

# What Parents Need To Know When Applying For Their Adult Child's SSA Benefits

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**ALL INFORMATION PROVIDED IN THIS PRESENTATION IS INTENDED FOR EDUCATIONAL PURPOSES ONLY  
AND SHOULD NOT BE CONSTRUED AS LEGAL ADVICE.**

# DO YOU REALLY WANT TO APPLY FOR SSI?

## What Is Your Goal?

### DDD benefits

funded through Medicaid

**NJ State Medicaid** is easier and faster to obtain

### SSI benefits

provides federal Medicaid

provides monthly cash payment

# SSI = *Supplemental Security Income*

## Financial Qualifications (for an unmarried applicant)

1) countable resources **\$2000 or less**

*\*prior to application\*, \*during application process\*,  
\*after award is issued and individual is receiving SSI\**

2) limited monthly income from work, investments, gifts

## “Medical” Qualification for all SS disability programs

Unable to **WORK**

at a competitive job *on a sustained basis*

& earn the “substantial gainful activity” rate for that year

Competitive job: no unusual accommodations, no extra breaks, no extra help, acceptable level of productivity and quality ...

Substantial Gainful Activity: a monthly/annual amount designated by the SSA each year.

(2024 non-blind applicant = \$1550/month)

## 2 other Disability programs

### DAC = Disabled Adult Child

Qualification: Disability started **prior to age 22**

**When to Apply:** when parent is receiving SS retirement, or SS disability, or is deceased

### SSD = Social Security Disability

Qualification: sufficient **credits** under own work history  
(must report on tax return)

# TOPICS

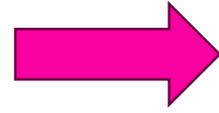
- **Appealing denials**
- **What do I need to do *before* applying for benefits for my Adult Child?**
- **Applying for Benefits**
- **What forms will Social Security ask us to complete?  
How should we complete them?**

APPEAL

APPEAL

APPEAL

Initial Application(s)



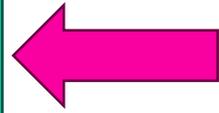
AWARD

DENIAL



DENIAL

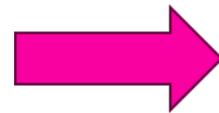
AWARD



Reconsideration Request



Hearing Request



Hearing with ALJ

**Claims Adjudicators** at the Initial and Reconsideration levels have little discretion to approve a case that is not crystal clear.

Additionally, they do not need to provide a *well-reasoned explanation* for their denial.

**The Administrative Law Judge** will:

- Look at all the evidence;
- Read through any briefs and legal arguments;
- Listen to testimony and the arguments during the Hearing;  
and
- Render a New Decision.

The ALJ has much more discretion in deciding a case.

Additionally, the ALJ must provide a multi-page Decision detailing the reasons for the favorable or unfavorable finding.

So, while receiving denials from DDS may make you feel defeated, and the continued need to appeal may seem daunting, **we encourage you not to give up. A Judge may come to a very different conclusion, and grant benefits.**

If you have not retained an attorney before this point, you may want to when you need to appeal. **However, if you don't want to involve attorneys or non-attorney advocates, you certainly can do the appeal on your own.**

The easiest way to file an appeal is through the SSA website.

We prefer this option you can do it from your home computer and easily save a copy of the appeal and have proof of filing.

## Submit an Appeal

Completing your appeal online may take 40 to 60 minutes. Your answers will be saved automatically so you can take a break at any time before submitting your appeal.

[Start a New Appeal](#)

or

[Return to a Saved Appeal](#)

## **There are no tricks or special words that you need for the appeal.**

Social Security will ask why you are appealing. You'll tell them that the Claimant is disabled as a result of their Medical Determinable Impairments (MDIs). You may want to add more to your answer, but you only have two lines to respond to this question. Your answer doesn't need to be fancy.

Most of their questions will ask for facts about healthcare providers, medications, new diagnoses, involvement with vocational program, educational programs and work attempts.

Just answer the questions to the best of your ability.

# FILE THE APPEAL WITHIN THE ALLOTTED TIME

SSI benefits are based on the **date of the Application**.

Payment for DAC and SSD benefits may also be affected by the date of the Application.

If you drop an appeal and later decide to apply again and are successful,  
*the award is going to be based on the date of that new Application.*

So even if you are discouraged when you get a denial, power through the appeals so that you don't lose out on what could be years of benefits.

# What do I need to do before applying for SSI benefits for my Adult Child?

**Financial Considerations**

**Medical/Educational/Vocational Information**

# Financial Considerations

**DO NOT APPLY BEFORE AGE 18**

# COUNTABLE RESOURCES

**\$2000 LIMIT**

*\$2000*

**BEFORE** starting application

*\$2000*

*\$2000*

**WHILE** Application is being processed

*\$2000*

**AFTER** SSI Is awarded

**ALWAYS-ALWAYS-ALWAYS-ALWAYS-ALWAYS**

# What is a countable resource?

Common resources include savings accounts, checking accounts, stocks, bonds...

(ABLE Accounts are not countable resources)

*The SS website has “SSI Spotlights” giving more detailed information about Resources and many other topics.*

*<https://www.ssa.gov/ssi/links-to-spotlights.htm>*

**What matters:**

Whose **NAME** is on the non-exempt resource.

**What does not matter:**

SS does not care what you intended to do with the resource.

**Beware: “secret” accounts**

**Inheritances (after award)**

# Resource Spend-Down

DO NOT just transfer money out of the account or sell assets.

Spend-down must be for items acceptable to Social Security and purchases must be *traceable*.

(Keep receipts!) **OR ABLE ACCOUNT**

## **“WHAT HAPPENS IF I GIVE AWAY OR SELL A RESOURCE?”**

If you, your spouse, or a co—owner give away a resource or sell it for less than it is worth, you **may be ineligible for SSI benefits for up to 36 months**. How long you are ineligible for SSI benefits depends on the value of the resource you transferred.” (From SS Website – SSI Homepage)

It is easy to lose track of the value of the resources.

**Make this a priority!**

Even having the total countable resources exceed \$2000 for one month will have **consequences**.

- **Overpayment and Demand to Repay**
  - **Termination of SSI benefits**

***Social Security could notify you YEARS later.***

# INCOME

For the Application,

ONLY the **income of the Applicant** (not parents) should be considered once the Applicant turns 18.

*After an Award, wages and cash gifts must be reported monthly. Use the Social Security portal.*

# **MEDICAL/EDUCATIONAL /VOCATIONAL Considerations**

# DISABILITY

Unable to perform ANY **competitive work**  
independently  
& on a sustained basis  
& earn SGA  
due to a “medically determinable impairment”

# Evidence of inability to perform SGA

School  
Records  
IEPs  
Evaluations

Depending on severity of impairments

Psychiatrist  
Therapist  
notes

Will need supplementing

Independently  
obtained  
Paid  
Employment

Need detailed job description & discussion of problems

Vocational  
Experiences  
School program  
esp. job sampling

NJ DVRS  
DDD  
or private  
Job Coach

Depending on quality of counselor

Volunteer  
Experiences

Vocational  
Assessment

Neurocognitive  
Assessment

## When to Apply

Know what the school records say.

Know what the medical records say.

In most situations, it is important that the Adult Child be under the care of medical professionals.

In many situations, it can be helpful to be participating in educational or vocational programs.

# The Application Process

*The SSI Application  
& the Disability Report*

*Set up the interview:*

*Call the national line at 800 -772-1213  
or the local office to set up a phone appointment.*

***The interview: The Agent will call sometime, likely within 2-4 hours of the appointment time. Have the following prepared for the call:***

*1. Your Adult Child: If your Adult Child is capable, have them present to answer some of the questions.*

*\*Having them participate will give the Agent a sense of their abilities and limitations; also,*

*\*if you don't have guardianship of your Adult Child, the Agent should ask them for permission to speak with you.*

- ***2. Have all the factual information quickly available for the Agent.***

- ***Date of Birth***

- ***SSN***

- ***Diagnoses***

- ***Healthcare Providers with contact information***

- ***Schools with contact information***

- ***Work History, if any***

- ***Adult Child's Bank Accounts and other Assets***

**3. *The Agent will ask for an ONSET DATE.***

2. If this is an SSI application ***only***, and your Adult Child has been disabled since before age 22, make sure to give the agent a date before age 22. This can make it easier if they need to apply for DDD benefits and/or Disabled Adult Child benefits later.

# WHAT'S NEXT?

Once you have finished the Application and Disability report (medical/educational/work questions) interview with the Agent, your work is done for the time-being. Social Security will review the financial information you provided and make an assessment about whether the Applicant/your Adult Child meets the financial eligibility standards for an SSI application.

If the Adult Child is found financially eligible, **the case will be moved over to DDS**

(Division of Disability Determination Services) where a Claims Adjudicator will be assigned.

(That *should* take about 10 days.)

If you do not receive any forms or other communications within 6 weeks after the application has been taken, call the District Office for status. (Many of the NJ District Office phone numbers can be found on a slide attached to the end of this presentation.)

**What forms will Social Security  
ask us to complete?**

**How should we complete  
them?**

## The Simple Forms:

- SSA – 827: An authorization that allows Social Security to reach out for records from your Adult Child's healthcare providers and teachers.
- SSA-8240 – An authorization that allows Social Security to obtain wage and employment information; this would only be requested if your Adult Child has worked.
- SSA will either send you the form(s) for a signature or will ask for permission while doing the phone interview.
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## From District Office to DDS

Once the case is at DDS the case will be assigned to a Claims Adjudicator.

The CA is the great gatherer of information.

They will send requests to the healthcare providers and schools.

And, they will send you and your Adult Child Function Reports

SSA-3373 and SSA-3380

Function Reports are 10 pages long and ask 25 questions about the applicant's daily activities.

They are annoying.

### Why annoying?

- Function Report questions are not tailored to any particular disability.
- The questions are broad and repetitive.
- The response time to answer is short, usually 10 days.

While your Function Report responses will likely not “win” the case, they can easily cause the Application to fail.

Having worked in this field for all these years, I have 5 rules that I ask you to follow when you receive these forms.

Function Report - Rules to follow:

Rule #1: **Don't Do the 1st Party Function Report for your Adult Child.**

For the 3<sup>rd</sup> party function report: - The one you will fill out -

Rule #2:, remain patient, respond to the questions HONESTLY, AS IF UNDER OATH, and WITH KEEN INSIGHT.

Rule #3: When the question does not ask for the information you want to give, answer the question as if it did.

Rule #4: Make sure you **inform the reader of all your Adult Child's work-related limitations**, the non-exertional and the exertional ones.

Rule #5: **Once completed, re-read the entire report.** Only once you are satisfied that it describes your Adult Child accurately, will it be ready to send to the CA. Remember to **make copies of all** forms you submit and keep them for your files.

# The Function Report Adult (SSA-3373)

## **RULE #1**

### **Don't Do the Function Report for your Adult Child!**

For many legitimate reasons, you will be tempted to do the Function Report for your son or daughter.

*Don't Do It!*

If you do it for them, the Claims Adjudicator will have no choice but to credit **your Adult Child** with:

- a vocabulary that they don't have,
- a processing speed that is not their own, and
- handwriting or typing abilities that do not reflect their abilities.

If your Adult Child can read and write, explain to them that they need to do the form because of the SSA claim and ask them to do it to the best of their ability.

Some will have no trouble with that. They'll take the form, answer the questions, sign it and be done with it.

More likely, your Adult Child will find the form overwhelming and get through a couple of questions before getting upset.

If the form is left largely undone, you should explain your child's experience with the form in the **Remarks Section** at the end of the document, and return it to the Claims Adjudicator as is.

**If your Adult Child does ask you to sit down and assist, that's okay. Just make sure that the responses are theirs and **WRITE ABOUT THE ASSISTANCE YOU GAVE AND WHY IT WAS NECESSARY IN THE REMARKS SECTION.****

For instance:

- If you had to read the questions to the Adult Child
  - If the Adult Child had to do it over a course of days
  - If you had to write your Adult Child's answers in the form
- **If you had to do any of this, or provide any other assistance, make sure you share the help you had to give your child with the Claims Adjudicator.**
- **Where the forms asks for "Name of the person completing this form," write that you and your Adult Child completed the form together, make a copy of the form** and then return it to the CA.

Please remember, **neatness does not count.**

If your Adult Child's handwriting is horrible,  
do not make them rewrite the form,  
and do not write it out for them.  
That goes for bad spelling too. Just leave it alone.

## The Function Report Adult - Third Party Form (SSA-3380)

The **Third Party Function Report** is sent to an identified trusted contact of the applicant.

In your Adult Child's case, it will likely be the **Third Party Function Report** that will be the more detailed account.

The Function Report and Third Party Function Report are nearly identical. However, your answers may be vastly different from those of your Adult Child, and that is fine.

**How to Answer Third Party Function Report Questions – Remember the previously mentioned rules.**

**RULE #2**

**Answer HONESTLY,**

**AS IF UNDER OATH,**

**and**

**WITH KEEN INSIGHT!**

**The goal is to accurately inform the SSA about your Adult Child's ability to function.**

Below are some of the Third Party Function Report questions that people often have difficulty with.

*While your Adult Child's situation is unique, I am offering some example answers based on a hypothetical claimant, Danny Doe. Danny is a 20-year-old male who has a borderline FSIQ, is on the autism spectrum and has been diagnosed with generalized anxiety disorder.*

**Please note, NO MATTER WHAT I HAVE WRITTEN, your responses must be based on your Adult Child, not Danny Doe.**

**SECTION B - INFORMATION ABOUT ILLNESSES, INJURIES, OR CONDITIONS**

8. How does this person's illnesses, injuries, or conditions limit his/her ability to work?

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Comment: This is actually a reasonably good question. There will be more specific questions later on, but your response to this one can set the tone for the reader.

## EXAMPLE RESPONSE:

### **SECTION B - INFORMATION ABOUT ILLNESSES, INJURIES, OR CONDITIONS**

8. How does this person's illnesses, injuries, or conditions limit his/her ability to work?

Danny needs a great deal of supervision and encouragement for even simple daily tasks. Without frequent reminders, encouraging words and supervision, he will generally freeze up and get nothing done. His frustration tolerance is very low when he does not get quick feedback and encouragement.

With this answer, I am telling the Claims Adjudicator that if Danny were in a job, he would take other workers off task to give him the attention he needs to accomplish his work.

That would not be tolerated in a competitive work environment.

If my responses are supported by educational and/or medical records, Danny's disability case will be more likely to prevail.

SSA-3380 - QUESTION 13:

13. What was the disabled person able to do before his/her illnesses, injuries, or conditions that he/she can't do now?

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Comment: This question may seem difficult, but it isn't.

**Example response:**

13. What was the disabled person able to do before his/her illnesses, injuries, or conditions that he/she can't do now?

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Danny has been easily distracted and routine dependent all of his life. He was first diagnosed with Autism when he was a toddler.

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15. **PERSONAL CARE** (Check here  if **NO PROBLEM** with personal care.)

a. Explain how the illnesses, injuries, or conditions affect this person's ability to:

Dress

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Bathe

---

Care for hair

---

Shave

---

Feed self

---

Use the toilet

---

Other

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## Example Responses:

Dress: Danny likes to wear the same clothing several days in a row. He feels comfortable in them and he likes the smells. If the dirty clothing has been taken away, he will be confused and have a hard time figuring out what to wear.

Bathe: I get Danny to shower 3 days a week. On shower days, he needs me to stand by the bathroom door and remind him of what he needs to do. About  $\frac{1}{2}$  the time, I need to get him back into the shower to get the remnants of shampoo out of his hair.

**Care for hair:** It gets greasy and knotty because he doesn't like to shampoo.

**Shave:** His dad shaves him because he is scared to use any kind of razor himself.

**Feed Self:** He can feed himself, but does not know how to handle a fork correctly.

**Use the toilet:** Danny is getting better about wiping himself, but at times he gets frustrated with that situation and makes a mess on himself. (Lately, that's been happening 2-3 times a month.)

**Other:** He won't brush his teeth unless someone watches him.

I wrote a lot here.

Your Adult Child may have far fewer issues than Danny Doe.

If the Adult Child has no issues with some or all of these personal hygiene issues, you need to leave those areas blank.

This is how my answers for the hypothetical claimant look typed out. Not neat, but readable, and it does give a lot of information about Danny's functioning.

15. **PERSONAL CARE** (Check here  if **NO PROBLEM** with personal care.)

a. Explain how the illnesses, injuries, or conditions affect this person's ability to:

Dress Danny likes to wear the same clothing several days in a row. He feels comfortable in them and he likes the smells. If

the dirty clothing has been taken away, he will be confused and have a hard time figuring out what to wear.

Bathe

I get Danny to shower 3 days a week. On shower days, he needs me to stand by the bathroom door and

Care for hair

remind him of what he needs to do. About 1/2 the time, I need to get him back into the shower to get the shampoo out of his hair. Hair gets greasy and knotty because he doesn't like to shampoo.

Shave

His dad shaves him because he is scared to use any kind of razor himself.

Feed self

He can feed himself, but does not know how to handle a fork correctly.

Use the toilet

Danny is getting better about wiping himself, but at times he gets frustrated with that situation and makes a mess on himself. (Lately, that's been happening 2-3 times a month.)

Other

He won't brush his teeth unless someone watches him.

## 17. HOUSE AND YARD WORK

a . List household chores, both indoors and outdoors, that the disabled person is able to do .  
(For example, cleaning, laundry, household repairs, ironing, mowing, etc.)

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b. How much time do chores take, and how often does he/she do each of these things?

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c. Does he/she need help or encouragement doing these things?

Yes  No

If "YES," what help is needed?

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**Remember Rule #3:**

When the question does not ask for the information you want to give, **answer the question as if it did.**

## 17. HOUSE AND YARD WORK

a . List household chores, both indoors and outdoors, that the disabled person is able to do .  
(For example, cleaning, laundry, household repairs, ironing, mowing, etc.)

With a lot of encouragement, Danny will join me in setting the dinner table most nights. We are trying to build a routine of collecting garbage from the various trash cans in the house and putting that out twice a week. He helps with laundry. He seems to like folding the laundry with me, especially when it is still warm. He will not do any chore alone, and I must make sure he washes his hands especially before we set the table or fold the laundry.

b. How much time do chores take, and how often does he/she do each of these things?

Setting the table, most nights, first he has to wash his hands and then it takes about 5 minutes for the 2 of us to set the table properly for the 3 of us. Trash collection – that usually takes about 15-20 minutes, and sometimes he forgets a room. Laundry – we usually do laundry 2x a week. Once Danny washes his hands and the laundry is clean, it generally takes us 30-45 minutes to fold it and put it away.

c. Does he/she need help or encouragement doing these things?

Yes    No

If "YES," what help is needed?

He needs encouragement, someone to do the task with him and someone he likes to be with while doing tasks.

d. Does the disabled person drive?

Yes

No

If he/she doesn't drive, explain why not. \_\_\_\_\_  
\_\_\_\_\_

If I were to answer this question as it is written, my answer would be **Yes, and that's it.** Little to no relevant information would have been conveyed. So, I ask that you use Rule #3: When the question does not ask for the information you want to give, **answer the question as if it did.**

d. Does the disabled person drive?

**VERY LIMITED**

Yes

No

If he/she doesn't drive, explain why not.

Danny does not like to be alone. Danny has a driver's license. He worked very hard for it, and likes to drive but only short distances, and only if I am in the car with him. I am trying to teach him to drive to Shop Rite because I am hoping that he will be able to get a part time accommodated position there. I have him drive me there 2x a week.

23. a. Check any of the following items the disabled person's illnesses, injuries, or conditions affect:

- |                                    |                                   |   |  |
|------------------------------------|-----------------------------------|---|--|
| <input type="checkbox"/> Lifting   | <input type="checkbox"/> Walking  | <input type="checkbox"/> Stair Climbing   | <input type="checkbox"/> Understanding             |
| <input type="checkbox"/> Squatting | <input type="checkbox"/> Sitting  | <input type="checkbox"/> Seeing           | <input type="checkbox"/> Following Instructions    |
| <input type="checkbox"/> Bending   | <input type="checkbox"/> Kneeling | <input type="checkbox"/> Memory           | <input type="checkbox"/> Using Hands               |
| <input type="checkbox"/> Standing  | <input type="checkbox"/> Talking  | <input type="checkbox"/> Completing Tasks | <input type="checkbox"/> Getting Along with Others |
| <input type="checkbox"/> Reaching  | <input type="checkbox"/> Hearing  | <input type="checkbox"/> Concentration    |  |

## **RULE #4**

**Rule #4: Make sure you inform the reader of all your Adult Child's work-related limitations, the non-exertional and the exertional ones.**

**Social Security is tasked to look at the whole person, not just the primary medical impairments. So don't hold back on any of it.**

## The Remarks Section:

At the end of the form, you will have a page to add in your remarks.

This will give you the opportunity to further explain your Adult Child's limitations.

You can also use this page to comment further on your Adult Child's response, or lack of response, to the First Party Function Report, and/or provide any other relevant facts the Claims Adjudicator should know.

## RULE #5

**Once completed, re-read the entire report.**

If it describes your Adult Child well, send it in.

If you are questioning it, try again or share it with someone who can give you some honest feedback.

Only once you are satisfied, fax it or mail it to the Claims Adjudicator (CA). Remember to **make a copy** of both the completed SSA-3373 and the completed SSA-3380 forms for your files.

## Public Service Announcement

### **CAREGIVERS** **Protect Your Own Disability Eligibility**

“SSDI” “Regular” “Title II” Disability is available to people who have sufficient **CURRENT** work credits.

When you work (and pay taxes), you get SS retirement credits and SS disability credits.

Retirement credits do not expire.

**Disability credits expire.**

Generally, an applicant must have earned **20 quarters of credit in the last 40 quarters** *before becoming disabled* to qualify for a SSDI application.

**Stepping away from a paying job to take care of someone else (Adult Child, elderly parent, spouse) puts YOU at risk for not being eligible to apply for Social Security Disability and may Even impact retirement benefits later. It isn't easy, but try to protect yourself too.**

**Credits are earned by working & *paying taxes on your gross wage income.***

**You can earn up to 4 credits in 1 year.**

**In 2024, 1 credit = \$1730 gross  
4 credits = \$6920 gross**

***Even if you can't earn all 4 credits,  
every credit that you do earn could make a difference.***

**Sufficient credits *ensure your eligibility.***

**How much you earn *determines the amount of your cash benefits.***

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# District Offices Phone and Fax Numbers

## Brick District Office:

Phone: 877 405 5870, Fax: 833-950-3595

## Bridgeton District Office

Phone: 866 837 1235, Fax: 833 950 2990

## Bridgewater District Office:

Phone: 866 446 6198, Fax: 833 950 3264

## Clifton District Office

Phone: 866-964-0170, Fax: 833-346-7157

## East Orange District Office

- Phone: 866 964 0030, Fax: 833 950 3311

## Egg Harbor District Office

Phone: 877 714 0394, Fax 833 950 2986

## Hackensack District Office

- Phone: 866-964-4680, Fax: 833-950-3291

## Hoboken District Office

- Phone: 877 505 4547, Fax: 833-950-3268

## Jersey City District Office

- Phone: 877-405-2884, Fax: 1-833-950-2982

## Mount Laurel District Office

- Phone: 866-837-5002, Fax: 833-950-3279

## Newton District Office

Phone: 877 575 5189, Fax: 833 950 3283

## Neptune District Office

Phone: 877 405 0475, Fax: 833-950-3289

# District Office Phone/Fax Continued

## Newark District Office

- Phone: 877 255 1507, Fax: 833-950-2690

## Newton District Office

Phone: 877-575-5189, Fax:833-950-3283

## New Brunswick District Office

- Phone: 877 803 6313, Fax: 833-950-3315

## Parsippany District Office

- Phone: 866-331-7131, Fax: 833-950-3313

## Paterson District Phone:

- Phone: 888 – 397-9806, Fax: 833-950-2976

## Springfield Avenue (in Newark) District Office

- Phone: 877 455 7043, Fax: 833 950 3317

## Toms River District Office

- Phone: 877-255-1497, Fax: 833-950-2670

## Woodbridge (formerly Iselin) District Office

- Phone: 877 600 2852 Fax: 833 950 2980

## Union District Office

- Phone: 877-803-6306, Fax: 833-950-2978