



# IMPACT OF THE COVID PANDEMIC ON SOCIAL SECURITY BENEFITS FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES (IDD)

SEPTEMBER 14, 2021

# PRESENTATION OUTLINE



- Overview of how the Social Security Administration (SSA) responded to the pandemic
- Overview of challenges for beneficiaries resulting from COVID relief legislation
- Experience on the ground in New Jersey
- Best practices in dealing with SSA and other agencies in this context
- Questions

# COVID AND THE SOCIAL SECURITY ADMINISTRATION



- Across the country, SSA field offices closed
- Most remain closed today although the Agency is working through reopening plans
- Disability determinations and other workloads continued, but shifted remotely and there have been implementation issues
- Many workloads were paused for various lengths of time, including Continuing Disability Reviews (CDRs) and overpayments

# COVID AND THE SOCIAL SECURITY ADMINISTRATION



- Because of these workload pauses, hundreds of thousands of people ended up with COVID overpayments
- SSA announced a special process for these overpayments, but The Arc's national office has received many reports of problems with this new process
- If individuals have overpayments from April 2020 – September 2020, they may be eligible for this expedited process and can call their field office

# COVID AND CONGRESS



Congress responded to COVID by passing several bills:

- The Families First Coronavirus Response Act
- The Coronavirus Aid, Relief, and Economic Security Act
- Consolidated Appropriations Act, 2021
- The American Rescue Plan

# COVID AND CONGRESS



COVID relief included:

- Unemployment Insurance
  - Federal Pandemic Unemployment Compensation (FPUC)
  - Pandemic Unemployment Assistance (PUA)
  - Pandemic Emergency Unemployment Compensation (PEUC) Programs
- Stimulus Checks
- Medicaid protections

# CHALLENGES



As relief efforts were rolled out, many problems arose. Some include:

- Unemployment benefits interfering with SSI and Medicaid benefits
- Stimulus checks and asset limits
- Closed field offices requiring important documents being sent into the office
- Busy / long waits on the Hotline
- Lack of online access to many SSA applications or other program actions

# UPDATED GUIDANCE



SSA has announced two major policy changes to address these issues:

- July 23, 2021: Emergency Messages 21050 and 20014
- These Emergency Messages categorize many forms of COVID pandemic assistance (including some state stimulus checks) as disaster relief.
- Because this money is disaster relief, it does and will not (permanently) count against income or asset rules.
- This is a major change from the previous rules that only allowed stimulus check money to be saved for 12 months before they counted as an asset and that counted all unemployment money as income (often suspending benefits for working SSI beneficiaries).



# UPDATED GUIDANCE



SSA has announced two major policy changes to address these issues:

- September 8, 2021: Emergency Message 21056
  - Field offices are now required to schedule in-person appointments if they need to verify important documents (birth and marriage certificates, green cards, drivers licenses).
  - This is a change from the previous policy that these documents had to be submitted via the mail.
  - If you have been asked to submit these kinds of documents, you can contact Bev Roberts at The Arc of New Jersey, and she will help you.


# EASY WAY TO CONTACT SOCIAL SECURITY




- During the pandemic, use the Social Security Office Locator on next slide.
- Can speak to employee at your local SSA office.
- Eliminates a long wait to speak to staff at the national toll-free SSA number. Can usually make a phone appointment, e.g., applying for SSI; parent will be starting to collect SS retirement benefit.

# SOCIAL SECURITY OFFICE LOCATOR




 **Social Security**  
The Official Website of the U.S. Social Security Administration

## Social Security Office Locator

 **We are OPEN to receive your calls**

On Tuesday, March 17, 2020, we suspended face-to-face service to the public in our field offices and hearings offices nationwide until further notice. However, we are still able to provide critical services via phone, fax and online.

Find the Office for this ZIP Code.

ZIP:   Locate

[Zip Code Look Up](#)  
[Services Outside the United States](#)

Using our online services, you can:

- Apply for most types of benefits
- Estimate your future benefits
- Do so much more

To learn more, visit [What You Can Do Online](#).

National 800 Number

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## NEW INFORMATION: SSA ALLOWING IN-OFFICE APPOINTMENTS TO PROVIDE IMPORTANT ORIGINAL DOCUMENTS



Social Security issued a new Emergency Message 21056 on Sept. 8, 2021. You can now bring important original documents (e.g. birth certificate), and then take them home during a scheduled in-office appointment with Social Security.

- If you are not able to get an in-office appointment: Email Beverly Roberts, [Broberts@arcnj.org](mailto:Broberts@arcnj.org), with this info:
- Your name; zip code; date of the phone call; the SSA office that was contacted; and what you were told.
- I will forward your email to someone at SSA who can help.

# ABLE ACCOUNTS



- ABLE accounts won't affect continuing financial eligibility for SSI, Medicaid and other public benefits.
- Persons with disabilities can deposit up to \$15,000/year in an ABLE tax-exempt savings account.
- Eligibility: Must be receiving SSI or SSDI; Age of onset of disability must be before age 26, **OR**
- With medical documentation, can deposit money into ABLE account (up to max. of \$15,000/yr) as spend-down *before* applying for SSI.

# ABLE ACCOUNTS



- **ABLE accounts are available in NJ.** <https://savewithable.com/nj/home.html>
- Visit the **ABLE National Resource Center website** [www.ablenrc.org](http://www.ablenrc.org), for free, state-specific information. Great website; webinars; state-by-state comparisons.
- The Arc of New Jersey Family Institute has a Fact Sheet on ABLE accounts.
- **Important caveat: Upon the death of the beneficiary, the state in which he/she lived may file a claim for all or a portion of the funds in the ABLE account to recoup costs paid by the state while the beneficiary was receiving services through the state Medicaid program.**

# MEDICAID & THE PANDEMIC



- **No one with IDD should lose Medicaid during the pandemic.**
- When pandemic ends: The Arc of NJ will closely monitor Medicaid issues. Some people with IDD may not be eligible for their current Medicaid category, but there are different Medicaid categories; if not eligible for one category, may be eligible for another one.
  - Example: Enrolled in regular NJ FamilyCare (not ABD) but now receiving Medicare.
- After pandemic ends, if receive a Medicaid termination notice, do not panic, but don't ignore. Sign up for our MMC listserv: [www.mainstreamingmedicalcare.org](http://www.mainstreamingmedicalcare.org)
- Can request a Medicaid fair hearing, if necessary. Request continuation of current Medicaid enrollment/coverage.

# PEOPLE RECEIVING SSI AND UNEARNED INCOME: MUST REPORT ALL INCOME TO SOCIAL SECURITY



- For SSI recipients in 2021: Original SSA regulation: Cannot have more than \$814/month in unearned income.
- Some people with IDD were employed pre-pandemic; required to apply for unemployment insurance; then terminated from SSI because of high amount of unemployment income.
- **Great news!** No matter how long a person with IDD received unemployment insurance -- should not lose SSI; request reinstatement if SSI was already terminated.



# SGA AND PEOPLE WITH IDD WHO ARE EMPLOYED AND RECEIVE SSDI



- **Income from a job must be reported to Social Security.**
- Substantial Gainful Activity (SGA) max. for 2021: \$1,310/month gross income.
- Some people with IDD, receiving SSDI, worked more hours during pandemic and exceeded SGA.
- If income from employment exceeds SGA after the 9 month Trial Work Period, then SSDI terminates.

# OVERPAYMENT LETTERS FROM SOCIAL SECURITY



- Very stressful to receive overpayment letter from Social Security requiring repayment of thousands of dollars!
- Contact local SSA office to discuss *calmly* (use office locator to call local office).
- Request expedited review process.
- Occasionally, SSA makes mistakes. Provide documentation if mistake was made.
- If money needs to be repaid, request a payment plan.
- Try contacting your state's US Senators' constituent relations staff.

# IF TERMINATED FROM SSDI



- If Social Security sends a letter terminating SSDI benefit, it may also require a payback due to an overpayment.
- Call local Social Security office to discuss *calmly*.
- If no help from Social Security and there is a “good cause” case for continuation of benefits, consider hiring attorney who specializes in Social Security hearings.
- National Organization of Social Security Claimants’ Representatives (NOSSCR): [www.nosscr.org](http://www.nosscr.org)
  - Never a fee to these attorneys unless they win the case at a hearing before an administrative law judge.

# ONE LAST ASK



We have a chance to pass major reforms to SSI for the first time since the 1980s.

Congress is considering including reforms to SSI in the upcoming budget reconciliation package, including reforms to the asset limits and income rules that discourage work.

Please contact your Member of Congress and ask them to include SSI:

[thearc.org/action](http://thearc.org/action)

# QUESTIONS?



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