



Social Security Disability Income: Do you or does someone you love qualify?

If you or someone you love is disabled due to a physical or mental disease or impairment, you may want to check into eligibility for Social Security Disability Income (SSDI) benefits. SSDI benefits are paid out of the Social Security Trust Fund and are based on the worker's earning record. Payments are available from SSDI to spouse or children in certain circumstances and there are no asset or unearned income limits for SSDI.

To be eligible, however, a person must meet the tough definition of "disability" as defined by the Social Security Administration. Disability has a technical meaning in the administrative regulations, and is defined as the "inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to last for a continuous period to not less than 12 months."

Whether someone is physically or mentally disabled will require a doctor's evaluation and determination that the person is totally disabled. If a doctor does not feel comfortable making the determination that a person is totally disabled, the doctor can list the diagnoses or all of someone's physical or mental impairments and restrictions and leave it up to the Social Security Administration to determine whether the person is disabled according to their regulations. Some diseases and impairments are listed in the regulations as automatically qualifying for benefits, depending in their severity. These are called "the Listings."

Any impairment must be severe to meet the disability definition. It must prevent someone from doing the type of work they did previously and "any other substantial gainful activity which exists in the national economy." This is a tough standard because it does not depend on whether there is work available, but whether anywhere there is work available that the person could do, given his or her restrictions. The Social Security Administration will determine if someone is able to do any other work by evaluating the person's age, education and work experience, as well as their "residual functional capacity" or the amount of effort and activity that their doctor believes they are physically or mentally able to do.

If a person's inability to work is temporary, or is not expected to last more than 12 months, the person will not qualify for SSDI. The Social Security regulations require that the disability be expected to last for 12 months and calls this the "duration requirement." There are also other regulations to be aware of when making a claim for SSDI. For example, there is a five full month waiting period for benefits from the date of onset of disability and benefits may be retroactive up to 12 months if all requirements are met.

If you believe that either you or someone you love meets that disability definition, you should contact the Social Security Administration to file a claim for benefits. A claim will be reviewed and the Social Security Administration will make an Initial Determination. If the Initial Determination is unfavorable, you have the right to request Reconsideration. If the Reconsideration decision is unfavorable, you have the right to an





Administrative Hearing. A hearing may involve both expert medical and vocational testimony. Most cases are resolved at this point. Claimants have the right, however, to appeal to the Appeals Council in Virginia, and ultimately to the federal court system.



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