



California's protection & advocacy system

Transition-Age Youth and Social Security - Age 18 Re-Determination

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QUESTION: I have heard that lots of people lose their SSI and Medicaid when they turn 18. Is that true?

Well, it's true that some people who qualified for SSI as children aren't able to qualify for SSI as adults. This is because the SSI program has two different definitions of disability – one for children and another for adults (age 18 and older).

All SSI recipients who turn 18 years of age must have their eligibility reviewed as if they were applying for adult SSI for the first time. This review process is called the "age-18 redetermination" and it's performed because the adult definition of disability in the SSI program is more restrictive than the childhood definition of disability. That means it's generally more difficult to be found eligible for SSI as an adult than it is as a child. Because of the way in which age-18 redeterminations are done, someone can be determined ineligible for SSI benefits as an adult even though there has been no change in their medical condition or ability to function since being found eligible for childhood SSI benefits.

The most recent data Social Security has on age-18 redeterminations (2014 Annual Report of the SSI Program) shows that a little more than half (55.7%) of all SSI recipients who go through the process are initially found ineligible for SSI under the adult definition of disability. Some of these

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young people are eventually approved through the appeal process, but over one third remain ineligible for SSI as adults. Because of this, it's important for students to prepare for employment by gaining job skills and completing their education!

QUESTION: How does the SSI age-18 redetermination process work?

All childhood SSI recipients go through the age-18 redetermination process at some point after their 18th birthday. Usually, the age-18 redetermination occurs within 12 months after the 18th birthday, but this isn't required by regulation. Social Security doesn't begin the age 18 redetermination any earlier than the month before the month someone turns 18. Here are the steps in the process:

STEP 1: Written Notification of Redetermination

The local Social Security Field Office begins the process by sending you written notification that your case will be re-determined.

STEP 2: Interview at Social Security Field Office

The next step is to go to the local field office to complete an initial eligibility interview. The purpose of the interview is to gather information on the severity of your disability and how it affects your ability to function. During the interview, a Social Security employee will complete the appropriate initial disability interview forms including Form SSA-3367-F4 (Disability Report Field Office), Form SSA-3368-BK (Disability Report-Adult), and appropriate disability and functional reports. Social Security will also ask you to sign some forms giving

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them permission to contact your doctors and other service providers and/or teachers who work with you.

STEP 3: Review by the Disability Determination Service (DDS)

All the information gathered at the interview is sent to the state Disability Determination Services or DDS. This is a state agency that reviews medical and non-medical information to determine if you are disabled under the law. DDS follows a detailed process (known as the Sequential Evaluation Process) to determine if your disability is "severe" as defined by Social Security. The DDS also examines your ability to earn income in future employment by reviewing information gathered from your teachers and any other disability professionals who may be working with you.

STEP 4: Notification of the Determination Result

A written notice will be sent to you after the redetermination to let you know whether or not you were found eligible for SSI as an adult. If you are eligible for SSI as an adult, you will continue to receive SSI cash payments and Medicaid without any gap.

If you are NOT determined eligible for SSI benefits as an adult you will get a written notice stating that you no longer qualify to receive benefits. You will be allowed two more months of payments after the date of this notice and then your SSI benefits and Medicaid will stop. Overpayment may occur if you keep getting payments after the two-month grace period. The good news is that if you're found ineligible under the adult rules, you will NOT be required to pay back all of the SSI payments received after your 18th birthday month. Social Security will only ask you to pay back payments you got after the determination is made and the two grace months are over.

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QUESTION: I've heard that going to work may cause me to be found ineligible for SSI as an adult – is that true?

Many young people and their families are under the mistaken impression that SSI recipients must not be working at any level when the age-18 redetermination occurs. In fact, the Substantial Gainful Activity (SGA) step of the sequential evaluation process doesn't apply to these disability redeterminations.

Normally, if a person is earning more than the current SGA amount (\$1,180 per month in 2018 or \$1,220 per month in 2019) Social Security will decide that they are ineligible for disability benefits of any kind. The good news is that this rule doesn't apply during age-18 redeterminations. This means that you may earn more than the current SGA guideline and still be found eligible for SSI under the adult rules during the age-18 redetermination as long as you meet the disability standard and all other SSI eligibility rules.

There's no reason to hold back on paid employment until after you successfully complete the age-18 redetermination. You can work before, during or after the redetermination and it won't affect your eligibility for SSI as an adult!

QUESTION: I'm worried about being found ineligible for SSI as an adult. Is there anything I can do to avoid the age-18 redetermination or prepare for it?

Unfortunately, there is no way for you to avoid the age-18 redetermination. All child SSI recipients go through this process at some point after they turn 18. However, there are some things you and your family can do to prepare

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for the age 18-redetermination and the possibility that you may not qualify for SSI as an adult.

- First, it's really important that you prepare for employment by developing job skills and getting work experience while you are in school. There's no guarantee that your SSI benefits will continue into adulthood and you need to have some form of income to help support yourself. The most reliable pathway to financial stability in the future is through paid employment!
- Make sure you gather all of your disability and medical records and submit them to Social Security so that the age-18 redetermination goes smoothly. Be sure to respond promptly when Social Security asks for information. Remember that you have the right to appeal the decision if you disagree with it. If you appeal the age-18 redetermination, you're allowed to keep your benefits while the appeal is heard if the appeal request is submitted within 10 days of the notice. However, you need to understand that if the appeal doesn't result in a favorable decision, the payments you received since the date of the original determination will have to be paid back to Social Security.
- Finally, it may be possible for your SSI payments to continue for a short period of time even if you are not found eligible for SSI as an adult under a special provision called "Section 301". To be found eligible for continued benefits under Section 301 you must be actively participating in an appropriate program of vocational rehabilitation or be receiving special education services under an Individualized Education Plan (IEP) before the disability determination was made. In addition, Social Security has to determine that you will be less likely to need SSI benefits in the

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future if you complete your education or vocational rehabilitation program. For youth under age 22, Social Security assumes that continued participation in educational program under an IEP is likely to result in permanent removal from the disability rolls.

QUESTION: This all sounds really complicated! Where can I get help understanding how the age-18 redetermination process will affect me?

Social Security funds an important service known as “Work Incentives Planning and Assistance” (WIPA) that is tailor-made to help you understand important disability benefits issues just like the age-18 redetermination. WIPA Projects are organizations in your community authorized by Social Security to provide free benefits counseling to beneficiaries of Social Security disability programs to help them make informed choices about work.

WIPA services were created to promote employment and financial independence among Social Security disability beneficiaries – people just like you! Better yet, beneficiaries who are at least 14 through age 25 are a high priority for WIPA projects! The goals of the service are to:

- Increase the number of Social Security disability beneficiaries who choose to work for pay;
- Support disability beneficiaries in successfully maintaining employment (or self-employment) over time;
- Provide work incentives counseling that helps beneficiaries increase their earnings over time and improve the financial benefit of working; and

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- Reduce dependence on disability benefits and other income support programs.

Your local WIPA project can help you understand how work may affect your unique set of benefits. Once you begin working, your WIPA project can also provide information and support to help you become more financially independent.

As long as you are already getting some type of Social Security disability benefit and you are at least 14 years old, you will qualify for help. The earlier you get counseling about employment and benefits, the more likely it is that you will avoid problems in the future. Don't delay – call today!

All services are free Contact DRC WIPA at 888-768-7085.

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.

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