

# Social Security Disability – The Basics, and How Kansas Legal Services Can Help

How all of us can work together to make certain that every person who qualifies, receives Social Security Benefits

Kansas Legal Services is a statewide legal services organization that seeks to help the impoverished with legal problems.

KLS makes a difference by providing quality legal representation.

Areas of practice include Domestic & Family Law, Landlord Tenant, Consumer Protection, Elder Law, Juvenile Law, Education Law, Disability, etc.

Our focus is on the most venerable; the abused, the neglected, the elderly, the disabled & children

# Who We Are

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# What We Do (it's a lot)

- **Kansas Legal Services (KLS) works with community organizations and the public to help adults and children who may qualify for disability benefits.**
- Primarily, KLS provides low income individuals with legal assistance in almost every non-criminal area of law. Family law, domestic violence, elder abuse, evictions, collections, wills and estate planning, tax issues, discrimination in schools, expungements, quiet titles, unemployment, and more.



# Social Security Overview

- Today, we're talking specifically about Social Security
- Whether a person may qualify
- Assistance with gathering necessary documents
- Alternate resources for the person/family
- Representation for the person, if appropriate

# Applying for Services with KLS

- Clients can apply for services by calling our application line – **1(800) 723-6953**, or apply online at [www.kansaslegalservices.org](http://www.kansaslegalservices.org). You may assist them with the application, but the client must be present at the time of the call.
- After you have identified a person who may qualify, you can help them apply by phone or online. Once a basic application for services is completed, they will be contacted to complete a more in-depth interview about their eligibility.
- The more in-depth interview will cover the elements of their eligibility. We will need to know:
  - whether they've applied for disability before,
  - if anything is currently pending if they have already applied,
  - Basic work history
  - Their medical diagnoses
  - Current medical providers and medications

# SSI vs. SSDI

- **SSI or Supplemental Security Income** – This welfare program is designed for individuals who have never worked, or have no work history for 5 out of the last 10 years. It is designed to provide cash assistance for basic necessities of food, clothing, and shelter, up to \$914 per month for a person with disabilities in 2023. Kansas provides additional benefits to the amount provided by Social Security in some cases.
- **SSDI or Social Security Disability Insurance** – This benefit program is for individuals who have a work history and have become disabled. SSDI is generally available for adults, but the income could be available to children with disabilities in the form of auxiliary benefits or Survivor's Benefits.
- Often, children with disabled parents may qualify to receive benefits even if they have no disabilities themselves.

# SSI vs. SSDI, continued

## Economic Standard:

SSI and SSDI programs use the same standard for identifying a medical disability.

If a person meets the income qualifications, they are eligible to receive money based on their current income or economic situation.

When a person has no work history, or could never work, due to disability, they are eligible for SSI.

**While they are similar, SSI and SSDI are not identical.**

Many of the benefits that a person can receive with SSI and SSDI are not simply cash assistance, but also Medicaid, and housing benefits through voucher programs.

**Please feel free to communicate with us about potential benefits to your clients.**

# Who Qualifies?



# What cases should be referred?

While primarily KLS provides assistance for people with disability cases, we will review how other people may qualify.

**Even people who already receive SSI/SSDI oftentimes need assistance throughout the process, or disabled and nondisabled children of parents who receive SSDI.**

In addition to providing representation, we can advise about questions or concerns about benefits, work, and treatment for SSI/SSDI.

**Continuing Disability Reviews**  
**Age 18 Redeterminations**  
**Auxiliary Benefits**  
**Death Benefits**  
**Denials of Disability Benefits**

# Continuing Disability Reviews/Issues

## CDRs, or “Continuing Disability Reviews”

The Social Security Administration reviews cases every 2-3 years to determine if the claimant continues to qualify for benefits.

**If you have a medical condition that is not expected to improve, they will still review your case, once every five to seven years.**

KLS provides assistance for children and adults with upcoming CDRs.

## WHAT HAPPENS TO MY DISABILITY PAYMENTS IF I GET A JOB? IF I BUY A CAR?

SSA reviews Disability cases from time to time. There can be both financial limitations and limitations based on perceived changes in ability (though these are rare).

**SSA will use the adult criteria to determine if you continue to be eligible for disability benefits.  
(Listing of Impairments – Adult Part A)**

# Auxiliary Benefits and Death Benefits

- Auxiliary and Death benefits are based on the parent's eligibility:

## Auxiliary Benefits

- **IF a parent receives SSDI, their family members, including a spouse and dependent children, may be eligible to receive auxiliary benefits as well.**
- SSDI is the only SSA program that provides for auxiliary benefits.
- **Dependents of Supplemental Security Income (SSI) recipients are not entitled to auxiliary benefits.**

## Survivor's Benefits

- Available to widows/ers and dependent children younger than age 16, or disabled children of deceased workers or disabled parents.
- **Also available to unmarried children, or children younger than age 18 (or up to age 19 if they're attending elementary or secondary school full time)**
- Children can get survivor's benefits at any age if they were disabled before age 22. Under certain circumstances, stepchildren, grandchildren, step-grandchildren, or adopted children can also get benefits.

# How You Can Identify Disability Eligibility



# How does SSA define disability?

## Physical or Mental Impairment:

A person may be considered disabled if the person has **"a medically determinable physical or mental impairment, which results in a marked, pervasive and severe disability, and is expected to last for a continuous period of 12 months or result in death."**

## The SSA uses "Listings" to determine disability.

One, the Listings, provides for when medical evidence shows symptoms of a disease or impairment that causes disability.

When no Listing is available, SSA uses the medical equivalency to show that a person should receive benefits because they are unable to function successfully. (very rare)

# Listing of Impairments

## Adult Listings (Part A)

This is simply a list of impairments. They provide the basic requirements for disability claims:

<b>1.00</b> Musculoskeletal System	<b>2.00</b> Special Senses and Speech	<b>3.00</b> Respiratory Disorders
<b>4.00</b> Cardiovascular System	<b>5.00</b> Digestive System	<b>6.00</b> Genitourinary Disorders
<b>7.00</b> Hematological Disorders	<b>8.00</b> Skin Disorders	<b>9.00</b> Endocrine Disorders
<b>10.00</b> Congenital Disorders that Affect Multiple Body Systems	<b>11.00</b> Neurological Disorders	<b>12.00</b> Mental Disorders
<b>13.00</b> Cancer (Malignant Neoplastic Diseases)	<b>14.00</b> Immune System Disorders	

### **1.05 Amputation (due to any cause)**

A. Both hands;

or

B. One or both lower extremities at or above the tarsal region, with stump complications resulting in medical inability to use a prosthetic device to ambulate effectively, as defined in [1.00B2b](#), which have lasted or are expected to last for at least 12 months;

or

C. One hand and one lower extremity at or above the tarsal region, with inability to ambulate effectively, as defined in [1.00B2b](#);

or

D. Hemipelvectomy or hip disarticulation.

# Adult Listings (Part A) –Section 12.00

## Mental Disorders

### **12.04 Depressive, bipolar and related disorders (see 12.00B3), satisfied by A and B, or A and C:**

A. Medical documentation of the requirements of paragraph 1 or 2:

1. Depressive disorder, characterized by five or more of the following:
  - a. Depressed mood;
  - b. Diminished interest in almost all activities;
  - c. Appetite disturbance with change in weight;
  - d. Sleep disturbance;
  - e. Observable psychomotor agitation or retardation;
  - f. Decreased energy;
  - g. Feelings of guilt or worthlessness;
  - h. Difficulty concentrating or thinking; or
  - i. Thoughts of death or suicide.

### **12.15 Trauma- and stressor-related disorders (see 12.00B11), satisfied by A and B, or A and C:**

A. Medical documentation of all of the following:

1. Exposure to actual or threatened death, serious injury, or violence;
2. Subsequent involuntary re-experiencing of the traumatic event (for example, intrusive memories, dreams, or flashbacks);
3. Avoidance of external reminders of the event;
4. Disturbance in mood and behavior; and
5. Increases in arousal and reactivity (for example, exaggerated startle response, sleep disturbance).

# Mental Impairments - Paragraph B

Nearly all listings for mental disorders include additional requirements shown by medical evidence. This can be one of the most important parts of determining whether a person has an impairment. **This is one way that you can help in this process.**

AND

- B. Extreme limitation of one, or marked limitation of two, of the following areas of mental functioning (see [12.00F](#)):
1. Understand, remember, or apply information (see [12.00E1](#)).
  2. Interact with others (see [12.00E2](#)).
  3. Concentrate, persist, or maintain pace (see [12.00E3](#)).
  4. Adapt or manage oneself (see [12.00E4](#)).

# Listing of Impairments – What are Compassionate Allowances?

- These listings attempt to fast track some claims that by definition, meet Social Security's standard such as certain cancers or rare disorders.
- Full list: <https://www.ssa.gov/compassionateallowances/conditions.htm>

## CAL Conditions

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

[Acute Leukemia](#)

[Adrenal Cancer - with distant metastases or inoperable, unresectable or recurrent](#)

[Adult Non-Hodgkin Lymphoma](#)

[Adult Onset Huntington Disease](#)

## Compassionate Allowances Links

- [Home](#)
- [List of Compassionate Allowances Conditions](#)
- [Submit the Name of a Condition For Consideration](#)
- [CAL Outreach & Hearings](#)

## Related Links

[Child Lymphoblastic Lymphoma](#)

[Child Lymphoma](#)

[Child Neuroblastoma - with distant metastases or recurrent](#)

[Chondrosarcoma - with multimodal therapy](#)

[Chronic Idiopathic Intestinal Pseudo Obstruction](#)

[Chronic Myelogenous Leukemia \(CML\) - Blast Phase](#)

[Coffin-Lowry Syndrome](#)

[Congenital Lymphedema](#)

# THE PROCESS

**Initial Application** – After filing an initial claim, SSA will review your medical records, based on the doctors, hospitals and information you provide to determine disability.

**Redetermination** – If you are unsuccessful at the initial level, you may appeal the decision. Perhaps you have new or updated records or better information from your doctors to provide.

**Hearing Level** – If unsuccessful on redetermination, you can appeal your case to a hearing judge, known as an “administrative law judge, or, ‘ALJ’, to review.

**Appeals Council** – If you believe the ALJ mishandled your case, you can appeal it to a Council of three judges in Falls Church, VA.

**Federal Court and beyond-** There is an opportunity to appeal the case to the Federal District Court for review.

# Back to Making An Application

If you have determined that a person or family could benefit from SSI/SSDI and they appear to meet these qualifications, you should encourage them to make an application to KLS.

**If you are unsure, feel free to reach out to KLS for assistance in determining if a person qualifies.**

**Remember, that sometimes a other people in a person's family may qualify as well and benefit from KLS assistance.**

**Cooperation between our organizations helps Kansans. Please ask about other services we may be able to provide.**

# Back to Making a Referral

More information is better than less.

## **Information to keep in mind:**

- What are the person's medications?
- Hospitalizations?
- Medical diagnosis?
- Names of doctors, hospitals, and treatments
- Person's behavior and interaction with others
- Motor skills, social skills and danger to self and others
- Person's cognitive ability, concentration, and pace for their age.

# Keep Us Informed

If you are a case manager or a case worker, you are usually the best informed about the progress of a case. We will regularly review a case that we take with you.

One of the BIGGEST issues in a disability case with a homeless client is keeping in contact with the attorney and Social Security. Providing a stable phone number and address to receive mail could be the difference between winning and losing.

Let us know if you learn of new information, or ask us if you have questions.

- New psychiatric evaluations**
- New physical or mental health diagnosis**
- Changes to medications**
- New side effects**
- Change in living situation or staff**
- Change in person's work or ability**
- Change in doctor(s)**
- Change in case manager**

# Questions

