

SOCIAL SECURITY DISABILITY IN ARKANSAS

Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) are Only Two Of the Government Benefit Programs that Fall Under the Wide Umbrella of Social Security



Wesley A. Cottrell



The uncertainties of unemployment, illness, disability, old age and death are all facets of life that our nation has faced throughout history. These unfortunate events often threaten our economic security. Our government understood this threat long ago when it enacted the Social Security Act in 1935. The Social Security Act has evolved to provide not only provisions for general welfare, but also a social insurance program, as well as disability benefits. Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) are only two of the government benefit programs that fall under the wide umbrella of Social Security.

Both of these important programs were designed for the benefit of the disabled, and both are managed by the Social Security Administration. However, the specific eligibility requirements for each of these programs differ significantly. One important difference is that SSDI is only available to workers earning enough “work credits” with Social Security. While, on the other hand, SSI disability benefits are available to low-income individuals, regardless of whether they have earned sufficient work credits.

What are the differences between SSI and SSDI?

Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) are both benefits programs designed for the disabled. Both are managed by the Social Security Administration. However, eligibility requirements for these two programs are quite different. A significant difference between the two is that SSDI is only available to workers earning enough “work credits” with Social Security. While SSI disability benefits are available to low-income individuals regardless of whether they have earned sufficient work credits.

Social Security Disability Insurance

SSDI benefits are funded by the payroll taxes deducted from our paychecks. The minimum number of credits each working individual must earn is determined by your age and the date you became disabled. In other words, you must be between the ages of 18 and 65 and have worked at least some part of five of the

ten years prior to becoming disabled. The eligibility process currently includes the following:

1. Verification of an applicant's disability
2. Filing a claim
3. A "recent work" and "duration of work" test
4. Verification that an individual has not reached normal retirement age
5. A five-month waiting period from onset of disability

The purpose of SSDI is to provide replacement income for eligible individuals who are unable to work due to a long-term injury or illness. Long-term means it is expected to last at least one year or to result in death.

The Five-Month Waiting Period for SSDI Benefits

A waiting period is imposed for a period of five months from the onset of the



disability. The waiting period means you will not be able to receive disability benefits for the first five months of your disability. The purpose of the five-month waiting period for SSDI benefits is to create a time period that would be long enough for a short-term injury or

illness to be corrected and to deter people who can actually work from applying

for benefits they are not entitled to. Because of this provision, it is highly encouraged that you apply for benefits as soon as possible after the onset of any disabling condition.

One exception is that the waiting period does not apply to individuals who have received SSDI in the five years prior to any current disability. The good news is, there are other programs, such as Supplemental Security Income (SSI), temporary disability insurance, workers' compensation, unemployment compensation, and private disability insurance, which can provide income during the five-month waiting period.

How much are SSDI benefit payments usually?

Much like Social Security retirement benefits, the amount of your monthly SSDI benefits depends on your record of employment earnings. The average SSDI payments ranging from \$300-\$2,200. The average SSDI payment in 2014 is \$1,148 and the maximum disability benefit is currently \$2,642. After you have received disability benefits for 24 months, you will automatically become eligible for Medicare, regardless of your age.

Supplemental Security Income

SSI is strictly a need-based program, meaning that your eligibility is not determined in any way by your work history. To be eligible, you must have

assets valued at less than \$2,000 if you are single and less than \$3,000 if you are married. You must also have very limited income.



When determining your income, the Social Security Administration considers many different sources. For example, the cash value of food stamps, grants, and income tax refunds are considered income for SSI purposes. Each state has its own requirements and guidelines regarding SSI eligibility. However, for federal Social Security purposes, there are four criteria that must be met to be eligible for SSI:

- You must be blind, disabled, or age 65 or over
- You must be either a citizen of the United States, or meet other very narrow requirements
- Your monthly income must be below a certain level, and
- The property you own must be worth less than \$2,000 for an individual, or \$3,000 for a couple.

In 2014, minimum SSI benefits are \$721 per month for an individual and \$1,082 per month for couples.

Do Social Security Disability Benefits Pass on to Dependents?

Another important difference between SSI and SSDI is that only SSDI benefits may be passed on to your children, spouse, and other dependents or to your survivors in the event of your death. Also, certain family members can qualify for dependents' benefits (also called auxiliary benefits) when a disabled individual qualifies for disability benefits.

If your spouse becomes disabled and is eligible to receive SSDI benefits, you may also be eligible to receive benefits if you are either 62 or older, or you are caring for a child who is under 16 years old and is eligible for SSDI dependents' benefits.

About the Author



Wesley A. Cottrell

Wesley A. Cottrell has been successfully practicing law for over 29 years. Born in Springdale, Arkansas and raised in Baxter Springs, Kansas, Wes is licensed to practice law in Arkansas, Kansas, Missouri, and Oklahoma.

Wes earned his B.A. from Pittsburg State University in 1981 and his J.D. from the Washburn University School of Law in Topeka, Kansas in 1985. He was admitted to practice law in Kansas in 1986, in Missouri in 1987, in Arkansas in 1989, and Oklahoma in 1993.

He is licensed to practice law in the United States District Court for the District of Kansas, eastern Arkansas, western Arkansas, and western Missouri. He was Deputy Prosecuting Attorney in Crawford County, Kansas from 1987-1989.

Wes lives in Rogers, Arkansas with his wife, Shelly, and their two daughters, Kennedy and Gabby. He is active in his community, and is regularly asked to teach courses to other attorney on personal injury and workers' compensation litigation.

Memberships and Associations:

National Organization of Social Security Representatives
Benton County Bar Association
Arkansas Bar Association
The Missouri Bar
Kansas Bar Association
Oklahoma Bar Association
Arkansas Trial Lawyers Association
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