

# SOCIAL SECURITY DISABILITY INSURANCE (SSDI)

Social Security Disability Insurance (SSDI) is for people who: have worked, paid Social Security taxes, are not at retirement age, now have a disability, and are unable to work at a substantial level. The benefit is a monthly cash payment. You may be eligible under your own work record or someone else's. The program is operated by and application is made through the Social Security Administration.

## TOPICS COVERED:

- Eligibility
- Benefits
- Work Incentive Programs
- Appeal Rights
- New Hampshire Social Security Offices

For more detailed information, see the Social Security website at:  
[http://socialsecurity.gov/pgm/links\\_disability.htm](http://socialsecurity.gov/pgm/links_disability.htm).

## ARE YOU ELIGIBLE FOR SSDI BENEFITS BASED ON YOUR WORK RECORD?

You are eligible for SSDI benefits if you:

1. Are **insured** for disability insurance benefits;
2. Have not reached **retirement age**;
3. Are under a **disability**; and
4. **Applied** for disability insurance benefits.

Each of the bolded terms are explained below.

### **Insured**

The Social Security Administration explains that, in general, to be considered "insured" you must meet:

1. A "recent work" test based on your age at the time you became disabled; and
2. A "duration of work" test to show that you worked long enough under Social Security.

See the table below for a *very general* description of these tests provided by the Social Security Administration. If your disability is blindness, you may only need to meet the duration test.

RECENT WORK TEST		DURATION OF WORK TEST EXAMPLES:	
<i>If you become disabled...</i>	<i>Then you generally need:</i>	<i>If you become disabled...</i>	<i>Then you generally need:</i>
In or before the quarter you turn age 24 . . .	1.5 years of work during the three-year period ending with the quarter your disability began.	Before age 28	1.5 years of work
In the quarter after you turn age 24 but before the quarter you turn age 31 . . .	Work during half the time for the period beginning with the quarter after you turned 21 and ending with the quarter you became disabled. Example: If you become disabled in the quarter you turned age 27, then you would need three years of work out of the six-year period ending with the quarter you became disabled.	Age 30	2 years
		Age 34	3 years
		Age 38	4 years
		Age 42	5 years
		Age 44	5.5 years
		Age 46	6 years
In the quarter you turn age 31 or later . . .	Work during five years out of the 10-year period ending with the quarter your disability began.	Age 48	6.5 years
		Age 50	7 years
		Age 52	7.5 years
		Age 54	8 years
The calendar quarters are: First Quarter: January 1 through March 31 Second Quarter: April 1 through June 30 Third Quarter: July 1 through September 30 Fourth Quarter: October 1 through December 31		Age 56	8.5 years
		Age 58	9 years
		Age 60	9.5 years

**Retirement Age**

Retirement age is based on your year of birth. See the table on the right to determine yours.

Year of Birth	Retirement Age
1937 or earlier	65
1938	65 and 2 months
1939	65 and 4 months
1940	65 and 6 months
1941	65 and 8 months
1942	65 and 10 months
1943-1954	66
1955	66 and 2 months
1956	66 and 4 months
1957	66 and 6 months
1958	66 and 8 months
1959	66 and 10 months
1960 and later	67

**Disability**

A “disability” is an “inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.” The Social Security Administration uses a five-step process to decide if you are disabled.

**1. Are you working?**

If you are working and your earnings average more than \$1,090 per month in 2015 (\$1,820 per month for people who are blind), the Social Security Administration generally will consider you engaged in “substantial gainful activity” and not disabled.

If you are not working, or your monthly earnings average is \$1,090 or less (\$1,820 or less for people who are blind), the New Hampshire Disability Determination Service then looks at your medical condition.

**2. Is your medical condition “severe”?**

For the New Hampshire Disability Determination Service to decide that you are disabled, your medical condition must significantly limit your ability to do basic work activities—such as walking, sitting and remembering—for at least one year. If your medical condition is not that severe, it will not consider you disabled. If your condition is that severe, the process goes on to step three.

**NOTE: You have the burden of proof of disability. Complete documentation of your medical condition in the application process is very important.**

**3. Is your medical condition on the List of Impairments?**

The New Hampshire Disability Determination Service has a List of Impairments that describes medical conditions that are considered so severe that they automatically mean that you are disabled as defined by law. If your condition (or combination of medical conditions) is not on this list, it looks to see if your condition is as severe as a condition that is on the list. If the severity of your medical condition meets or equals that of a listed impairment, it will decide that you are disabled. If the severity of your medical condition does not meet or equal a listed impairment, the process goes on to step four.

**4. Can you do the work you did before?**

At this step, the New Hampshire Disability Determination Service decides if your medical condition prevents you from being able to do the work you did before. If it does not, you are not disabled. If it does, the process goes on to step five.

**5. Can you do any other type of work?**

If you cannot do the work you did in the past, the New Hampshire Disability Determination Service looks to see if you would be able to do other work. It evaluates your medical condition, your age, education, past work experience and any skills you may have that could be used to do other work. If you cannot do other work, it will decide that you are disabled. If you can do other work, it will decide that you are not disabled.

There are other rules specifically for people who are **blind**. For example, you may qualify because you are “legally blind”— if your vision cannot be corrected to better than 20/200 in your better eye, or if your visual field is 20 degrees or less in your better eye.

**Application**

You may apply online at [www.socialsecurity.gov](http://www.socialsecurity.gov). You also may call this toll-free number, **1-800-772-1213**, to make an appointment to file a disability claim at your local Social Security office or to set up an appointment for someone to take your claim over the telephone. If you are deaf or hard of hearing, you may call the toll-free TTY number, **1-800-325-0778**, between 7 a.m. and 7 p.m. on business days.

If you schedule an appointment, the Social Security office will send you a Disability Starter Kit to help you get ready for your disability claims interview. The Disability Starter Kit also is available online at [www.socialsecurity.gov/disability](http://www.socialsecurity.gov/disability). The disability claims interview lasts about one hour.

**For more information on SSDI eligibility see the Social Security website at:**  
[http://socialsecurity.gov/pgm/links\\_disability.htm](http://socialsecurity.gov/pgm/links_disability.htm).

**ARE YOU ELIGIBLE FOR DISABILITY INSURANCE BENEFITS BASED ON SOMEONE ELSE’S WORK RECORD?**

If you have a disability that began before age 22, you may be able to collect SSDI benefits under someone else’s record, such as your parent’s. The amount of the Social Security benefit is not associated with financial need. Contact your local Social Security office for more information on this type of eligibility or go to the Social Security website at: [www.socialsecurity.gov/disability](http://www.socialsecurity.gov/disability).

**WHAT ARE THE SSDI BENEFITS?**

Your monthly SSDI benefit is calculated as if it was an old-age benefit and as if you were 62 years of age at the beginning of the disability period for which you apply. Your monthly benefit amount may be reduced if you receive other benefits, such as worker's compensation, or if you are entitled to other retirement-age benefits.

If this is your first entitlement to SSDI benefits, there is a five-month waiting period before the benefit will begin. If you had a period of previous entitlement, there is no waiting period. You may also receive benefits retroactively for up to 12 months. Benefits received in one month are for the previous month; in other words, a benefit received in April is for the month of March.

**For more information on SSDI benefits see the Social Security website at:**  
[http://socialsecurity.gov/pgm/links\\_disability.htm](http://socialsecurity.gov/pgm/links_disability.htm).

## WHAT ARE THE SSDI WORK INCENTIVE PROGRAMS?

Social Security “work incentive” rules make it possible for people with disabilities to work and still receive monthly SSDI payments, as well as Medicare or Medicaid coverage. Some of the work incentives are outlined here.

### ***Impairment Related Work Expenses***

Social Security deducts the cost of impairment-related expenses that you need in order to work from your earnings when it calculates whether you are performing substantial gainful activity. Examples of impairment-related expenses include costs for wheelchairs, certain transportation, and specialized work-related equipment.

### ***Trial Work Period***

A “trial work period” allows you to test your ability to work for at least 9 months. During the trial work period, you receive your full SSDI benefit regardless of how much you earn as long as your work activity has been reported and you continue to have a disability. The 9 months need not be consecutive and your trial work period will last until you accumulate 9 months within a rolling 60-month (5-year) period.

Other facts about the trial work period:

- You have monthly earnings of at least \$780 per month or self-employment of over 80 hours in a month.
- You may have only one trial work period during a period of entitlement to cash benefits.
- Generally, you are entitled to a trial work period if you are entitled to disability insurance benefits, child's benefits based on disability, or widow's or widower's or surviving divorced spouse's benefits based on disability.
- After the nine month trial work period has ended, the work performed during it may be considered in determining whether you are no longer disabled, and thus no longer eligible for Social Security income and Medicare benefits.

Other rules also apply.

### ***Extended Period of Eligibility after a Trial Work Period***

If your disability benefit stops after successfully completing a trial work period, Social Security may automatically reinstate your disability benefit without a new application for any months in which your earnings drop below the substantial gainful activity level. This reinstatement period lasts for 36 consecutive months following the end of the trial work period. You must continue to have a disabling impairment in addition to having earnings below the substantial gainful activity level for that month.

### ***93 Months of Continued Medicare Coverage after a Trial Work Period***

After a trial work period, you may continue to receive Medicare Parts A, B (if enrolled), and D (if enrolled) benefits for 93 consecutive months. You must already have Medicare and be working at a substantial gainful activity level, but not be medically improved. There is no premium for Part A. Therefore, while you no longer receive a Social Security disability cash benefit after the 9-month Trial Work Period, you still have health insurance coverage for almost 8 years. (93 months is 7 years and 9 months.)

### ***Expedited Reinstatement***

If your SSDI benefits ended because you worked and had earnings, you may request that your benefits start again without having to complete a new application. While Social Security determines whether you are eligible for benefits again, you may receive *provisional (temporary) benefits* for up to 6 months.

You are eligible for expedited reinstatement if you:

- Stopped receiving benefits because of earnings from work;
- Are unable to work or perform substantial gainful activity;
- Are disabled because of an impairment(s) that is the same as or related to the impairment(s) that allowed you to get benefits earlier; and

- Make the request within 5 years from the month your benefits ended.

Provisional benefits include a cash benefit and Medicare coverage. They usually do not have to be paid back if Social Security later finds you not eligible. Provisional payments are paid for up to six months, but will end sooner if you: are notified of an eligibility decision; engage in substantial gainful activity; or reach full retirement age.

**For more information on SSDI work incentives, see the Social Security Work Incentives website at:**

<http://www.ssa.gov/disabilityresearch/wi/generalinfo.htm>.

**WHAT ARE MY RIGHTS IF I DISAGREE WITH A SSDI ELIGIBILITY DECISION MADE BY THE SOCIAL SECURITY ADMINISTRATION?**

You have the right to appeal a decision made by the Social Security Administration that you do not agree with. Generally, there are four levels in the appeal process. When the Social Security Administration sends you a decision letter, they will include information on which process is available to you and how to proceed.

1. **Reconsideration.** A complete review of your claim by someone who did not take part in the first decision. The review includes all information submitted in your original claim and anything new you wish to submit. This is usually a “desk” review and you generally do not need to be present.
2. **Hearing by an administrative law judge.** If you disagree with the reconsideration, you may ask for a hearing and you may have someone represent you at the hearing. An administrative law judge is the hearing officer and is someone who had no part in your case prior to the hearing. You may be asked to submit more information and you may review all information held by the Social Security Administration before the hearing. You may also bring witnesses to the hearing and you, or your representative, may question any witnesses brought in by the Social Security Administration.
3. **Review by the Appeals Council.** If you disagree with the hearing decision, you may ask for review by the Social Security Appeals Council, which is located in the Washington, D.C. area. The Council may deny a request for review if it believes the hearing decision was correct. If the Council accepts your case, it may review the case or it may return it to the administrative law judge for further review.
4. **Federal Court review.** If you disagree with the decision of the Appeals Council or if the Council decides not to review your case, you may file a lawsuit in federal district court.

**For more information on SSDI appeals, see the Social Security Hearings and Appeals Process website at:**

<http://www.ssa.gov/appeals/index.html>

**New Hampshire Social Security Offices**

70 Commercial St. Suite 100 Concord, NH 03301-5005	34 Mechanic St. Keene, NH 03431	177 Main St. Littleton, NH 03561
2 Wall St. Suite 301 Manchester, NH 03101	175 Amherst St. Suite 2 Nashua, NH 03064	80 Daniel St Federal Bldg., Room 200 Portsmouth, NH 03802

**New Hampshire Disability Determination Services**

Medical decisions are made by the New Hampshire Disability Determination Service at:

**Division of Adult Learning and Rehab  
Disability Determination Services  
21 South Fruit St., Suite 30  
Concord, NH 03301**

**New Hampshire Office of Disability Adjudication and Review**

Social Security decisions which are appealed to the Office of Disability Adjudication and Review for a decision before an Administrative Law Judge are held in the:

**Office of Disability Adjudication and Review  
1750 Elm Street, Suite 303  
Manchester, NH 03104**