Understanding the SSI Age 18 Redetermination Process



AHEDD

A Specialized Human Resource Organization

Meeting the employment needs of people with disabilities and the business community

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What is Age 18 Redetermination?

- An SSI recipient who turns 18 yeas of age must have their eligibility reviewed as if they were applying for adult SSI for the first time, without consideration of previous disability determinations.
- It’s performed because the childhood definition of disability varies greatly from the adult standard in the SSI program. The adult standard is more stringent.
- Usually occurs within 12 months after 18th birthday

Childhood SSI eligibility

- If you are under age 18 Social Security may consider you “disabled” if you have a medically determinable physical or mental impairment, (including an emotional or learning problem) that:
- Result in marked and severe functional limitations; and
- can be expected to result in death; or
- has lasted or can be expected to last for a continuous period of not less than 12 months.

Adult SSI Disability

- If you are age 18 or older Social Security may consider you “disabled” if you have a medically determinable physical or mental impairment (including an emotional or learning problem) which:
- results in the inability to do any substantial gainful activity;
- can be expected to result in death; or
- has lasted or can be expected to last for a continuous period of not less than 12 months.

Work and the Age 18 Redetermination

- The SGA step of the sequential evaluation process does not apply to age 18 redeterminations in regard to current or prior work experience. Just to future employment.
- If the student has participated in community-based work experiences, supplemental documentation should be provided that describes the level of performance in these settings and what supports are required to perform work activities. This support information can be helpful in the redetermination process.
- **There is no reason not to engage in paid employment before, during or after redetermination.**
- Work in a VR program is a requirement for Section 301 consideration.

Steps in Age 18 redetermination Process

- Written notification of the redetermination received
- Interview by Social Security personnel. This may be face-to-face, telephone, or a combination of these methods.
  - If you do not understand the question, ask for it to be explained
- Review by the disability Determination Service (DDS)
- Individual is notified of determination
- In extremely severe permanent impairments classified as Medical improvement not expected cases, SSA may not require interview and forward directly to DDS for determination.

Gathering Information

- Names and addresses of medical sources and functional information for the year preceding the date of the interview.
- Information on all services the child is receiving- ie: vocational rehabilitation services, employment services, training programs, educational supports, any other support services the child is receiving from any source, community, private, ect.
  - Individual Education Plans (IEP), therapists, Work Experiences, Summer Programs, Special Olympic, Intellectual and/or Mental Health programs, Specialized groups – Autism, Downs Syndrome, ect
- Make sure the information you are providing is accurate – do not guess
- Discuss when your child will graduate from school

Favorable Redetermination

- Individual will receive written notice of the determination
- Eligibility for SSI as an adult is established
- SSI and Medicaid continue uninterrupted
- Future medical CDRs will occur as usual
- It is important to alert Social Security to any future income changes, including monthly wage reporting.

Unfavorable Redetermination

- You have the right to appeal
- Is not retroactive to the month the individual turned 18
- Benefits are paid for two months following the receipt of the notice – ending on the last day of the second month.
- Individuals who appeal redetermination are permitted to retain cash benefits while the appeal is pending, if the appeal is submitted within 10 days of the notice.
  - If the appeal results in an unfavorable decision, the payments received will be subject to recover

- You have the right to ask for continuation under Section 301 if your child is actively participating in an appropriate program of vocational rehabilitation or will be receiving special education service under an IEP prior to the disability redetermination,
- It is possible to appeal the redetermination decision and request continuation of benefits under section 301 simultaneously.

What is Section 301

- The Initial legislative authority for continued payment of benefits to individuals in a vocational rehabilitation (VR) program was provided in Section 301 of the Social Security Disability Amendments of 1980.
  - Section 225(b) and 1631(a)(6) of the Social Security Act, as amended, provides for continued payment of Title II and SSI disability or blindness benefits to individuals whose disability or blindness ends for medical reasons while they are participating in The Ticket to Work Program or another program of vocational rehabilitant (VR) services, employment services, or other support services approved by Social Security.
- This means that Social Security believes that allowing the individual to keep their benefits while completing the program will increase the likelihood of the individuals being permanently removed from the disability or blindness benefit rolls. They are “betting on a win”

Eligibility Requirements for Section 301

- The individual is participating in an appropriate program of Vocational Rehabilitation(VR) Services, employment services, or other support services.
- The individual began participating in the program before the month his or her disability or blindness ceased.
- For a Title II disability beneficiary, the individual in the program continues through the 2 month grace period after cessation and Social Security must determine that the individual's completion of the program, or continuation in the program for a specified period of time will increase the likelihood that the individual will not return ot the disability or blindness benefit rolls.
- Eligibility ends when an individual either completed the appropriate program of vocational rehabilitation (VR), employment services or other support services OR
- Stops participating in this program for whatever reason

Why unfavorable redetermnation

- Based on 2020 Social Security Data, approximately 52% of all childhood SSI recipients are initially determined ineligible for Adult SSI during the age 18 redetermination
- Incomplete, incorrect or not current information provided.
- Students with certain disabilities tend to be more likely NOT to meet the adult disability standard than other youth.
- Students who were required to appeal their initial SSI medical determination to be awarded benefits as a child may be more likely to be found ineligible as adults
- Individuals who have experienced an improvement in their medical condition since their last CDR may also be at risk for unfavorable redetermination.

Important Facts

- There is no way to avoid an age 18 redetermination.
- Redeterminations are considered initial eligibility decisions not continued disability reviews (CDR). The burden of proof lies with individual in establishing that the adult disability criteria for SSI are met.
- SSA will obtain completed disability reports and functional reports appropriate to initial disability determinations. They do not take a new application and will not develop medical information back to the original onset date
- Plan for the possibility that benefits may be ceased

Forms

- Disability Report SSA-3367-F4
- Disability Report Adult SSA-3368-BK
- Authorization for release of information to Social Security Form SSA-827
- Teacher Questionnaire SSA-5665-BK
- Request for Administrative Information – SSA-5666



AHEDD Services

- Information & Referrals
- Pre-Employment Services which includes Transition Services
- Job Development
- Work Incentive Counseling (WIC)
- On-Site/Off-site Support
- Follow Along Services
- Employment Network (EN) the Ticket to Work Program
- www.AHEDD.org
- 1-866-902-4333
- Debra.Sinkovich@ahedd.org

Resources

- SSI Annual Report 2020 Https://www.ssa.gov/oact/ssir/SSI20/ssi2020.pdf
- POMS DI 11070.000 Title XVI Childhood and Age 18 Disability Redetermination Cases (public law 104-193 as modified by P.L.105-33) FO https://www.ssa.gove/apps10/poms.nsf/lnx/0411070000
- POMS DI 23570.000 Title XVI Childhood and Age 18 Disability Redetermination Cases (public law (P.L) 104-193 as modified by P.L.105-33) DDS https://www.ssa.gove/apps10/poms.nsf/lnx/0423570000
- POMS DI 14505.000 Background of Continued Payments to Individuals Participating in a VR or similar Program – Subchapter Table of Contents https://www.ssa.gove/apps10/poms.nsf/lnx/0414505000
- POMS DI 14510. Procedures for Cases involving Participation in a VR or Similar Program – Subchapter Table of Contents. https://www.ssa.gove/apps10/poms.nsf/lnx/0414510000
- School Officials Home page (ssa.gov)