

CHAPTER TWO

Supplemental Security Income (SSI)

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INTRODUCTION

SSI Basics

Supplemental Security Income (SSI), also known as Title XVI, is a federally financed needs-based program administered by the Social Security Administration (SSA). SSI guarantees a minimum income level for people who are aged (65 and older), blind, or meet the Social Security disability standard with low incomes and resources.

The federal government provides \$735 per month for an eligible individual and \$1,103 for an eligible couple. This amount is adjusted annually and is known as the Federal Benefit Rate (FBR). There was a .3% increase in the federal Cost of Living Adjustment (COLA) in 2017, which resulted in increases of \$2 per month for an eligible individual and \$3 per month for an eligible couple from 2016 to 2017.

Some states supplement these amounts. Until April 30, 2009, California provided a \$233 per month state supplement for aged and disabled individuals and a \$568 per month supplement for aged and disabled couples. The state supplement has since been reduced to the current level of \$160.72 per month for an individual and \$405.14 for an eligible couple, which reflects a one-time state COLA of 2.76% in 2017. Thus the current combined state and federal SSI benefit rate in California is \$895.72 per month for an individual and \$1,510.14 for an eligible couple. Persons who are blind or have no cooking facilities are paid a somewhat higher amount.

There is no provision for a lien on the property of an SSI recipient or any other requirement to repay properly paid benefits.

Related Benefits

Medicaid

Most states, including California, automatically provide Medicaid (Medi-Cal) to persons who qualify for SSI. These states do not make their own Medicaid eligibility determinations for SSI recipients.

In these states, SSA shares SSI eligibility information electronically with the state Medicaid agency. When an individual loses SSI eligibility, and, therefore, automatic Medicaid eligibility, the state Medicaid agency must redetermine Medicaid eligibility and provide due process, i.e., notice and the opportunity for hearing.

Food Stamps

In California, SSI recipients are not eligible to receive Food Stamps.

Dependents

Unlike Social Security, the SSI program has no benefits for dependents.

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ELIGIBILITY

Overview

An applicant for SSI must meet several different eligibility criteria:

- *Categorical Eligibility* - Age (65 years or older) or blindness or disability
- *Financial Eligibility* - Resource and Income test
- *Immigrant Eligibility* - Discussed later in this chapter.
- *Residence* - Residence in the United States is a requirement even for citizens, and residence in California is required to receive the California state supplement.

Whether to Apply as a Couple or as an Individual - Don't worry about this. SSA will make the decision for you. If you are married and living in the same household and both are over age 65 or disabled, you must apply as a couple. For information on recognition of domestic partnerships and civil unions for same sex and opposite sex couples, see p.20 of this chapter. Also, if you are living with another person and leading people to believe you are married and both of you are over age 65 or disabled, then you must apply as a couple. On the other hand if you are separated or if only one spouse is over 65 or disabled, then you must apply as an individual.

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FINANCIAL ELIGIBILITY

Resources

Resources of an SSI recipient may not exceed \$2,000 in “countable resources” for an individual or \$3,000 for a couple.

What is a Resource?

SSA Regulations define a resource as:

“[C]ash or other liquid assets or any real or personal property that an individual . . . owns and could convert to cash to be used for his or her support and maintenance.”

How are Resources Counted?

Resources are generally counted on the basis of the equity an individual has in the resource, i.e., market value minus encumbrances.

When are Resources Counted?

Resources are counted only once a month on the first moment of the first day of the month. Resources held in the middle of a month are irrelevant, although a period of ineligibility may be imposed for transfer of a resource, as is discussed later in this chapter.

Excluded Resources

Certain resources are excluded and do not count toward the resource limit. A partial list of the principal exclusions follows. A list containing additional excluded resources with reference to the POMS section that describes each of them is attached to these materials. Those resources that are not excluded are “countable resources.”

Because Medi-Cal eligibility rules must track SSI eligibility rules, these exclusions must apply to Medi-Cal eligibility also. See Chapter 6, *infra*.

- *Home*—The home in which the SSI recipient resides and all contiguous land is excluded regardless of value. However, if the recipient lives elsewhere, the home is counted. If the recipient has the intent to return to the home -- no matter how unrealistic the intent -- the home still is excluded. This rule is important for a resident of a residential care facility or a nursing facility who is prevented from moving home by a medical condition. The “intent to return home” also is discussed in Chapter 6, the Medi-Cal chapter.
- *Automobile*—One automobile is excluded regardless of value.
- *Personal or Household Goods*—No limit on value.
- *Burial Funds and/or Life Insurance Policies*—Up to \$1,500 combined value of all burial funds together with face value of life insurance policies for the beneficiary or his/her spouse. These funds must be separately identified and set aside. If the funds are used for another purpose, the individual may face a substantial overpayment.
- *Burial Plot*—A burial plot is excluded regardless of value. This is in addition to the burial funds.

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- *Jointly owned property - undue hardship*—Jointly owned property is excluded where the sale would cause undue hardship to the co-owner because of loss of housing.
- *Past-due Social Security and SSI payments*—These payments are excluded from resources for a nine-month period.
- *Earned Income Tax Credit and Child Tax Credit*—These payments are excluded from resources for twelve months, beginning with the month of receipt.

For additional resource exclusions, see POMS SI 01130.050, *infra* pp. 2-22 and 2-23.

Resource and Income Deeming

Deeming is when money or property of one person is considered available to another person.

There are three circumstances in which a portion of the income and resources of another person will be considered to be available to the SSI applicant regardless of actual availability. The formula for determining the amount of the income and resources available to the individual is different in each of the three circumstances.

1. *Spousal deeming*—The income and resources of an ineligible spouse living in the same household are deemed to the individual. It must be noted that spousal deeming does not apply when the spouses are separated. It should also be noted that spousal deeming applies only when one spouse is categorically eligible for SSI (aged, blind or disabled) and the other is not. If both are categorically eligible and they are living together, then they must apply as a couple.
2. *Parent to Child deeming*—The income and resources of a parent living in the household are deemed to the child.
3. *Sponsor to Alien deeming*—Not all immigrants are sponsored. Deeming applies only to some sponsored immigrants, primarily those whose sponsors signed affidavits of support on or after December 1997. These “new affidavits” provide for sponsor deeming to continue until naturalization or until the immigrant has 40 quarters of covered employment, whichever comes first. See chart at end of chapter. Earlier affidavits of support provided for sponsor deeming for only a three year period.

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Income

Income for SSI purposes is a term of art. Income is defined in the SSI regulations as “anything you receive in cash or in kind that you can use to meet your needs for food and shelter.” In other words, if it cannot be used to obtain food or shelter, it is not income for SSI purposes.

Even if something is income under the SSI definition, it still might not be “countable income” under the SSI income counting rules. Only countable income affects SSI eligibility and the amount of the grant.

What is Not Income?

SSA has compiled a long, but not exhaustive, list of items that are not considered to be income. Among the items on the list are:

- Impairment related work expenses (IRWEs);
- Gifts of domestic airline tickets if they are not cashed in;
- Assistance based on need from a state or local government;
- Proceeds of a loan;
- Income tax refunds;

- Replacement of income previously received;
- The portion of a grant, scholarship or fellowship used for tuition, fees, or other necessary educational expenses;
- Bills paid directly to the supplier by someone else for goods or services other than food or shelter;
- Receipts from the sale, exchange, or replacement of a resource, even if the sale price is higher than the purchase price.
- Interest and dividend income on countable resources; and
- Infrequent or irregular income - up to \$60 per quarter of unearned income and \$30 per quarter of earned income.

TIP

It is best, if at all possible, to formalize any agreements to make repayments, to make it clear that there is a legal obligation to repay. Otherwise, SSA may end up classifying loan proceeds as countable income under the SSI rules.

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How much income is allowed?

In order to be eligible for SSI an individual cannot have more countable income than the SSI payment level applicable to the individual's living arrangement. By far the largest category is that of aged or disabled individuals living independently with cooking facilities. The benefit rate [Federal Benefit Rate (FBR) + State Supplementary Payment (SSP)] and thus the maximum countable income allowed for these individuals is \$895.72 per month. The benefit rate for similarly situated eligible couples is \$1,510.14 per month. Charts containing benefit rates for other categories of SSI recipients in California are attached at p. 2-24 and 2-25.

When is Income Counted?

Income is counted on a monthly basis in the calendar month in which it is received. Income for the current month determines eligibility for the month. Income from two months previous will determine the amount of the benefit for the current month. This is retrospective monthly accounting or RMA. However, income in the first month of eligibility determines the amount of the grant for the first three months, except that non recurring income in the first month will not be counted in the second and third months.

Types of Income

The Social Security Act divides income into two categories for SSI purposes - earned and unearned income. The distinction is of crucial importance because the two types of income are calculated separately and with very different rules.

Unearned Income

Unearned income is defined in Social Security regulations by what it is not, i.e., it is not earned income. Of those SSI recipients who have income, the overwhelming majority have only unearned income, and for the majority of those with unearned income, the only income they have is a Social Security benefit.

For those who have only unearned income the calculation of countable income to determine SSI eligibility and benefit amount is very simple. In order to determine the individual's countable income, simply take the individual's unearned income for the month from all sources, except excluded income (as discussed on the following page) and subtract an unearned income disregard of \$20. The result is countable income for the month.

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EXAMPLE

Assume that Javier applies as an individual whose only other income is a \$520 monthly Social Security check. Is he income eligible? If so, how much is his grant?

The answer to the first question is “yes.” He has total unearned income of \$520. From this, subtract the \$20 unearned income disregard. This yields total countable income for the month of \$500. Since this amount is less than \$895.72, he is eligible. The amount of the grant is determined by subtracting his countable income of \$500 from the SSI payment level of \$895.72, leading to an SSI grant of \$395.72 per month.

Change the facts for Javier. Assume that in addition to his Social Security check, he receives a \$380 monthly pension check for a total monthly unearned income of \$900. Is he still eligible?

The answer again is “yes,” because his countable income ($\$900 - \20) is only \$880. Thus he receives a monthly benefit of only \$15.72. But, keep in mind he also gets automatic Medi-Cal eligibility with no share of cost deductible. Also, note that although he has two sources of unearned income, he only gets to use the \$20 unearned income disregard once.

Change the facts again. Javier still receives his \$520 a month Social Security retirement check. However he has just married Josefina, who receives a \$920 a month Social Security disability check. Are either of them entitled to SSI? If so, who? How much? Do you need more information?

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Earned Income

A very small percentage of all SSI recipients have earned income, about 3%. For elderly recipients it is even smaller, about 1.5%. However, the rules for counting earned income are more generous than those for counting unearned income. The steps for calculating countable earned income are as follows:

Step One –Add up all earnings for the month using gross wages.

Step Two –Subtract any Impairment Related Work Expenses (IRWE), but only if the

beneficiary is receiving SSI on the basis of disability or was receiving it on the basis of disability the month before reaching retirement age.

Step Three –Subtract the earned income disregard of \$65 per month.

Step Four –Subtract the \$20 income disregard, but only if the \$20 has not already been applied to unearned income.

Step Five –Divide the remaining amount by 2. The result is countable earned income.

EXAMPLE

Anna earns \$1,785 in gross wages per month. She has no other income and has no Impairment Related Work Expenses. Is she eligible for SSI as an individual? If so, how much is her grant?

She is eligible, and is entitled to a grant of \$45.72 per month. The calculations are: gross wages of \$1,785 minus earned income disregard of \$65 equals \$1,720, minus unearned income disregard of \$20 equals \$1,700. \$1,700 divided by 2 equals countable income of \$850. Subtracting \$850 from the monthly payment level of \$895.72 leaves a monthly grant of \$45.72.

Take another example. Harry is married to and lives with Wanda. Both are 75 years old. Harry does not work. The couple's only income comes from Wanda's job at Costco, where she earns \$2,985 per month. Wanda has a disability which requires that she spend an additional \$300 per month to go to and from work. Neither of them has ever received SSI before. Who, if anyone, is eligible for SSI?

From the start it is clear that either both or neither one is eligible. Why? Since both of them are categorically eligible (i.e., aged, blind, or disabled), and they are husband and wife living together, they must apply as a couple. The arithmetic shows that they are in fact eligible as a couple. First, since they qualify for SSI on the basis of age, they cannot subtract IRWEs even if she has such expenses. Subtracting the \$65 and \$20 income disregards from her \$2,985 in gross wages leaves \$2,900. Dividing that by two leaves countable income of \$1,450 per month. That means they are eligible for a \$60.14 SSI grant, because the monthly SSI/SSP grant standard is \$1,510.14 for an eligible couple. Both are eligible for Medi-Cal without a share of cost.

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In-Kind Support and Maintenance (ISM)

There are special rules for counting in-kind support and maintenance (ISM). One is the so-called one-third rule, and the other is the presumed value rule. Before discussing the two counting rules, there are two other important points to clarify. The first is that not everything received in-kind is counted; only in-kind food and shelter, or that which can be used to obtain food and shelter. The second point is that items provided with the understanding that the individual will later repay do not constitute ISM. This is a loan. This most frequently occurs when a friend or relative helps out while the SSI application is pending, although it also happens later after the individual is receiving benefits. However, the loan needs to be well-documented.

One-Third Rule - The one-third rule applies when the individual is living in the household of another and that person is providing the individual with both food and shelter. When this rule applies, an amount equal to one-third of the SSI Federal Benefit Rate ($\$735 \div 3 = \245 , in 2017) is added to the individual's countable income. This addition is made regardless of the actual market value of the food and shelter provided.

Many factual questions arise in the application of the one-third rule. For example, when a beneficiary is paying something to the owner or prime tenant of a house or apartment, if the amount is the beneficiary's pro-rata share of expenses, then there is no in-kind support and maintenance. However, if the beneficiary is paying something less than the pro-rata share, then it is ISM, assuming that both food and shelter are provided.

Presumed Value Rule - The presumed value rule applies when there is in-kind support and maintenance but the rules for the one-third rule do not apply, i.e., (1) either food or shelter are provided but not both; or (2) the individual is not living in the household of the other person. Under the presumed value rule, the ISM will have a presumed value equal to one-third the FBR plus the \$20 income disregard ($\$245 + \$20 = \265, in 2017). This amount will be added to the individual's countable income in calculating the amount of the grant, unless the individual can demonstrate that the actual value of the support is less. The ISM cannot be valued at a greater amount regardless of actual market value.

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TRANSFER OF RESOURCES

Introduction

The Foster Care Independence Act of 1999 added a transfer of resources penalty to SSI. The Act establishes a 36-month look-back period and a period of ineligibility of up to 36 months for the transfer of a resource for less than Fair Market Value (FMV). It is important that anyone receiving SSI or considering the possibility of applying for SSI within the next three years consider this provision.

What is a Resource?

Anything that fits within the SSI resource definition is a resource for purpose of the transfer penalty.

How is the Penalty Period Calculated?

The period of disqualification is calculated by dividing the uncompensated value of the resource by the monthly benefit rate applicable to the individual. The result when rounded down gives the number of months for which the individual is ineligible.

DISCLAIMER OF INHERITANCE: *Disclaimer of a right of inheritance is also considered a transfer of a resource for less than Fair Market Value.*

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EXAMPLE—Calculating the Penalty Period

Zack, who is 80 years old, decided in May 2016 that he was no longer able to drive. He gave away one of his two cars to his grandson in that month. The car had a fair market value of \$12,000. In June 2017, Zack applied for SSI as an individual and is otherwise eligible. At this time the fair market value of the car is \$10,000. Does the transfer affect his eligibility?

The answer is “yes.” The transfer took place during the 36-month look-back period immediately preceding the SSI application. Since Zack did not receive fair market value, the penalty applies. The duration of the penalty is determined by the amount of the uncompensated value (\$12,000) divided by the monthly combined benefit rate (FBR + SSP or \$895.72). This yields 13.39, which is rounded down to 13 months of ineligibility. Since the period of ineligibility begins on the first of the month following the transfer, Zack is ineligible beginning June 1, 2016 and will not become eligible until July, 2017.

What if Zack sold the car to his grandson for \$5,000, knowing that his grandson could not afford to pay more?

Now the uncompensated value is \$7,000. Dividing \$7,000 by \$895.72 yields 7.81, resulting in a 7-month period of ineligibility.

Q. If there were no transfer penalty, what would be the impact of the \$5,000 Zack received in May 2016 on his SSI eligibility for that and subsequent months?

Answer: _____

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Exceptions to Transfer Penalty

Fortunately, there are exceptions to the transfer penalty. Exceptions include:

- All resources returned - In the example above, if the grandson returned the car, Zack would not have a period of ineligibility, even for the period prior to the return of the car.
- Transfer of a home to certain family members - This exception applies to a transfer to a spouse, a child under 21 or a child of any age who is blind or disabled. It also applies to a transfer to a sibling with an ownership interest (including a life estate) who resided in the home for at least a year immediately prior to the individual's institutionalization. The home transfer exception applies as well to a transfer to an adult son or daughter who resided in the home for at least two years prior to the individual's institutionalization and who provided care to the individual, which permitted the individual to live at home instead of in an institution.
- Non-home transfers to certain family members - There is an exception for non-home transfers to a spouse or a blind or disabled child, or for the sole benefit of a spouse.
- Transfers to certain trusts - There is an exception for transfers to 3 types of trusts: (1) a trust for a blind or disabled child; (2) a trust for the sole benefit of an individual (including the grantor) who is under 65 and blind or disabled; (3) a trust that is a countable resource.
- Transfers for a purpose other than to obtain SSI - There is a presumption that a transfer is for purpose of obtaining SSI, which can only be overcome by convincing evidence that the transfer was exclusively for another purpose. Examples of transfers that might satisfy this exception include: (1) court-ordered transfers; (2) transfer occurring prior to the traumatic onset of a disability or blindness that created eligibility for SSI; (3) transfer occurring prior to a diagnosis of a previously undetected disabling condition that created eligibility for SSI; or (4) transfer occurring prior to an unexpected loss of other income or resources that would have precluded SSI eligibility in any case.
- Transfer of a resource that would have been excludable in the month of the transfer. This exception allows for transfer of the home as long as the individual was residing there at the time of transfer.
- Undue hardship - This exception applies only where failure to receive SSI would result in loss of food or shelter, and the individual's total available funds do not exceed the applicable monthly payment rate for the individual's living arrangement.
- Transfer of a small amount - This exception applies if the transferred amount, when combined with other resources, is less than the \$2,000 (\$3,000 for a couple) resource limit.

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FINAL REMINDERS ON TRANSFERS

- *Gifts of cash are transfers of resources and will incur a period of ineligibility if, when added to the individual's other resources, they exceed the resource limit.*
- *Repayment of a loan which one has a legal obligation to repay is not a transfer for less than fair market value. A written document is helpful but not absolutely necessary.*
- *Repayment of a moral obligation may provoke a period of ineligibility.*
- *An individual spending money on herself will never create a period of ineligibility.*

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SSI RESTORATION ACT

Legislation will likely be introduced in Congress which take important steps to protect and preserve Social Security, including updating some aspects of the SSI program that have not changed in decades.

Some key proposals include:

1. Update the SSI Eligibility Requirements. Update income exclusions and resource limit thresholds and streamline what to consider income.
2. Remove the Marriage Penalty for SSI Couples. Increase the SSI couples' rate to equal two times the SSI individual rate.
3. Eliminate Dedicated Accounts. Eliminate dedicated accounts and the restrictions they place on parents in spending funds on behalf of their children.
4. Conform Treatment of State and Local Government Earned Income Tax Credits and Child Tax Credits for SSI. Simplify administration of the SSI program by excluding State EITCs and CTCs, in the manner in which similar federal tax payments are excluded.
5. Increase the General Income Disregard from \$20 a month to \$116 a month. This amount has not changed since 1972 even though \$20 in today's money is equal to \$34 and change in 1972 dollars.
6. Increase the Earned Income Disregard from \$65 a month to \$377 a month. This figure also has not changed since 1972.
7. Increase the Resource Limit from the current \$2,000 (\$3,000 for a couple) to \$10,000 (\$15,000 for a couple). The resource limit has only increased 33% since the program was enacted in 1972 even though the cost of living today is many times greater than it was then.
8. Eliminate the In-Kind Support and Maintenance Reduction where someone is receiving in-kind food and/or shelter.
9. Eliminate the Transfer Penalty for transferring a resource for less than fair market value.

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SSI ADVOCACY AT STATE LEVEL

A strong grass roots movement has developed over the last three years in support of an effort to increase the California state supplementary payment (SSP) which has been cut from \$233 in 2009 to \$160.72 today. The group, Californians for SSI (CA4SSI), has the participation of over 200 organizations in California as well as a number of SSI recipients with the goal of raising the combined SSI/SSP to at least the federal poverty level. In January 2017, the first post-Recession restoration of the state portion of the SSI/SSP grant occurred when a one-time 2.75% cost of living adjustment was applied to all SSP grants in California. In 2017, state bill CA AB 796 (Kalra) proposed to restore the cuts to SSI/SSP grants to 100% of the federal poverty level in two steps by January 1, 2019. The bill was held in the Assembly Appropriations Committee and at the time this chapter was written, members of Californians for SSI are discussing next steps for the bill and the broader effort to increase the SSP grants in California. The website for Californians for SSI is www.ca4ssi.org.

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ADMINISTRATIVE APPEALS PROCESS

The administrative appeal process is the same as for Social Security, with the exception of the first level of appeal (reconsideration) when adverse actions (suspension, termination or reduction of benefits) are taken. When SSA proposes to reduce, suspend or terminate SSI benefits, SSA must offer the individual the opportunity for continued payment of full benefits through decision on the first level of appeal, if the adverse action is appealed within ten days (plus five additional days for mailing) of the notice of adverse action. There is no opportunity for continued benefits beyond the reconsideration stage except in the case of an appeal from an adverse CDR (Continuing Disability Review) decision for medical improvement, in which case continued benefits can continue through an Administrative Law Judge (ALJ) decision.

It should be noted that the “good cause” provision governing late filing of appeals applies as well to situations causing an individual to miss the deadline for receiving continued payment of benefits pending appeal.

A copy of the good cause regulation (section 416.1411 of Title 20 of the Code of Federal Regulations) is included at the end of this chapter.

In an adverse action in an SSI case, SSA also must offer the individual a choice of three different processes for reconsideration at the SSA District Office level. The case review is the option most frequently selected and probably the least appropriate for someone facing a proposed suspension or reduction. This is strictly a paper review and offers very limited opportunity to find out more about the agency’s case. The other options are informal conference and formal conference, both of which involve a face to face appearance before the decision-maker. At the formal conference there is also the opportunity to request that documents and witnesses be subpoenaed. There is also a written summary of the proceedings.

In some parts of LA County, they are experimenting with elimination of the reconsideration step in disability appeals.

IMPORTANT - *The first stage of the appeal process is initiated by filing a Request for Reconsideration at your local Social Security office on the form attached in the Appendix at p. 2-31. Copies of the form are also available on the Social Security Administration website. It is important to retain a copy of the Request for Reconsideration (preferably receipt stamped at the Social Security office) since Social Security offices frequently lose these requests or simply fail to process them.*

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OVERPAYMENTS

Appeal of Overpayment Determination

Overpayments are far more common in the SSI program than in Social Security because of the need to comply with the program's income and resource eligibility requirements on a monthly basis. If an individual disputes the existence or amount of the overpayment, the determination can be appealed through SSA's administrative appeals process as described above.

Waiver

While there is a 60-day time limit for appealing the existence or amount of an overpayment, a waiver can be requested at any time. No matter when waiver is requested, the waiver request should stop all collection efforts until after the waiver request has been considered at a personal conference. The waiver must be granted when (1) the individual is without fault; and (2) collection of the overpayment would either (a) defeat the purpose of the SSI program, (b) be against equity and good conscience, or (c) impede efficient or effective administration of the SSI program due to the small amount involved (generally under \$1,000).

For overpayment amounts over \$1,000, the most common strategy is to pursue the second prong of the waiver test by demonstrating that collection of the overpayment would defeat the purpose of the SSI program. The individual must show that "the individual's income and resources are needed for ordinary and necessary living expenses." An individual currently receiving SSI is considered to have met this requirement if total income does not exceed the FBR plus the SSP, plus the \$20 income disregard. In other words, in July 2017 an individual SSI recipient living independently with cooking facilities in California will be considered to have met this test if total income, including SSI, does not exceed \$915.72.

It is important to remember that although the term "waiver" has a discretionary ring to it, once the individual has met the conditions for a waiver, the individual has a right to waiver. If the waiver is denied, the denial may be appealed through SSA's appeal process.

Generally recovery of the overpayment out of future benefits is limited to 10% of total monthly income or the total monthly SSI benefit, whichever is less. The amount being recouped can be further reduced on a showing that the individual will not be left with enough to meet "current ordinary and necessary living expenses." It should be noted that the 10% limit on recoupment does not apply in cases of fraud, willful misrepresentation or concealment of material facts.

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IMMIGRANT ELIGIBILITY

At one time immigrant eligibility was very simple. Before 1996, lawful immigrants were eligible for SSI on the same basis as citizens. The Public Responsibility Work Opportunity and Reconciliation Act of 1996, coupled with the Balanced Budget Act of 1997, established complex special requirements that greatly restricted immigrant eligibility for SSI and other benefits. Unfortunately, SSA personnel are very often not familiar with the details of these requirements, resulting frequently in inappropriate denials. First, any non-citizen who was receiving benefits on August 22, 1996, is grandfathered in and will continue to be eligible for SSI assuming she/he continues to meet other eligibility requirements, i.e., income, resources, etc.

This is true even if benefits are terminated for a period of a few years and he subsequently reapplies for benefits. It should be noted that anyone whose benefits may have been suspended between August 22, 1995 and August 22, 1996, is considered to have been receiving benefits on Aug. 22, 1996.

For every other non-citizen, it is necessary to look to the individual's date of entry into the United States, because one set of rules applies to those who entered before August 22, 1996, and another more restrictive set of rules applies to those who entered on or after that date. However, as a threshold matter for both groups, it is a prerequisite for eligibility that the individual is among a limited group of non-citizens who are considered "qualified aliens." This group includes lawful permanent resident aliens (LPRs), refugees, asylees, persons granted withholding of deportation, Cuban-Haitian entrants, persons paroled into the United States for at least a year or more, and certain domestic violence victims. It is important to remember that this is just a threshold qualification. Inclusion in this group does not by itself establish eligibility.

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Pre 8/22/96 Entrants

There are three categories of non-citizens -- other than those who were grandfathered in, i.e., those who entered the United States before 8/22/96 who are eligible for SSI today.

1. Qualified aliens who are blind or disabled and who were “lawfully residing” in the United States on 8/22/96. This group is largely elderly, although eligibility is based on disability rather than age. The overwhelmingly majority of the elderly immigrants who apply for SSI are determined to be disabled on the initial determination.
2. Certain veterans, their spouses and children.
3. Lawful permanent residents who entered the U.S. before 8/22/96 and who have 40 qualifying quarters of credit under the Social Security Act. See chart at end of the Social Security chapter. This group will be able to receive SSI on the basis of age without the need to prove disability. Unlike Title II of Social Security, an individual in this situation can use not only his own quarters, but also can use quarters earned by a spouse while the couple was married, and quarters earned by parents before the individual turned 18. However, no quarters earned after December 31, 1996, can be used if the individual received a means tested public benefit at the same time.

Post 8/22/96 Entrants

1. Lawful permanent residents who entered the U.S. on or after 8/22/96 may not be eligible for SSI for the first five years as a LPR even if she/he has 40 qualifying quarters of coverage.
2. Refugees, asylees, persons for whom deportation is withheld, Cuban-Haitian entrants and certain Amerasian immigrants who can receive time-limited benefits based on age, blindness or disability. Eligibility for this group is limited to a period of 7 years from the date their immigration status was granted. Almost all of them are eligible for the California Cash Assistance Program for Immigrants (CAPI) upon the expiration of the seven year period.

Chapter Two: SSI

SSI FOR SAME SEX COUPLES

NOTE: This section also applies to opposite sex partners in domestic partnerships and civil unions.

Social Security Administration policy requires that people in a same sex relationship applying for SSI today are to be treated the same as those in an opposite sex relationship when it comes to determining marital status and “holding out” as married. This means that if they are living with someone to whom they are lawfully married or with whom they are in a California Registered Domestic Partnership, or with whom they are holding out as married, they will be treated as married for purpose of SSI eligibility and benefit amount. Couples who entered into a domestic partnership or civil union in some, *but not all*, other states or nations will also be recognized as married.

However, prior to the June 26, 2013 decision of the U.S. Supreme Court decision in *U.S. v Windsor*, the Defense of Marriage Act (DOMA) prohibited any agency of the federal government from recognizing a marriage between two people of the same sex. As a result, a person married to a person of the same sex was recorded in SSA records as single and SSI eligibility was determined on that basis even when the person presented their marriage certificate upon filing the application. This almost invariably resulted in the payment of significantly more benefits than the person would be entitled to if the marriage were recognized.

While SSA began to process new applications in California from people married to someone of the same sex in the beginning of 2014, they did not take any action to recognize the marriages of those already receiving SSI until a

year or more after *Windsor*, when they began to do so on a rolling basis. In the process, they reduced future benefits as they should have done beginning in July, 2013 and issued overpayment notices for the period from July, 2013 on demanding repayment of thousands of dollars.

As a result of a lawsuit, *Held v. Colvin*, SSA changed its policy and has agreed to stop trying to collect overpayments from those who were married to someone of the same sex and receiving SSI prior to *Windsor*. Instead SSA will waive recovery of all overpayments based on delayed recognition of a marriage to someone of the same sex and will return any money already collected.

When SSA began recognizing marriages between two people of the same sex in California, they did not apply the “holding out” provision (See box on p.2) to same sex couples. However, when SSA recognized marriages of same sex couples nationwide after another Supreme Court decision, *Obergefell v. Hodges*, they did begin to apply the “holding out” provision on new applications from same sex couples who led others in the community to believe they were married. However SSA will not be able to identify those who are holding out as married and already receiving SSI until the case comes up for a financial redetermination.

Since SSI redeterminations are done on a rolling basis, there are still a good number of same sex couples, one or both of whom are receiving SSI, who have not had a redetermination based on the *Windsor* decision and who are still receiving a greater amount of SSI than they should.

Chapter Two: SSI

SUPPLEMENTAL MATERIALS

POMS SI 01130.050, Guide to Resource Exclusions	2-22
California SSI Payment Standards.....	2-24
Sample Notice to SSI Recipient	2-26
20 C.F.R. §416.1411, Good cause for missing the deadline to request	2-30
Request for Reconsideration	2-31

Chapter Two: SSI

Effective Dates: 08/22/2014 - Present

TN 53 (02-06)

SI 01130.050 Guide to Resources Exclusions

Citations:

Social Security Act as amended, §[1613\(a\)](#) ;

20 CFR [416.1203](#) -[416.1204](#) , [416.1210](#) -[416.1239](#) , [416.1245](#) , and [416.1247](#)

A. Introduction

The following is a list of instructions which addresses a partial or total exclusion of resources. Those in **bold** print involve exclusions under a Federal statute other than the Social Security Act (see [SI 01130.060](#)).

B. List of Instructions about Resources Exclusions

PROGRAM	SECTION
Advance Earned Income Tax Credit Payments	SI 01130.676
Agent Orange	SI 01130.660
Austrian Social Insurance Payments	SI 01130.615
Automobile	SI 01130.200
Burial Funds/Burial Spaces	SI 01130.400 - SI 01130.412
Child Tax Credits	SI 01130.676
Clinical Trial Participation Payments	SI 01130.735
Commingled Funds	SI 01130.700
Corporation for National and Community Service (CNCS) (Formerly ACTION) Programs	SI 01130.687
Dedicated Financial Institution Accounts	SI 01130.601
Disaster Assistance	SI 01130.620
Earned Income Tax Credits	SI 01130.676
Energy Employees Occupational Illness Compensation Program (EEOICP)	SI 01130.690
Filipino Veterans Equity Compensation Fund (FVECF) Payments	SI 01130.684
Food Programs With Federal Involvement	SI 01130.685
Food Stamps	SI 01130.685
Gifts to Children With Life-Threatening Conditions	SI 01130.689

Chapter Two: SSI

POMS Guide Continued

PROGRAM	SECTION
Grants, Scholarships, Fellowships, and Gifts	SI 01130.455
Home	SI 01130.100
Home Replacement Funds	SI 01130.110
Household Goods and Personal Effects	SI 01130.430
Indian Lands, Restricted Allotted	SI 01130.150
Individual Development Accounts (IDAs)–TANF Funded	SI 01130.678
Individual Development Accounts (IDAs) –Demonstration Project	SI 01130.679
Japanese-American and Aleutian Restitution Payments	SI 01130.683
Life Insurance	SI 01130.300
Low Income Energy Assistance	SI 01130.688
Nazi Persecution, Payments to Victims of	SI 01130.610
Netherlands WUV Payments to Victims of Persecution	SI 01130.605
North Vietnam, Department of Defense (DOD) Payments to Certain Persons Captured and Interned by	SI 01130.682
Plan for Achieving Self-Support (PASS)	SI 01130.510
Prepaid Burial Contracts	SI 01130.420
Property Essential to Self-Support	SI 01130.500 - SI 01130.504
Radiation Exposure Compensation Trust Fund	SI 01130.680
Real Property, Undue Hardship	SI 01130.130
Real Property Following Conditional Benefits	SI 01130.140
Relocation Assistance	SI 01130.670
Repair/Replacement of Lost, Damaged or Stolen Resources	SI 01130.630
Replacement of Excluded Resources	SI 01130.630
Retroactive Payments (Title II and Title XVI)	SI 01130.600
Restitution Payments for Misused Benefits (Title II, Title VIII and Title XVI)	SI 01130.602
Ricky Ray Hemophilia Relief Fund	SI 01130.695
State Annuities for Certain Veterans	SI 01130.662
Veterans' Children With Certain Birth Defects, Payments to	SI 01130.681
Victims' Compensation	SI 01130.665

C. Reference

[SI 00830.099](#), Guide to Unearned Income Exclusions

Chapter Two: SSI

SSI/SSP Payment Standards*

Effective January 1, 2017

CPI: 0.3%

CNI: 2.76%

	INDEPENDENT LIVING			REDUCED NEEDS		
	RESIDING IN OWN HOUSEHOLD			HOUSEHOLD OF ANOTHER WITH IN-KIND ROOM & BOARD		
	TOTAL	SSI	SSP	TOTAL	SSI	SSP
<u>INDIVIDUAL:</u>						
AGED OR DISABLED - without cooking facilities (RMA) ¹	\$895.72	\$735.00	\$160.72	\$654.24	\$490.00	\$164.24
BLIND	\$982.04	\$735.00	\$247.04	\$710.76	\$490.00	\$220.76
DISABLED MINOR - living with parent(s) - living with non-parent relative/guardian	\$952.23	\$735.00	\$217.23	\$710.76	\$490.00	\$220.76
	\$800.15	\$735.00	\$65.15	\$558.67	\$490.00	\$68.67
<u>COUPLE:</u>						
AGED OR DISABLED - per couple - without cooking facilities (RMA) ¹	\$1,510.14	\$1,103.00	\$407.14	\$1,147.75	\$735.34	\$412.41
BLIND	\$1,682.77	\$1,103.00	\$579.77	\$1,298.80	\$735.34	\$563.46
- per couple BLIND/AGED OR DISABLED - per couple	\$1,661.19	\$1,103.00	\$558.19	\$1,298.80	\$735.34	\$563.46
	\$1,603.65	\$1,103.00	\$500.65	\$1,241.26	\$735.34	\$505.92

TITLE XIX MEDICAL FACILITY

	Individual	Couple
Total	\$51	\$102
SSI	\$30	\$60
SSP	\$21	\$42

¹Restaurant Meal Allowance - \$84 Individual; \$168 Couple

*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

Chapter Two: SSI

SSI/SSP Payment Standards*

Effective January 1, 2017

CPI: 0.3%
CNI: 2.76%

	NON-MEDICAL OUT-OF-HOME CARE ²					
	HOUSEHOLD OF RELATIVE WITH IN-KIND ROOM & BOARD			IN LICENSED FACILITY OR HOUSEHOLD OF RELATIVE WITHOUT IN-KIND ROOM & BOARD		
	TOTAL	SSI	SSP	TOTAL	SSI	SSP
<u>INDIVIDUAL:</u>						
AGED OR DISABLED - without cooking facilities (RMA) ¹	\$908.23	\$490.00	\$418.23	\$1,158.37	\$735.00	\$423.37
BLIND	\$908.23	\$490.00	\$418.23	\$1,158.37	\$735.00	\$423.37
DISABLED MINOR - living with parent(s) - living with non-parent relative/guardian	\$908.23	\$490.00	\$418.23	\$1,158.37	\$735.00	\$423.37
<u>COUPLE:</u>						
AGED OR DISABLED - per couple - without cooking facilities (RMA) ¹	\$1,809.86	\$735.34	\$1,074.52	\$2,316.74	\$1,103.00	\$1,213.74
BLIND - per couple	\$1,809.86	\$735.34	\$1,074.52	\$2,316.74	\$1,103.00	\$1,213.74
BLIND/AGED OR DISABLED - per couple	\$1,809.86	\$735.34	\$1,074.52	\$2,316.74	\$1,103.00	\$1,213.74

¹Restaurant Meal Allowance - \$84 Individual; \$168 Couple

²Non-Medical Out-Of-Home Care:

Personal and Incidental Needs Maximum:	\$234.00	Minimum:	\$132.00
Care and Supervision Maximum:	\$528.00	Minimum:	\$426.00
Room and Board:	\$498.37		

*Please refer to the first tab titled "[Acronyms](#)" for a full description of acronyms.

Chapter Two: SSI

Social Security Administration **Supplemental Security Income** Notice of Planned Action

Social Security Office
2500 Fontaine Road
San Jose, CA, 95121-2131
Claim Number: 012-34-5678
February 2, 2010

Mr. John Doe
1890 Schulte Drive, Apt. 4
San Jose, CA 95133

Dear John Doe

PAY108

Your payments (or those of the individual named above) will change as follows:

TBL010

Month	Amount due each month
MONTH YEAR	\$0.00

MIS016 (optional)

and continuing

Your Payment Is Based On These Facts (PAYC22)

New UTI

We have reviewed the information available for your case. You are not eligible to receive Supplemental Security Income (SSI) based on The Extension for Elderly and Disabled Refugees Act. You do not have a pending or approved application for naturalization with the U.S. Citizenship and Immigration Services (USCIS) or you chose not to pursue U.S. citizenship.

Chapter Two: SSI

You Can Review the Information in Your Case (INFC31)

INF087

The decisions in this letter are based on the law and information in our records. You have a right to review and get copies of the information in our records that we used to make the decisions explained in this letter. You also have a right to review and copy the laws, regulations, and policy statements used in deciding your case. To do so, please contact us. Our telephone number and address are shown under the heading "If You Have Questions."

If You Disagree With The Decision (ALSC04)

ALS033

If you disagree with the decision, you have the right to appeal. We will review your case again and consider any new facts you have. A person who did not make the first decision will decide your case.

- You have 60 days to ask for an appeal.
- The 60 days start the day after you get this letter. We assume you got this letter 5 days after the date on it unless you show us that you did not get it within the 5-day period.
- You must have a good reason if you wait more than 60 days to ask for an appeal.
- You have to ask for an appeal in writing. We will ask you to sign a form SSA-561-U2, called "Request for Reconsideration." Contact one of our offices if you want help.

Please read the enclosed pamphlet, "Your Right to Question the Decision Made on Your Social Security Claim." It contains more information about the appeal.

Appeal In 10 Days To Keep Getting The Same Payment (ALSC17)

ALS035

If you appeal within 10 days, you will continue to get the same payment amount until we decide your case.

- The 10 days start the day after you get this letter.
- If you lose your appeal, you might have to pay back some or all of this money.

However, even if you appeal in 10 days, we may stop the payment in MONTH/YEAR as shown above if both of the following are true:

- Our new decision is the same as the one you appealed, and,
- We send or give you a letter with our new decision in time to stop the payment.

How To Appeal (RPNC26)

Chapter Two: SSI

MIS094

There are three ways to appeal. You can pick the one you want. If you meet with us in person, it may help us decide your case.

- **Case Review:** You have the right to review the facts in your file. You can give us more facts to add to your file. Then we will decide your case again. You will not meet with the person who decides your case.
- **Informal Conference:** You will meet with the person who decides your case. You can tell that person why you think you are right. You can give us more facts to help prove you are right. You can bring other people to help explain your case.
- **Formal Conference:** This is a meeting like an informal conference. The difference is we can make people come to prove you are right. We can make them bring important papers about your case, even if they do not want to help you. You can question these people at your meeting.

If You Want Help With Your Case (ALSC09)

REP002

You can have a friend, representative or someone else help you. There are groups that can help you find a representative or give you free legal services if you qualify. There also are representatives who do not charge unless you win your appeal. Your Social Security office has a list of groups that can help you with your appeal.

If you get someone to help you, you should let us know. If you hire someone, we must approve the fee before he or she can collect it.

If You Want An Interpreter To Help You (CAPC55)

INF082

We provide free interpreter services to help you conduct your Social Security business. These interpreter services are available whether you talk to us by phone or in the Social Security office. Call our toll-free number, 1-800-772-1213, press 2 if you need an interpreter in Spanish, and stay on the line until a representative answers. An interpreter who speaks Spanish will be contacted to help with your call. If your business cannot be completed by phone, we will make an appointment for you at a local Social Security office and arrange for an interpreter to be there at the time of your visit.

Chapter Two: SSI

If You Have Questions (REFC01)

REF032

For general information about SSI, visit our website at www.socialsecurity.gov on the Internet. You will find the law and regulations about SSI eligibility and SSI payment amounts at www.socialsecurity.gov/SSIRules/.

For general questions about SSI or specific questions about your case, you may call us toll-free at 1-800-772-1213 or call your local Social Security office at 555-123-4567. If you call or visit our office, please bring this letter with you and ask for (Name of SSA technician).

APT054

If you plan to visit an office you may call ahead to make an appointment. This will help us serve you more quickly.

John Doe
District Manager

Enclosure(s):

Chapter Two: SSI

Code of Federal Regulations

20 CFR § 416.1411. Good cause for missing the deadline to request review.

(a) In determining whether you have shown that you have good cause for missing a deadline to request review we consider—

(1) What circumstances kept you from making the request on time;

(2) Whether our action misled you;

(3) Whether you did not understand the requirements of the Act resulting from amendments to the Act, other legislation, or court decisions; and

(4) Whether you had any physical, mental, educational, or linguistic limitations (including any lack of facility with the English language) which prevented you from filing a timely request or from understanding or knowing about the need to file a timely request for review.

(b) Examples of circumstances where good cause may exist include, but are not limited to, the following situations:

(1) You were seriously ill and were prevented from contacting us in person, in writing, or through a friend, relative, or other person.

(2) There was a death or serious illness in your immediate family.

(3) Important records were destroyed or damaged by fire or other accidental cause.

(4) You were trying very hard to find necessary information to support your claim but did not find the information within the stated time periods.

(5) You asked us for additional information explaining our action within the time limit, and within 60 days of receiving the explanation you requested reconsideration or a hearing, or within 30 days of receiving the explanation you requested Appeals Council review or filed a civil suit.

(6) We gave you incorrect or incomplete information about when and how to request administrative review or to file a civil suit.

(7) You did not receive notice of the initial determination or decision.

(8) You sent the request to another Government agency in good faith within the time limit and the request did not reach us until after the time period had expired.

(9) Unusual or unavoidable circumstances exist, including the circumstances described in paragraph (a)(4) of this section, which show that you could not have known of the need to file timely, or which prevented you from filing timely.

[45 FR 52096, Aug. 5, 1980, as amended at 59 FR 1637, Jan. 12, 1994]

Chapter Two: SSI

Form **SSA-561-U2** (12-2016) of (12-2016)
 Prior Edition May Be Used Until Exhausted
 Social Security Administration

Page 1 of 4
 OMB No. 0960-0622

REQUEST FOR RECONSIDERATION

NAME OF CLAIMANT:	CLAIMANT SSN:	CLAIM NUMBER: <i>(If different than SSN)</i>
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ISSUE BEING APPEALED: *(Specify if retirement, disability, hospital or medical, SSI, SVB, overpayment, etc.)*

I do not agree with the Social Security Administration's (SSA) determination and request reconsideration.
 My reasons are:

SUPPLEMENTAL SECURITY INCOME (SSI) OR SPECIAL VETERANS BENEFITS (SVB) RECONSIDERATION ONLY

THREE WAYS TO APPEAL

I want to appeal your determination about my claim for **SSI** or **SVB**. I have read about the three ways to appeal.

I have checked the box below:

- CASE REVIEW** - You can pick this kind of appeal in all cases. You can give us more facts to add to your file. Then we will decide your case again. You do not meet with the person who decides your case.
- INFORMAL CONFERENCE** - You can pick this kind of appeal in all SSI cases except for medical issues. In SVB cases, you can pick this kind of appeal only if we are stopping or lowering your SVB payment. You will meet with a person who will decide your case. You can tell that person why you think you are right. You can give us more facts to help prove you are right. You can bring other people to help explain your case.
- FORMAL CONFERENCE** - You can pick this kind of appeal only if we are stopping or lowering your SSI or SVB payment. This meeting is like an informal conference, but we can also get people to come in and help prove you are right. We can do this even if they do not want to help you. You can question these people at your meeting.

CONTACT INFORMATION

CLAIMANT SIGNATURE - <i>OPTIONAL</i> :			NAME OF CLAIMANT'S REPRESENTATIVE: <i>(If any)</i>		
MAILING ADDRESS:			MAILING ADDRESS:		
CITY:	STATE:	ZIP CODE:	CITY:	STATE:	ZIP CODE:
TELEPHONE NUMBER: <i>(Include area code)</i>	DATE:	TELEPHONE NUMBER: <i>(Include area code)</i>	DATE:		

TO BE COMPLETED BY SOCIAL SECURITY ADMINISTRATION

1. HAS INITIAL DETERMINATION BEEN MADE? <input type="checkbox"/> Yes <input type="checkbox"/> No 2. IS THIS REQUEST FILED TIMELY? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(If "NO", attach claimant's explanation for delay. Refer to GN 03102.125)</i>	FIELD OFFICE DEVELOPMENT (GN 03102.300) <input type="checkbox"/> NO FURTHER DEVELOPMENT REQUIRED <input type="checkbox"/> REQUIRED DEVELOPMENT ATTACHED <input type="checkbox"/> REQUIRED DEVELOPMENT PENDING, WILL FORWARD OR ADVISE STATUS WITHIN 30 DAYS SSI CASES ONLY - GOLDBERG KELLY (GK) (SI 02301.310) RECIPIENT APPEALED AN ADVERSE ACTION: <input type="checkbox"/> WITHIN 10 DAYS AFTER RECEIVING THE ADVANCE NOTICE; <input type="checkbox"/> AFTER THE 10-DAY PERIOD AND GOOD CAUSE EXISTS FOR EXTENDING THE TIME LIMIT <input type="checkbox"/> PAYMENT CONTINUATION APPLIES AND INPUT MADE TO SYSTEM
SOCIAL SECURITY OFFICE ADDRESS AND DATE APPEAL RECEIVED:	

NOTE: Take or mail the **completed original** to your local Social Security office, the Veterans Affairs Regional Office in Manila, or any U.S. Foreign Service post and keep a copy for your records.

Claims Folder

Chapter Two: SSI

ADMINISTRATIVE ACTIONS THAT ARE INITIAL DETERMINATIONS (See GN03101.070, GN03101.080, and SI04010.010)

NOTE: These lists cover the vast majority of administrative actions that are initial determinations. However, they are not all inclusive.

Title II

1. Entitlement or continuing entitlement to benefits;
2. Reentitlement to benefits;
3. The amount of benefit;
4. A recomputation of benefit;
5. A reduction in disability benefits because benefits under a worker's compensation law were also received;
6. A deduction from benefits on account of work;
7. A deduction from disability benefits because of claimant's refusal to accept rehabilitation services;
8. Termination of benefits;
9. Penalty deductions imposed because of failure to report certain events;
10. Any overpayment or underpayment of benefits;
11. Whether an overpayment of benefits must be repaid;
12. How an underpayment of benefits due a deceased person will be paid;
13. The establishment or termination of a period of disability;
14. A revision of an earnings record;
15. Whether the payment of benefits will be made, on the claimant's behalf to a representative payee, unless the claimant is under age 18 or legally incompetent;
16. Who will act as the payee if we determine that representative payment will be made;
17. An offset of benefits because the claimant previously received Supplemental Security Income payments for the same period;
18. Whether completion of or continuation for a specified period of time in an appropriate vocational rehabilitation program will significantly increase the likelihood that the claimant will not have to return to the disability benefit rolls and thus, whether the claimant's benefits may be continued even though the claimant is not disabled;
19. Nonpayment of benefits because of claimant's confinement for more than 30 continuous days in a jail, prison, or other correctional institution for conviction of a criminal offense;
20. Nonpayment of benefits because of claimant's confinement for more than 30 continuous days in a mental health institution or other medical facility because a court found the individual was not guilty for reason of insanity; a court found that he/she was incompetent to stand trial or was unable to stand trial for some other similar mental defect; or, a court found that he/she was sexually dangerous.

Title XVI

1. Eligibility for, or the amount of, Supplemental Security Income benefits;
2. Suspension, reduction, or termination of Supplemental Security Income benefits;
3. Whether an overpayment of benefits must be repaid;
4. Whether payments will be made, on claimant's behalf to a representative payee, unless the claimant is under age 18, legally incompetent, or determined to be a drug addict or alcoholic;
5. Who will act as payee if we determine that representative payment will be made;
6. Imposing penalties for failing to report important information;
7. Drug addiction or alcoholism;
8. Whether claimant is eligible for special SSI cash benefits;
9. Whether claimant is eligible for special SSI eligibility status;
10. Claimant's disability; and
11. Whether completion of or continuation for a specified period of time in an appropriate vocational rehabilitation program will significantly increase the likelihood that claimant will not have to return to the disability benefit rolls and thus, whether claimant's benefits may be continued even though he or she is not disabled.

NOTE: Every redetermination which gives an individual the right of further review constitutes an initial determination.

Title VIII (See VB 02501.035)

1. Meeting or failing to meet the qualifying and/or entitlement factors for special veterans benefits (SVB);
2. Reduction, suspension or termination of SVB payments;
3. Applicability of a disqualifying event prior to SVB entitlement;
4. Administrative actions in SVB cases similar to those listed under Title II-items 3, 4, 10, 11 & 16.

Title XVIII

1. Entitlement to hospital insurance benefits and to enrollment for supplementary medical insurance benefits;
2. Disallowance (including denial of application for HIB and denial of application for enrollment for SMIB);
3. Termination of benefits (including termination of entitlement to HI and SMI).
4. Initial determinations regarding Medicare Part B income-related premium subsidy reductions.

Chapter Two: SSI

Form **SSA-561-U2** (12-2016) of (12-2016)
 Prior Edition May Be Used Until Exhausted
 Social Security Administration

Page 3 of 4
 OMB No. 0960-0622

REQUEST FOR RECONSIDERATION

NAME OF CLAIMANT:	CLAIMANT SSN:	CLAIM NUMBER: <i>(If different than SSN)</i>
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ISSUE BEING APPEALED: *(Specify if retirement, disability, hospital or medical, SSI, SVB, overpayment, etc.)*

I do not agree with the Social Security Administration's (SSA) determination and request reconsideration.
 My reasons are:

SUPPLEMENTAL SECURITY INCOME (SSI) OR SPECIAL VETERANS BENEFITS (SVB) RECONSIDERATION ONLY THREE WAYS TO APPEAL

I want to appeal your determination about my claim for **SSI** or **SVB**. I have read about the three ways to appeal. I have checked the box below:

- CASE REVIEW** - You can pick this kind of appeal in all cases. You can give us more facts to add to your file. Then we will decide your case again. You do not meet with the person who decides your case.
- INFORMAL CONFERENCE** - You can pick this kind of appeal in all SSI cases except for medical issues. In SVB cases, you can pick this kind of appeal only if we are stopping or lowering your SVB payment. You will meet with a person who will decide your case. You can tell that person why you think you are right. You can give us more facts to help prove you are right. You can bring other people to help explain your case.
- FORMAL CONFERENCE** - You can pick this kind of appeal only if we are stopping or lowering your SSI or SVB payment. This meeting is like an informal conference, but we can also get people to come in and help prove you are right. We can do this even if they do not want to help you. You can question these people at your meeting.

CONTACT INFORMATION

CLAIMANT SIGNATURE - <i>OPTIONAL</i> :		NAME OF CLAIMANT'S REPRESENTATIVE: <i>(If any)</i>	
MAILING ADDRESS:		MAILING ADDRESS:	
CITY:	STATE:	ZIP CODE:	CITY: STATE: ZIP CODE:
TELEPHONE NUMBER: <i>(Include area code)</i>	DATE:	TELEPHONE NUMBER: <i>(Include area code)</i>	DATE:

TO BE COMPLETED BY SOCIAL SECURITY ADMINISTRATION

1. HAS INITIAL DETERMINATION BEEN MADE? <input type="checkbox"/> Yes <input type="checkbox"/> No 2. IS THIS REQUEST FILED TIMELY? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(If "NO", attach claimant's explanation for delay. Refer to GN 03102.125)</i>	FIELD OFFICE DEVELOPMENT (GN 03102.300) <input type="checkbox"/> NO FURTHER DEVELOPMENT REQUIRED <input type="checkbox"/> REQUIRED DEVELOPMENT ATTACHED <input type="checkbox"/> REQUIRED DEVELOPMENT PENDING, WILL FORWARD OR ADVISE STATUS WITHIN 30 DAYS
SOCIAL SECURITY OFFICE ADDRESS AND DATE APPEAL RECEIVED:	SSI CASES ONLY - GOLDBERG KELLY (GK) (SI 02301.310) RECIPIENT APPEALED AN ADVERSE ACTION: <input type="checkbox"/> WITHIN 10 DAYS AFTER RECEIVING THE ADVANCE NOTICE; <input type="checkbox"/> AFTER THE 10-DAY PERIOD AND GOOD CAUSE EXISTS FOR EXTENDING THE TIME LIMIT <input type="checkbox"/> PAYMENT CONTINUATION APPLIES AND INPUT MADE TO SYSTEM

NOTE: Take or mail the **completed original** to your local Social Security office, the Veterans Affairs Regional Office in Manila, or any U.S. Foreign Service post and keep a copy for your records.

Claimant