Disability Insurance

Presented by: Connor Hannigan, J.D.
Legal Fellow, Cancer Legal Resource Center

Disability Rights Legal Center

CLRC

Cancer Legal Resource Center

Phone: 866.THE.CLRC
TDD: 213.736.8310
Fax: 213.736.1428
Email: CLRC@LLS.edu

www.CancerLegalResourceCenter.org

This publication is designed to provide general information on the topics presented. It is provided with the understanding that the author is not engaged in rendering any legal or professional services by its publication or distribution. Although these materials were reviewed by a professional, they should not be used as a substitute for professional services.

© Disability Rights Legal Center 2013
National Telephone Assistance Line

1. Phone Calls
2. Emails
3. Letters
4. Faxes
5. Online Intake Form

www.clrcintake.org
Disability Insurance Programs

Private Insurance Plans

State Short Term Insurance

Federal Long Term Insurance
Key Points to Remember!

Pay attention to definitions!
Participation of private industry workers in short- and long-term disability insurance programs, in percent, selected years

<table>
<thead>
<tr>
<th>Year</th>
<th>Long-term disability</th>
<th>Short-term disability</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>33%</td>
<td>41%</td>
</tr>
<tr>
<td>2010</td>
<td>32%</td>
<td>40%</td>
</tr>
<tr>
<td>2006</td>
<td>29%</td>
<td>37%</td>
</tr>
<tr>
<td>2003</td>
<td>30%</td>
<td>37%</td>
</tr>
<tr>
<td>1999</td>
<td>28%</td>
<td>35%</td>
</tr>
</tbody>
</table>

Private Disability Insurance

A **contract** between **you** and the insurance company

Will your insurance pay? *It depends.*
Private Disability Insurance

READ THE FINE PRINT:

Your policy might require you to take an “offset” and apply for a public program...
State Disability Insurance

CA, HI, NJ, NY, RI, and Puerto Rico
State Disability Insurance (SDI) example:

Lasts up to **1 year** (55% of wages)

Requirements:
- Be unable to perform regular/customary work & have a **loss of wages**
- Be unable to work at least **8** calendar days
- File claim **within 49 days** of disability date
- Have earned at least $300 from which SDI taxes were withheld during previous 12-months
Federal Disability Insurance

Social Security Disability Insurance (SSDI)
Supplemental Security Income (SSI)
SSI and SSDI – Similarities: Disability Definition

No “substantial gainful activity”

Due to a physical or mental impairment

Expected to last 1+ year or result in death
SSA Listings: The “Blue Book”

Think about and include multiple conditions where appropriate!

www.ssa.gov/disability/professionals/bluebook/AdultListings.htm
Compassionate Allowances

Note: New Conditions are displayed in Red.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

ssa.gov/compassionateallowances
Social Security Disability Insurance (SSDI)

Based on:

Prior work history

(whether you paid into Social Security)

AND

inability to continue working

(due to a disability)
SSDI Payments:

No payment for at least 6 months...

(Waiting period from date disability began)

**BUT** retroactive payments possible

Medicare after 2 years on SSDI
Retroactive Payments

Disability began in May 1, 2013
Applied for SSDI in January 1, 2014
Received first SSDI check in June 2014

Check = payment of 8 months
For October 2013- May 2014
(excludes waiting period from May-September 2013)
Supplemental Security Income (SSI)

Based on:

**Assets and income**

**NOT work history**

Usually also eligible for Medicaid

No waiting period!
SSA & Returning to Work

Trial work period lasts 9 months within 60 month period

Different process for SSI and SSDI
SSA Appeals

Most SSDI/SSI applications are denied

If at first you don’t succeed, try, try again!

Appeal within 60 days of denial letter
Practical Tips for Applying to SSI or SSDI
Presented by: Jane Doe, Esq.
Staff Attorney, Cancer Legal Resource Center

Have a conversation with your Health Care Provider

- Tell your HCP you’re applying
- Can your doctor provide other evidence?
- Check your medical records
Be a strong self-advocate

- Include all medical issues
  
  - Do you have multiple medical diagnoses other than cancer?
  
  - Do you have psychological and physical effects?
  
- Check the Compassionate Allowances list and note it on your application!
Resources

Social Security Administration
(800) 772-1213 or www.ssa.gov

National Organization of Social Security Claimants Representatives
(800) 431-2804 or www.nosscr.org
Questions?

www.cancerlegalresourcecenter.org
1-866-THE-CLRC