The Social Security Administration (SSA) has two main cash benefits for people who cannot work because they are disabled:

- Supplemental Security Income (SSI) is for people who have little or no income and low assets. The maximum check amount is $841 for one person and $1,261 for an eligible couple (2022).
- Social Security Disability Insurance (SSDI) is for people who worked, or have a parent or spouse who worked. Whether someone is eligible depends on how long they worked and how much they made. If the SSDI benefit is below the SSI amount, SSI can pay the difference.

How Do I Apply?

Online (in some cases) at ssa.gov/benefits/disability/
In Person at your local Social Security office
By Phone at 1-800-772-1213, or TTY 1-800-325-0778 (8:00 am to 7:00 pm)

SSA needs information about your work history and your health conditions to decide if you can still work full time. It can take some time to get a decision. Those with a health condition expected to last one year or end in death may want to apply as soon as they think they are eligible.

What if Social Security Says I Am not Eligible?

If you don’t like a decision, you have the right to appeal. There are three appeal levels:

1. Reconsideration (Form 789 or Form 561)
2. Hearing (Form 501)
3. Appeals Council (Form 520)

For each decision, you must appeal:

In writing either online, or by sending a form or letter to your local office saying you want to appeal with your 1) social security number, and 2) the date.

By the deadline of 65 days from the date of your last decision.

After three appeals, you may sue in Federal Court.

When Do I Contact Legal Aid?

Each of our programs provide free legal services for low-income Ohioans and seniors

Reach out to us if your SSI or SSDI:

- Stopped or lowered and you think it was wrong
- Your appeal was denied
Testing Your Ability to Work

If you work, you need to report your income to SSA. If you get SSI, your check will change based on how much you make. If you earn below the substantial gainful activity (SGA) amount, your SSDI check will not change. If you earn more than the SGA amount, incentive programs kick in to help you work.

- **Trial Work Period (TWP)** If you get SSDI and return to work, you will be in a TWP for nine (9) months in a 60-month period. During your TWP, the amount of your wages won’t count. After the TWP, you have a 36-month extended period of eligibility. Note: SSI does not have this program.

- **Extended Period of Eligibility (EPE)** A 36-month EPE begins after you complete nine (9) months of the TWP. If you earn SGA during any month in the EPE, your SSDI check should stop three months later. However, if you start earning below SGA during the EPE, your check can restart without a new application. You can ask for expedited reinstatement of your SSDI payments for five (5) years after end of the EPE. Note: SSI does not have this program.

- **Expedited Reinstatement** You can ask for your SSI or SSDI to restart without reapplying within five (5) years if you are unable to work for the same reasons you were approved for benefits. SSA will pay you for six (6) months while it decides if you meet the rules to qualify for disability again.

Substantial Gainful Activity

If you earn over the **Substantial Gainful Activity** (SGA) amount (before taxes), your check may stop. 2022 SGA limits:

- $1,350 per month (non-blind person)
- $2,260 (blind person)

It is important to keep proof of sending things to SSA. Some ways to do this are a fax receipt or certificate of mailing from the post office. See Part Two for more about reporting requirements.

You have the right to information from SSA in a way you can understand. Ask for an interpreter, or for letters to be sent to you in a way you can read them.

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### How Much Will My Check Be?

- **Social Security Disability Insurance (SSDI)** check amounts are based on how much you paid into Social Security (SSA) when you worked. To find out, you can:
  - Ask your local SSA office
  - Use the online benefits calculator or make an online account

- **Supplemental Security Income (SSI)** checks can be a maximum of $841 each month (2022). SSA uses several factors to decide your check amount:
  - You and your family’s income
  - Certain expenses
  - Your living arrangement

Many factors affect the amount of an SSI check. You can use this calculator as a guide to give you a rough estimate of you or your child’s SSI check for a given month:

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td><strong>Start here if anyone in the home has unearned income.</strong> Add up any unearned income (like child support for a disabled child, or a check from SSDI).</td>
<td>+$</td>
</tr>
<tr>
<td>2.</td>
<td>If amount is above $20, Subtract $20. Otherwise, go to Step #5.</td>
<td>(-)$</td>
</tr>
<tr>
<td>3.</td>
<td>Subtract up to $420 (2022) for each child in the home not getting SSI. This amount can change if you get child support. If you have no unearned income left after this step, use any remaining credit at Step #7.</td>
<td>(-)$</td>
</tr>
<tr>
<td>4.</td>
<td>This is your total unearned income. Add this amount to the result of Step #10.</td>
<td>=$</td>
</tr>
<tr>
<td>5.</td>
<td><strong>Start here if no one in the home has unearned income.</strong> Add up earned income from the last month (before taxes), by the person getting SSI. If the person getting SSI is a child, add earned income from any spouse or parents in the home.</td>
<td>+$</td>
</tr>
<tr>
<td>6.</td>
<td>Subtract $65 and any work expenses related to your disability.</td>
<td>-$</td>
</tr>
<tr>
<td>7.</td>
<td>Subtract up to $420 (2022) as directed in Step #3.</td>
<td>(-)$</td>
</tr>
<tr>
<td>8.</td>
<td>Divide this total by 2.</td>
<td>/2=$</td>
</tr>
<tr>
<td>9.</td>
<td>Subtract $20 if not already done in Step #2.</td>
<td>(-)$</td>
</tr>
<tr>
<td>10.</td>
<td>For a child’s SSI, subtract $841 (2022) for one parent, or $1,261 (2022) for two parents in the home not getting SSI.</td>
<td>(-)$</td>
</tr>
<tr>
<td>11.</td>
<td>Add remaining amount to the total in Step #4. Compare remaining amount to the maximum SSI payment (in 2022: $841 for one person, $1,261 for disabled couple).</td>
<td>$841</td>
</tr>
<tr>
<td></td>
<td>The result is the check amount for the month.</td>
<td>-$</td>
</tr>
<tr>
<td></td>
<td>$</td>
<td>=$</td>
</tr>
</tbody>
</table>

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### When Do I Contact Legal Aid?

Each of our programs provide free legal services for low-income Ohioans and seniors

**Reach out to us** if your SSI or SSDI:
- Stopped or lowered and you think it was wrong
- Your appeal was denied
What Income Will Affect My SSI Check?

- **Earned income** includes common examples like wages and self-employment
- **Unearned income** is money from places other than work, like unemployment, child support, or cash from others.
- **In-Kind Income** is anything that you get for less than a fair price. For example, if you live with someone, you must show SSA you pay either:
  - An equal share of living expenses
  - The fair price of rent for a room
- Not all income is used to lower your SSI check, such as:
  - Food Assistance
  - Tax refunds
  - Loans that you have to repay
  - Grants or scholarships for school

Asset Rules for SSI

To be eligible for SSI, your combined assets (like cash, property, and vehicles) must be less than:

- One Person: $2,000
- Disabled Couple: $3,000

SSA does not count some things, like:

- The home you live in
- One car
- Household items
- Life insurance policies worth less than $1,500
- Tax refunds from the last year
- Money in ABLE accounts or Medicaid Trusts

SSI is a low-income program, so you must sell property for a fair price or spend things like settlement checks and gifts on specific items. **You can lose eligibility for SSI for up to three years** if you do things like:

- Giving money away (like an inheritance)
- Selling a car for less than a fair price

What Do I Have to Report?

- When you start or stop working
- Change in wages (show pay stubs)
- Accommodations at work
- Work expenses related to the disability
- Federal tax forms if self-employed
- Address
- Marital Status
- Assets (SSI Only)
- Who Lives in house (SSI Only)

- You must report by the **10th day** of the month after a change.
- Make sure to put your **name and date of birth** on the documentation.
- If you fail to report, **your check may stop**.

This information is based on current laws that are always subject to change, and is not legal advice.

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What is an Overpayment?
An overpayment is when Social Security (SSA) pays you more disability benefits than it should have. Overpayments can occur for a variety of reasons:
- SSA did not have correct or complete information
- SSA didn’t get information you sent to the office
- You didn’t report required information
- You are no longer disabled but kept getting paid

See Part Two for more information on reporting requirements.

What Do I Do if I Get an Overpayment?
You will receive a letter telling you:
- The amount SSA thinks you were overpaid
- Reason for the overpayment
- Repayment options
- Appeal rights
- Waiver rights

See Part One for more information on appeal options.

How Do I Ask for a Waiver or Appeal?

Complete one or both of the following:
- Appeal Form 561
- Waiver Form 632

Locate the forms online

Write a letter with:
- Your name and signature
- The date
- Your social security number
- A statement that you want to appeal or ask for a waiver

You can appeal in several ways:
- Fax
- Mail
- Online
- In Person at your local Social Security office

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**Request for Change in Repayment Amount (Any Time)**

You may ask for a more affordable overpayment repayment plan at any time ([SSA Form 634](#)). The default repayment plans depend on the cash program:

- **Social Security Disability Insurance (SSDI)**: SSA will take your entire monthly check until the overpayment is paid off. You can ask for less to be taken out.
- **Supplemental Security Income (SSI)**: SSA will take 10 percent of each monthly check. You can ask that more or less be taken out.

**Appeal (Within 65 Days of Date of Notice)**

You can appeal with SSA in either of two situations:

- Do not think you were paid too much
- Disagree with the amount

**Request for Waiver (Any Time)**

You can ask for SSA to erase the debt if you agree you were paid too much, but do not think it was your fault, and:

- Cannot afford to pay it back, or
- Believe that requiring you to pay it back would be unfair for another reason

This is called a waiver. See [Part Four](#) for more information on how to fill out a waiver request.

**What if Social Security Denies My Waiver or Appeal Request?**

Before deciding against you, SSA must give you a meeting called a personal conference. It may be in person, by video, or by phone. Before the meeting, you have the right to review all information in your file about the overpayment. If SSA does not explain how to do this, call and ask to review and copy your file. Be prepared. Bring your records and driver’s license.

If you do not like the decision, you may appeal:

- In writing
- Within 65 days of the date on the letter

See [Part One](#) for more information on appeal options.

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If Social Security (SSA) paid you too much, you may be eligible for a waiver (SSA Form 632). See Part Three for more information. You can send a completed form to SSA in one of the following ways:

- In Person at your local Social Security office
- By Fax
- By Mail

**Examples of Why an Overpayment May not Be Your “Fault”**

- You tried to tell SSA about a change but you couldn’t because you had an emergency
- You did report the change to SSA, but SSA did not process your change
- Someone at the SSA office told you that everything was ok, and you believed them
- Your disability makes it hard for you to understand what you are supposed to do
- You do not speak English so you did not understand everything you were supposed to do

**Section One (1)**

Fill out your name and personal information and skip to Section Four (4) unless you are filling the form out for someone else.

**Sections Two (2) and Three (3)**

Complete only if needed.

**Section Four (4)**

Mark what type of benefits you received and the reason you are requesting the waiver – you can choose more than one reason.

- You should ask for a waiver for the full amount of the debt unless you have a specific reason you only want SSA to forgive part of the overpayment.

If you have the letter, write the date, amount, and reason SSA said you were paid too much.

If SSA paid you the wrong amount because it didn’t have the right information (like wages or where you live), explain any reasons you did not tell SSA about this change.

If you told Social Security about any changes, explain the details. For example, if you called to give an update, write down as much as you remember, like the date and number you called, the name of who you talked to, and what happened.

If you have proof that you told SSA of changes, include a copy of that with your waiver. You want SSA to see that you did everything you were supposed to.

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Section Five (5)
List all the money and assets (like a home, car, or investments) you currently have. See Part Two for examples of these things.

Section Six (6)
List anyone who lives with you.

Section Seven (7)
List all the assets you own. See Part Two for examples of these things.

Section Eight (8)
List all of your household income. See Part Two for examples.

Section Nine (9)
- Explain all of the things you buy and bills you pay each month:
  - For less frequent things, like buying clothes or paying property tax, add up the total amount for one year and divide it by 12.
  - SSA may ask for proof of listed expenses.

Section Ten (10)
Try to put the person reviewing your request in your shoes – explain how making you pay the money back would affect your life. Explain why:
- It’s not your fault you were paid the wrong amount
- You cannot afford to repay the overpayment
- It’s unfair for other reasons

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