# 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 $771 per month for an eligible individual and $1,157 for an eligible couple. This amount is adjusted annually and is known as the Federal Benefit Rate (FBR). There was a 2.8% increase in the federal Cost of Living Adjustment (COLA) in 2019 which resulted in increases of $21 per month for an eligible individual and $32 per month for an eligible couple from 2017 to 2018.

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 $931.72 per month for an individual and $1,564.14 for an eligible couple. Persons who are blind or lack access to adequate cooking or food storage facilities are paid a somewhat higher amount.

Note - 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 eligible to receive Food Stamps starting June 1, 2019.

Dependents - Unlike Social Security, the SSI program has no benefits for dependents.
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.15 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.

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.
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- **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.

- **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 the receipt.

For additional resource exclusions, see POMS SI 01130.050, infra pp. 2-19 and 2-22.

**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. (cont’d on next page)
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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. Earlier affidavits of support provided for sponsor deeming for only a three year period.

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.

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 $931.72 per month. The benefit rate for similarly situated eligible couples is $1,564.14 per month. Charts containing benefit rates for other categories of SSI recipients in California are attached at p. 2-23.
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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.

EXAMPLES

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 $931.72, he is eligible. The amount of the grant is determined by subtracting his countable income of $500 from the SSI payment level of $931.72, leading to an SSI grant of $431.72 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 $51.72. 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?
Earned Income - A very small percentage of all SSI recipients have earned income, about 3%. For elderly recipients it is even smaller, about 1.3%. 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.

**EXAMPLES**

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 $81.72 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 $931.72 leaves a monthly grant of $81.72.

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 $114.14 SSI grant, because the monthly SSI/SSP grant standard is $1,564.14 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 ($771 ÷ 3 = $257, in 2019) 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 ($257 + $20 = $277, in 2019). 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.

EXAMPLE

Zack, who is 80 years old, decided in May 2018 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 2018, 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 $910.72). This yields 13.18, 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, 2018 and will not become eligible until July, 2019.

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 $910.72 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 2018 on his SSI eligibility for that and subsequent months?

Answer: __________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
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Disclaimer of Inheritance: Disclaimer of a right of inheritance is also considered a transfer of a resource for less than Fair Market Value.

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 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 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 three 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.
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.

SSI Restoration Act

The SSI Restoration Act of 2017 (H.R. 3307) was introduced in Congress to protect and preserve seniors and people with disabilities from the harms of poverty by updating some aspects of the SSI program that have not been changed in decades. We expect the Act to be reintroduced in the House and will be pushing for it to be reintroduced in the Senate.

Under the Act several needed updates to the SSI eligibility rules would be made:

1. Update the General Income Disregard from $20 a month to $114 a month. This amount has not changed since 1972 even though $20 in today’s money is equal to approximately $34 in 1972 dollars.

2. Update the Earned Income Disregard from $65 a month to $377 a month. This figure also has not changed since 1972.

3. Update the Resource Limit from the current $2,000 ($3,000 for a couple) to $10,000 ($20,000 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.

4. Eliminate the In-Kind Support and Maintenance Reduction where someone is receiving in-kind food and/or shelter.

5. Eliminate the Transfer Penalty for transferring a resource for less than fair market value.

6. Remove the Marriage Penalty for SSI Couples. Increase the SSI couples’ rate to equal two times the SSI individual rate.

7. 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.
SSI Advocacy at the State Level

A strong grass roots movement has developed over the last five years in support of efforts to restore the California state supplementary payment (SSP), which has been cut from $233 in 2009 to $160.72 today, and to equitably end SSI cash-out, the state policy that denies SNAP (CalFresh) benefits to persons enrolled in SSI, by holding harmless any household that would see a reduction in SNAP benefits due to this change. 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 2.76% cost of living adjustment (COLA) was applied to all SSP grants in California. In 2019, the state equitably ended SSI cash-out with a hold harmless policy starting in June 2019 and restored the SSP COLA starting in 2022. At the time this chapter was written, state leaders are considering a proposal to provide another one-time COLA to the SSP grant in January 2020. The website for Californians for SSI is www.ca4ssi.org.

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. (cont'd on next page)
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Note - 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. 2-29. 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.

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 2018 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 $951.72.

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.
CalFresh Eligibility

Since 1974, people who receive SSI have been barred from receiving CalFresh benefits because of a state policy called “cash-out.” In part due to strong grassroots advocacy by Californians for SSI, the state ended this “cash-out” policy on June 1, 2019. Seniors and people with disabilities who receive SSI/SSP are now allowed to receive CalFresh (SNAP) benefits. Note that SSI/SSP benefits will NOT be reduced as a result of this change. The change simply means that someone is allowed to receive both SSI and CalFresh at the same time.

Individuals who live in households where no one receives CalFresh will need to apply for CalFresh through the usual application channels in their county. Applications can also be submitted at getcalfresh.org from anywhere across the state. This group includes the vast majority of people affected by the policy change.

In contrast, individuals who live in a household where other members already receive CalFresh do not need to apply. In that situation, the County should automatically add the individual at the household’s next CalFresh reporting deadline and recalculate the household’s CalFresh amount accordingly. If they choose, the individual can ask the county to add them to the existing CalFresh household, rather than wait for the next reporting deadline.

For some households, adding the individual and their income will increase the CalFresh benefit. For other households, adding the individual will lead to a reduction or total loss of the CalFresh benefit, due to the increase in household income from the SSI benefits. These households will receive a state-funded nutrition benefit to help offset the loss, either the Supplemental or Transitional Nutrition Benefit. The county will automatically screen for these new nutrition benefits when adding the individual to the CalFresh household.

**EXAMPLE**

Karen, a senior whose only income is SSI, lives with Karen’s 40-year-old adult child, Jeremy, and two grandchildren. The household purchases and prepares their meals together, and Jeremy and the grandchildren receive CalFresh. At the next CalFresh reporting deadline after June 1, 2019, the County calculates a new CalFresh benefit for the entire household, including in that calculation Karen and Karen's SSI income.

- If the new CalFresh benefit is more than the previous benefit, the entire household simply begins receiving the new higher benefit amount.

- If the new CalFresh benefit is less than the previous benefit, then the household should qualify for the Supplemental Nutrition Benefit, which would be added to the new lower CalFresh benefit.

- If adding in Karen's income means that the household no longer qualifies to receive any CalFresh benefit, then the household should qualify for the *Transitional Nutrition Benefit.*

**Note** - If Karen at some point begins purchasing and preparing food separately from Jeremy and the grandchildren, Karen can become a separate CalFresh household. There would be two CalFresh households from that point forward, one with just Karen and a second with Jeremy and the grandchildren, each receiving their own CalFresh benefit. See “CalFresh Households” in the next section for more on this rule.
CalFresh Rules To Keep in Mind

In working with individuals applying for CalFresh this summer and beyond, keep in mind the rules described below that help seniors and people with disabilities who receive SSI to qualify for and continue receiving CalFresh.

Housing Costs - SSI recipients who are approved for CalFresh will receive a benefit that will vary depending on individual circumstances like household size, income, and expenses. Those with higher housing costs may qualify for a higher benefit because the CalFresh calculation includes a deduction for shelter costs, which is uncapped for households that include a senior or person with a disability. Example: A senior living alone whose only income is SSI and who pays $350 of their monthly income toward rent might qualify for about $75 in CalFresh, while a senior in the same situation who pays $750 in rent might qualify for the current maximum CalFresh benefit for an individual of $192.

Medical Expense Deduction - Seniors and people with disabilities can also take a deduction for medical expenses, which can help them qualify for a higher CalFresh benefit. CalFresh provides a standard deduction of $120 if there are verified medical expenses between $35.01 and $155 per month; individuals with expenses above $155 can claim a deduction of the actual amount above $35. Expenses can include:

- medical and dental care
- prescription medications
- over-the-counter medications approved by a medical professional
- costs to obtain and maintain service animals
- transportation (including mileage) and lodging needed to obtain medical treatment
- medical equipment and supplies.

Minimum Benefit - A CalFresh household consisting of one person who receives SSI or two people who both receive SSI will qualify for at least a $15 minimum CalFresh benefit.

Keeping Benefits - CalFresh households with only seniors or people with disabilities and no earned income qualify for rules that make it easier to stay on CalFresh. These households are recertified for CalFresh every 36 months (instead of every 12 or 24 months) and do not need to do a recertification interview.

CalFresh Households - Some individual SSI recipients who share a home with others may qualify to be their own CalFresh household, which can result in higher CalFresh benefits overall. When people live together and purchase and prepare food together, they are considered one CalFresh household. Households apply together and share a CalFresh allotment calculated based on shared income and expenses. There are two situations where a senior or person with a disability can be a separate CalFresh household:

- People who share a home but do not purchase and prepare food together can apply for CalFresh independently of one another. Thus, people who are elderly or disabled may apply for CalFresh separately from other people living with them (including roommates, siblings, or adult children) if they do not purchase and prepare food with others in the home. However, there are two groups of people who must apply together, regardless of whether or not they purchase and prepare food together: married couples living together, and parents living with their children under age 22. (cont’d on next page)
Chapter Two: SSI

- An individual who meets all three of the following criteria can be their own CalFresh household, even if they purchase and prepare food with the rest of the household:
  - The person is both elderly and disabled,
  - Is unable to purchase and prepare meals separately because of a disability, and
  - The income of the rest of the household does not exceed 165% of the FPL.

In these situations, the individual may receive CalFresh as a separate household. This may result in higher benefit amounts for the CalFresh households as a whole.

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 reapply 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. (cont’d on next page)
Chapter Two: SSI

Pre 8/22/96 Entrants

There are three categories of non-citizens -- other than those who were grandfathered in, i.e., 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 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 may still be some 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.
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Sample Notice to SSI Recipient .................................................................2-23

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Program Operations Manual System (POMS)

Effective Dates: 08/15/2017 - Present

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

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<thead>
<tr>
<th>PROGRAM</th>
<th>SECTION</th>
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<tbody>
<tr>
<td>Achieving a Better Life Experience (ABLE) Accounts</td>
<td>SI 01130.740</td>
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<td>Advance Earned Income Tax Credit Payments</td>
<td>SI 01130.676</td>
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<td>Agent Orange</td>
<td>SI 01130.660</td>
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<td>Austrian Social Insurance Payments</td>
<td>SI 01130.615</td>
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<td>Automobile</td>
<td>SI 01130.200</td>
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<tr>
<td>Burial Funds/Burial Spaces</td>
<td>SI 01130.400 - SI 01130.412</td>
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<tr>
<td>Child Tax Credits</td>
<td>SI 01130.676</td>
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<tr>
<td>Clinical Trial Participation Payments</td>
<td>SI 01130.735</td>
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<tr>
<td>Commingled Funds</td>
<td>SI 01130.700</td>
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<tr>
<td>Corporation for National and Community Service (CNCS) (Formerly ACTION) Programs</td>
<td>SI 01130.687</td>
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<tr>
<td>Dedicated Financial Institution Accounts</td>
<td>SI 01130.601</td>
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<tr>
<td>Disaster Assistance</td>
<td>SI 01130.620</td>
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<tr>
<td>Earned Income Tax Credits</td>
<td>SI 01130.676</td>
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<tr>
<td>Energy Employees Occupational Illness Compensation Program (EEOICP)</td>
<td>SI 01130.690</td>
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<tr>
<td>Federal Tax Refunds and Advanced Tax Credits for SSI Resources</td>
<td>SI 01130.676</td>
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<tr>
<td>Filipino Veterans Equity Compensation Fund (FVECF) Payments</td>
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<thead>
<tr>
<th>Benefit Description</th>
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<tr>
<td>Food Programs With Federal Involvement</td>
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<td>Food Stamps</td>
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<tr>
<td>German Social Insurance Payments Under ZRBG (&quot;Ghetto Pension&quot; Law)</td>
<td>SI 01130.611</td>
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<tr>
<td>Gifts to Children With Life-Threatening Conditions</td>
<td>SI 01130.689</td>
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<td>Grants, Scholarships, Fellowships, and Gifts</td>
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<td>Home</td>
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<td>Home Replacement Funds</td>
<td>SI 01130.110</td>
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<td>Household Goods and Personal Effects</td>
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<td>Indian Lands, Restricted Allotted</td>
<td>SI 01130.150</td>
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<td>Individual Development Accounts (IDAs)—TANF Funded</td>
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<tr>
<td>Individual Development Accounts (IDAs) —Demonstration Project</td>
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<td>Japanese-American and Aleutian Restitution Payments</td>
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<td>Life Insurance</td>
<td>SI 01130.300</td>
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<td>Low Income Energy Assistance</td>
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<td>Nazi Persecution, Payments to Victims of</td>
<td>SI 01130.610</td>
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<td>Property Essential to Self-Support</td>
<td>SI 01130.500 - SI 01130.504</td>
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<td>Radiation Exposure Compensation Trust Fund</td>
<td>SI 01130.680</td>
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<td>Real Property, Undue Hardship</td>
<td>SI 01130.130</td>
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<td>Real Property Following Conditional Benefits</td>
<td>SI 01130.140</td>
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<td>Relocation Assistance</td>
<td>SI 01130.670</td>
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<td>Repair/Replacement of Lost, Damaged or Stolen Resources</td>
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<tr>
<td>Replacement of Excluded Resources</td>
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<td>Retroactive Payments (Title II and Title XVI)</td>
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<td>Restitution Payments for Misused Benefits (Title II, Title VIII and Title XVI)</td>
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<td>Ricky Ray Hemophilia Relief Fund</td>
<td>SI 01130.695</td>
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<tr>
<td>State Annuities for Certain Veterans</td>
<td>SI 01130.662</td>
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<tr>
<td>Veterans’ Children With Certain Birth Defects, Payments to</td>
<td>SI 01130.681</td>
</tr>
<tr>
<td>Victims’ Compensation</td>
<td>SI 01130.665</td>
</tr>
</tbody>
</table>
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Supplemental Security Income (SSI) in California

What is SSI?
Supplemental Security Income (SSI), is a federal program that provides monthly payments to people who have limited income and few resources. SSI is for people who are 65 or older, as well as people of any age, including children, who are blind or who have disabilities.

To qualify for SSI, you must also have little or no income and few resources. The value of the things you own must be less than $2,000 if you're single or less than $3,000 for married couples living together. We don't count the value of your home if you live in it, and, usually, we don't count the value of your car. We may not count the value of certain other resources either, such as a burial plot.

To get SSI, you must also apply for any other government benefits for which you may be eligible. You must live in the United States or the Northern Mariana Islands to get SSI. If you're not a U.S. citizen, but you lawfully reside in the United States, you may still be able to get SSI. For more information, read a copy of Supplemental Security Income (SSI) for Noncitizens (Publication No. 05-11051).

The state of California adds money to the federal payment. The single payment you get at the beginning of each month includes both the federal SSI payment and your supplement from California.

Medical assistance
If you get SSI, you can usually get medical assistance (Medi-Cal) automatically. A separate Medi-Cal application isn't necessary. If you have questions about Medi-Cal, contact your local county health or human services office.

Supplemental Nutrition Assistance Program (SNAP)
People who get SSI in California cannot get SNAP benefits, formerly known as food stamps, because the state adds money to the federal SSI payment instead.

However, you may be able to get SNAP benefits:
- While you’re waiting for a decision on your SSI application;
- If your application for SSI is denied;
- If you move to another state; or
- Beginning August 2016, for months in which your SSI payments were interrupted or suspended.

For more information, contact your local county health or human services office.

Other social services
Individuals who qualify for SSI often are eligible for additional programs and services provided by their local county health or human services office. These other services or benefits may include:
- A special allowance for assistance dogs for people who are blind or who have a disability;
- Certain domestic and personal care services provided to eligible people who are elderly, blind, or who can’t perform the services themselves, and who can’t safely remain in their own homes unless such services are provided; and
- Protective services.

For more information, contact your local county health or human services office.

Monthly SSI payment amounts
The table below lists the combined federal and state payment amounts. Not all SSI recipients get the maximum amount. Your payment may be lower if you have other income.
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<table>
<thead>
<tr>
<th>Category</th>
<th>2019 total monthly payment</th>
</tr>
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<tbody>
<tr>
<td><strong>Single people</strong></td>
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<tr>
<td>Independent living status</td>
<td>$931.72 $931.72 $988.23</td>
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<tr>
<td>Non-medical out-of-home care</td>
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<tr>
<td>Independent living status, no cooking facilities</td>
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<tr>
<td>Living in the household of someone else</td>
<td>$678.24 $678.24 $734.76</td>
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<tr>
<td>Disabled minor child</td>
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<tr>
<td>Disabled minor child in the household of another</td>
<td>$582.67</td>
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<tr>
<td><strong>Aged or disabled couples</strong></td>
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<td>Independent living status</td>
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<tr>
<td>Non-medical out-of-home care</td>
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<td>Independent living status, no cooking facilities</td>
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<td>Living in the household of someone else</td>
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<td><strong>Blind couples</strong></td>
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<td>Independent living status</td>
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<tr>
<td>Living in the household of someone else</td>
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<tr>
<td>Non-medical out-of-home care</td>
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<tr>
<td><strong>Blind person with an aged or disabled spouse</strong></td>
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<tr>
<td>Independent living status</td>
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<tr>
<td>Living in the household of someone else</td>
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<tr>
<td>Non-medical out-of-home care</td>
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<tr>
<td><strong>Living in a Medicaid Facility</strong></td>
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<tr>
<td>Single people</td>
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</tr>
<tr>
<td>Couple</td>
<td>$102.00 $102.00 $102.00</td>
</tr>
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</table>

### Contacting Social Security

The most convenient way to contact us anytime, anywhere is to visit [www.socialsecurity.gov](http://www.socialsecurity.gov). There, you can: apply for benefits; open a *my Social Security* account, which you can use to review your *Social Security Statement*, verify your earnings, print a benefit verification letter, change your direct deposit information, request a replacement Medicare card, and get a replacement SSA-1099/1042S; obtain valuable information; find publications; get answers to frequently asked questions; and much more.

If you don’t have access to the internet, we offer many automated services by telephone, 24 hours a day, 7 days a week. Call us toll-free at 1-800-772-1213 or at our TTY number, 1-800-325-0778, if you’re deaf or hard of hearing.

If you need to speak to a person, we can answer your calls from 7 a.m. to 7 p.m., Monday through Friday. We ask for your patience during busy periods since you may experience a higher than usual rate of busy signals and longer hold times to speak to us. We look forward to serving you.
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

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount due each month</th>
</tr>
</thead>
<tbody>
<tr>
<td>MONTH YEAR</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

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.
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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)
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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

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.

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#### REQUEST FOR RECONSIDERATION

<table>
<thead>
<tr>
<th>NAME OF CLAIMANT:</th>
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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:

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#### 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

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#### TO BE COMPLETED BY SOCIAL SECURITY ADMINISTRATION

1. HAS INITIAL DETERMINATION BEEN MADE?  [ ] Yes  [ ] No
2. IS THIS REQUEST FILED TIMELY?  [ ] Yes  [ ] No
   *(If "No", attach claimant’s explanation for delay. Refer to GN 03102.125)*

**FIELD OFFICE DEVELOPMENT (GN 03102.300)**

- [ ] NO FURTHER DEVELOPMENT REQUIRED
- [ ] REQUIRED DEVELOPMENT ATTACHED
- [ ] 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:
- [ ] WITHIN 10 DAYS AFTER RECEIVING THE ADVANCE NOTICE:
- [ ] AFTER THE 10-DAY PERIOD AND GOOD CAUSE EXISTS FOR EXTENDING THE TIME LIMIT
- [ ] PAYMENT CONTINUATION APPLIES AND INPUT MADE TO SYSTEM

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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.

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**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 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 he or she 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 SMI);
3. Termination of benefits (including termination of entitlement to HIB and SMI);
4. Initial determinations regarding Medicare Part B income-related premium subsidy reductions.
# Chapter Two: SSI

**REQUEST FOR RECONSIDERATION**

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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:

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**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.

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**TO BE COMPLETED BY SOCIAL SECURITY ADMINISTRATION**

1. HAS INITIAL DETERMINATION BEEN MADE?  
   - **Yes**  
   - **No**

2. IS THIS REQUEST FILED TIMELY?  
   - **Yes**  
   - **No**
   *(If "No", attach claimant’s explanation for delay. Refer to GN 03102.125)*

**FIELD OFFICE DEVELOPMENT (GN 03102.300)**

- **NO FURTHER DEVELOPMENT REQUIRED**
- **REQUIRED DEVELOPMENT ATTACHED**
- **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:

- **WITHIN 10 DAYS AFTER RECEIVING THE ADVANCE NOTICE;**
- **AFTER THE 10-DAY PERIOD AND GOOD CAUSE EXISTS FOR EXTENDING THE TIME LIMIT**
- **PAYMENT CONTINUATION APPLIES AND INPUT MADE TO SYSTEM**

**SOCIAL SECURITY OFFICE ADDRESS AND DATE APPEAL RECEIVED:**

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Claimant
Chapter Two: SSI

HOW TO APPEAL YOUR SUPPLEMENTAL SECURITY INCOME (SSI) OR SPECIAL VETERANS BENEFIT (SVB) DECISION

Now that you picked the kind of appeal that fits your case, fill out this form or we'll help you fill it out. You can have a lawyer, friend, or someone else help you with your appeal. There are groups that can help you with your appeal. Some can give you a free lawyer. We can give you the names of these groups.

NOTE: DON'T FILL OUT THIS FORM IF WE SAID WE'LL STOP YOUR DISABILITY CHECK FOR MEDICAL REASONS OR BECAUSE YOU'RE NO LONGER BLIND. WE'LL GIVE YOU THE RIGHT FORM (SSA-789-U4) FOR YOUR APPEAL.

The information on this form is authorized by regulation (20 CFR 404.907 - 404.921 and 416.1407 - 416.1421) and Public Law 106-169 (section 800(a)(1) of section 251(a)). While your response to these questions is voluntary, the Social Security Administration cannot reconsider the decision on this claim unless the information is furnished.

Privacy Act Statement

Request for Reconsideration

Sections 205, 702(a)(5), 809(a), 800(b), 1631, 1633, and 1869(b) allow us to collect this information. Furnishing us this information is voluntary. However, failing to provide all or part of the information may prevent us from re-evaluating the decision on your claim.

We will use the information to determine your eligibility for benefits and administer our programs. We may also share your information for the following purposes, called routine uses:

1. To third party contacts in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for or entitlement to benefits under the Social Security program.

2. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration in the efficient administration of its programs.

3. To the Center for Medicare & Medicaid Services (CMS), for the purpose of administering Medicare Part A, Part B, Medicare Advantage Part C, and Medicare Part D, including but not limited to Medicare Part C enrollment and premium collection processes; Part D enrollment and premium collection processes; Medicare Part B premium reduction based on participation in a Part C plan; and Medicare Part B enrollment and income-related monthly adjustment amount determinations, appeals of determinations, and premium collections.

In addition, we may share this information in accordance with the Privacy Act and other Federal laws. For example, where authorized, we may use and disclose this information in computer matching programs, in which our records are compared with other records to establish or verify a person's eligibility for Federal benefit programs and for repayment of incorrect or delinquent debts under these programs.

A list of additional routine uses is available in our Privacy Act System of Records Notices (SORNs). There are several SORNs that govern the collection of this information, including 60-0089, entitled Claims Folder System, and 60-0321, entitled Medicare Database File. Additional information and a full listing of all our SORNs and applicable routine uses are available on our website at www.socialsecurity.gov/FOIA/Bluebook.

Paperwork Reduction Act Statement - This information collection meets the requirements of 44 U.S.C. § 3507, as amended by Section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget control number. We estimate that it will take about 8 minutes to read the instructions, gather the facts, and answer the questions.

SEND THE COMPLETED FORM TO YOUR LOCAL SOCIAL SECURITY OFFICE. The office is listed under U.S. Government agencies in your telephone directory or you may call Social Security at 1-800-772-1213 (TTY 1-800-325-0778). You may send comments on our time estimate above to: SSA, 6401 Security Blvd., Baltimore, MD 21235-6401. Send only comments relating to our time estimate to this address, not the completed form.