

Additional Questions about SSI/SSDI Benefits

1. Does anyone have any experience with losing SSI benefits once substantial work is established?

Once a person is approved for SSI benefits, the substantial work requirement no longer applies. The person can keep some SSI if their income is low enough, even though it may be higher than the substantial gainful activity (SGA) amount. For example, a person who starts out with \$794/month SSI can earn up to \$1,671/month gross wages and still receive some SSI. However, even if a person earns enough from work to reduce SSI to \$0, there is a work incentive called 1619(b) that protects their SSI eligibility. This enables them to keep Medicaid (Medical Assistance) and get SSI back quickly if their earnings later drop low enough or stop.

2. Can the disabled individual keep her 529 Able account if she loses SSI because she gets substantial work?

As the answer to #1 indicates, a person may do substantial work and still receive some SSI. Even if they earn enough to reduce SSI to \$0, the 1619(b)-work incentive protects their SSI eligibility. A person can keep an ABLE account even if their SSI stops for any reason EXCEPT medical improvement.

3. If the disabled individual is unable to maintain "substantial" employment how is SSI reinstated? (Do you need to reapply? with newer documentation?)

The 1619(b)-work incentive enables the person's SSI to be resumed simply by calling Social Security and verifying their earning have dropped low enough or stopped. They do not need to reapply. HOWEVER, the answers to questions 1, 2 and 3 all apply to SSI. If the person receives SSDI instead, different rules apply.

4. Do all states have 26 years old (for diagnosis of disability) for ABLE accounts? or do other states have other requirements?

All states have the same age requirement. The federal ABLE Act mandates that a person's disability must have started before age 26 in order for them to be eligible for an ABLE account. A bill is now being considered by Congress that would increase this age limit to 46, i.e., the person's disability would need to have occurred before age 46 in order for them to qualify for an ABLE account. Please note that a person may be any age when they open an ABLE account - the age requirement just means their disability had to start before their 26th birthday.

5. What if your child has multiple mental disorders, for example, autism/OCD/bipolar? Do you list all or use a main disorder?

You should look up the criteria for each disability in the Listing of Impairments and document as many of them as possible with medical evaluations, school records, etc.

6. How do you decide which of two parents eligible for Social Security retirement to use for SSDI eligibility?

If two parents are both receiving Social Security retirement benefits, Social Security will give the disabled adult child a benefit on the earnings record of the parent with the higher benefit, ensuring the son/daughter gets the highest benefit possible.

7. Is a 529 plan under an SSI recipient considered resources?

A college savings plan (529 plan) usually counts as a resource to the parent or other relative who opened the account. Since it does not count as a resource to the child, it will not affect their eligibility for SSI or Medicaid (Medical Assistance). An ABLÉ account is also called a 529A plan. It does not count as a resource.