

SSI and SSDI Post-Entitlement Events Guide

Assisting Beneficiaries with maintaining SSI/SSDI Eligibility

This guide presents common post-entitlement events that occur for Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) beneficiaries and provides guidance for SOAR-trained case workers to assist SSI/SSDI beneficiaries with navigating these events to maintain eligibility. However, it is not exhaustive. SSI and SSDI post-entitlement events and rules are numerous, oftentimes complex in nature, and specific to a person's circumstances.

SSI and SSDI Claimant Rights and SSI Beneficiary Reporting Responsibilities

SSI/SSDI claimants and beneficiaries have defined rights and responsibilities.

Claimant Rights

The Social Security Administration (SSA) gives claimants the right to:

- apply for benefits (free of charge),
- get help from SSA to fill in the application forms and get documents they need, and have someone, (such as a case worker), help them with their SSI/SSDI claim and go with them when they visit or call SSA,
- be represented by a qualified individual of their choosing (whether an attorney or a non-attorney),
- ask to see or get copies of the information in their records,
- get a letter that will tell them what SSA determined about what benefits they can get and what SSA will pay them,
- appeal most determinations SSA makes about whether they can get SSI or SSDI benefits or the amount of SSI (if they disagree with SSA's determination),
- have the assistance of an interpreter (free of charge) if they do not speak English well enough to do business with SSA,
- get help from SSA to obtain their medical records, and
- get copies of the law, regulations, or policy statements used to decide their SSI or SSDI claim.

SSI Beneficiary Responsibilities

- When someone receives SSI benefits, they have a responsibility to report certain information or changes in their situation to SSA that may affect their SSI eligibility or SSI benefit amount.
- See a [list of what SSI beneficiaries must report to SSA](#).

Suspensions, Stop Payments, Terminations, and Reinstatements

These events may occur after someone begins to receive SSI benefits.

Benefit Suspensions

Benefit suspensions occur when a beneficiary is no longer eligible for SSI benefits. For example, the person has amassed over \$2,000 in resources, their work earnings exceed SGA, they are hospitalized for longer than 30 days, or they become incarcerated. These suspensions are always effective the first day of a month and generally the person has 12 consecutive months after the effective date of a suspension to have their benefits reinstated if they become eligible again.

Stop Payments

Stop payments are an interruption in a beneficiary's payment, but not a loss of eligibility. This can occur when SSA is searching for a representative payee for the beneficiary or if they are eligible for SSI, but not due a payment.

Benefit Terminations

Benefit Terminations occur when a beneficiary no longer has a disabling condition, they voluntarily request their benefits be terminated, or they have died.

Benefit Reinstatements

Benefit reinstatements are when SSI benefits resume after a suspension because the beneficiary has once again become eligible. For example, if their SSI benefits were suspended because they had over \$2,000 in resources but now they only have \$900 in resources. Or, if their SSI benefits were suspended because of their earnings from work, but have stopped working.

Redeterminations of SSI Eligibility and/or Payment Amount

SSA completes Redeterminations every 1 to 6 years for SSI beneficiaries. These can be done over the telephone, in person, or through the mail. A Redetermination is a review of a beneficiary's SSI non-medical eligibility and is not the same as a Continuing Disability Review (CDR).

- SSA will review the SSI beneficiary's income, resources, and living arrangement to make sure they are still eligible for SSI benefits and are receiving the correct payment.
 - If they are under age 18 and living with their parent(s) or are married, SSA will also review the income, resources, and living arrangement of their parent(s) or spouse.
- SSA will mail the person either a letter with the date and time for a telephone or in-person appointment, or a Redetermination form for them to complete, sign, and return.
 - If they have a representative payee, their payee will also receive this notification.
- It is important for the person or their payee to respond to the appointment letter, complete and return the form, or, if needed, reschedule the Redetermination appointment within 30 days. Otherwise, their SSI benefits may be stopped, they may be overpaid, or they may be underpaid.
- Read [more information about Redeterminations](#), including a complete list of documents that an SSI beneficiary may need and information about how to help a person you are working with prepare for a Redetermination.

SSI/SSDI Overpayments

An overpayment is when a beneficiary receives more money for a month than the amount they should have been paid. The amount of the overpayment is the difference between the amount the beneficiary received and the amount that was due to them.

- If SSA determines that a beneficiary has been overpaid, they will provide a written notice to the beneficiary and their representative payee (if applicable).
- The written notice will include the reason for overpayment, the overpayment amount, repayment options, and appeal/waiver rights.
- For information about Overpayments please see the SAMHSA SOAR TA Center's article, [Avoiding and Managing SSI/SSDI Overpayments](#).

Capability and an SSI/SSDI Beneficiary's need for a Representative Payee

SSA must determine an SSI/SSDI beneficiary's "capability" before they determine whether the person is able to manage or direct the management of their benefits.

Lay Evidence of Capability

- When there is no evidence of legal incompetence, SSA must always develop and consider lay evidence of the person's capability.
- Examples of lay evidence: SSA's observations made during interviews with the person, (the person's behavior, reasoning ability, how they function with others, etc.), statements made by the person about their ability to manage or not manage their benefits, statements from third-party sources with direct knowledge of facts or circumstances regarding the person's daily living (family, close friends, clergy, social workers, therapists, case workers, etc.), the opinions of the Disability Determination Services (DDS) and/or the Administrative Law Judge, etc.

Capability Interview

- See a [complete list of questions](#) that SSA may ask a person in order to develop lay evidence and determine capability.
- These questions pertain to a person's financial management skills, ability to meet their basic needs (through shelter, food, and medical care), their support network, and their thought process. You can assist the persons you work with to prepare for a capability interview by reviewing these questions with them beforehand.
- See a [complete list of questions](#) that SSA may ask a third-party in order to develop lay evidence and determine capability. If you would like to provide a third-party verbal or signed statement regarding a person's capability, these questions could serve as a guide for making your statement to SSA.

Developing Money Management Skills

- If an SSI/SSDI beneficiary would like to become their own payee, they can contact SSA to make this request. SSA will need to conduct a capability interview and may require the person to have certain forms completed by their doctor such as the SSA-787. You can assist beneficiaries to develop budgeting and money management skills that will help them successfully manage their own SSI/SSDI benefits if they become their own payee. Here are a few resources that can be shared with the people with whom you work:
 - [Mental Health America: Managing Your Money](#)
 - [Building Financial Wellness Workbook](#)

Organizational Payees

- If your agency or organization is interested in serving as an organizational payee, SSA has information and guides to assist you with this process.
 - [How to Become an Organizational Payee Fact Sheet](#)
 - [Organizational Payee Training Resources](#)
 - [Guide for Organizational Representative Payees](#)
- SSA must conduct an interview with a representative payee applicant to assess the individual or organization's suitability to serve as payee and the applicant's ability to carry out the payee's responsibilities. Read more information about the [representative payee applicant interview](#).

Retroactive SSI and SSDI Payments

When claimants are approved for either SSI and/or SSDI benefits they may also be eligible for Retroactive benefits. Retroactive SSI benefits may be paid from the month after the Protective Filing Date (PFD) and Retroactive SSDI benefits may be paid from the established date of onset of disability plus the 5-month waiting period. However, exceptions do exist. For questions about a specific SSI and/or SSDI beneficiary's Retroactive benefits we encourage you to contact their [local SSA field office](#).

Retroactive SSI Benefits

Retroactive SSI benefits, (which include any federally administered State supplementation), are SSI benefits issued in any month after the calendar month for which they are due. For example, benefits for January that are issued in February are retroactive.

- Retroactive SSI benefits may be paid to the SSI beneficiary in one lump sum or in multiple payments over 6-month increments. This generally depends on the amount of Retroactive SSI benefits the person is entitled to. SSA will pay SSI beneficiaries only three months of SSI benefits at once in their first Retroactive payment. If the SSI beneficiary is owed more than that, SSA will usually pay the beneficiary in two or three installments, six months apart, unless the person can prove they need the money for necessities.
- The unspent portion of any Retroactive SSI (or SSDI) benefits an SSI beneficiary receives is excluded from the person's resources for the 9 calendar months following the month in which the beneficiary receives the payment. In other words, the SSI beneficiary has 9 months to "spend down" their Retroactive benefits before these benefits may affect ongoing SSI eligibility. See the [SSI Spotlight on Resources](#) for more information about SSI Resource Limits.

Retroactive SSDI Benefits

Retroactive SSDI benefits are those issued more than a month after the calendar month for which they are due. For example, SSDI benefits for January that are issued in February are not retroactive, but SSDI benefits for January that are issued in March are retroactive.

- Retroactive SSDI benefits are generally paid to an SSDI beneficiary in one lump sum payment. If the SSDI beneficiary is only receiving SSDI benefits, (and not SSI), the SSDI beneficiary does not have to "spend down" this Retroactive payment because there are no resource limits for SSDI benefits; therefore, Retroactive payments will not affect ongoing SSDI eligibility.

"Spending Down" Retroactive Benefits

It is best practice for SSI beneficiaries or their representative payees to spend down Retroactive SSI (or benefits on exempt resources) to maintain current SSI eligibility.

- Exempt resources are resources that SSA does not count when determining SSI eligibility.
 - **Home expenses:** Buying a home, paying off the mortgage on a current home, modifications to a home to accommodate an individual's disabilities, home repairs/remodeling, home furnishings or appliances
 - **Health expenses:** Medical expenses/bills not covered by Medicaid or Medicare (buying a better quality assistive device not covered by Medicaid/Medicare), dental expenses, eye glasses, physical therapy

- **Personal expenses:** Education expenses, entertainment/recreation expenses, vacation travel, paying off debts, pre-paying burial arrangements, personal hygiene items, purchasing an automobile, paying for registration and insurance, or purchasing clothing
- This list is not exhaustive. Please see SSA's list of [exempt resources](#) when helping an SSI beneficiary determine how to strategically use their Retroactive benefits in a way that best meets their current needs and helps them maintain ongoing SSI eligibility.
- It is also important that the SSI beneficiary or their representative payee keep a detailed record of how their Retroactive benefits are spent and keep receipts for all items and services purchased. Please see this [Special Needs Alliance article](#) for further information regarding spending down to maintain SSI eligibility.

Achieving a Better Life Experience (ABLE) Accounts and Special Needs Trusts

- SSI beneficiaries who were disabled before the age of 26 can put their Retroactive benefits into an ABLE account which is a special type of account created by the Achieving a Better Life Experience Act (a federal law passed in 2014). Retroactive benefits put in an ABLE account don't count as assets or resources for the purpose of SSI eligibility. For more information about ABLE accounts please see the [ABLE National Resource Center's](#) website. In addition, Retroactive benefits put into a Program to Achieve Self-Support (PASS) to help the beneficiary return to work don't count as a resource. For more information about PASS plans click [here](#).
- SSI beneficiaries may also put Retroactive benefits into certain types of trusts called "special needs trusts" or "pooled trusts." See the [SSI Spotlight on Trusts](#) for more information. SSI beneficiaries will likely need an attorney's help with setting up one of these trusts.