits are \$2,000 for an individual and \$3,000 for a couple. You do not have to count certain things towards this \$2000 or \$3000 limit, such as: your home, household goods and personal items, one vehicle, property of your personal business, certain amounts of life insurance, and certain amounts of housing assistance. For more information on these issues, see www.ssa.gov/ssi/text-income-ussi.htm.

7. How do I apply for SSDI or SSI?

Most disability claims are processed through the local Social Security Administration field office in your area and/or State agencies (called Disability Determination Services or DDS). Usually applications can be accepted in person, over the phone, by mail or by filing online at www.socialsecurity.gov/d&s1.htm. You can locate your local office and find other ways to contact the SSA by viewing this link: www.socialsecurity.gov/redbook/eng/howtoreachus.htm. You can also reach the SSA at 1-800-772-1213 between 7 a.m. and 7 p.m. Monday-Friday.

The DDS will collect medical evidence and decide if you meet the disability definition. If you do, SSA completes necessary paperwork and begins paying benefits. If you are found ineligible, the file is kept in the field office in case you appeal.

8. How long does the process take?

It can take a long time and you may be denied at first. Generally it takes 3-5 months for the initial decision. If you appeal, Reconsideration (the first opportunity to appeal) can take another 3-5 months. If your appeal is rejected, you can appeal a second time before an administrative law judge in the Social Security's Office of Disability Adjudication and Review; this process can take a year in some cases. The process is designed for a lay person to be able to apply for and appeal any denials on their own, without an attorney. However, there are lawyers that specialize in this type of work if you need help. Contact the National Organization of Social Security Claimant Representatives at <http://www.nosscr.org/referral.html>. In addition, a listing of legal aid organizations in each state that specialize in disability law (called Protection & Advocacy organizations) can be found online at <https://secure.ssa.gov/apps10/oesp/providers.nsf/bystate>. Additionally, the American Bar Association has an online resource for finding legal assistance in your state which can be found here: www.abanet.org/legalservices/findlegalhelp/home.cfm.

Important Note: This fact sheet describing the legal rights of individuals with diabetes is for your general information and review only, and is not to be construed as a substitute for the advice of legal counsel.