



SOCIAL SECURITY

Office of the Commissioner

May 30, 1996

Molly Brostrom
Domestic Policy Council
Old Executive Office Building
Room 207
Washington DC 20502

Dear Ms. Brostrom: *Molly*

Enclosed please find A GUIDE TO SOCIAL SECURITY AND SSI DISABILITY BENEFITS FOR PEOPLE WITH HIV INFECTION that we discussed by telephone this week.

I talked with Jackie Leon-Christ from Florida yesterday to discuss the problems that she is encountering when helping HIV patients file for disability. After discussing some of the cases in point I asked her to send 4 or 5 case examples to me so that we might have a clearer picture of what is happening. Ms. Leon-Christ is very knowledgeable about the filing process. Her input together with the case examples will help us to help her.

Thank you for bringing this situation to our attention. If you would like to discuss further, please do not hesitate to contact me at 202/482-7108.

Sincerely,

Charlie

Charlie Brittian
Senior Executive Assistant to the Commissioner

Encl:

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A Guide To
Social Security
And SSI Disability
Benefits For People
With HIV Infection



HIV



Social Security Administration

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

28-May-1996 04:19pm

TO: Molly Brostrom
FROM: Jeremy D. Benami
Domestic Policy Council
CC: Jeffrey Levi
SUBJECT: RE: Broward County and SocSec disability claims

Molly

Can you stay in touch with either or both of them (Charlie or the woman at Broward House)?

I'd like to know what the problem was. Are the folks simply not eligible? Was the Broward SocSec office not following correct procedures? Is there a systemic problem with the way the expedited process is (or is not) working that we should be trying to fix?

I know you were hoping to cross this off your to-do list, but I want to be sure that it is in fact fixed. Maybe you can follow up with them next week.

Thanks.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

28-May-1996 04:42pm

TO: Molly Brostrom

FROM: Jeffrey Levi
AIDS Policy Council

CC: Jeremy D. Benami

SUBJECT: RE: Broward County and SocSec disability claims

thanks...Charlie has been a big help on lots of things. (Note: there is an additional issue we are pursuing that arose in SF -- those who originally got SSI due to substance abuse are now being told they will be dropped -- but can be kept if they also have an AIDS diagnosis. The timeline for fixing this is short -- so we are following up with SSA about more time and with HRSA about doing some TA to help service providers keep their clients on SSI.)

OPTIONAL FORM 99 (7-90)



SOCIAL SEC

Office of the Commissioner

FAX TRANSMITTAL

of pages ▶

To: <i>Proctor/Fortune</i>	From: <i>Mary Thorne</i>
Dept./Agency:	Phone #: <i>965-3435</i>
Fax #: <i>202-456-7028</i>	Fax #:
NSN 7540-01-317-7368	5090-101

GENERAL SERVICES ADMINISTRATION

May 30, 1996

MEMORANDUM FOR THE HONORABLE LEON PANETTA

FROM : Shirley S. Chater *Shirley S. Chater*
 Commissioner of Social Security

SUBJECT: Social Security Administration's Weekly Report--
 June 3-14, 1996--INFORMATION

KEY AGENCY NEWS

- o Annual Report of the Social Security and Medicare Board of Trustees: The Social Security and Medicare Board of Trustees is scheduled to meet on Wednesday, June 5, to review and approve the annual report on the financial status of the Social Security and Medicare trust funds. Significant media attention is expected.
- o GAO Final Informational Report, "Social Security: OHA Backlog Reduction Efforts Are Underway, But Significant Challenges Remain": This report is in response to a 1994 request by the former chairman of the House Ways and Means Subcommittee on Social Security (Jacobs, D-IN) that GAO determine the reasons for the growth in the backlog of appealed disability cases, SSA's actions to address them, and long term actions needed to enhance the hearing process. In its report, GAO acknowledges that SSA has both short and long term efforts underway that are addressing many of the problems, although the report criticizes SSA for fragmented management. SSA comments to GAO's draft report cited significant SSA progress in its backlog reduction efforts. GAO is expected to issue its final report in the next two weeks. No significant media attention is expected.

CONGRESS

- o Hearing on the Use of Social Security Trust Funds to Pay for Union Activities: On Tuesday, June 4, the Committee on Ways and Means, Subcommittee on Social Security, chaired by Representative Bunning, will hold an oversight hearing on the use of Social Security Trust Funds to pay for union activities at the Social Security Administration. The Subcommittee is interested in expenditures for salaries, travel and other overhead expenses for SSA personnel who are engaged in full-time union activities. Subcommittee Chairman Bunning asked the General Accounting Office to review the

scope of union activities at SSA and report its findings at the hearing. Acting Principal Deputy Commissioner John Dyer will testify.

- o **Hearing on Return to Work:** The Senate Special Committee on Aging, chaired by Senator Cohen, has rescheduled for June 5 its hearing on why very few recipients of Social Security or Supplemental Security Income disability benefits ever leave the rolls. Witnesses scheduled to testify include Jane Ross of the General Accounting Office and outside experts in the rehabilitation field. SSA has not been asked to testify.
- o **Hearing on the Productivity and Management of SSA's Mobile, Alabama Hearing Office:** The House Judiciary Subcommittee on Commercial and Administrative Law, chaired by Representative Gekas, has rescheduled its hearing for June 5 on the productivity and management of the Mobile, Alabama Hearing Office of the Social Security Administration. The focus of the hearing will be Administrative Law Judge (ALJ) productivity and procedures for removing ALJs who are not productive.

COMMISSIONER'S SCHEDULE

- o On June 4, Commissioner Chater will be in Anaheim, California to speak at the Association of Women's Health, Obstetric and Neonatal Nurses 1996 convention. She will speak on Older Women's Health and Economic Security.
- o On June 6, Commissioner Chater will be in Washington, D.C. to deliver the keynote speech at the United Seniors Health Cooperative. She will speak on the Future of Social Security.
- o On June 10-11, Commissioner Chater will attend a series of events in Kentucky with Congressman Mike Ward. She will be the keynote speaker at a forum of the Committee to Preserve Social Security and Medicare. She will also visit local Social Security field offices.
- o On June 13-14, Commissioner Chater will be in Oakland, California to attend the American Council on Education Summit. The Commissioner will participate in a panel discussion, entitled "Women Presidents Addressing Women's Agendas for the Future."
- o On June 16, Commissioner Chater will address the American Academy of Nursing's Biennial Convention on the "Future of Social Security for Women." The convention will take place in Washington, D.C. It is expected that President Clinton will address the convention the day before, on Saturday, June 15.

May 23

Molly-

Here is a more detailed description of the process. Let me know if you want me to try to track down a copy of the exact list. Bonnie Davis said, however, that there was basically no way that anyone in the general public would ever come across the list - it is generally for internal use by the SSA in evaluating claims.

No wonder people are confused.

Please let me know ~~if~~ what else I can do!

Mical

• Broward

THE WHITE HOUSE
WASHINGTON

JACQUELINE ~~de la~~

Christ

954-522-4749

Britain
Charlie
Rock
482-7028
482-7108

Should be
✓ Presumptive elig?

~~Their~~ experience is that only 1-2 approved

= some HIV/some AIDS

= no consistency - client died while they were still being forced

Terr

PROCESS FOR RECEIVING DISABILITY BENEFITS

An individual wishing to receive disability benefits should go to the closest social security office and file a claim, which will include the names of all relevant doctors and medical providers. The SSA then researches the medical condition of the claimant through the listed offices, and evaluates his/her condition against the listing of impairments (found in the Green Book of Government Entitlements, pp. 400-499). [When the person applies for benefits, they can provide any additional documentation they wish, but it is not necessary.]

If the person's disabilities are not found on the listing, the SSA automatically conducts an inquiry as to whether or not that person can be gainfully employed. If he/she cannot, disability benefits are granted.

A person who is denied benefits can file an appeal. If the appeal is denied, the person can request a hearing with an Administrative Law Judge.

The 5-month waiting period means that the person does not receive disability benefits until five months after the established onset of the disability (therefore, effective waiting period will vary by applicant).

The listing of impairments is generally not available to the public. It is used by the SSA to evaluate requests by people who consider themselves unable to be gainfully employed. *→ criteria must meet to be on disability*

The actual listing is found in the listing of Social Security Regulations, sections 400-499, and the listing relating to HIV/AIDS is section 404, subpart P, appendix I.

In the listing, HIV/AIDS alone does not make one eligible for benefits. For automatic eligibility, the person must have the HIV virus and another impairment on the list. If this is not the case, the automatic review of ability to work is conducted.

= We revised elig rules for SocSec disability benefits to make it easier for people w/ HIV/AIDS to qualify for support *→ broadened listing + Terry claim syst*

= Terry claim ^{system}: practically walk thru - ^{HIV} specialist in each Regl office
= complicated by income - presumptively elig if @ late stage 

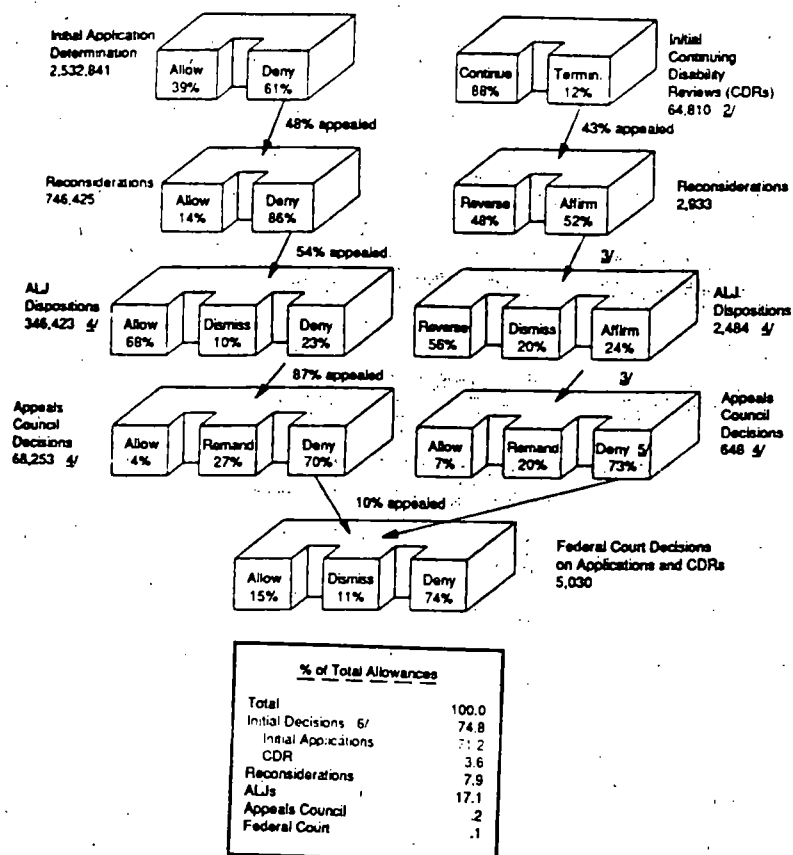
T. II - Medicare - 2 yr waiting period

T. XVI - SSI - comes w/ income *→ critical*
- income eligibility

Structure of Appeals

TABLE 2-4. DISABILITY DETERMINATIONS AND APPEALS, FISCAL YEAR 1993

TITLE II, TITLE XVI AND CONCURRENT TITLE II AND XVI DECISIONS FOR DISABILITY CLAIMS BY WORKERS, WIDOWS, WIDOWERS AND DISABLED ADULT CHILDREN ^{1/}



- ^{1/} The data relate to workloads processed in fiscal year 1993, but include some cases where the initial level decision was made in a prior period. The data include determinations on initial applications as well as continuing disability reviews (both periodic reviews and medical diary cases).
- ^{2/} Includes non-State CDR makey continuations. Also includes 8,500 CDRs where there was "no decision." The continuance and termination rates are computed without the "no decision" cases.
- ^{3/} Many ALJ dispositions and AC decisions are based on DDS determinations from a previous year. Therefore, a percent appealed is not provided.
- ^{4/} Includes ALJ decisions not appealed further by the claimant but reviewed by the Appeals Council on its "own motion" authority.
- ^{5/} Includes affirmations, denials and dismissals of requests for review, own motion and reopening cases.
- ^{6/} Initial determinations plus CDRs.

Source: Social Security Administration

ELIGIBILITY FOR DISABILITY BENEFITS FOR PEOPLE WITH HIV/AIDS

- HIV/AIDS alone does not make one eligible for benefits (there is no T-cell eligibility level)

- to get benefits, must have HIV virus AND another impairment listed in the LISTING OF IMPAIRMENTS (many HIV-related bacterial infections and other such diseases are included)

- In addition, they can appeal for benefits based on a documented medical inability to work.

- same 5-month waiting period as for other disabilities

CONTACT:

Bonnie Davis
Office of Disability and Social Security
410-965-4172

can we obtain copy of list?
where do
how
regular
folks find
out about
this list?
what kind of doc'tation
needed - here + above?
meaning what?
once paperwork filed/
finished + eligibility
determined, then
person must wait
5 months before
receiving 1st check?
On average, how long does
it take for people to receive
benefits once they begin
applying/filing paperwork?