

**What if I disagree with Social Security Administration (SSA) about receiving ISM? Or what if the ISM I receive is worth less than 1/3 of my total SSI amount?**

You have the right to appeal. To start the appeal process, you must turn in a form called a "Request for Reconsideration" within 60 + 5 calendar days of the mailing date of your SSA notice. (SSA assumes that you get the notice 5 days after the mailing date so you actually have a total of 65 calendar days from the mailing date on the notice.)

Now all you have to do is wait for a decision. SSA has no deadline on how long they can take to decide your appeal. When SSA makes a decision about your reconsideration, they will send you a notice in the mail.

Should you lose your appeal, you can request an administrative hearing with an administrative law judge. If you lose the hearing before the Administrative Law Judge, you can appeal to the SSA Appeals Council. If that does not work, you can appeal to the Federal District Court.

**Be sure to submit evidence to SSA showing that you pay the fair market value for food and/or shelter or the ISM you receive is not equal to 1/3 of your total SSI benefit. You can submit receipts, a Statement of Claimant, or any other evidence supporting your case.**

**TO APPLY, CALL:**

**1-800-499-4302**

**OAHU: 536-4302**

**MAUI: 242-0724**

**HILO: 934-0678**

**KONA: 329-8331**

**KAUAI: 245-7580**

**MOLOKAI: 553-3251**

**LANAI: 565-6089**

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**924 BETHEL STREET**

**HONOLULU, HI 96813**

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This brochure was created through the AmeriCorps Access to Justice Project at the Legal Aid Society of Hawaii.

**LEGAL AID  
SOCIETY OF HAWAII**

**IS YOUR SSI  
BEING REDUCED  
DUE TO IN-KIND  
SUPPORT AND  
MAINTENANCE?**



This brochure explains why you may not be receiving the full amount of Supplemental Security Income due to In-Kind Support and Maintenance.

# WHAT IS “IN-KIND SUPPORT AND MAINTENANCE”?

## What is “ISM”?

“In-Kind Support and Maintenance” (ISM) is unearned income in the form of food and/or shelter.

For example, you may be living with someone who is paying for your food and/or shelter or who is not charging you the fair market value for your food and/or shelter.

Or someone living outside your home may be paying or helping you pay for your food and/or shelter.

The help you receive is considered unearned income even though you may not get cash directly.

Food stamps do NOT count as ISM.

## What benefit does ISM affect?

ISM applies to individuals receiving Supplemental Security Income (SSI). SSI is federal financial assistance for low-income individuals who cannot work because of a disability.

## How does Social Security figure out the value of my ISM?

If you live in another person’s house, apartment, or mobile home and you pay less than fair market value for your share of the food and housing costs, Social Security will take away 1/3 of your SSI benefit each month. In 2008, the maximum SSI benefit is \$637. If someone on SSI in 2008 is getting free or reduced-cost food and shelter, the SSI recipient will get approximately \$440 each month.

Social Security uses this rule only when the SSI recipient lives in another person’s household for the whole calendar month and receives both food and shelter from others in the household.

Social Security will also assume that the value of what you get is 1/3 of the monthly SSI benefit in two situations:

1. You live in your own home AND someone else pays for your food, rent, mortgage, etc. OR
2. You live in someone else’s home AND you do not get free food and shelter.

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If you are in either of the two situations, you can try and show that the food and/or shelter you get are worth less than 1/3 of the SSI amount. You can show this by providing documentation of the total value of your food and /or shelter and showing how much you pay for food and/or shelter.

## What if my ISM decreases or stops?

If you start living on your own, become homeless, start contributing more to household expenses, or additional people move into your household, you should contact Social Security to let them know about the change; it might increase your SSI amount.

## How do I contact Social Security Administration?

Call 1-800-772-1213 or write 300 Ala Moana Boulevard, Room 1-114, Honolulu, HI 96850.