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SOCIAL SECURITY AND SSI

1999 UPDATE

1. WHAT IS SOCIAL SECURITY?

Social Security is a federally run social insurance program financed through Social Security taxes (FICA) paid by employers and employees. The proper name for the program is Old Age, Survivors and Disability Insurance Program (OASDI).

The purpose of Social Security is to provide monthly payments to:

- A. Workers who are retired (age 62 and over)
- B. Workers who are disabled
- C. Certain family members of those workers:
 - 1. spouse over age 62
 - 2. widow or widower over age 60 (or over age 50 if disabled)
 - 3. children of dependent parents
 - 4. adult children who were disabled prior to age 22

ELIGIBILITY is based upon how long you or your spouse worked in covered employment and not upon how poor you are.

2. WHAT IS SUPPLEMENTAL SECURITY INCOME (SSI)?

SSI is also a federal program run by the Social Security Administration that provides monthly payments to certain persons.

The purpose of SSI is to provide monthly payments to persons who are:

- A. Over age 65 OR
- B. Blind or disabled AND
- C. Financially needy.

ELIGIBILITY is based on need and not on your past employment. You may be entitled to both Social Security and SSI, depending upon how much Social Security you receive.

As a general rule, you are considered "needy" if your individual resources do not exceed \$2,000 and your income is approximately \$500 for individuals, and \$751 per month for couples, with \$3,000 resource limit. But, even if your assets or income is above these levels, it is still worth applying, since there are many special rules as to what resources or items of income are counted or not counted. For example, your home, no matter how much it is worth, is not counted as a resource or asset. Likewise, a portion of earned income by a spouse or parent(s) is not counted in determining eligibility.

3. WHAT DOES IT MEAN TO BE "DISABLED" UNDER SOCIAL SECURITY OR SSI?

For both Social Security and SSI, disability is an "all or nothing at all" condition.

You must:

- A. have a severe physical or mental impairment, AND
- B. have an impairment that prevents you from engaging in any "substantial gainful activity" AND
- C. have an impairment that is expected to last at least one year or result in death.

4. WHEN SHOULD I APPLY FOR SOCIAL SECURITY OR SSI?

Social Security Retirement Benefits:

You should apply a few months before you want benefits to start. You are entitled to your full retirement benefit at age 65, but, if you choose, you can start receiving reduced benefits as early as age 62. If you delay retirement beyond age 65, your basic benefit will, in most cases, increase 3% to 8% per year depending upon your date of birth.

Social Security Survivors Benefits:

Widows and widowers should apply immediately after your spouse's death if you are over 65. If you are over 60, you have a choice of applying immediately for reduced benefits or waiting till you are 65 to get full benefits. If you are a disabled widow or widower, you can begin to receive benefits at age 50. Widows and widowers are also entitled to the 3% to 8% per year delayed benefits increase if they delay application beyond age 65.

Social Security Disability Benefits:

You should apply immediately upon becoming blind or disabled.

Supplemental Security Income (SSI):

You should apply a couple of months before you reach age 65, or immediately upon becoming blind or disabled. *If you are 65 years old and not a U.S. citizen you must be disabled to receive benefits. If you entered the United States after August 22, 1996 you will have to meet special qualifications in order to receive SSI disability benefits. The local social security office will be able to guide you in this matter.*

5. WHERE DO I APPLY FOR SOCIAL SECURITY OR SSI?

Social Security no longer makes the individual office telephone numbers available to the public. It now relies on a regional telephone number. The Northern Virginia regional phone number for Social Security is 1-800-722-1213. It is a very busy line, so keep trying.

The local Social Security offices are located as follows:

Social Security Administration

* ALEXANDRIA OFFICE

6295 Edsall Rd. Suite #220

Alexandria, VA 22314

Social Security Administration

* ARLINGTON OFFICE

1815 N. Ft. Meyer Drive, Suite 200

Arlington, VA 22209

Social Security Administration

* MANASSAS OFFICE

8700 Centreville Rd. Suite #301

Manassas, VA 22110

Social Security Administration

* FALLS CHURCH OFFICE

11212 Waples Mill Rd, Suite 105

Falls Church, VA 22030

If you are physically unable to go to the office, an application can be made by mail or a Social Security representative may be able to go to your home.

ALWAYS HAVE YOUR SOCIAL SECURITY NUMBER HANDY

To speed things up, make sure you have the certificates or proof for:

* birth * death * marriage * divorce

* disability * spouse's Social Security Number

6. HOW MUCH WILL MY BENEFITS BE UNDER SOCIAL SECURITY?

The amount of benefits that an individual worker, his survivor, or dependents will receive averages over \$749 a month nationwide, but the amount you yourself receive could vary from very little to over \$1,342 per month.

The exact amount of your benefit depends on several things, such as:

A. The salary the worker was making while employed.

B. The length of time the worker was employed.

C. The age of the worker at the time of retirement. (Retirement benefits can start at age 62, but they will be 20% less than if you waited until age 65. Likewise, benefits will be increased if you wait until after age 65 to apply.)

D. If you earn any income while you are receiving Social Security. (See Question #9.)

E. Income that is not from wages or self employment has no effect on your Social Security benefits.

7. DOES SOCIAL SECURITY PAY AN EXTRA BENEFIT AT THE DEATH OF A RETIRED OR DISABLED WORKER?

Yes. When a retired or disabled worker who is receiving Social Security dies, his or her spouse or dependent child will get a lump-sum payment of \$255. Social Security will not pay this extra benefit to anyone else.

8. HOW MUCH WILL MY BENEFITS BE UNDER SSI?

If you are eligible, have no other income and live in Virginia, you will get the maximum SSI amount of \$500 (in 1999) per month. Any other income you receive (with some exceptions) will reduce that amount. Your SSI benefits may also be reduced if your spouse or parent(s) is ineligible for SSI and has income, or if you live with someone who provides you with room and board. The SSI maximum amount for an eligible couple is \$751 (in 1999) per month. Cost of living adjustments are made each year on January 1.

9. CAN I WORK AND STILL RECEIVE SOCIAL SECURITY BENEFITS?

Yes. Under the following circumstances, (amounts listed are for 1999), if you are:

A. Under age 65 you may earn up to \$800 per month without any reduction of your Social Security retirement benefits.

B. Age 65 to 69 years old, you may earn up to \$14,500 without a reduction in retirement benefits.

C. Age 70 or older, there is absolutely no limit on the amount of money you may earn and receive retirement benefits.

In 1998, for individuals 65 to 69, one dollar (\$1) in benefits will be lost for every \$3 OVER the above limits on earnings, for persons of full retirement age. (For individuals 62 to 64, one dollar (\$1) in benefits will be lost, for every two dollars (\$2) over the limit.)

10. DO I HAVE TO PAY INCOME TAX ON MY SOCIAL SECURITY BENEFITS?

Sometimes. The answer to this question depends on a person's income. Social Security benefits may be subject to income tax if the individual's income, combined with 2 of his or her Social Security benefits exceed \$25,000 for an individual person or \$32,000. for a married couple filing jointly. If your combined income exceeds these amounts, only one-half of your Social Security benefit is subject to taxation.

11. IF I AM DIVORCED, CAN I STILL RECEIVE SOCIAL SECURITY BENEFITS THROUGH MY FORMER SPOUSE?

Yes. If you were married at least 10 years and are not now married, you can receive wife's, husband's, or survivor's benefits as if you were still married. If you remarry, your benefits will stop in most cases.

12. IF I AM RECEIVING WIDOW'S OR WIDOWER'S BENEFITS, WILL I LOSE MY BENEFITS IF I REMARRY?

No. If you remarry after age 60, you will not lose your benefits. However, you may possibly be entitled to higher benefits based upon your

new spouse's record, so ask the Social Security Administration office to calculate your benefit both ways. You are entitled to the higher of the two payments, but not both.

13. DO I HAVE ANY DUTIES OR OBLIGATIONS WHILE RECEIVING SOCIAL SECURITY OR SSI?

Yes. For both Social Security and SSI, you have an obligation to report any changes that may effect your eligibility such as your address,

earnings, any change in your marital status, and, if you are disabled, changes in your condition. For SSI, changes in living arrangements, earnings, and resources are especially important.

14. WHAT ARE MY RIGHTS UNDER SOCIAL SECURITY AND SSI?

These are your most important rights:

A. You have the right to appeal any decision or action you disagree with.

There are several steps in the appeal process, from requesting a "Reconsideration" to appealing in Federal Court. Each step has strict time limits. Therefore, it is important to seek legal advice as soon as possible if you are not satisfied with any decision or action concerning your benefits.

B. You have a right to representation.

In any dealings with Social Security or SSI, you have a right to be represented by a friend or an attorney if you choose.

15. WHAT IF I HAVE A PROBLEM HANDLING MY FINANCIAL AFFAIRS BECAUSE OF PHYSICAL OR MENTAL PROBLEMS?

If you are not able to handle your financial affairs, a relative, friend, or institution (such as a nursing home) can be appointed to receive your Social Security or SSI checks. The person chosen is called a Representative Payee and he or she would have to use all the money received

for your support. You always have the right to stop this arrangement. If you are disabled and have a drug or alcohol abuse problem, you may be

required to have a protective payee even if you are capable of handling your financial affairs. You will also be required to participate in an approved treatment program.

16. WHEN SHOULD I SEEK LEGAL ADVICE ABOUT MY SOCIAL SECURITY OR SSI?

In general, whenever anything happens that you do not like or do not understand, it is a good idea to seek legal advice. Legal advice may be especially important when:

- A. Your application is denied or delayed
- B. Your checks are incorrect or delayed
- C. You begin earning income or your income changes while receiving benefits
- D. You feel you are not (or were not) being paid as much as you are entitled to

E. You receive a notice that you have mistakenly been paid too much and will have to pay the money back. If you are overpaid, you do not have to pay the money back if:

- a) it was not your fault AND
- b) paying the money back would be a financial hardship

IMPORTANT

Everyone's situation is different and most every rule has exceptions. The information above is intended only for general informational purposes in the State of Virginia. It may not apply to your individual situation. Therefore, it is advisable to discuss your particular situation with a lawyer.

If you need legal help, call the Legal Services Branch that serves the city or county in which you live to make an appointment. To be helped by Legal Services, you must meet financial eligibility requirements. These guidelines will be explained to you when you call.

MAIN OFFICE (FALLS CHURCH OFFICE)	703-778-6800
ALEXANDRIA OFFICE	703-684-5566
ARLINGTON OFFICE	703-532-3733
FAIRFAX OFFICE	703-246-4500
LOUDOUN OFFICE (IN LEESBURG)	703-777-7450
MANASSAS OFFICE	703-368-5711

LAWYER REFERRAL SERVICES

For a small fee you can have a half hour appointment with an attorney, call:

Alexandria	703-548-1105
Arlington	703-228-3390
Fairfax	703-246-3780
Statewide	800-552-7977
Services are available for the hearing impaired by calling:	800-828-1140

Phone numbers updated February 2005