

# Applying for Social Security Benefits

## WHAT CAN I APPLY FOR?

- **Social Security Disability Insurance (SSD)** helps people who have worked a certain amount of time and then become disabled.
- **Supplemental Security Income (SSI)** helps people who are 65 years of age or older or people of any age (including children) who are blind or disabled.

## ARE THERE DIFFERENCES BETWEEN SSI AND SSD?

Yes, differences between SSI and SSD include:

Criteria	SSD	SSI
<b>Eligibility</b>	You can get SSD if: <ul style="list-style-type: none"> <li>• You are an adult with a work history and you became disabled after age 18;</li> <li>• You are an adult who was disabled before age 22 and either your parents have a work history and are getting retirement or disability benefits or they are dead; or</li> <li>• You are a widower or a child of a widower, age 50 to 60, and you became disabled before or within seven years of your spouse or parent's death.</li> </ul>	You can get SSI if: <ul style="list-style-type: none"> <li>• You are blind or disabled at any age; or</li> <li>• You are age 65 or older and you have little or no resources or income.</li> </ul>
<b>Work History</b>	You must have worked 10 years or more.	No work history is required.
<b>Giving Your Benefits To Family Members</b>	Benefits can be given to: <ul style="list-style-type: none"> <li>• <b>You</b> (if you are eligible).</li> <li>• <b>Spouses</b> if they are at least 62, or if they are caring for either a child under 16 or a disabled child that is yours.</li> <li>• <b>Divorced Spouses</b> if your marriage lasted at least 10 years and the divorced spouse is 62 years old or older and stays unmarried.</li> <li>• <b>Children</b> if they are under 18 (or under 19 if a full-time high school or elementary student) and they are not married and you</li> </ul>	Only you are able to get your SSI benefits. They can't be passed on to family.

	<p>can claim them as a dependent.</p> <ul style="list-style-type: none"> <li>• <b>Disabled Adult Children</b> if they are your children, they are 18 or older, and if the disability began before age 22.</li> </ul>	
<b>Amount Paid</b>	This is based on the average of what you earned in your lifetime or the average of what your spouse or parents earned in their lifetime.	This is based on federal and state law, and on your living situation.
<b>Retroactive Benefits</b>	You can get retroactive benefits up to one year before the date of your application.	You can get retroactive benefits from the first day of the month after the month you applied.
<b>Medical Coverage</b>	You are eligible for Medicare coverage 24 months <b>after</b> being approved.	You are eligible for Medicaid.
<b>Resource Limits</b>	There are no resource limits.	You are limited to \$2,000 for one person and \$3,000 for a couple.
<b>Waiting Period</b>	You must wait five months from the date SSA decides you are disabled before you can start to get benefits.	You can start getting benefits as of the first day of the month after the month you applied.

### **WHAT DOES THE SOCIAL SECURITY ADMINISTRATION (SSA) MEAN BY “DISABLED”?**

SSA considers you to be disabled if you can't work because of your medical and/or psychiatric condition(s) **and** your medical and/or psychiatric condition(s) has lasted or will last at least 1 year.

### **WHAT CAN I SHOW TO PROVE THAT I AM DISABLED AND CAN NO LONGER WORK?**

You can give medical evidence that includes medical records and reports. You can also give reports from your social worker, former supervisors and coworkers, family, friends, and neighbors. Medical evidence is the most important evidence to help you in your case.

### **IF I AM AN IMMIGRANT CAN I QUALIFY FOR SSI OR SSD?**

Eligibility for SSI or SSD depends on your immigration status and other factors, including: when you came to the U.S., if your immigration status has changed, your age, and if you have a disability.

As each case is different, please contact us if you have questions before applying for SSI or SSD for you or for others. Applications can affect your immigration status.

### **WHAT HAPPENS AFTER THE APPLICATION IS FILED?**

Your case is sent to a “Disability Analyst” who may talk to you to see if there is any change in your condition, a change in treatment or doctors, or any hospitalizations since you applied.

After looking at your medical records, SSA will likely ask you to go see one of their approved doctors. Their doctors will examine you and decide if you are disabled or not. They will send their decision to the disability analyst.

Once complete, the disability analyst will send a letter to you to let you know if you are eligible for SSI or SSD. It usually takes about 3 – 5 months to get a decision.

#### **WHAT CAN I DO IF MY INITIAL APPLICATION IS DENIED?**

If you were denied, you can appeal by asking for a hearing *in writing within 60 days of the date of the denial notice*. You can get an appeal form and file it at your local Social Security office or online at [www.ssa.gov](http://www.ssa.gov)

After turning in the form, a hearing will be scheduled with an administrative law judge (ALJ). SSA will send you a letter telling you the time and place of the hearing. It usually takes 1 year or more from when you asked for the hearing to get one.

#### **CAN I APPEAL THE ALJ'S DECISION?**

If the ALJ denies your application, you can appeal the decision. You have to make an appeal to the Social Security Appeals Council *within 60 days of the date of the decision*. You can get an appeal form at your local Social Security office or on line at [www.ssa.gov](http://www.ssa.gov)

The Appeals Council will review your case or refuse to review it. If the Appeals Council decides to review the case, it will either approve your case or return it to the ALJ for a new hearing.

#### **CAN I APPEAL THE APPEAL COUNCIL'S DECISION?**

If the Appeals Council rules against you, you can file a federal lawsuit *within 60 days* of the date of the Appeals Council's decision.

#### **WHO CAN I CONTACT IF I HAVE QUESTIONS?**

You may call MFY Legal Services, Inc.'s Government Benefits Project at 212-417-3732 on Mondays from 10:00 a.m. to 12:00 p.m.

**DISCLAIMER: This fact sheet gives general information for NYC residents; it is NOT legal advice.**