

AGE 18 REDET

Your Path to Success!
Answers To Your Work Questions
From NYS PROMISE

Age 18 Redetermination for Continuing Eligibility under the Supplemental Security Income Program

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New York State
PROMISE
your Path to Success!

This brochure includes
calculations and numbers that
reflect 2018 standards.

In This Guide

The purpose of this guide is to educate New York youth with disabilities and their families about how and when the Supplemental Security Income (SSI) program will review your case when you turn 18, to see if you are disabled under SSI's disability test for adults.

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SSI Benefits Can be Terminated Following an Age 18 Redetermination

A child under age 18 or an adult age 18 or older qualifies for Supplemental Security Income (SSI) payments based on a finding of disability. The SSI beneficiary must also have limited income and resources. The Social Security Administration (SSA) will review your case from time to time to see if your medical disability still qualifies you for benefits.

The SSI program has one disability criteria or test for a child under 18 and a separate disability test for an adult, age 18 or older. When a child reaches age 18, the SSI program will do a medical review to see if he or she meets the adult disability test. If the adult disability test is met, SSI payments will continue. If they decide that you do not meet the adult disability test, they will send you a letter to let you know this and to let you know your SSI benefits will end. You can appeal this decision. If you appeal within 10 days and request continued benefits your SSI payments continue during the appeal.

The focus of this document will be on the reviews faced by young people, on the SSI program, when they turn 18 years old, particularly those being served through the PROMISE project.

The SSI Age 18 Redetermination

All youth who receive SSI benefits through the month before they turn age 18 will have an Age 18 review to decide if they are disabled under the adult disability criteria. The focus now will be on whether the young adult is able to work (perform substantial gainful activity, or “SGA”). This review will usually occur within 12 months of the 18th

birthday. Since SSA is now looking at SSI eligibility under the totally different disability criteria used for adults, this review is more like an initial SSA application than a review that looks for medical improvement. All Age 18 reviews will involve a thorough review of the beneficiary's disability.

During the Age 18 Redetermination, information submitted from doctors, other health care providers, and educational staff will be considered. SSA will look for information in those reports/documents that relate to the ability to do substantial gainful work in light of the medical condition. SSA will focus on your medical condition and not look at how much you earn during this process.

In addition, if there is or has been a vocational component to the student's education, vocational staff will be consulted. If the vocational staff recommends a work placement in something other than typical competitive employment, such as supported employment with a job coach, the recommendation may help to support a finding of disability as an adult.

In a majority of Age 18 reviews, SSA will find that the person is disabled under the adult disability test and SSI will continue with a new review date set for the future. If SSA finds the person no longer disabled, they must send out a notice letting the person and representative payee (if any) know of the decision and that it can be appealed. If the appeal is requested within 10 days of getting the letter, SSI can continue during the appeal if the person requests continued SSI payments.

The Right to Appeal

If the Age 18 Redetermination results in a decision to terminate SSI benefits, finding that you no longer have a disability under the adult disability test, the written notice must explain:

- The specific reason for termination and the right to appeal the decision within 60 days of getting the notice; and
- The right to request continued SSI benefits during the appeal, until there is a final decision from an administrative law judge.
- That you, the SSI beneficiary, must elect to continue receiving SSI benefits within 10 days of receipt of the notice of termination unless you can show that you have a good cause for failing to act in a timely manner.

A Special Rule That Applies to Age 18 Redeterminations

Section 301 Allows Benefits to Continue After Finding of Not Disabled if Involved in Certain Programs

Section 301 allows your benefits to continue when SSA finds you are not disabled under adult SSI criteria. This occurs if you are involved in certain vocational and other programs that are likely to lead to employment and no future need for SSI. To get Section 301 protection you must generally meet two criteria: 1) you had to start the vocational or other program before SSA made its Age 18 Redetermination decision about disability; and 2) staying in the program has to make it more likely you will not qualify for SSI in the future. As noted below, in some cases the second part of the criteria does not need to be met.

For young people currently served in the PROMISE program, the most common ways to keep benefits using Section 301 are as follows:

- The young person remains in school, getting special education services with an individualized educational program (IEP). In these cases, there does not need to be a vocational program involved and there is no need to separately show that it is likely the person will not qualify for SSI in the future.
- The young person continues to be enrolled in PROMISE. Here again, there does not need to be a specific vocational plan involved and there is no need to separately show that it is likely the person will not qualify for SSI in the future.
- The young person no longer attends high school and is now being served by ACCES-VR with a work goal. In this case there will need to be a finding that this makes it more likely you will not qualify for SSI or SSDI in the future.

Although the SSI beneficiary would have a separate right to continued benefits by appealing, sometimes those benefits end before the benefits under Section 301 end. This is because Section 301 benefits will continue until the program in question ends, often a period of four years or more if the person is in a college program.

To learn more about Section 301, see our Section 301 brochure that explains Section 301 rights in great detail.

Are There Any Work Incentives That Can Support Work?

The SSI program has many work incentives available that act as income exclusions or disregards. These work incentives can be deducted from gross monthly earnings as part of SSA's calculation in determining the amount of your adjusted SSI cash benefit. A brief description of each follows:

The \$20/\$65 Plus 50 Percent of Remaining Earnings Exclusion allows the SSI beneficiary to reduce their unearned income by \$20 and their countable gross monthly earnings by \$65 (or \$85 if no unearned income) plus another 50 percent of the remaining earned income.

Impairment-Related Work Expenses (IRWE) are work expenses related to a disability, or medical condition for which they receive treatment, that are needed to work and are paid for by the individual.

Blind Work Expenses (BWE) are any ordinary and necessary expenses related to the earning of income for an individual who is blind and are paid for by that individual.

Plan to Achieve Self-Support (PASS) allows an individual to set aside their own income and/or resources in a special account, not counted for SSI purposes, with the money to be used for expenses that will support their long-term work goal.

Student-Earned Income Exclusion (SEIE) helps students under the age of 22 who regularly attend school, receive SSI, and work to exclude up to \$1,870 per month up to a maximum of \$7,550 per year in 2019. These figures change each year.

These are all SSI work incentives and can positively affect the amount of an individual's SSI cash benefit. The impact of each is determined by the placement of the exclusion in the SSI calculation. Note that other guides on these work incentives will be available to provide more detailed information on how they work.

What if I Have Questions About How My Benefits will be Affected by Going to Work?

If you have questions about how your benefits will be affected by going to work, you can contact specialists to assist you toll-free at **1-888-224-3272**. The hotline is available during business hours Monday through Friday, except on holidays. Every effort will be made to return calls the same day or within one business day.

Additionally, SSA has contracted with local organizations to provide work incentives counseling services for SSDI and SSI beneficiaries. The Work Incentive Planning Assistance (WIPA) agencies have people who have been specially trained to help individuals with disabilities who are considering going to work or who are working. You can get a list of the WIPAs in New York at: <http://www.chooseworkttw.net/findhelp> (search by state or zipcode).

If you are involved in the PROMISE project, you are entitled to the benefits advisement service which includes work incentives counseling. If you do not have a benefits adviser assigned to you, ask your PROMISE case manager to refer you for this service.

What Documentation Will I Need to Provide?

- Information from doctors, other healthcare providers and educational staff
- Information from vocational staff and job coaches
- Pay stubs or income tax returns
- Checking and savings account information
- Workers compensation and settlement agreements

Questions about how earnings
impact your disability benefits?
Call us toll-free at 1-888-224-3272

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