

SUPPLEMENTAL SECURITY INCOME (SSI) & SOCIAL SECURITY DISABILITY INSURANCE (SSDI)

Know Your Rights: A Fact Sheet from Nevada Legal Services, Inc.

What are the two types of disability benefits?

There are two general types of social security disability benefits: **Social Security Disability Insurance (SSDI)** and **Supplemental Security Income (SSI)**. The difference between the two types depends on your work history. The disability rules for both are the same. Also, with SSDI, the amount of assets you have does not matter, but for SSI you must not have assets over \$2,000 and you must be low income.

SSI is a federal income supplement program funded by general tax revenues. It is designed to help age 65+, blind, and/or disabled people who have little or no income. It provides cash to meet basic needs for food, clothing and shelter.

Am I eligible for SSDI benefits?

In order to be eligible for SSDI, you must have worked enough quarters to give you “insured status”. Basically, you must have worked enough to be able to receive benefits based on your earnings record. The regulations for SSDI benefits are located at 20 CFR § 404. It is also a basic factor in determining if dependents’ or survivors’ insurance benefits or a lump-sum death payment are payable based on your earnings record. There are many different ways you can become fully insured for disability benefits.

If I have not worked enough to have fully insured status, am I still eligible for disability benefits?

If you are not eligible for SSDI benefits, you may still be eligible for SSI - Supplemental Security Income. You are eligible for SSI benefits if you meet all of the following requirements (20 CFR § 404.202):

- (a) You are—
 - (1) Aged 65 or older;
 - (2) Blind; or
 - (3) Disabled.
- (b) You are a resident of the United States (§416.1603), and—
 - (1) A citizen or a national of the United States (§ 416.1610);
 - (2) An alien lawfully admitted for permanent residence in the United States (§ 416.1615);
 - (3) An alien permanently residing in the United States under color of law (§ 416.1618); or
 - (4) A child of armed forces personnel living overseas as described in § 416.216.
- (c) You qualify based upon your income.
- (d) You do not have excessive resources. *(The value of the things you own cannot be more than \$2,000 for an individual or \$3,000 for a married couple living together. The value of your house and the value of your car is not counted.)*



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HOW DOES THE SSA DETERMINE IF I AM DISABLED?

As an initial matter, your disability must last longer than 12 months, the SSA does not provide benefits for temporary or short-term conditions. If your disability will last longer than 12 months, the SSA will evaluate your claim in a 5 step analysis to determine if you are disabled.

Step 1 asks if you are engaged in substantial gainful activity. If yes, you are not disabled. If no, go to step 2.

SGA: *Substantial gainful activity generally means doing significant and productive physical or mental duties and is done (or intended) for pay or profit. 20 CFR § 404.1510. A person who is earning more than a certain monthly amount is ordinarily considered to be engaging in SGA. The monthly SGA amount for SSI applicants in 2020 is \$1,260.*

Step 2 asks if you have a severe medically determinable impairment. If no, you are not disabled. If yes, go to step 3.

To meet this definition, you must have a severe impairment that makes you unable to do your past relevant work or any other substantial gainful work that exists in the national economy.

Severe: If you do not have any impairment or combination of impairments which significantly limits your physical or mental ability to do basic work activities, the SSA will find that you do not have a severe impairment and are, therefore, not disabled.

Step 3 asks if your impairments meet or equal a listing. If you meet a listing, you are disabled. If not, go to step 4.

You can find the listing of impairments in the Appendix 1 to Subpart P of 20 CFR 404.

Medical equivalence: Your impairment is medically equivalent to a listed impairment in appendix 1 if it is at least equal in severity and duration to the criteria of any listed impairment.

Combination of impairments: If you have a combination of impairments, no one of which meets a listing, the SSA will compare your findings with those for closely related listed impairments. Then combination of impairments might be medically equivalent to a listing. A physical or mental impairment must be established by medical evidence, not only by your statement of symptoms. You need to provide all medical records to the SSA.

Step 4 asks if, given your impairments, you can do your past relevant work. If yes, you are not disabled. If no, the go to step 5. Past relevant work is work that you have done in the last 15 years.

Step 5 asks if, given your impairments, there is any work available in the national economy. If yes, you are not disabled.

In evaluating whether or not you are disabled at step 5, the administrative law judge will refer to the "grid." The grid is located at Appendix 2 to Subpart P of 20 CFR § 404. The grid uses your residual functional capacity, age, education, and prior work experience in order to determine whether or not you are disabled. You will need to establish you are unable to perform any work in the national economy due to your limitations. Physical ability will include your ability to stand, lift, walk, sit, push, pull, etc. You can also testify to your subjective pain. At the hearing, a vocational expert may be present to give his or her opinion regarding any jobs that may be available in the national economy. Any mental impairments will take the individual outside of the grid. The grid is not equipped to deal with mental disabilities impairments.

Resources

For more information you can visit our website at www.nlslaw.net.

You can also find out more information about all benefits from the Social Security Administration at www.ssa.gov.

Did you know? Nevada Legal Services may be able to help you file your initial SSI or SSDI application! Contact our Reno office for further assistance!

775-284-3491 / 800-323-8666