

Department of Social and Health Services

Olympia, Washington

Social Services Manual

Revision # 97

Category **SSI Facilitation - Post Application Actions**

HTTP://WWW.DSHS.WA.GOV/MANUALS/SOCIALSERVICES/SECTIONS/SSIF_J_POSTAPP.SHTML

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Summary : The manual update reflects SSA's decision to no longer accept subsequent disability claims while a previous claim is pending.

SSI Facilitation - Post Application Actions

Approval Process

1. DDDS sends notice that a person meets disability criteria to the SSADO.
2. Disability Quality Branch (DQB) reviews a percentage of DDS approvals and denials for quality assurance and has the authority to overturn DDS decisions.
3. SSADO conducts a financial eligibility review before final approval of SSI benefits.
 - a. This usually involves an interview with the person.
 - b. Social Workers may need to provide assistance with this part of the process.
 - c. Terminate persons who fail to participate in the SSA financial eligibility review.
4. SSA sends the person written notice of approval of benefits.
5. ~~Office of Financial Recovery (OFR)~~
- a. SSA sends notice of approval to Office of Financial Recovery (OFR) ~~OFR~~ with the interim assistance reimbursement.

6. Verify that financial services have closed cash benefits.

~~b. OFR sends any excess reimbursement to the person within 10 days.~~

~~c. OFR sends a copy of the person notice to the CSO.~~

~~d. Note: Notify OFR at 1-800-562-6114 whenever a person receives the entire retroactive SSI payment. This number is available for persons approved for SSI and staff.~~

~~e. OFR may pay up to 25% of the retroactive payment for attorney's fees. OFR reduces the attorney payment by the amount SSA has already given to the attorney. We do not issue money to an attorney that they have already received from Social Security.~~

EXAMPLE

~~Attorney's fees are \$4,000 for John Doe. SSA deducts \$3,000 from John's \$16,000 reimbursement. OFR will pay a maximum of \$1000. This is the difference between the money paid to the attorney by SSA and the attorney's fee. GA/DL grants for that time period were \$8000.~~

1. Social Security Retroactive Amount	\$16,000
2. Attorney bills for \$4000, Social Security gives the attorney \$3000 directly.	-\$3000
3. Subtotal	\$13,000
4. OFR can pay up to 25% of the \$13,000 (up to \$3250). The attorney's fees are \$4000 and SSA paid \$3000. OFR pays \$1000 to the attorney.	-\$1000
5. DSHS issued \$8000 in cash GA/DL grants to John during this time period.	-\$8000
6. John receives the remainder (\$13,000 - \$9000)	-\$4000

EXAMPLE

~~Attorney's fees are \$3,000 for Sally Smith. SSA deducts \$3,000 from Sally's \$16,000 reimbursement. OFR does not issue a payment to the attorney because Social Security has already paid the full attorney's fees.~~

6. _____

Change in SSA Filing Rules

Effective July 28, 2011, SSA will no longer process new disability claims if there is a pending claim

under the same title.

DSHS requires disabled clients to pursue appeals of SSI denial in order to maintain eligibility for cash assistance because interim assistance is paid from SSA from the date of the original protected filing date if SSA ultimately approves the case. A DL client can't choose to withdraw an appeal in order to file a new claim without losing cash assistance.

1. This applies to every application and hearing level:

- Initial.
- Reconsideration.
- Hearing.
- Post appeal (Appeals Council).

2. Medical records and other evidence:

a. May be submitted at any time during the appeals process.

b. If at post appeal, and the evidence is material to a decision of disability:

i. The Appeals Council will consider the evidence if it is material to the period of time prior to the hearing decision.

ii. If the evidence is material to the period of time after the hearing decision, the Appeals Council will :

A. Return the evidence to the claimant; and

7.B. Consider a timely request for Appeals Council review as the filing date for a new SSI claim (application). ~~Verify that financial services have terminated DL benefits.~~

Reconsideration

Reconsideration is the first level of appeal when a SSI application is denied.

1. ~~Always request a reconsideration of a SSI application denial for DL-X cases. For other cases (e.g., DL-U or DL-D), review the medical documentation and facilitate~~ if the person appears to meet SSA disability criteria.
 - ~~a. If a person receiving DL-U appears to meet SSA disability criteria, request DL-X following submission of the reconsideration request.~~
2. A reconsideration request must be filed within 60 calendar days of the denial unless there is good cause for missing the deadline.
3. Review information sent to the person with the notice of denial.

4. The official form is SSA-561-U2, Request for Reconsideration. However, SSA will accept any written format. When new information exists include:
 - ~~a. a.~~ SSA-3441-F6, Reconsideration Disability Report.
 - ~~b. b.~~ Updated Personal Observations.
 - ~~c. c.~~ Additional medical evidence.
5. Include a signed and dated SSA-827, Authorization for Source to Release Information to Social Security with the Request for Reconsideration.

Hearing

1. A hearing request is filed when a request for reconsideration is denied.
2. Recommend that the person contact a legal representative.
 - ~~a. a.~~ CSO staff should not recommend a specific attorney. Attorneys specializing in SSI claims are listed in the Yellow Pages.
 - ~~b.~~ When SSI is approved, the ALJ may award up to 25% of the retroactive lump sum payment, or \$4000, whichever is less to the legal representative.
 - ~~c.~~ ~~The DSHS Office of Financial Recovery (OFR) may pay 25% of the interim assistance reimbursement to the attorney. See [Approval Process](#) for details.~~
 - ~~b.~~
 - ~~c. d.~~ Legal representatives may charge the person for expenses incurred while representing the client.
3. When a person chooses not to obtain legal representation:
 - ~~a.~~ SSI Facilitators may assist the person with filing the hearing request but ~~do not~~ don't act as a legal representative.

NOTE: SSI Facilitators do not represent the client at the hearing. A person has a right to choose to have an attorney, friend, or other person represent their claim. They may also choose not to have a representative. Do not endorse or recommend attorneys.

4. A written request for a hearing must be filed within 60 days of the reconsideration denial. When the person obtains legal representation, the attorney may file the hearing request forms including SSA-1696-UH, Appointment of Representative. The forms used to request a hearing are:
 - a. HA-501-U5, Request for Hearing by Administrative Law Judge.
 - b. HA-4486, Claimant's Statement When Request for Hearing is Filed and the Issue is Disability.
 - c. SSA-827, Authorization for Source to Release Information to Social Security Administration.

- Send three signed and dated copies.
- d. Any new medical records or reports.

Appeals Council Review

1. When a hearing upholds the SSI denial the person is no longer eligible for DL-X, unless they provide proof of an appeal with SSI Appeals Council.
2. Notify financial services to make a program change from DL-X to DL-U if the person does not provide proof of an appeal within 60 days of the SSI hearing denial.
3. The legal representative may request an Appeals Council review.
4. Input the post appeal filing date on the ICMS SSI Tracking screen.
5. A legal representative may file a further appeal in Federal Court of an Appeals Council denial.

Termination of Facilitation Services

1. The client may no longer appear potentially eligible for SSI when:
 - a. There is a change in the person's resources or income.
 - b. The person becomes employed.
 - c. The person's medical condition improves.
2. Terminate facilitation services when the person no longer appears to meet SSI criteria:
 - a. Explain the person's right to pursue a SSI application without our assistance.
 - b. Give the client DSHS 14-343, SSI Facilitation Program Medicaid Decision.
 - c. Authorize a program change from DL-X to DL-U.

Reopening Past Denials

1. When there is new evidence of the severity of the impairment or of the onset date, a request to reopen a past denial may be indicated.
2. A person may request a reopening of a denial:
 - a. Within one year for any reason.
 - b. Within two years for good cause. Good cause includes new evidence not available at the time of the initial application.
3. Attach a written request to "Reopen prior denial of benefits" to the application packet.
4. When a request to reopen a past denial is denied the person may request a reconsideration and hearing.

Death of a client

1. Pursue the SSI application process when a person dies and SSA has a signed:
 - a. Initial application.
 - b. DSHS 18-235, Interim Assistance Reimbursement Authorization.
 2. Send written notice of death and intent to pursue the application with a copy of the IARA to SSA and DDS.
 3. When the application is at hearing or post appeal:
 - a. Notify the Office of Hearing and Appeals that the state has a lien on the claim.
 - b. Include a copy of the IARA.
 4. Continue to monitor the application/appeal until SSA approves or denies the claim.
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Links

Social Security:

- [SSI](#)
- [SSDI](#)

[Search IESA Clarification Database](#)

Email [Melissa Mathson](#) with comments or questions about the content of the SSI FACILITATION section of the Social Services Manual. For problems with the website, see info below.

[▲ BACK TO TOP](#)

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