Topics in SSI – SSI and Social Security Applications and Appeals

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Rebecca Watson, Managing Director, Change Well Project

April 13, 2023
Housekeeping

• All on mute. Use Questions function for substantive questions and for technical concerns.
• Problems with getting on to the webinar? Send an e-mail to trainings@justiceinaging.org.
• Find materials for this training and past trainings by searching the Resource Library, justiceinaging.org/resource-library. A recording will be posted to Justice in Aging's Vimeo page at the conclusion of the presentation, vimeo.com/justiceinaging.
## Presenters

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<th>Monica S. Sousa</th>
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Agenda

• Application and appeal brief overview
• Models for increasing access to SSI/SSDI: California’s HDAP Program
• Representation in practice
• Policy considerations
• Q&A
Application and Appeal Brief Overview
### Social Security and SSI

<table>
<thead>
<tr>
<th>Social Security</th>
<th>SSI</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Insured” individuals with sufficient work history</td>
<td>Individuals with limited or no work history</td>
</tr>
<tr>
<td>Provides retirement, survivors’ and disability (SSDI) benefits to the worker and certain dependents</td>
<td>Provides age-based benefits to individuals age 65 or older, and disability benefits to individuals under 65.</td>
</tr>
<tr>
<td>Not means-tested</td>
<td>Means-tested (asset limit, benefit reduced if receiving other income like Social Security retirement)</td>
</tr>
<tr>
<td>Maximum benefit for an individual: $4,555 Average benefit: $1,551</td>
<td>Maximum benefit for an individual: $914 (plus state supplement in some states)</td>
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SSDI Eligibility

1. Disabled
   • Medically determinable physical or mental impairment(s) that prevents the individual from working at a substantial level and is expected to last 12 months or result in death

2. Fully Insured

3. Disability Insured
   • Worked 20 of the last 40 quarters before onset of disability, unless under age 31
SSI Eligibility

1. Blind or disabled or aged 65 or older
2. Limited income and limited resources
3. Immigrant eligibility
   • U.S. citizen, or certain categories of non-citizens
4. Residence
Determining Disability for Adults: SSDI and SSI Disability

Step 1: Is claimant working at a substantial level? ($1,470 gross income per month)

Step 2: Is claimant’s medical condition “severe”?

Step 3: Is claimant’s condition found in the Listings?

Step 4: Can claimant do any previous job?

Step 5: Can claimant do any other job?
Apply Step 1. Choose what to apply for.

- Apply for SSI?
- Apply for SSDI?
- Wait, apply for both?
Apply Step 2. Complete the application.

**Apply online**
The SSI application is **not** available online for most individuals.
The SSDI application is online.

**Apply by phone or submitting paper forms**
A disability-based application for SSI is more than 50 pages of forms.
Apply Step 3. Take additional steps to ensure SSA & DDS have all needed information.

- Please fill out these additional forms
- Please attend these medical exams we have scheduled
- Please send us your medical records
- We never got the forms you mailed. Can you mail them again?
What is the result?

Very low approval rates for initial applications for SSI/SSDI

- Total Applications (SSI & SSDI): 100%
- National Average Initial Application Approval Rate (Disability Applications): 36%
- Average Initial Application Approval rate for People Experiencing Homelessness (Disability Applications): 15%
Appeals Process

Initial Denial → Request for Reconsideration → Hearing Request → Appeals Council Review → Federal Court Review

Deadlines for each appeal stage are: 60+5 calendar days from the date on the Denial Notice.
Decisionmakers

- Local SSA office / field office
  - Non-disability eligibility factors for SSI
- State disability determination services (DDSs)
  - Determine disability for SSDI and SSI disability applications
- ALJ, Appeals Council, federal court
  - Claims that are appealed above the Reconsideration step
Models for Increasing Access to SSI/SSDI Benefits: California’s HDAP Program
Why is assistance needed to apply for benefits like SSI and SSDI?

1. Lack of Information
   Many clients lack access to clear information about the process.

2. Medical Care
   Clients need help connecting to medical care to prove disability.

3. Complex Application
   Disability applications are complex and require detailed information.

4. Medical Records
   Medical records must be requested, organized, and submitted to the correct agency.

5. Follow-up Help
   Clients need help providing documents or information to SSA and DDS.
SSI has historically had low participation rates.

Only 50-60% of older individuals eligible for SSI are receiving benefits.

“Understanding Participation in SSI” (Jan. 2015)

SSI awards decreased significantly during the COVID-19 pandemic.

SSI new awards of benefits dropped 30% in the 1st year of the pandemic.

“Huge Drop in Federal Aid for the Poorest Blamed on Closed Social Security Offices” (Feb. 19, 2021)
SSI/SSDI TIMELINE (2021)

Initial Application Decision
- 7 months average wait
- Only 36% are approved

Administrative Hearing
- 20 months average wait in California
- 51% are approved

Reconsideration Decision (1st appeal)
- 5 months average wait
- Only 13% are approved

Getting Benefits
- Approved individuals may wait anywhere from 2-3 months or longer to receive payments

What is the human toll of this long wait for appeals?

From 2008 to 2019, almost **110,000 people died** as they awaited an appeal.

Between 2014 and 2019, **50,000 people filed for bankruptcy** waiting for their cases to be resolved.

CA Housing & Disability Advocacy Program

2016. HDAP 3-year pilot established.

2017. HDAP pilot extended.

2019. HDAP made ongoing.

FY 2021-22. $150 million additional HDAP funding.

FY 2022-23. $150 million additional HDAP funding.

HDAP assists people experiencing or at risk of homelessness stabilize in housing while also advocating for disability benefits including SSI.
THE GOAL

Average Initial Approval for SSI & SSDI
- 36% of clients approved
- 12-18% of clients experiencing homelessness are approved

Intensive Benefits Advocacy Makes a Difference!

Increased Approval Rates
- 50-70% of clients approved when first apply
Individuals with disabilities are disproportionally likely to experience homelessness

“People with disabilities are disproportionately likely to experience homelessness. Point-in-time counts (i.e., counts of the people in a community experiencing homelessness on a single night) suggest that nearly one quarter of individuals experiencing homelessness have a disability, including physical, intellectual, and developmental disabilities, as well as mental health and/or substance abuse disorders.”

Who is Experiencing Homelessness in California? (Feb. 2022)

Individuals experiencing homelessness in California are increasingly older adults

“Roughly 45% of unhoused Californians in adult-only households who came in contact with the homelessness response system in the 2020-21 fiscal year were aged 50 and older.”

Homelessness Among Individuals with Disabilities: Influential Factors and Scalable Solutions (June 14, 2019)
HDAP CORE SERVICE COMPONENTS

OUTREACH
To identify eligible HDAP participants.

HOUSING ASSISTANCE
Housing case management & direct financial assistance.

MEDICAL CARE COORDINATION
Clients need help providing medical evidence of their disability.

DISABILITY BENEFITS ADVOCACY
Specialized disability benefits advocacy staff will need to be skilled in navigating the complex SSI/SSDI process.

HDAP GOALS MET
Client is stabilized in permanent housing & approved for disability benefits.
Since HDAP’s inception in FY 2017-18 through December 2021:

- Over 4,900 people enrolled in HDAP
- Over 2,400 people permanently housed
- Over 5,500 disability applications submitted
- Over 1,600 disability applications approved

Of total HDAP applications disposed, HDAP has an approval rate of 78%.

Additional details can be found in the [2021 Annual Report to the California Legislature on HDAP](#).
Disability Income Improves Health Outcomes

Disability Benefits Reduces Crisis Events

- Psychiatric Emergency: 79.8%
- Psychiatric Inpatient: 80.6%
- Jail: 70.9%

Clients who Improved
Clients with no change
Clients who got worse

Data from Alameda County’s Disability Benefits Advocacy Program.
**BENEFITS ADVOCACY**

Models employed by HDAP Programs.

<table>
<thead>
<tr>
<th>Case Management Model</th>
<th>Legal Services Model</th>
<th>Hybrid Case Manager-Attorney Model</th>
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<tbody>
<tr>
<td><strong>Summary</strong></td>
<td>Case managers complete all benefits advocacy.</td>
<td>Benefits Advocacy at all levels is sub-contracted to legal services organization.</td>
</tr>
<tr>
<td><strong>Who Staffs Program?</strong></td>
<td>Case managers may be county staff or a sub-contract to community non-profit</td>
<td>Legal services organizations hires and supervises all staff.</td>
</tr>
<tr>
<td><strong>Legal Aid Subcontracts?</strong></td>
<td>Will benefit from subcontract for appeals with legal aid agencies.</td>
<td>County has subcontract with legal aid agency for full scope of benefits advocacy work.</td>
</tr>
<tr>
<td><strong>Counties with this model</strong></td>
<td>Most HDAP counties use a case management model. Subcontracts for appeals exist in some places.</td>
<td>Examples: Alameda County San Diego County San Joaquin County</td>
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</table>
HDAP in San Luis Obispo County (SLO)

Melissa Reed, PhD
Program Coordinator
Housing and Disability Advocacy Program (HDAP)
Homeless Service Programs
Transitions Mental Health Association
HDAP in San Luis Obispo County (SLO)

- Our charge is to provide advocacy and supportive services for clients likely to be eligible for federal disability benefits (SSI or SSDI or a combination of both);
- Clients are homeless/sleeping on the streets or in cars, living in shelters and/or those recently housed but still in need of supportive services;
- HDAP in SLO also provides ongoing education and support to outreach and housing case managers working in the homeless shelters in SLO county;
- Our contract with DSS specifies that HDAP house at least eight individuals per year, service at least 40 new disability claims and provide outreach services to at least 60 unduplicated clients per year.
Best Practices – What’s Working

• Collaborations with county shelters, housing authority and DSS;
• Continuum of advocacy – from outreach and engagement to post-award support and services;
• HDAP in SLO model: program coordinator, housing case manager and outreach case manager;
• HDAP Housing in SLO: predominantly sober living environments/houses.
Challenges

• Interfacing with the local SSA;
• Inability to access free legal aid for post-award issues;
• Staff retention and pay;
• Maintaining contact with clients on the streets;
• Graduating clients from HDAP – moving clients on from temporary HDAP housing into permanent supportive housing once a client’s case has been fully decided by SSA;
• Getting clients on GA for disability – and keeping them on it for the duration of their disability claim.
Concluding Thoughts

• Post-Covid uncertainty

• Models/ideas moving forward:
  • Promotion of collaboration with local DSS and housing authorities;
  • Encourage staffing to include housing and outreach case managers for HDAP uniquely;
  • Continued need for adequate legal resources along the way, especially post award.
Countywide Benefits Entitlement Services Team

Presented by:
Tanya McGary
Legal Aid Foundation of Los Angeles (LAFLA)
• CBEST is a program of the Los Angeles County Department of Health Services’ Housing for Health comprised of benefit advocates, clinicians, and legal service partners that assist individuals applying for Social Security Disability Insurance (SSDI), Supplemental Security Income Benefits (SSI), Veterans Benefits and Cash Assistance Program for Immigrants (CAPI).

• LAFLA represents CBEST clients whose benefit applications have been denied or have a post-entitlement issue up to Federal District Court. Other CBEST partners may be enlisted to help support and stabilize the client while their benefit claim is pending.
Client-Centered Services

Collaboration with existing systems of care to ensure all the client’s needs are addressed with the goal of minimizing life-stressors that have a negative impact on health and well-being.

- Case management services
- Transportation to physical and mental health appointments
- Gather and summarize medical evidence
- Clinical assessments to aid with disability evaluation
- Housing placement
- Linkage to legal services for benefits appeals
Conduct intake interview with client with case managers assisting with forms and setting appointments.

Identify and retrieve evidence needed to support client’s case using CARES.

Review client’s medical records may obtain assessment from clinical team.

Research legal, medical and vocational aspects of client’s case.

Contact medical team for supporting statements or LA County providers for disability assessment.

Write legal memo to Administrative Law Judge (ALJ) highlighting evidence to support client’s claim for disability benefits.

Prepare client to testify at hearing using personal knowledge of ALJ assigned to hear case.

Note any red flag issues (substance use, noncompliance, etc.)

Representation of client at hearing. Use of case manager for transportation and/or to remind client of hearing date.
The goal of legal services is to provide representation in SSI/SSDI/CAPI appeals to individuals who are homeless or at-risk using a trauma-informed approach which is critical to clients experiencing homelessness with complex medical, substance use and/or mental health challenges.

We aim to provide low-threshold services, to meet the clients where they are and do whatever it takes to ensure that our services adequately address their needs to improve their chances of success in their appeals.
SAN JOAQUIN COUNTY
HOUSING AND DISABILITY ADVOCACY GRANT

Monica Sousa
Legal Director– Rural Justice Unit
California Rural Legal Assistance, Inc.
SCOPE OF WORK

California Rural Legal Assistance, Inc. (CRLA) will assess and seek disability benefits that San Joaquin County Housing and Disability Advocacy (HDAP) clients may be eligible to receive as appropriate, including Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Social Security Retirement or Survivors’ Benefits, and the Cash Assistance Program for Immigrants (CAPI).

START DATE: 8/24/2022
END DATE: 7/31/2023
REFERRAL PROCESS

• CRLA, Inc. works in partnership with San Joaquin County Human Services and with Central Valley Low Income Housing Corp, also known as CVLIHC to aid the San Joaquin County community.

• CVLIHC handles the housing piece to assist individuals with housing

• CVLIHC refers individuals on their waiting list who do not have income and need assistance with obtaining or appealing a public benefits issue.
  - Including:
    - Initial applications,
    - denials,
    - appeals and
    - hearings
**CHALLENGES**

**Communication**
- Difficult for clients to maintain communication due to lack of phone or phone number changing, lack of housing, and mailing address.

**Transportation**
- Many clients lack transportation do not have the means to pay for public transportation when available;
- Many clients live in rural areas where there is lack of public transit or due to disabilities difficult to travel by public transit.

**Building Trust**
- Many clients have lost trust in the system and need to rebuild that trust.

**Disabilities**
- Sometimes disabilities both physical and mental health make it difficult to go through process.

**Lack of medical records**
- Many clients have lack of medical records or have not sought medical treatment due to being homeless or other barriers with obtaining Medi-cal.

**Language Access**
- Lack of language access makes it difficult to participate in the process.

**Lack of records/notices**
- Many clients have lack of records and notices in general and sometimes do not know the status of their case with the Social Security Administration.
BENEFITS OF BEING ASSISTED BY A LEGAL AID

CRLA Advocacy

• Advocates are ready to fill in any gaps that might come up while working with a client in need of our services.
• Advocates meet with clients outside of the office & where they are at when needed
• Will schedule medical appointments on behalf of clients
• Will provide referrals and connect clients with warm referrals when needed to ensure clients get connected with services they need
• Build trust with clients and ensure we are accommodating clients and removing barriers
• Ensuring language access and communicating with clients in their preferred language
Policy Considerations
1. Improve processing

- The conditions that lead to processing delays are a policy choice
- Reduce processing delays and wait times for appeals
- Improve access to critical processes such as requesting information
2. Improve evidence gathering

- Evaluate the use of consultative exams. Improve the process to obtain evidence from treating providers.
- Recognize the challenges individuals face to collect and provide evidence.
3. Focus on the experience of individuals facing barriers

- Housing instability
- Mental health
- Formerly incarcerated individuals
- Limited English proficiency
4. Ensure language access

- Language access (non-English speakers, ASL)
- Use plain language. Clear explanations of concepts and requirements help everyone including English speakers.
5. Make applications easier to access

- Make SSI application forms readily available
- Equalize online access
- Increase application opportunities (e.g., applying for SSI as a top-up to Social Security retirement)
6. Make communication easy

- Customer service (for everyone)
- Create a better pathway for relationships with community-based organizations and advocates
Questions?

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Tanya McGary: tmcgary@lafla.org
Melissa Reed: mreed@t-mha.org