

Ticket to Work Program

Expedited Reinstatement of Benefits

Objectives

- Introduce the definition of Expedited Reinstatement of Benefits (EXR).
- Define which beneficiaries may use EXR, and when they are affected.
- List what provisional benefits are.
- Demonstrate how to assign a Ticket after an EXR has been requested/approved.
- Estimate how EXR may affect Ticket payments.

Glossary of Terms

1619(a)	SSI rule that allows an SSI beneficiary to be eligible for an SSI cash payment when his or her earned income is at the SGA level
1619(b)	SSI rule that allows an SSI beneficiary to remain eligible for Medicaid even if his or her income becomes too high to receive a cash payment
CDR	Continuing Disability Review
CFR	Code of Federal Regulations
EPE	Extended Period of Eligibility – the 36 month re-entitlement period; runs consecutively immediately following the completion of the Trial Work Period whether or not the person is performing SGA
EXR	Expedited Reinstatement of Benefits
FBR	SSI Federal Benefit Rate – 2013 rate is \$710
POMS	Social Security Program Operations Manual System
SGA	Substantial Gainful Activity
TWP	Trial Work Period – any nine service months within a rolling 60 month period, during which SSDI beneficiaries may test their ability to work without losing benefits

What is EXR?

The Expedited Reinstatement of Benefits (EXR) provisions in the Ticket to Work and Work Incentive Improvement Act provides Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) beneficiaries with a critical safety net by reinstating benefits.

Key Facts about EXR

- A Ticket Holder is a candidate for EXR because he or she has either stopped working or has experienced a significant loss in monthly wages that puts their earnings below the Substantial Gainful Activity (SGA) level.
- A person who performs work at SGA after the Extended Period of Eligibility (EPE) will have his or her SSDI benefits terminated due to work activity.
- Although many of the rules governing EXR are the same for both SSI and SSDI benefits, numerous differences exist.
- If benefits have terminated because of earned income, a beneficiary can request that their benefits start again without having to complete a new application.
- Provisional (or temporary) benefits will last for up to six months while the EXR is pending.

Five-Part Criteria for Reinstatement of SSDI

- The EXR provisions allow SSDI to be reinstated without a new application if the person meets the following five criteria:
 1. Had his or her previous entitlement to SSDI benefits terminated due to earnings from work
 2. Is no longer performing work at SGA
 3. Has an impairment that is the same as, or related to, the impairment that formed the basis for the original claim
 4. Requests EXR within five years from the month SSDI benefits were terminated, or has good cause for filing a request later than five years
 5. Is determined to be disabled under the Medical Improvement Review Standards

Reinstatement for SSDI

- If a person believes he or she meets these five criteria, the person should contact the Social Security Administration to request reinstatement.
- You can find information on applying for the reinstatement at the Social Security's Disability Help website:
 - <http://www.socialsecuritydisability.tv/how-to/apply-for-disability-expedited-reinstatement>
- Regulations require that the EXR request must be in writing and be received by Social Security within the consecutive 60 month period that begins in the month in which the beneficiary's SSDI entitlement terminated due to SGA.

Reinstatement for SSDI cont.

The “entitlement termination month” triggering the beginning of the 60-month period for requesting EXR is either:

- The first month following the end of the 36-month Extended Period of Eligibility (EPE) if the individual is no longer eligible for SSDI in that month due to performance of SGA

OR

- If the individual was not performing SGA as their 36 month EPE ended, the first month after the EPE that the individual was no longer eligible for SSDI because he or she performed SGA.

Provisional Benefits While EXR Decision is Made

- An individual who requests EXR can receive up to six months of provisional benefits while Social Security makes the EXR decision.
- Provisional benefits are payable beginning the month the individual files the EXR request.
- The person may also be eligible for Medicare while receiving provisional benefits. Performing work at SGA will terminate provisional benefits.

More on Provisional Benefits

- A person does not have to repay provisional benefits if Social Security determines the person was not entitled to reinstatement.
- If the individual has an outstanding overpayment of SSDI or SSI benefits from an earlier period, Social Security will not recover the overpayment from the provisional benefits unless the individual gives Social Security permission to do so.

Effective Month of SSDI Reinstatement

- Social Security Administration will award EXR benefits retroactively to the earliest month of the 12-month period immediately preceding the EXR request in which all the requirements were met.
 - Reinstated amounts are usually paid at the same level as the last benefit check plus applicable cost of living increases

- The Initial Reinstatement Period (IRP)
 - Triggers the future right to a new TWP, a new EPE, and a new EXR.

 - The 24-month period begins the first month of payable EXR benefits.

 - The 24 months do not have to be consecutive, as the beneficiary will not be paid benefits for any month in which he or she performs SGA during this initial period.

SSI and 1619(a) and 1619(b)

Section 1619(a) allows SSI beneficiaries to continue receiving benefits when wages are above SGA .

Section 1619(b) allows an individual to retain SSI recipient status and therefore Medicaid eligibility when earnings, either alone or in combination with other income become too high to allow an SSI cash payment



SSI and 1619(a) and 1619(b)

The 1619 provisions allow an SSI-eligible individual to readily move from cash benefit status to Medicaid-only status through 1619(b) and back again without the need for either a new application or a request for expedited reinstatement.

This makes the EXR provisions less important in the SSI program than they are in the SSDI program.

Five-Part Criteria for Reinstatement of SSI

- The EXR provisions allow SSI benefits to be reinstated without a new application if the person meets the following five criteria:
 1. The person was previously eligible for an SSI payment based on disability or blindness
 2. His or her SSI payment was terminated because of earned income or a combination of earned and unearned income as opposed to medical improvements
 3. The person requests EXR within five years from the month the SSI benefits were terminated
 4. The person has a disability that is the same or related to the disability that was the basis for their original claim
 5. Disability renders a person incapable of work achieving SGA based on application of the medical improvement review standard.

Reinstatement of SSI Benefits

- An individual may request EXR within 60 months of when his or her SSI eligibility was terminated. This is not necessarily the same as when the individual received their last SSI payment as it could also be the last month of eligibility for 1619(b).
- In most cases an individual who loses SSI payments because of earned income will retain SSI and Medicaid eligibility through the 1619(b) provision. This will later ensure the ability to return to cash benefits status if the wages are reduced.

Effective Month of SSI Reinstatement

- If the individual meets the EXR criteria, Social Security will begin paying reinstated SSI payments beginning with the month after the month that the EXR request was filed. There is no right to retroactive SSI benefits under the EXR provisions.
- The 24 month Initial Reinstatement Period (IRP) operates a little differently as months of 1619(b) eligibility are considered “payable months.” The IRP begins with the month that EXR benefits begin and ends when the individual has had 24 “payable months” of reinstatement of benefits.
- Once the individual has had 24 payable months under SSI’s EXR provisions, he or she is once again eligible for reinstatement in the future if the EXR criteria is met.

Ticket Assignment After EXR

How does an EN assign a Ticket after a beneficiary has requested an EXR and is receiving provisional benefits?

- ✓ If a beneficiary is reinstated under EXR, a new period of disability with a new Disability Date of Onset (DDO) is established
- ✓ This may not be reflected on the Benefits Planning Query (BPQY)

Ticket Assignment After EXR

- When the EN checks assignability on Ticket Portal, it may show that the Ticket is not assignable. The EN should:
 - Ask the Ticket Holder if he/she is in current pay status
 - Ask the Ticket Holder if he/she requested an expedited reinstatement of benefits

- If either answer is yes, the EN should:
 - submit a Ticket Assignment request through the Portal, by mail or by fax. Indicate that the beneficiary is in current pay status and this may be an EXR

- This will allow:
 - The Operations Support Manager (OSM) to verify EXR and assign the ticket.
 - The EN to complete the IWP with the date on the Ticket assignment request, keep it on file and receive a ticket assignment confirmation letter

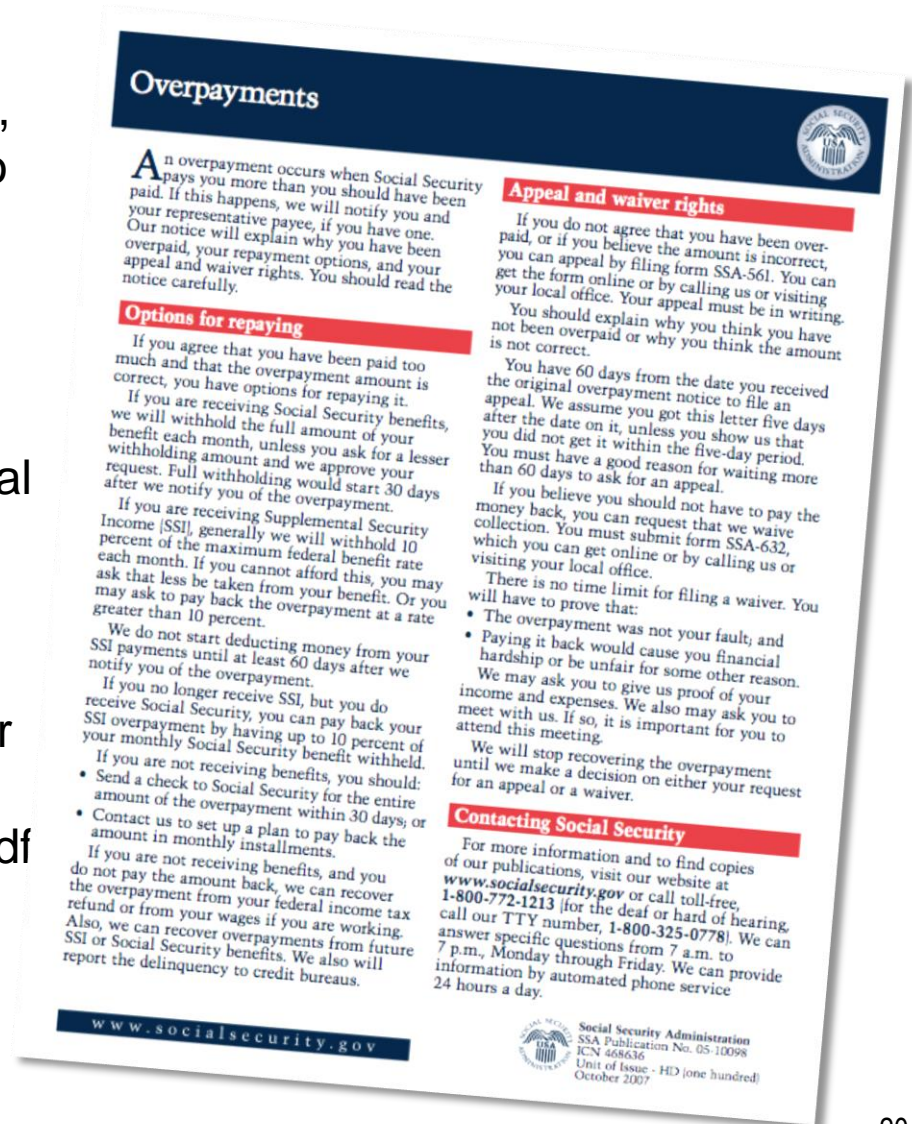
Overpayment Caution

- For many reasons, ENs must expect that beneficiaries who return to work, or enter the work force for the first time, may be assessed an overpayment.
- Preparing beneficiaries for this eventuality will go far in encouraging their work effort.
- “An overpayment is the total amount an individual received for any period which exceeds the total amount which should have been paid for that period”



Overpayment Caution

- Using SSA's telephone reporting, available to SSI recipients only, to report wages may minimize overpayments.
- Presently all SSDI must report earned income/wages to their local field office.
- For options on overpayment repayment and appeal and waiver rights, see SSA's publication at <http://www.ssa.gov/pubs/10098.pdf>



Overpayments

An overpayment occurs when Social Security pays you more than you should have been paid. If this happens, we will notify you and your representative payee, if you have one. Our notice will explain why you have been overpaid, your repayment options, and your appeal and waiver rights. You should read the notice carefully.

Options for repaying

If you agree that you have been paid too much and that the overpayment amount is correct, you have options for repaying it.

If you are receiving Social Security benefits, we will withhold the full amount of your benefit each month, unless you ask for a lesser withholding amount and we approve your request. Full withholding would start 30 days after we notify you of the overpayment.

If you are receiving Supplemental Security Income (SSI), generally we will withhold 10 percent of the maximum federal benefit rate each month. If you cannot afford this, you may ask that less be taken from your benefit. Or you may ask to pay back the overpayment at a rate greater than 10 percent.

We do not start deducting money from your SSI payments until at least 60 days after we notify you of the overpayment.

If you no longer receive SSI, but you do receive Social Security, you can pay back your SSI overpayment by having up to 10 percent of your monthly Social Security benefit withheld.

If you are not receiving benefits, you should:

- Send a check to Social Security for the entire amount of the overpayment within 30 days; or
- Contact us to set up a plan to pay back the amount in monthly installments.

If you are not receiving benefits, and you do not pay the amount back, we can recover the overpayment from your federal income tax refund or from your wages if you are working. Also, we can recover overpayments from future SSI or Social Security benefits. We also will report the delinquency to credit bureaus.

Appeal and waiver rights

If you do not agree that you have been overpaid, or if you believe the amount is incorrect, you can appeal by filing form SSA-561. You can get the form online or by calling us or visiting your local office. Your appeal must be in writing. You should explain why you think you have not been overpaid or why you think the amount is not correct.

You have 60 days from the date you received the original overpayment notice to file an appeal. We assume you got this letter five days after the date on it, unless you show us that you did not get it within the five-day period. You must have a good reason for waiting more than 60 days to ask for an appeal.

If you believe you should not have to pay the money back, you can request that we waive collection. You must submit form SSA-632, which you can get online or by calling us or visiting your local office.

There is no time limit for filing a waiver. You will have to prove that:

- The overpayment was not your fault; and
- Paying it back would cause you financial hardship or be unfair for some other reason.

We may ask you to give us proof of your income and expenses. We also may ask you to meet with us. If so, it is important for you to attend this meeting.

We will stop recovering the overpayment until we make a decision on either your request for an appeal or a waiver.

Contacting Social Security

For more information and to find copies of our publications, visit our website at www.socialsecurity.gov or call toll-free, 1-800-772-1213 (for the deaf or hard of hearing, call our TTY number, 1-800-325-0778). We can answer specific questions from 7 a.m. to 7 p.m., Monday through Friday. We can provide information by automated phone service 24 hours a day.

www.socialsecurity.gov

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How Does EXR Affect Ticket Payments?

If a Ticket Holder is performing work at the SGA level of earnings, the EN is submitting for outcome payments or is on Auto Pay. Once an outcome payment is received, payments cannot go back to Milestones.

Therefore,

- Once provisional benefits begin, payments to the EN will stop.
- The EN will have to wait to submit for payments until the Ticket Holder is once again earning at SGA level and not receiving cash benefits.

Questions?



Resources

Social Security

www.ssa.gov/work

Social Security 2013 Red Book

<http://www.socialsecurity.gov/redbook/index.html>

OSM Ticket Operations

www.yourtickettowork.com



References

- Sheldon Jr., James R., Expedited reinstatement of social security or SSI disability benefits; Policy & Practice Brief #28; May 2006; Cornell University ILR School Employment and Disability Institute
- 2013 Red Book; Social Security Administration; <http://www.socialsecurity.gov/redbook/index.html>