

Public Benefits and the Transition to Employment Series: Resource for People living with HIV/AIDS and Those Pursuing the New York State Peer Worker Certification

Topic: Understanding Social Security Disability Insurance (SSDI)

About this Series:

This series is prepared by the NYSDOH AIDS Institute to provide general information about the impact of earning income on a person's eligibility for different public benefits. This information is especially important for people seeking certification and employment as a New York State Certified Peer Worker. Each individual's circumstances are different and a number of factors may impact a person's eligibility for public benefits, including their: health status; number of dependents; income to be earned; type of income; other resources or benefits received; and other factors. Individuals should consult with the appropriate benefits program representative, or other expert about their situation, prior to making decisions about accepting reimbursement for work as a Peer Worker.

What is SSDI?

SSDI provides benefits to disabled or blind persons who are "insured" by workers' contributions to the Social Security trust fund. These contributions are based on your earnings (or those of your spouse or parents) as required by the Federal Insurance Contributions Act (FICA). Your dependents or spouse may also be eligible for benefits from your earnings record. After receiving SSDI benefits for 24 months, you will become eligible for Medicare. During this qualifying period for Medicare, if your income is low, you may be eligible for Medicaid coverage or the HIV Uninsured Care Program (HUCP). If you're eligible for Medicaid, your Medicaid eligibility may continue after you enroll in Medicare. If you receive SSDI benefits, and have high medical expenses that reduce your monthly income to the Medicaid eligibility level, you may qualify for Medicaid or HUCP through the New York State Medicaid Spend-down Program.

How much can I earn from employment and still keep my SSDI Benefits?

The Social Security Administration (SSA) generally uses earnings guidelines to decide if your work is substantial gainful activity (SGA), and if benefits should continue. In 2016, the monthly SGA levels are \$1,130 for individuals with disabilities other than blindness, and \$1,820 for individuals who are blind. Updated information regarding yearly SGAs may be found at <https://www.ssa.gov/OACT/COLA/sga.html>

When you start or stop working, or when there are changes in your earnings, you must report this information to the SSA right away. To report earnings, you can call the SSA at 1-800-772-1213. You may also call, visit, or write to your local Social Security Office.

The SSA has a number of employment support provisions intended to help you in your efforts to return to work. SSDI employment supports provide help over a long period of time to allow you to test your ability to work, or to continue working, and gradually become self-supporting and independent. In general, you have at least 9 years to test your ability to work. This includes full cash payments during the first 12 months of work activity, a 36-month re-entitlement period during the Extended Period of Eligibility (EPE), and a 5-year period in which the SSA can start your cash benefits again (without a new application). You may continue to have Medicare coverage during this time, or even longer.

If I return to work, is there a trial period during which I can keep my cash assistance and health coverage benefits?

SSDI offers something called a “Trial Work Period”. This is a period of nine months during which you may try to work without losing your disability benefits, regardless of how much you earn. To qualify, you must report your work activity to the Social Security Administration, and continue to have a disability. You may work for up to nine months within a five year rolling period. This means that the nine months do not have to be consecutive, as long as they fall within a period of five years. After the Trial Work Period is complete, the Extended Period of Eligibility (EPE) provisions apply. The EPE is a 36 month re-entitlement period.

Expedited Reinstatement (EXR) is a safety net for people who successfully return to work and lose their entitlement to SSDI benefits and payments. If your cash payments ended because of your work and earnings, and you stop work within 5 years of when your benefits ended, you may be able to have your benefits started again promptly through a request for EXR. This provision allows you to receive up to 6 months of temporary cash benefits while a medical review is conducted to decide if your benefits can be reinstated.

To qualify for EXR, an individual must:

- Not be performing SGA in the month they apply for EXR;
- Be unable to work at the SGA level due to their medical condition;
- Have stopped performing SGA within 60 months of their prior termination;
- Have their current medical impairment(s) be the same as, or related to the original impairment(s); and
- Be disabled according to the application of the Medical Improvement Review Standards (MIRS).

You become eligible for a new Trial Work Period 24 months after your disability benefits are reinstated.

You may also be eligible for Medicare and/or Medicaid during this provisional benefit period. If you lose cash assistance because you have returned to work, your Medicare coverage may be continued for 93 months after the Trial Work Period. This coverage extension applies as long as you still have a disabling impairment, even if it does not prevent you from working, and you meet other eligibility requirements. After that period, you will no longer be able to obtain Medicare Part A premium free, but if your disabling condition continues, you can purchase Medicare Part A coverage by paying premiums. If your Medicare Part B premium was being taken directly out of your SSDI check, you will need to start making monthly payments to keep Medicare Part B. If your income is too high, you will need to start mailing a monthly check to Medicare to cover this cost. For more information on programs that may help pay Medicare Part B premiums visit:

http://www.health.ny.gov/health_care/medicaid/program/update/savingsprogram/medicaresavingsprogram.htm.

What if I return to work, lose my SSDI benefits, and then lose or can't keep the job? Will it be difficult to get my benefits reinstated?

For a period of three years (36 consecutive months) after completing your Trial Work Period, you will enter an Extended Period of Eligibility (EPE). During the EPE, your benefits can be automatically reinstated (without starting a new application) if you lose or can't keep the job, or if your monthly earnings fall below the SGA. Eligibility to receive a monthly SSDI check is determined on a month-to-month basis. If you don't make more than the SGA amount in a particular month, you can still get your SSDI check.

You can file an application for an Expedited Reinstatement (EXR) if your countable gross income falls below the SGA amount or stops, at any time within five years after your SSDI benefits ended due to work activity. If you file a new application for SSDI benefits, you will need to prove that you are medically disabled before your claim will be granted.

You may review the [Red Book](#), for more information about the employment-related provisions of the SSDI and SSI programs.

To learn more about the New York State Certified Peer Worker Initiative, call HIV Education and Training Programs at 518-474-3045 or visit <https://www.hivtrainingny.org/Home/PeerCertification>

Before making any decisions about changing your employment status, contact your local Social Security Office and speak to a Claims Specialist about your specific circumstances.