

# Social Security Disability

## “How We Can Help You Get Benefits”

### Frequently Asked Questions

No one likes to think that he or she may become disabled. Yet, the chances that you will become disabled are greater than you might think. Studies show that a 20-year-old worker has a 3 in 10 chance of becoming disabled before reaching retirement age.

Here is basic information about Social Security Disability Benefits and commonly asked questions.

### **“Who can get Social Security disability benefits?”**

Social Security pays benefits to people who cannot work because they have a medical condition that is expected to last at least one year or result in death. Federal law requires this very strict definition of disability. While some programs give money to people with partial disability or short-term disability, Social Security does not. Certain family members of disabled workers also can receive money from Social Security. This is explained below.

### **“How do I meet the earnings requirement for disability benefits?”**

In general, to get disability benefits, you must meet two different earnings tests:

A “recent work” test based on your age at the time you became disabled; and

A “duration of work” test to show that you worked long enough under Social Security.

Certain blind workers have to meet only the “duration of work” test.

The table below shows the rules for how much work you need for the “recent work” test based on your age when your disability began. The rules in this table are based on the *calendar quarter* in which you turned or will turn a certain age.

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

**Rules for work needed for the “recent work test”**

<b>If you become disabled...</b>	
-- in or before the quarter you turn age 24	...then you generally need 1.5 years of work during the three-year period ending with the quarter your disability began.
-- in the quarter after you turn age 24 but before the quarter you turn age 31	...then you generally need to have worked during half the time for the period beginning with the quarter after you turned 21 and ending with the quarter you became disabled. For 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.
-- in the quarter you turn age 31 or later	...then you generally need to have worked during five years out of the 10-year period ending with the quarter your disability began.

The following table shows examples of how much work you need to meet the “duration of work test” if you become disabled at various selected ages. For the “duration of work” test, your work does not have to fall within a certain period of time. This table does not cover all situations.

*If you become disabled*

*Then you generally need:*

*Before age 28*

*1.5 years of work*

*Age 30*

*2 years*

*Age 34*

*3 years*

*Age 38*

*4 years*

*Age 42*

*5 years*

*Age 46*

*6 years*

*Age 48*

*6.5 years*

*Age 50*

*7 years*

*Age 52*

*7.5 years*

<i>Age 54</i>	<i>8 years</i>
<i>Age 56</i>	<i>8.5 years</i>
<i>Age 58</i>	<i>9 years</i>
<i>Age 60</i>	<i>9.5 years</i>

## “How do I apply for disability benefits?”

There are two ways that you can apply for disability benefits. You can:

Apply at [www.socialsecurity.gov](http://www.socialsecurity.gov) -- or call the 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. The disability claims interview lasts about one hour.

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, a Disability Starter Kit will be mailed to you. The Disability Starter Kit will help you get ready for your disability claims interview. If you apply online, the Disability Starter Kit is available at [www.socialsecurity.gov/disability](http://www.socialsecurity.gov/disability).

## “When should I apply and what information do I need?”

You should apply for disability benefits as soon as you become disabled. **It can take a long time to process an application for disability benefits (three to five months).** To apply for disability benefits, you will need to complete an application for Social Security Benefits and the Disability Report. You can complete the Disability Report at [www.socialsecurity.gov/disability/3368](http://www.socialsecurity.gov/disability/3368). You can also print the Disability Report, complete it and return it to your local Social Security office.

Social Security may be able to process your application faster if you provide the information they need, which includes:

Your Social Security number;

Your birth or baptismal certificate;

Names, addresses and phone numbers of the doctors, caseworkers, hospitals and clinics that took care of you and dates of your visits;

Names and dosage of all the medicine you take;

Medical records from your doctors, therapists, hospitals, clinics and caseworkers that you already have in your possession;

Laboratory and test results;

A summary of where you worked and the kind of work you did; and

A copy of your most recent W-2 Form (*Wage and Tax Statement*) or, if you are self-employed, your federal tax return for the past year.

In addition to the basic application for disability benefits, you will need to fill out other forms. One form collects information about your medical condition and how it affects your ability to work. Other forms give doctors, hospitals and other health care professionals who have treated you permission to send Social Security information about your medical condition.

Do not delay applying for benefits if you cannot get all of this information together quickly.

## **“Who decides if I am disabled?”**

Social Security will review your application to make sure you meet the basic requirements for disability benefits. They will check whether you worked enough years to qualify. Also, they will evaluate any current work activities. If you meet these requirements, Social Security will send your application to the Disability Determination Services office in your state.

This state agency completes the disability decision for Social Security. Doctors and disability specialists in the state agency ask your doctors for information about your condition. They will consider all the facts in your case. They will use the medical evidence from your doctors and hospitals, clinics or institutions where you have been treated and all other information. They will ask your doctors:

- What your medical condition is;
- When your medical condition began;
- How your medical condition limits your activities;
- What the medical tests have shown; and
- What treatment you have received.

The state agency staff also will ask the doctors for information about your ability to do work-related activities, such as walking, sitting, lifting, carrying and remembering instructions. They will not ask your doctors to decide if you are disabled.

The state agency staff may need more medical information before they can decide if you are disabled. If more information is not available from your current medical sources, the state agency may ask you to go for a special examination. Social Security prefers to ask your own doctor, but sometimes the exam may have to be done by someone else. Social Security will pay for the exam and for some of the related travel costs.

**Social Security uses a five-step process to decide if you are disabled**

**Are you working?**

If you are working and your earnings average more than a certain amount each month, Social Security usually will not consider you disabled. The amount of your earnings changes each year. If you are not working, or if your monthly earnings average the current amount or less, the state agency then looks at your medical condition.

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

For the state agency 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, the state agency will not consider you disabled. If your condition is that severe, the state agency goes on to step three.

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

The state agency 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, the state agency 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, the state agency will decide that you are disabled. If it does not, the state agency goes on to step four.

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

At this step, the state agency decides if your medical condition prevents you from being able to do the work you did before. If it does not, the state agency will decide that you are not disabled. If it does, the state agency goes on to step five.

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

If you cannot do the work you did in the past, the state agency 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, the state agency will decide that you are disabled. If you can do other work, the state agency will decide that you are not disabled.

**Special rules for blind people**

There are a number of other special rules for people who are blind. For more information, ask Social Security for a copy of: [HYPERLINK "http://www.ssa.gov/pubs/10052.html"](http://www.ssa.gov/pubs/10052.html) If You Are Blind Or Have Low Vision -- How We Can Help (Publication No. 05-10052).

**Social Security will tell you their decision**

When the state agency reaches a decision on your case, Social Security will send you a letter. If your application is approved, the letter will show the amount of your benefit and when your payments start. If your application is not approved, the letter will explain why and tell you how to appeal the decision if you do not agree with it.

### **What if I disagree?**

If you disagree with the decision made on your claim, you can appeal it. For more information, ask Social Security for a copy of: The Appeals Process (Publication No. 05-10041). You have the right to be represented by an attorney at any time in the process, from when you first fill out an application -- through the appeals process.

## **“What happens when my claim is approved?”**

### **When do my benefits start?**

If your application is approved, your first Social Security disability benefits will be paid for the sixth full month after the date your disability began.

Here is an example: If the state agency decides your disability began on January 15, your first disability benefit will be paid for the month of July. Social Security benefits are paid in the month following the month for which they are due, so you will receive your July benefit in August.

### **How much will my benefits be?**

The amount of your monthly disability benefit is based on your average lifetime earnings. The Social Security Statement you receive each year displays your lifetime earnings and provides an estimate of your disability benefit. It also includes estimates of retirement and survivors benefits that you or your family may be eligible to receive in the future. If you do not have your Social Security Statement and would like an estimate of your disability benefit, you can request one at [www.socialsecurity.gov](http://www.socialsecurity.gov) or call toll-free **1-800-772-1213**.

## **“Can my family get benefits?”**

Certain members of your family may qualify for benefits based on your work. They include:

Your spouse, if he or she is age 62 or older;

Your spouse, at any age if he or she is caring for a child of yours who is younger than age 16 or disabled;

Your unmarried child, including an adopted child, or, in some cases, a stepchild or grandchild. The child must be under age 18 or under age 19 if in elementary or secondary school full time; and

Your unmarried child, age 18 or older, if he or she has a disability that started before age 22. (The child’s disability also must meet the definition of disability for adults.)

NOTE: In some situations, a divorced spouse may qualify for benefits based on your earnings if he or she was married to you for at least 10 years, is not currently married and is at least age 62. The money paid to a divorced spouse does not reduce your benefit or any benefits due to your current spouse or children.

## **“How do other payments affect my benefits?”**

If you receive other government benefits, the amount of your Social Security disability benefits may be affected. This is a complex area, so you're invited to speak with one of our Disability Legal Assistants, who will help you at no charge. Please call our toll free Disability Information Answer Line at (phone number).

## **“What do I need to tell Social Security?”**

### **If you have an outstanding warrant for your arrest**

You must tell Social Security if you have an outstanding arrest warrant for:

A crime that is a felony under the laws of the state in which you live; or

A crime punishable by death or imprisonment for more than one year in states that do not classify crimes as felonies.

You cannot receive disability benefits for any months in which there is an outstanding arrest warrant for a crime that is a felony (or a crime punishable by death or imprisonment for more than one year).

### **If you are convicted of a crime**

Tell Social Security right away if you are convicted of a crime. Benefits generally are not paid for the months a person is confined for a crime, but any family members who are eligible for benefits based on that person's work may continue to receive benefits.

Benefits are usually not paid to someone who commits a crime and is confined to an institution by court order and at public expense. This applies if the person has been found: Not guilty by reason of insanity or similar factors (such as mental disease, mental defect or mental incompetence); or Incompetent to stand trial.

**If you violate a condition of parole or probation**

You must tell Social Security if you are violating a condition of your probation or parole imposed under federal or state law. You cannot receive disability benefits for any month in which you violate a condition of your probation or parole.

**“When do I get Medicare coverage?”**

You will get Medicare coverage automatically after you have received disability benefits for two years.

**“Can I go back to work?”**

After you start receiving disability benefits, you may want to try working again. Social Security has special rules that help you keep your cash benefits and Medicare while you test your ability to work. Social Security calls these rules “work incentives” or “employment support” programs. You can get more information by calling our toll free Disability Information Answer Line at (phone number).

**“The Ticket to Work Program”**

Under this program, Social Security and Supplemental Security Income disability beneficiaries can get help, at no cost to them, with training and other services they need to go to work. Most beneficiaries will receive a “ticket” that they can take to a provider of their choice who can offer the kind of services they need.