

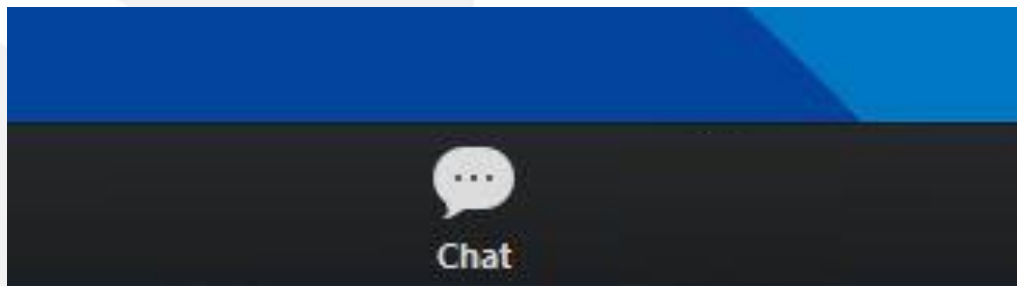


# Disability Chat: Public and Private Disability Benefits

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HDSA Disability Chat Series  
September 19, 2019

# Questions

- Questions will be answered after the presentation.
- However, you may send a question anytime during the presentation.
- Click on the “Chat” function in the toolbar.
- Type in your question and hit send.
- Only HDSA and panelists will be able to see your question.



# To View this Webinar Again

- One week after this webinar, you will be able to access it for viewing on the HDSA national website.
- To access this presentation, go to [www.hdsa.org/disabilitychat](http://www.hdsa.org/disabilitychat) or HDSA's YouTube Channel.
- You will be able to view this webinar recording, as well as all new disability presentations.



## Disability Chat

# Upcoming webinars

- On October 17, Allison will talk about **Work Credits and How to Qualify for Disability**. This Chat will feature an overview of Social Security's work credit criteria, how to earn work credits, and benefit options for those with limited or no work credits.
- On November 21, Disability Chat will explore **The 5 Step Evaluation: How Social Security Evaluates a Disability Claim and What Evidence You Need**. This Chat will provide an in-depth look at the Social Security disability evaluation process, how they examine a Huntington's Disease Application, and what evidence needs to be included in a claim.
- To register for an upcoming chat, please go to:  
<https://hdsa.org/find-help/healthcare-and-future-planning/disability-chat/>



Huntington's Disease  
Society of America

The information provided in this webinar series is for informational use only.

HDSA encourages all attendees to consult with their primary care provider, neurologist or elder care attorney about any advice mentioned as part of any presentation.

# Public and Private Disability Benefits

An introduction to the different types of public and private disability benefits.

# When to stop working?

- Decision to stop working is very difficult
  - Requires planning - Do not want to lose potential benefits by trying to continue to work
  - Requires HD symptoms, medical care, and proof of disability to be eligible for most benefits
- Important to be open and honest with family and medical providers about work status
- Applying for disability benefits is a necessity for most HD families

# What is Work?

- Definition of “work”
  - Employment
    - Full time -> 32-40 hours per week
    - Part time -> less than 32 hours
  - Performing work related activities
    - Attending work
    - Performing job duties
  - Substantial gainful activity
    - Earning amount
    - \$1,220 gross



# Length of Disability

- Temporary - Intend to return to work
  - Sick leave/vacation pay
  - FMLA
  - Short term disability
  - Unpaid leave
- Permanent - Do not intend to return to work
  - Long term disability
  - Social Security disability

# Types of Benefits

- Private
  - Short term disability
  - Long term disability
  - Employer funded retirement/disability
- Public
  - Unemployment
  - Temporary state disability
  - Social Security Disability Insurance
  - Supplemental Security Income

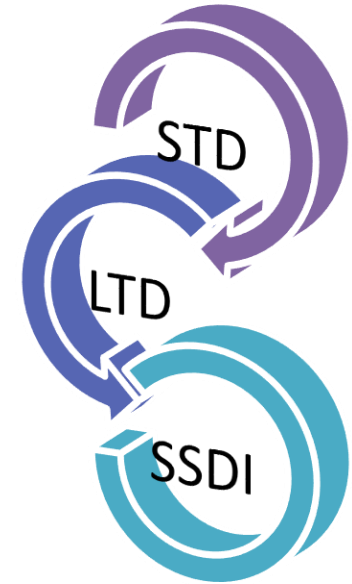
# Short Term Disability

- Insurance that replaces income for a short period of time
- Benefit period usually lasts 3 to 6 months
- Providers
  - Employers
  - Private insurer
- There is no government funded short term disability
- Typically have to apply for short term disability before applying for long term disability

# Family Medical Leave Act (FMLA)

- Provides eligible employees up to 12 weeks of unpaid leave per year
- Health benefits are maintained
- Employees are able to return to their same, or equivalent job, at the end of their leave
- Requires medical certification of a serious health condition

# Long Term Disability

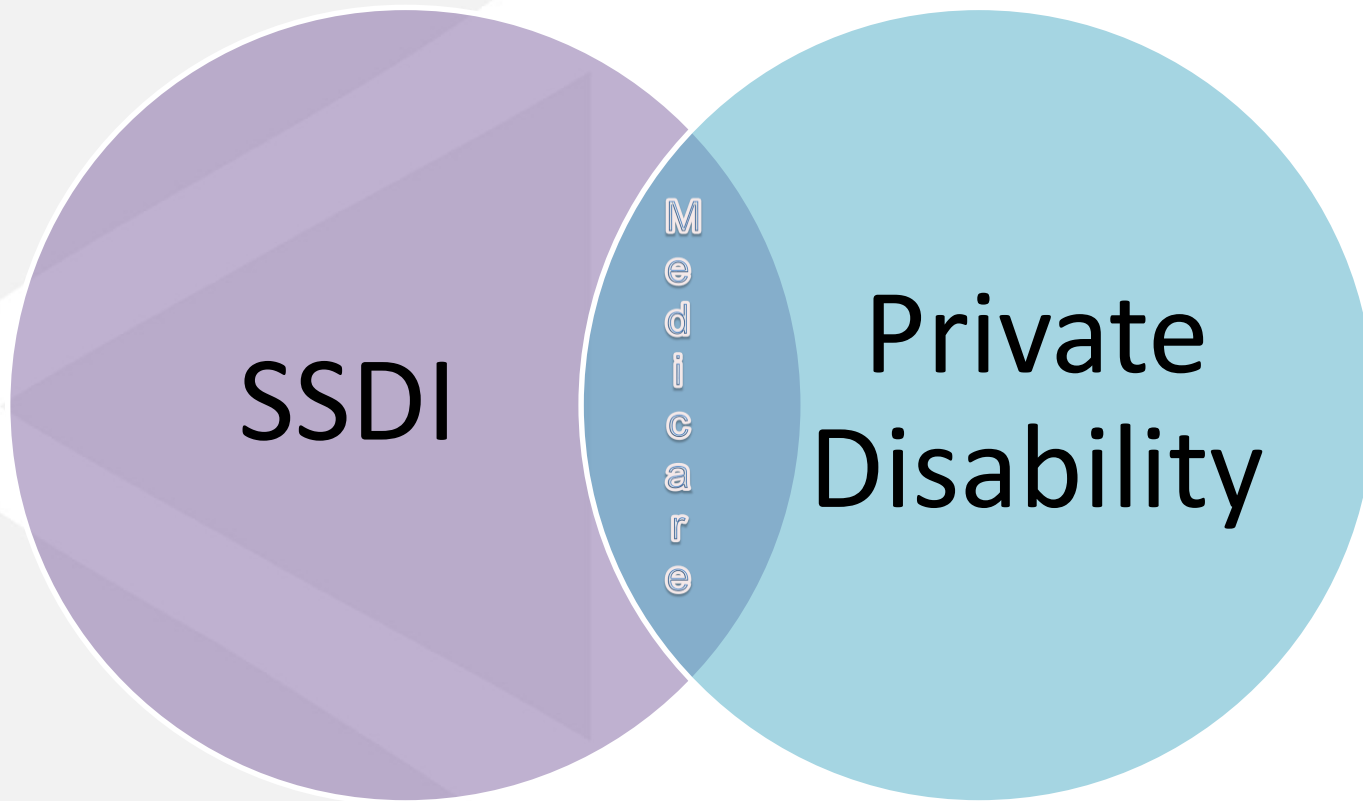


- Insurance that replaces income long term
- Only starts after a waiting period
- Most LTD providers require the claim holder to apply for Social Security Disability
  - If a person is approved for SSA disability, they will likely have to pay back a portion of their benefits to the LTD provider
- This is a necessity for HD Families

# Employer Funded Retirement & Disability

- Some jobs pay into a private retirement program instead of paying into Social Security
  - Examples:
    - Florida Retirement System (FRS)
    - Ohio Public Employees Retirement System (OPERS)
    - Louisiana School Employees' Retirement System
  - Common with teaching positions and state employment
  - Each system has a different disability application
- Generally still pay into Medicare

# Intersection of Benefits



# Unemployment

- Unemployment benefits are intended to provide temporary financial assistance
  - Unemployed workers qualify if they are unemployed through no fault of their own
    - Laid off
    - Company closes
  - Circumstances that may disqualify someone from collecting unemployment benefits, depending on state law:
    - Quit without good cause
    - Fired for misconduct
    - Resigned because of illness (check on disability benefits)
    - Self-employed
  - Benefits are based on percentage of earnings over a recent 52-week period
  - Paid for a maximum of 26 weeks
- Every state administers their own unemployment program, but all states follow the same guidelines set by federal law



# Unemployment v. Disability

- Unemployment indicates that you are still able to work but have lost your job and you intend to find new employment
  - Unemployment often includes job search requirements
- Disability indicates that you are no longer able to work
- Receiving unemployment benefits can impact a disability claim

# Temporary State Disability

- Only a few states offer a short-term disability program
  - California, Hawaii, New Jersey, New York, and Rhode Island
- Some states offer assistance to low-income individuals in other ways
  - Temporary Disability Assistance Program – Maryland
  - Paid leave programs – California, New Jersey, New York, and Rhode Island

# Temporary State Disability

- Eligibility
  - Length of work requirements, ranges from 1-6 months
  - Illness/injury cannot be work related
  - Benefits generally last 26-30 weeks
    - California is the exception at 52 weeks
  - Benefit paid weekly, approx. 60% of wages
  - Must submit medical evidence showing disability
  - Additional state specific requirements
- Does not provide job protection

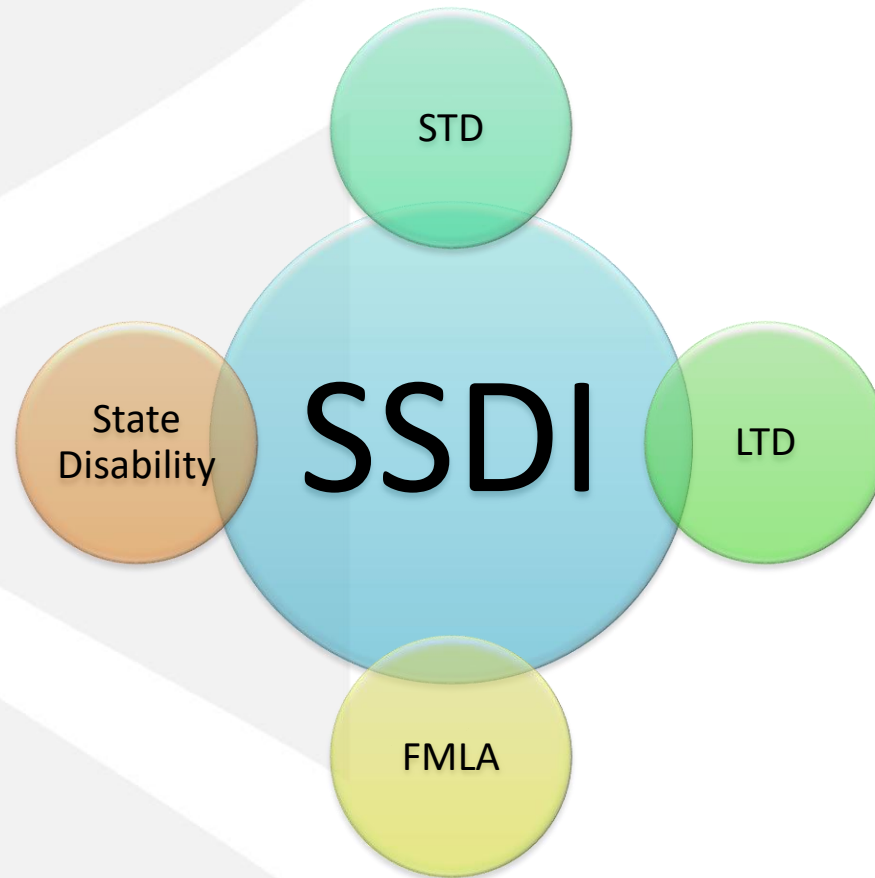
# Social Security Disability Insurance

- Federal benefit program designed to provide long-term financial and medical insurance assistance
- Work based credit program → employees pay into the system
  - For ages 18-66
  - Number of credits needed depends on age
  - Benefit amount depends on how much was paid into the system (the amount is different for everyone)
    - National average: \$1,200
    - Max benefit: \$2,861
  - Credits expire once you stop working
    - Generally expire after 5 years if you have consistent work history
    - If work history is sporadic, credits may expire sooner

# Social Security Disability Insurance

- Application process can take 6 months - 36 months
  - Initial application: 6 months
  - Reconsideration: 4 months
  - Administrative Law Hearing: 18-24 months
- HD qualifies for Compassionate Allowance
- After approval, disability is reviewed every 1-7 years
  - Depends on severity of case and likelihood of improvement
  - HD cases are reviewed every 5-7 years
- SSDI switches to Retirement once full retirement age is reached
  - Birthday on or after 1960 = 67 years old

# Intersection of Benefits



# Supplemental Security Income

- Federal benefit program designed to provide long-term financial and medical insurance assistance
- Program for those with limited financial resources and limited work history
  - No age or work credit requirements
  - Strict financial requirements
    - Individuals cannot have more than \$2,000 in resources
    - Couples cannot have more than \$3,000 in resources
  - Maximum possible benefit is \$771 per month
    - This amount is impacted by in-kind support, living situation, etc.
    - Many people receive less than the maximum benefit

# Supplemental Security Income

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- After approval, disability is reviewed every 1-7 years
  - Depends on severity of case and likelihood of improvement
  - HD cases are reviewed every 5-7 years
- Must continue to follow strict financial requirements
  - SSA checks financial status and will take benefits away if you go over the financial limits
  - SSA back pay will be counted towards resource after 9 months
  - Overpayments



STD/  
LTD

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# Questions?