



Applying for Disability Benefits: The SSA Perspective

Office of Disability Policy



Social Security's Definition of Disability

- The inability to engage in any **substantial gainful activity** (2016 amount is **\$1,130** per month)
- By reason of any **medically determinable impairment(s)** (MDI) (physical or mental or combination)
- Which can be expected to result in **death** or
- Which has lasted or can be expected to last for a continuous period of not less than **12 months**

SSA does NOT pay partial or short-term disability benefits

- Definition is the **SAME** for both disability programs



Title II – SSDI

Date last insured: To be eligible for SSDI, you must meet recent work and duration of work tests

TIP: File for disability promptly after you stop working due to effects of myotonic dystrophy

For more information on the earnings requirement:

<https://www.ssa.gov/pubs/EN-05-10029.pdf>

- Monthly disability benefit is based on your average lifetime earnings
- 5-month waiting period after disability benefits are awarded
- Eligible for **Medicare** after two years





Title XVI – SSI

Makes monthly payments to:

- **Adults** who have limited income and resources and are age 65 or older **OR** are **blind or disabled**
- **Disabled children** from birth to age 18 who have limited income and resources
- Eligible for **Medicaid**
- **Means-tested:** To be eligible for SSI, you must have limited income and resources

For more information on eligibility for SSI:

www.socialsecurity.gov/ssi/text-eligibility-ussi.htm



Sequential Evaluation

The disability determination follows a **sequential evaluation** process:

- 1. Substantial Gainful Activity (SGA)?** – The 2016 SGA amount is **\$1,130**
- 2. Severe impairment(s)?** – The medically determinable impairment(s) must significantly limit the ability to do basic work activities (for example, walking, sitting, or remembering)
- 3. Meets or medically equals a listing?** – The listings describe impairments for 14 body systems for adults and 15 for children

www.socialsecurity.gov/disability/professionals/bluebook



Sequential Evaluation (cont.)

4. **Prevents past relevant work?** – We determine the claimant's Residual Functional Capacity (RFC) based on the combination work-related limitations resulting from the physical and mental impairments. This RFC is compared to the claimant's past relevant work as the claimant actually performed it and how it is generally performed in the national economy.

5. **Prevents other work?** – We compare the claimant's RFC and vocational factors (age, education, and past work experience) to the work in the national economy.



Establishing the MDI

If you are not performing SGA, we move on to consideration of your medical conditions.

We require a **medically determinable impairment (MDI)** that is established by documentation of:

- Medical history,
- Signs and symptoms, and
- laboratory findings





Evaluating Disability

SSA evaluates impairments, such as myotonic dystrophy, by considering its effects on **physical** and **mental** functioning

Examples include:

- Physical limitations, such as gait and station or gross and fine motor movements
- Cognitive limitations, such as memory loss
- Emotional limitations, such as depression
- Behavioral limitations, such as a change in personality

SSA does not determine disability based on diagnosis alone



Evaluating Disability (cont.)

SSA may evaluate the effects of myotonic dystrophy by considering the criteria in:

- Neurological listings **11.13** (muscular dystrophy) and **11.17** (degenerative diseases)
- Special senses listing **2.09** (Loss of speech)
- Mental listing **12.02** (Organic mental disorders)

OR, if necessary,

By considering physical/mental RFC and the claimant's ability to do past relevant work or other work

- Sustainability (ability to do work activities in an ordinary work setting on a regular and continuing basis, 40 hours a week)
 - Basic mental demands of unskilled work (for example, the ability to understand, remember, and carry out simple instructions)
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Evaluating Disability (cont.)

Revised Neurological Disorders Listing

Published: July 1, 2016

Effective: September 29, 2016

- Adds a childhood listings for muscular dystrophy (Listing 111.13) and degenerative diseases (Listing 111.17)
- Adds criteria to the listing to evaluate a combination of limitations in physical and mental functioning to evaluate the physical, cognitive, and behavioral limitations commonly seen with neurological disorders
- Reorganizes the introductory text to clarify how the listings are used and the evidence we consider



Evaluating Disability (cont.)

Revised Neurological Disorders Listing

To meet the revised muscular dystrophy listing, a person needs to meet the requirements of either A or B:

A: Disorganization of motor function in two extremities, resulting in an extreme limitation in the ability to stand up from a seated position, balance while standing or walking, or use the upper extremities.

OR

B: (cont. on next page)



Evaluating Disability (cont.)

Revised Neurological Disorders Listing

B: Marked limitation in physical functioning and marked limitation in one of four areas of mental functioning:

1. Understanding, remembering, or applying information;
2. Interacting with others;
3. Concentrating, persisting, or maintaining pace; or
4. Adapting or managing oneself



Evaluating Disability (cont.)

The Disability Determination

- Over 3.3 million claims were reviewed at the initial and reconsideration level in fiscal year 2015
- Of all people awarded disability benefits, over **70%** are awarded their benefits **at the initial or reconsideration level** by the DDS
- Average processing time for claims at the initial level is 85-90 days



Evaluating Disability (cont.)

TIP: It is helpful for us to have a statement from the claimant's treating physician providing his or her medical opinions about:

- The claimant's physical and mental functioning
- What work-related activities the claimant can or cannot perform on a sustained basis (40 hours a week)
- The **reasons** for those opinions (such as, the clinical findings or clinical observations)





Evaluating Disability (cont.)

Anyone who is familiar with the claimant's daily functioning (for example, a spouse, a caregiver, or a friend) can give us evidence

SSA Function Reports:

- SSA-3373 (Function Report – Adult)
www.socialsecurity.gov/online/ssa-3373.pdf
- SSA-3380 (Function Report – Adult – Third Party)
www.socialsecurity.gov/online/ssa-3380.pdf

TIP: Describe how the claimant's condition **limits** his or her daily activities or give a “diary” of a typical day__



Applying for Disability Benefits

The claimant can:

- **Apply online** at www.socialsecurity.gov



OR

- **Schedule an appointment** by calling SSA's national 800 number (1-800-772-1213) or contacting the local Social Security Office





Applying for Disability Benefits (cont.)

Be sure to complete your application in its **ENTIRETY**.

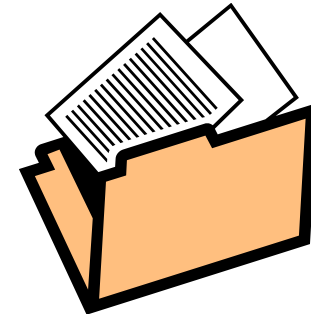
- Provide us with all information and evidence that we request, including all treating medical sources
- Fill out all forms completely and accurately
- Authorize us to obtain your medical records on your behalf if that will make the process easier for you (using form SSA-827, <https://www.ssa.gov/forms/ssa-827.pdf>)



Important Evidence to Provide SSA

Types of evidence include:

- Medical records
- Vocational information
- Activities of daily living report
- Third-party information (for example, a letter from a spouse, a caregiver, a friend, or a teacher)



TIP: The more information you can give us about where you get treatment, the easier it is to obtain records, which will in turn help to give you a decision faster.



What Happens with this Evidence

The Disability Examiner (DE) and Medical Consultants (MC) examine the medical evidence and all other relevant evidence.

The DEs and MCs receive extensive training related to the impairments they assess, including myotonic dystrophy. With the new revisions to the Neurological Disorders Listings, they are currently receiving such training.



Questions

