

Welcome and Introduction

Disability and Returning to the Workplace

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Overview

Today we'll cover:

- SSDI Basics
 - History/description/benefits
 - Eligibility
 - SSDI vs. SSI
- Lupus and SSDI
- SSDI Process/Why people need help
- Back to Work with lupus and SSDI
- Resources



About SSDI

Social Security Disability Insurance (SSDI)

- Established in August 1956.
- Payroll tax-funded, federal insurance program. It provides income to people unable to work because of a disability.
- Workers pay 6.2% in FICA taxes for Social Security, a small portion of which is allocated to SSDI. Employer pays an additional 6.2%
- To qualify, you must be both “currently insured” and “fully insured”—that is you have earned 20 “work credits” in the last 10 years. Usually, if you have worked five out of the last 10 years you are currently insured.
- If you are under age 31 when you become disabled, it is possible to be currently insured with less than 20 quarters of coverage.
- SSDI is not “means-based.”

Benefits of SSDI

- **Monthly Income:** A regular monthly payment based on your lifetime earnings, adjusted annually for cost-of-living. A portion may be tax-free. Average benefit in 2015 is **\$1,165** for an individual and **\$1,976** for a disabled worker with a family.
- **Medical Benefits:** 24 months after date of your SSDI cash entitlement, you qualify for Medicare. This includes Medicare Advantage, often a better option for those with disabilities.
- **Drug Coverage:** Medicare coverage includes Part D.

Benefits of SSDI

- **COBRA Extension:** If you receive SSDI, you may be able to extend your COBRA benefit coverage an additional 11 months.
- **Protected Retirement Benefits:** SSDI “freezes” your Social Security earnings record during the disability period. These years aren’t counted when computing future benefits, so your retirement benefit is not reduced.
- **Return-to-Work Incentives:** Social Security will provide opportunities to return to work while still paying your disability benefits.

Benefits of SSDI

- **Protecting other income benefits:** Most long-term disability (LTD) policies require claimants to apply for SSDI. If you do not, your LTD benefits often are suspended, resulting in a reduction in income.
- **Dependent SSDI Coverage:** Dependents under the age of 18 typically also qualify for SSDI. The dependent(s) typically receives half of the disabled person's monthly benefit.

SSDI Eligibility

The SSA defines a person as disabled if:

- A physical or mental impairment prevents you from engaging in any substantial gainful work.
- Your condition is expected to last 12 months or longer or result in death.

To qualify:

- You meet the criteria above.
- You have worked (and paid FICA taxes) 5 out of the last 10 years (in most cases).
- You have not reached retirement age (65-67).
 - Over 21 years of age and less than retirement age
- You have medical proof of disability.

SSDI Eligibility for Younger Workers

- Generally you need 40 credits. However, younger workers may qualify with fewer credits.
- Before age 24, you may qualify if you have six credits earned in the three year period ending when your disability starts.
- Age 24 to 31, you may qualify if you have credit for working half the time between age 21 and the time you become disabled.

Example: If you become disabled at age 27, you would need credit for 3 years of work (12 credits) out of the past 6 years (between ages 21 and 27).

SSA Profile

SSA profile of disabled-worker beneficiaries:

- Disability benefits were paid to just over 10.2 million people.
- Workers accounted for the largest share of disabled beneficiaries (87.4 percent).
- Average age was 53.
- Men represented under 52 percent.

Supplemental Security Income (SSI)

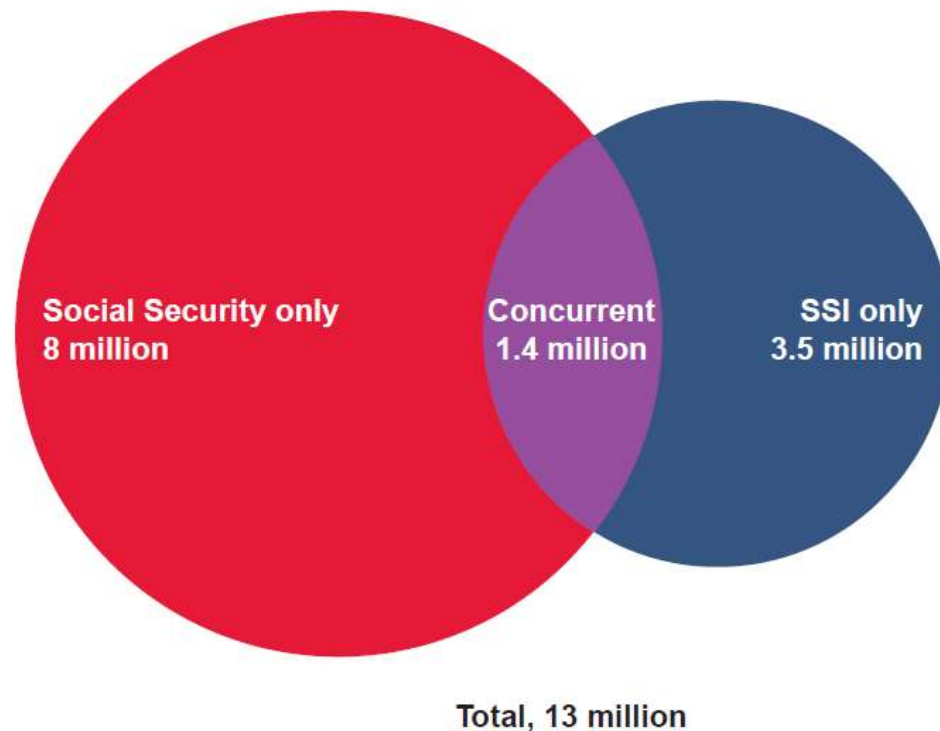
- Supplemental Security Income (SSI) is a **welfare based** program.
- Provides monthly income to people who are 65 or older, disabled, or blind (including children under 18) and have little/no work history.
- Funded through general tax revenues.
- Must meet SSA's disability criteria **AND** have limited income and resources (needs based).

Supplemental Security Income (SSI)

- Federal SSI rates monthly maximum in 2015 = \$733/individual.
- Federal SSI rates monthly maximum in 2015= \$1,100/couple.
- States have option of providing Medicaid.
- Must pass screening threshold of household income and resources.
 - Resources that **do not count** include a home where a person lives and one car (usually).
 - Resources that **do count** include net worth >\$2000 individual or >\$3000 as a couple. Includes bank accounts, stocks & bonds, 401(k), CDs, more than one vehicle.

SSDI and SSI

- Supplemental Security Income payments were a source of income for about one-third of disabled beneficiaries and one out of seven SSDI beneficiaries.
- Individuals who file for SSDI and SSI concurrently experience lower initial and hearing level allowance rates.



Social Security and SSI beneficiaries aged 18–64 receiving benefits on the basis of disability, December 2013.

Determining Disability for SSDI

SSA follows a Sequential Evaluation

- First, are you working and earning less than \$1,090/month?
- Second, are you unable to do activities related to work?
- Third, does your disability meet a medical listing?
- Fourth, can you perform your previous job?
- Finally, does age, education, training and work experience allow you to do another job?

SSA Impairment Listings

14.02 Immune system

- Systemic Lupus Erythematosus (SLE), Impairment code, 7100

8.02 Skin

- Erythematosus Conditions (includes Discoid Lupus) Impairment code, 6950

Common Comorbid Conditions

- Respiratory (pleuritis, pneumonitis)
- Cardiovascular (endocarditis, myocarditis, pericarditis, vasculitis)
- Kidney disease
- Hematologic (hepatitis, anemia, leukopenia, thrombocytopenia)
- Skin (photosensitivity)
- Neurologic (seizures)
- Mental (anxiety, fluctuating cognition, "lupus fog", mood disorders, organic brain syndrome, psychosis)
- Depression (34% to 39% of patients)
- Immune system disorders (inflammatory arthritis)
- Fibromyalgia
- Chronic fatigue

Lupus and SSDI

- For a lupus patient to qualify as disabled, he or she must have severe involvement of at least 1 of 11 organs/body systems (joints, muscular, ocular, respiratory, cardiovascular, digestive, renal, hematologic, skin, neurologic, and mental) as defined by specific criteria.
- Alternatively, the patient may have lesser involvement of 2 or more systems if at least 1 of the systems is involved at a moderate level of severity and the patient has significant symptoms and signs of severe fatigue, fever, malaise, and weight loss.

What is the SSDI Process?

- Consists of 5 levels within application process.
- Majority of individuals who file get frustrated with denial percentages and never continue with the process.
- Appeals process allows individual to request additional consideration at hearing levels.
- Most hearings involve a representative.

Level 1 – Initial Application

- Application completed by claimant with SSA district office (or with representative).
- **Mandatory wait period for benefits is 5 months after date of onset.**
- District office prepares evidence for state-level Disability Determination Services (DDS).
- DDS compiles medical evidence, sends questionnaire, orders consultative exam.
- DDS determines if claimant should be awarded or denied.
- SSA processing time target at this level = 109 days in 2014.
- **Approximately 67% of claims are denied at this level.**

Level 2 – Reconsideration

- If claimant is not awarded at first level, seeks appeal with the SSA District Office.
- Claimant has 60 days to file and submit an appeal.
- District Office submits application and prior evidence from the initial claim to DDS.
- DDS compiles medical evidence, sends questionnaire, orders consultative exam.
- DDS determines if claimant should be awarded or denied.
- Reconsideration level typically takes 3-5 months (101 days in 2013).
- Approximately 89 percent of claims are denied at this level.

“Skip”/Redesign States

- SSA policy adopted in 1999 that enables the disabled individual to skip the “reconsideration” and move straight to the hearing.
- Two offices in California (LA N 00057 and LA W 00056)
- “Skip states” include AL, AK, CO, LA, MI, MO, NH, NY, PA

Level 3 – Hearing with ALJ

- Claimant files appeal with SSA District Office.
- District Office forwards request to Office of Disability Adjudication and Review (ODAR).
- Administrative law judge (ALJ) determines if claim can be awarded on the record or if it requires hearing.
- If hearing required, ALJ conducts hearing with claimant.
- Typically takes about a year to get a hearing and wait times are growing. Decision typically reached @ 382 days in 2013. Now an estimated 422, according to SSA (439 Q1 2015).
- Approximately 48% of claims were awarded at this level in 2013.

Disability Backlog

The five states with the largest backlogs of pending hearings are Florida, California, New York, Pennsylvania and Texas.

STATE-BY-STATE DISABILITY BACKLOG

Released by Allsup, 2014

State ²	Hearing Backlog ¹	
	2013	2014
Florida	64,680	69,228
California	52,691	63,652
New York	46,956	55,563
Pennsylvania	46,085	50,875
Texas	41,050	46,773
Georgia	39,526	39,591
Tennessee	35,014	38,597
Ohio	33,294	37,346
Michigan	35,035	36,562
Alabama	32,929	33,427
North Carolina	30,152	32,052
Missouri	27,565	27,574
Illinois	20,730	23,415
South Carolina	17,113	22,506
Virginia	14,706	21,220
Indiana	19,334	21,151
New Jersey	14,497	20,188
Kentucky	17,071	18,929
National Hearing Centers	24,208	17,809
Mississippi	16,988	17,312
Washington	15,256	15,996
Arizona	8,941	15,236
West Virginia	15,593	15,159

Level 4 – Appeals Council

- Claimant files appeal with Appeals Council.
- District Office forwards file to Appeals Council for review.
- Typically lasts about one year.
- Appeals Council awards, remands or affirms ALJ's denial.
 - Remands = case should be reviewed again by ALJ
 - Awarded moves forward in process
 - **Approximately 99% are denied**

Level 5 – Federal District Court

- Requires formal representation by attorney who will file civil suit in Federal District Court.
- Typically lasts 12 months.
- **98% of claims are denied at this level.**



Why People Need Help

- More individuals applying for SSDI
- Process is complicated and intimidating
- Nearly 30% denied for technical reasons
- Most individuals have representation at the hearing level
- Fewer resources at SSA to handle incoming requests
- Most individuals do not have enough savings/ income to sustain them through the months- to years-long process.

Getting Help With SSDI



“If claimants....had representatives earlier in the disability process, some of them may have received an allowance decision at the DDS level, saving them time and SSA money.

First, the claimants may not have had to go to the hearing level if they had representatives to assist them with completing SSA’s forms and providing the necessary evidence at the DDS level.

This could have saved some claimants about 500 days in receiving an allowance decision.”

SSDI Help When You Have Lupus

“Lupus patients may be less successful than patients with other diseases when applying for federal disability assistance, possibly because medical records may not accurately reflect functional limitations. In addition, symptoms contributing to work disability (e.g. fatigue, pain, neurocognitive dysfunction) may be difficult to assess and quantify.”

---Scofield, et al., 2008

- Does medical evidence satisfy the current “Criteria for the Classification of Systemic Lupus Erythematosus” by the American College of Rheumatology?
- Severity of organ involvement
- Medications used
- Comorbidities
- Specific questionnaire for physician is helpful

SSDI Help When You Have Lupus

- Higher initial disapproval rate of applications from patients with diffuse diseases of connective tissues (including lupus patients) compared with patients with other diseases (heart failure, arthritis, or the sums of all diseases).
- “Efforts to educate both patients with lupus and physicians about work disability and the Social Security disability claims process and research on factors that may influence the success of lupus patients in obtaining disability benefits would also be useful.”

-Employment and Disability Issues in Systemic Lupus Erythematosus: A Review (Scofield, et al. 2008).

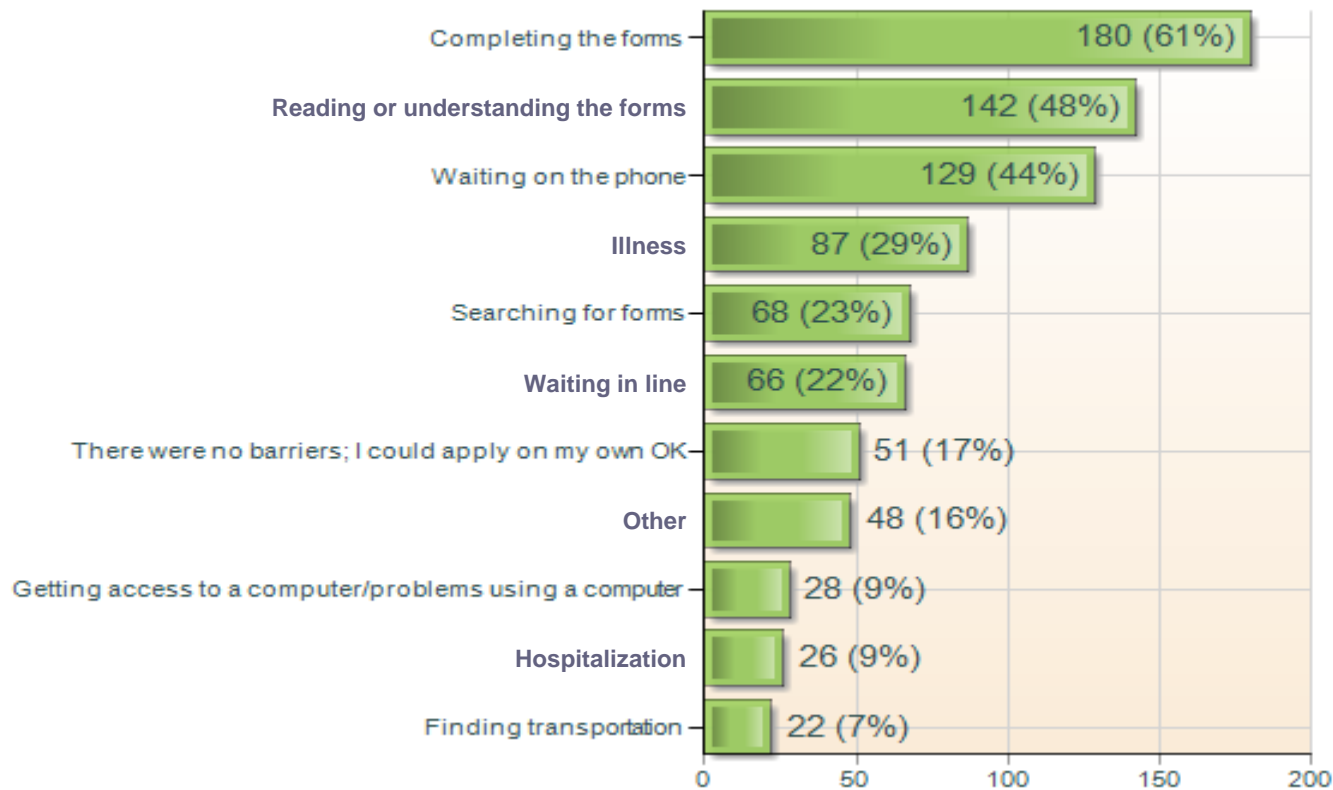
How Much Does it Cost?



- Fees regulated by the federal government and are contingency based (if Allsup is unsuccessful, individual pays nothing).
- **Flat rate** if awarded at level 1 (Allsup's high success rate at this level means many clients pay the flat rate) **OR**
- **25%** of retro payment if claim goes through appeal process---capped at \$6,000.
- Allsup does not charge for out-of-pocket expenses---copying medical records, phone calls, travel, etc.

Difficulties “Going it Alone”

Please provide details on what difficulties you experienced when handling the SSDI process on your own.

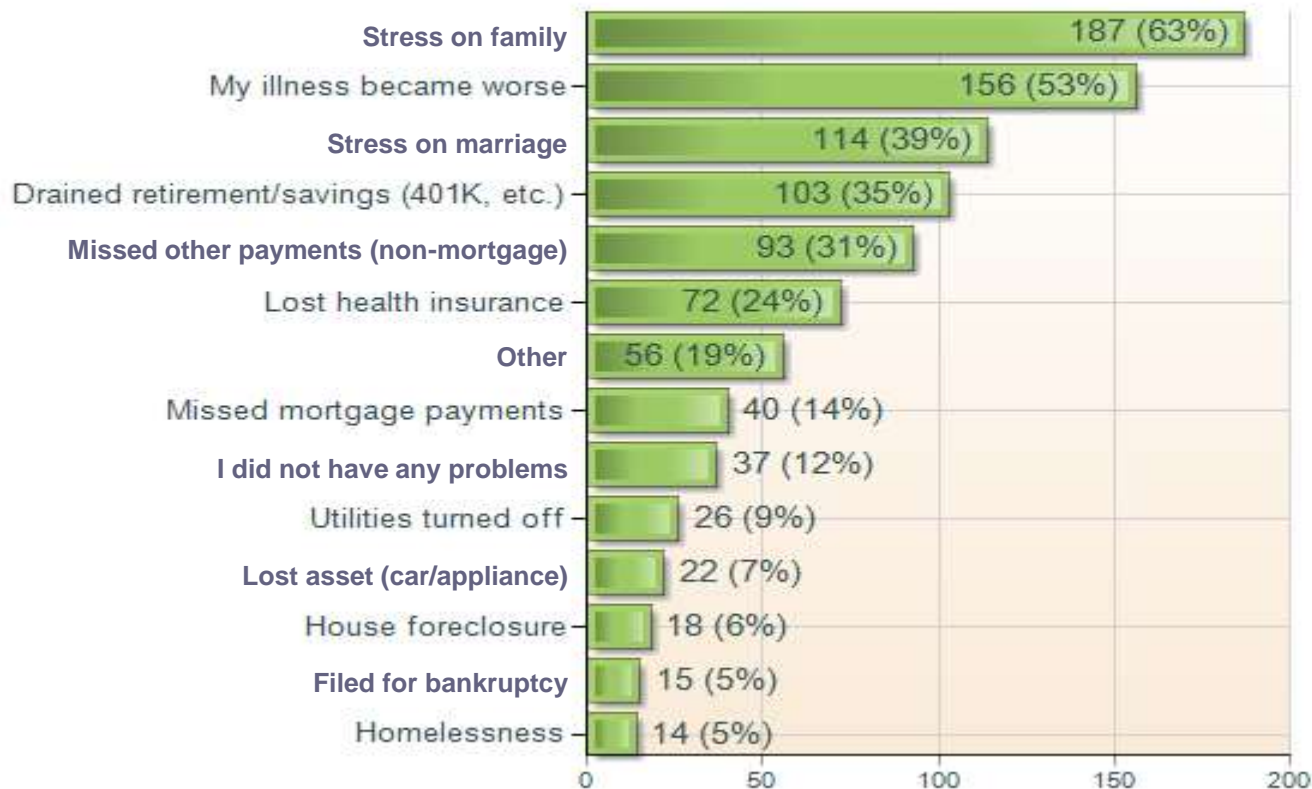


Note: respondents could select more than one

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Experiences While Waiting

Did you face repercussions during the time period before you received your SSDI award, and if so, what were they? (Please select all that apply.)



Note: respondents could select more than one

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Advice for SSDI Applicants

- Don't go it alone --- pass the stress off to a representative or advocate.
- Assemble all the documentation and patience you can.
- You have a right to be treated fairly and with dignity by SSA and DDS staff, the ALJ and your SSDI representative.
- Continue and document treatment.
- ***SSDI is an investment you made during your working years for just this reason. If you cannot work due to your condition, you deserve a return on that investment.***

Lupus and Work Disability

- Multiple body systems affected
- Chronic condition, no cure
- Unpredictable (flares, fatigue, “fog”, pain)
- Significant treatment side effects
- Comorbidities due to organ damage, medication side effects, long term disease/treatment effects and psychological impacts

Lupus and Work Disability

Telephone survey administered to a cohort of 982 persons with SLE, between 2002 and 2004 (Yelin et al, 2007).

- Between diagnosis and follow-up interview, the proportion employed declined from 74% to 54%.
- Over the same period, hours of work per year declined by 32.2% among all individuals with a work history.
- Among individuals working at diagnosis, the proportion employed declined by 15% and 63% after 5 and 20 years, respectively.
- **Conclusion:** Total cessation of employment, rather than reduced hours, accounts for most of the decline in annual work hours among persons with SLE.

Lupus and Work Disability

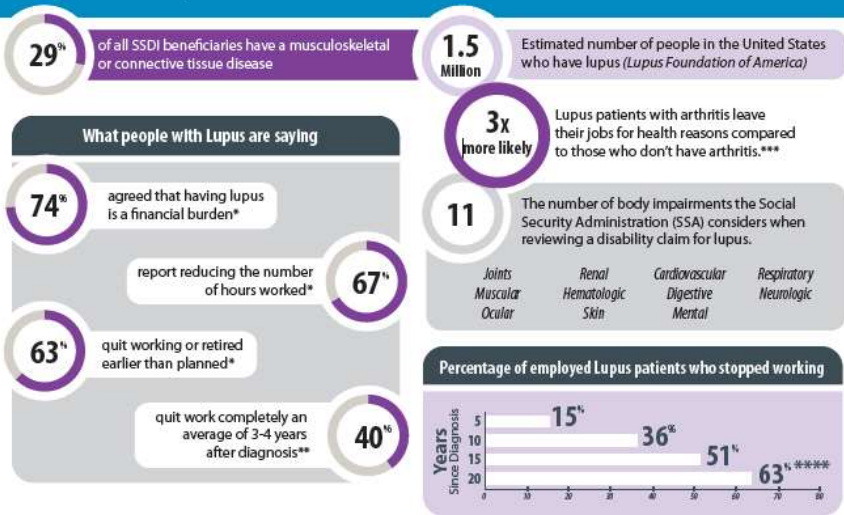
Questionnaire completed by 344 subjects with SLE and 322 control subjects regarding work disability.

- 41% were receiving SSDI benefits
- 88% of those unemployed stated they were unemployed due to health problems
- Highly physical and highly cognitive jobs are challenging to patients with SLE and have increased absenteeism
- Employability may be enhanced by improving treatment of depressive symptoms in patients with SLE

Lupus and Work Disability

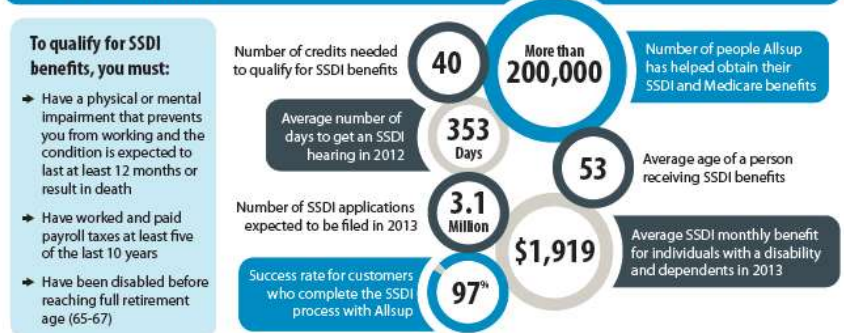
Lupus and Social Security Disability Insurance (SSDI)

A Quick Look By The Numbers



- Nearly one-third of all SSDI beneficiaries have a musculoskeletal or connective tissue disease.
- Lupus patients with arthritis are three times more likely to leave their jobs for health reasons compared to those who don't have arthritis.
- One study showed that 40% of individuals with lupus quit work completely an average of three to four years after diagnosis.
- Another study showed that two thirds of people with lupus reduced their work hours and quit work or retired earlier than planned.

About SSDI and Allsup



*2011 National Burden of Lupus Survey
 ** Partridge AJ, Karlson EW, Daltry LH, Lew RA, Wright EA, Fossel AH, et al. Risk factors for early work disability in systemic lupus erythematosus: results from a multicenter study. *Arthritis Rheum* 1997;40:2199-206.
 *** J Rheumatol. 2009 Nov;36(11):2470-5. doi: 10.3899/jrheum.080386. Epub 2009 Feb 27. The impact of systemic lupus erythematosus on employment.
 **** Yelin E, Trupin L, Katz P, Criswell L, Yazdany J, Gillis J, et al. Work dynamics among persons with systemic lupus erythematosus. *Arthritis Rheum* 2007;57:56-63.



Why Work?

Disability is a natural part of the human experience and in no way diminishes the right of individuals to:

- **(A)** live independently;
- **(B)** enjoy self-determination;
- **(C)** make choices;
- **(D)** contribute to society;
- **(E)** pursue meaningful careers; and
- **(F)** enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society.



From the Federal Rehabilitation Act of 1973

Why Work?

- SSDI is an important resource for former workers, but monthly cash benefits are usually much less than previous wages.
- Employment affords the opportunity to build on previous work experience and grow professionally and personally.
- Advances in technology, training and supportive mechanisms have evolved, allowing people with significant disabilities to adapt and ultimately re-enter the economy.
- With the right opportunities and supports, many people can earn a higher standard of living by going to work and leaving the benefit rolls.

Ticket to Work

- Social Security's Ticket to Work program supports career development for people with disabilities by providing choices, opportunities and supports needed to become and stay employed.
- Ticket to Work holders are SSDI beneficiaries who would like to improve their earning potential and who are committed to preparing for long-term success in the workforce.
- The Ticket program and its work incentives allow individuals to keep their SSDI benefits while they explore employment.

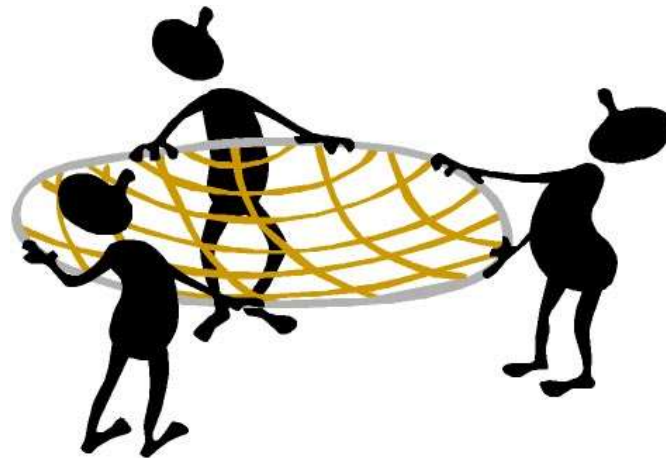


Benefits for Ticket to Work Participants

1. Trial Work Period (TWP) - Allowed a 9 month trial work period without losing SSDI benefits regardless of work earnings.
2. Extended Period of Eligibility – 36 months after TWP ends. Full benefits continue for months in which earnings are below SGA, as long as you continue to have a disabling impairment.
3. Expedited reinstatement of benefits – Benefits are reinstated without new application for 6 months while SSA evaluates your eligibility to receive benefits. Can utilize this incentive for up to 5 years after your benefits stop due to work earnings.

Benefits for Ticket to Work Participants

4. Continuation of Medicare coverage – For up to 93 months after TWP and includes Medicare part A, part B if enrolled, and prescription drug coverage if enrolled.
5. Exclusion from medical continuing disability reviews – As long as you are making timely progress towards your employment goals.



Provider Resources

- Employment Network (EN)
- State Vocational Rehabilitation Agency (VR)
- Work Incentives Planning and Assistance (WIPA)
- Protection and Advocacy for Beneficiaries of Social Security (PABSS)

Provider Descriptions

Employment Network (EN)

- Contracts with Social Security to provide **free** services to beneficiaries.
- Helps you develop an Individual Work Plan (IWP).
 - Defines employment goals.
 - Describes specialized services the EN will provide.
- Provides career counseling, job placement, and ongoing support services. Some provide additional services.
- You can “shop around” for an EN that best suits your needs.

EN services may include:

- Career Planning
- Job Placement
- Ongoing Employment Support
- Benefits Counsel



Provider Descriptions

Your state's Vocational Rehabilitation agency (VR)

- Will work with you to develop an individual employment plan.
- Often provide more rehabilitation or training services compared to an EN.
 - Evaluation
 - Counseling
 - Job Training
 - School – college, technical, trade

Work Incentives Planning and Assistance (WIPA)

- Community-based organizations.
- Support working beneficiaries to make a successful transition to financial independence.
- Community Work Incentives Coordinator will work with you one on one to provide in-depth counseling about benefits and the effect of work on those benefits.

Provider Descriptions

Protection and Advocacy for Beneficiaries of Social Security (PABSS)

- Nation's largest provider of legally based advocacy service for people with disabilities.
- Advocates represent eligible beneficiaries to remove barriers precluding successful employment including:
 - Securing services from community agencies, including employment networks.
 - Understanding issues with disability benefits and work incentives for people who are already entitled to benefits.
 - Protecting beneficiaries' rights regarding conditions of employment.
 - Obtaining vocational rehabilitation and employment preparation services and supports.
 - Understanding and protecting rights, responsibilities, and reasonable accommodations under the Americans with Disabilities Act.

Meeting the “Ticket to Work Challenge”

Challenge: You are eligible for Ticket to Work only after you are awarded SSDI benefits.

By the time someone asks if you would like to try to work, you have invested months or years providing evidence of your inability to work in order to receive SSDI benefits. The process can take two to three years. By that time, many individuals are likely to have become more isolated, lost critical work capacity and have a diminished desire to work.



Meeting the “Ticket to Work Challenge”

Solution:

- If you are thinking about applying or have a claim pending for SSDI benefits, familiarize yourself with the Ticket to Work program before and during the adjudication process.
- Learning about work supports and incentives can help you visualize an eventual return to work. This enhances your mental and emotional capacity to take full advantage of the Ticket to Work program when you are ready.



Additional News...

Employers are actively seeking to hire individuals with disabilities



YOU'RE
HIRED!

Additional News...

Section 503 Regulations of the Rehabilitation Act of 1973 Changes the Landscape of Recruitment for Employers.

- Section 503 details specific actions federal contractors must take in the areas of recruitment of individuals with disabilities.
 - Hiring goal is that 7% of each job group in the workforce is qualified individuals with disabilities.
 - Between 500,000 and 600,000 new jobs will be created for people with disabilities.*
- Allsup's research shows:
 - Employers that are not federal contractors do not want to be left behind and are expanding their workforce diversity programs to stay competitive.

*According to the U.S. Department of Labor and the American Association of People with Disabilities

Benefits for Employers

Employing skilled people with disabilities has numerous benefits to Employers:

- Access to a skilled talent pool
- Increased production
- Decreased operational costs
- Lower turnover rates/improved retention
- Reduction in healthcare costs
- Tax credits
- Federal law compliance - Section 503
- Motivation of employees
- Broadened customer base and marketing opportunities
- Boost customer trust and loyalty



Summary

1. Ticket to Work offers vocational training, job placement and employment supports while protecting SSDI benefits to help you transition back to work.
2. Individuals with disabilities are motivated to re-enter the workforce. They are vital and valuable contributors to the American economy.
3. The landscape of Employer recruiting has changed. Employers are seeking motivated, qualified individuals to fill open positions.

For information and assistance with SSDI, visit Expert.Allsup.com

For more information on Ticket to Work, visit www.AllsupES.com or
ChooseWork.net

Questions?



Thank You