

# SSI & The Basics of Financial Planning

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# Disclaimer

Anjel Burgess is a Partner at the law firm of Burgess & Christensen and has no affiliation with the Social Security Administration. This presentation is for informational purposes only and not for the purposes of providing financial advice; the opinions expressed herein are those of Attorney Burgess only, and do not represent the opinions of the Social Security Administration or its employees.

# The Different Programs

## Supplemental Security Income (SSI)

- Safety Net
- Income & Asset Sensitive
- Payment may vary from month to month
- Adults and children eligible
- Medicaid (Health insurance)

## Social Security Disability Insurance Benefits (SSDI/DIB)

- “Workers’ Program”
- Insurance Program
- Not Asset Sensitive
- Payment is fixed based on earnings from working
- Medicare (Health insurance)

# Supplemental Security Income (SSI)

SSI is a Federal income supplement program funded by general revenue taxes. SSI is designed to help aged, blind and disabled people, who have little or no income; and it provides cash to meet basic needs for food, clothing, and shelter.

# SSI Benefits

- To qualify, must meet the \$2,000/\$3,000 resource limit
- Monthly payment of up to \$914/mo (2023)
  - Rental agreements
  - Income – Wages, Child support, pensions
  - Assets – 401ks, Settlements, Inheritances, Vehicles, Bank Accounts, Stocks
- Medicaid health insurance

# Social Security Disability Insurance (SSDI/DIB)

Social Security Disability Insurance is a federal program that pays benefits to insured beneficiaries (and certain family members) who have worked long enough and recently enough and paid Social Security taxes on their earnings.

# SSDI/DIB Benefits

- There are no resource/asset limits and the monthly payment is consistent
- Monthly payment of up to \$3627/mo based upon wages (FICA/SECA taxes)
  - Earn quarters of coverage based upon payment of FICA/SECA taxes
- Medicare health insurance (after 29 mo\*)
- Exception to the rule: Disabled Adult Child Benefits (aka Childhood Disability Benefits)

# How does my child qualify for SSI?

- If the child is under age 18, the parent's income and/or assets are “deemed” to the child. Thus, the parents must satisfy the financial requirements for SSI in order for the child to be eligible.
- If the child is at least age 18 (“adult child”) then the income and/or assets of the adult child must satisfy the requirements for SSI.
- After the financial requirements are satisfied, then the medical requirements for disability must be met.



# How does my child qualify for SSDI/DIB?

- The child must meet the “insured” status to qualify for SSDI/DIB. Insured status is obtained through working and earning quarters of coverage.
  - If older than 30: 20 QC’s (= 5 years)
  - If younger than 30: fewer QC’s required
  - 2023: \$1,640 yields one QC; four QC’s max in calendar year (\$6,560 = 4 QC’s in 2023)
- Exception to the rule: Disabled Adult Child Benefits (aka Childhood Disability Benefits)

# Disabled Adult Child (DAC) Benefits

- The Disabled Adult Child receives benefits based off eligible parent's work history, as well as Medicare health insurance (after 24 month waiting period).
- The Disabled Adult Child's monthly benefit can be up to 50% of the parent/wage earner's retirement or disability benefit and up to 75% of the deceased parent/wage earner's benefit.

# Disabled Adult Child (DAC) Benefits

- The parent/wage earner's benefit amount is not affected by the DAC benefits.
- DAC benefits can be switched from one parent/wage earner to another parent/wage earner.
- Must be at least 18 years old.
- Must have a disability which began prior to age 22 (window is 18 to day before 22<sup>nd</sup> birthday)
- Must be unmarried.

# Disabled Adult Child (DAC) Benefits

- Must not have engaged in SGA (\$1470/mo)
- Parent is disabled, retired or deceased.
- Disabled Adult Child receives benefits based off eligible parent's work history, as well as Medicare health insurance (after 24 month waiting period).

# Disabled Adult Child (DAC) Eligibility Requirements

- The parent/wage earner must be disabled, retired or deceased.
- The disabled adult child must be at least 18 yrs old.
- The disabled adult child must have a disability which began prior to age 22 (window is 18 to day before 22<sup>nd</sup> birthday).
- The disabled adult child must be unmarried.
- The disabled adult child must not have engaged in SGA (\$1470/mo).

# Example

- Johnny is 55 years old and has an unmarried 21 year old son named Barry, who has Autism and has never worked. Barry has been receiving SSI benefits since age 19 and receives \$914/mo and Medicaid.
- Johnny retires at age 68. Barry is now 34 years old, unmarried, and has never worked; but he is now eligible to receive \$1300/mo as a DAC instead of SSI. He may also be eligible to keep his Medicaid.
- After 24 months (at age 36), Barry is also eligible for Medicare in addition to his Medicaid.

# What does it mean to be disabled as a child?

The child is not engaged in substantial activity and has a medically determinable impairment or combination of impairments that results in marked and severe functional limitations.

# What does it mean to be disabled as an adult?

- Inability to engage in Substantial Gainful Activity (SGA \$1470) by reason of any physical or mental impairments which singly or in combination ...
- Can be expected to result in death, or which has lasted, or could be expected to last, for at least 12 months ...
- And prevents past relevant work and other gainful employment given the individual's age, education and work experience.



# How Do You Prove Disability?

- Medical Records
  - Complaints, MSE, PE, Medication changes
- Employment Records
  - Termination Letters, Performance Appraisals, Disciplinary Letters, Emails
- Vocational Rehabilitation Records
- School Records
  - IEP/504 plan, Report Cards, Teacher Evaluations, Disciplinary Reports, Emails

# How Long Does It Take?

- Initial Application – 3 to 12 months  
*Roughly 25-33% approval at this level*
- Reconsideration – 3 to 12 months  
*Roughly 7-10% approval at this level*
- Request for Hearing – 6 to 10+ months  
*Roughly 57-68% approval at this level*

# Who Evaluates the Claim?

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## Initial Review

Disability Determination Service:  
DDS

File Review

# Disability Determination Services (DDS)

State agency responsible for developing medical evidence and making a determination on disability

- Adjudicator
- Physician and/or Psychologist review
  - \*Impact of drug and/or alcohol use on functioning
- Consultative Examination
- Vocational Consultant

# Appeal #1

**Reconsideration (\*60 days)**

**Disability Determination Service:  
DDS**

**\*Updated review of medical and other  
evidence**

# Appeal #2

## Administrative Law Judge Hearing (\*60 days)

- De novo review of the evidence.
- The adult child/parent finally gets to tell their story.
- The judge gets to ask the child/parent questions.
- The attorney gets to develop the case through questioning.
- A vocational expert testifies about jobs and employer tolerance.

# Preparing to File for Disability

- Gather supporting documentation
  - Employment records, IEP/504, Vocational Assessments
- Continue treatment
  - Report symptoms and limitations
  - Follow doctor's recommendations/comply with treatment
  - Refrain from abusing drugs/alcohol
  - Discuss plans to apply for disability with medical providers
- Verify SSI and/or SSDI eligibility
- Timeliness is everything.
- Consult with a Social Security Disability Attorney (contingency fee only per SSA guidelines)

# Other Aspects of Financial Planning

- Establishing SSI financial eligibility
  - Wills
  - Special Needs Trust
    - Assets from parents and/or family members directly to SNT; Settlements
  - ABLE Account (Achieving a Better Life Experience)
- Establishing eligibility for SSDI/DIB claim
  - Part-time work if possible to earn quarters of coverage
- Establishing eligibility for future DAC claim
  - Parents: Pay FICA or SECA taxes



# Thank You!

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