



*Helping Older Persons With
Legal & Long-Term Care
Problems*

Supplemental Security Income (SSI)

1. Who Is Eligible For SSI?

You must apply and submit a signed application, be 65 or older, blind or disabled and meet the financial eligibility requirements to qualify. The Social Security Administration (SSA) also requires that you apply for all other benefits you may be entitled to, such as veterans' benefits or workmen's compensation before granting SSI eligibility. SSI Disability is generally determined by SSA under the same rules as Social Security Disability.

2. How Is The Amount Of The SSI Check Determined?

The monthly dollar amount an eligible individual receives is the federal benefit rate of \$674 for an individual (\$1011 for an eligible couple), adjusted annually for cost of living, and reduced by other countable income that an individual receives. But, see the exclusions from income discussed in Paragraph 3 below. The maximum unearned income (from all sources) that an individual may receive is \$694 a month. The maximum unearned income an eligible couple may receive is \$1031 per month.

3. What Is Counted As Income For SSI Eligibility?

Income can be earned or unearned. Income is also anything you receive in-kind that can be used for food, clothing and shelter. Earned income includes wages, net earnings from self-employment and payments for services in sheltered workshops. The first \$65 of earned income, as well as one-half of remaining earned income, is not counted. Unearned income includes annuities, pension, alimony, dividends, interest, royalties, rents, life insurance proceeds, prizes, gifts and support and maintenance in kind. The first \$20 is not included when counting unearned income.

In-kind income is not cash, but is actually food, clothing or shelter, or something that can be used to get food, clothing or shelter. If an applicant lives in another's household and receives in-kind support and maintenance, SSI benefits are reduced by one-third. If

you live with an ineligible spouse, his or her income will be applied (deemed) to you. Medical assistance paid by Medicaid or Medicare is not considered income. Food stamps are also not counted as income.

4. What Are Counted As Resources For SSI Eligibility?

Resources are cash or other liquid assets or any real or other personal property you own which can be converted to cash for your support and maintenance. The limit on resources is \$2,000 for an individual and \$3,000 for a couple. Your home is not counted as long as you, your spouse or dependent relative lives there. The IRA of an ineligible spouse or their pension funds is excluded. Household goods and/or personal effects with a total equity value of \$2,000 or less are not counted. One vehicle per household is excluded (regardless of value) if the vehicle is used for transportation for any member of the household. Certain income-producing property necessary for self-support is not counted.

If the face value of all life insurance policies is over \$1,500, then the cash surrender value is counted. However, the value of a burial space, and up to \$1,500 each for an individual and a spouse set aside for burial (it need not be in a designated account), will not be counted. If your property cannot be liquidated for cash, it is not considered a resource. The resources of a spouse living with an SSI applicant are resources considered available to the SSI applicant.

5. May I Transfer Resources Before Applying For SSI Benefits?

Any available resource that is transferred for less than fair market value or gifted within 36 months from date of SSI application carries a penalty. The penalty is calculated by dividing the total amount transferred or gifted by the current federal benefit rate (\$674). This determines the number of months an applicant or recipient is ineligible for SSI. The penalty period begins the month after the transfer and cannot exceed 36 months.

6. Do Changes In Income Or Resources Affect My SSI Benefits?

Yes. You must report any changes in your income or resources within the first 10 days of the month following the change. Failure to report such changes may result in penalty deductions of your benefits.

7. Do I Still Receive SSI If I Am Living In A Nursing Home?

If you live in a nursing home or a hospital throughout a month and Medicaid pays your care, your SSI benefit is reduced to \$30 a month for a single nursing home resident and \$60 a month for a couple living in a nursing home. If your spouse lives in any medical treatment facility throughout a month and you remain at home, you are treated as an individual for that month's benefits.

8. Can Someone Else Receive The Monthly SSI Benefit Check?

Yes. SSA will appoint a representative payee to handle the benefit payments if it is proven to SSA that you are legally incompetent or mentally incapable of handling the payment money. Your representative payee is legally required to use the monthly benefit payment amount only for your welfare and needs.

9. How Does SSI Eligibility Affect Medicare Or Medicaid Eligibility?

Medicare: Since Medicare is not a needs-based program, receipt of SSI has no effect. However, to qualify for Medicare you must be entitled to full Social Security benefits. You must be 65 years or older or you can be less than 65 if the Social Security Administration determined you are disabled. As a disabled you will become eligible for Medicare two years after the onset date of your disability.

Medicaid: An SSI recipient may also qualify for Medicaid, but must apply to the County Department of Job and Family Services for a determination. Ohio Medicaid has more restrictive financial eligibility requirements than the SSI program. The income standard is \$589 for an individual and \$1011 for a couple. Resources are limited to \$1,500 for an individual and \$2,250 for a couple.

The SSI income is not counted to determine eligibility for Community Medicaid. If the SSI recipient is seeking Medicaid to pay for nursing facility care, SSI is reduced to \$30 a month. It is important to note that if SSA denies SSI disability for any reason other than lack of disability, you may still apply and be eligible for Medicaid. Your application will be submitted to a unit to determine your disability. The disability criteria used is generally the same as the Social Security Administration's.

10. Can I Appeal A Decision To Deny Or End My SSI Benefits?

The SSA appeal process is divided into four major steps:

- a) Reconsideration;
- b) Administrative Hearing;
- c) Appeals Council; and
- d) Federal District Court.

SSA must send an initial written notice of any proposed action that affects your benefits or eligibility. You have 60 days from the date of the initial written notice to request Reconsideration (SSA will extend the deadline 5 days to account for mailing time). A proposed decision to terminate benefits will be suspended while you appeal if you file a request for Reconsideration within 30 days from the date of the initial written notice.

At all major steps of appeal you have 60 days to request further appeal from the date on the written notice from SSA. If you miss the 60-day limit to appeal at any step, contact your SSA office, as there are limited exceptions that may apply. At any stage you may submit new evidence and be represented by an attorney.

For more SSI details see: <http://www.socialsecurity.gov/ssi/text-understanding-ssi.htm>

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Pro Seniors provides free legal information and advice by toll-free telephone to all residents of Ohio age 60 or older. If a matter cannot be resolved over the phone, seniors are referred to other Pro Seniors' staff or community resources for more in-depth assistance.

In southwestern Ohio, Pro Seniors' staff attorneys handle matters that many private attorneys do not, such as Medicare, Medicaid, SSI, financial abuse and landlord/tenant problems. Pro Seniors may also refer seniors to a private attorney on our referral panel. Many of these attorneys have agreed to handle cases at a fee seniors can afford.

Pro Seniors' long-term care ombudsmen work with residents of southwestern Ohio to protect their rights and resolve complaints about nursing facilities and home care.

This pamphlet provides general information and not legal advice. The law is complex and changes frequently. Before you apply this information to a particular situation, call Pro Seniors' free Legal Hotline or consult an attorney in elder law.

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