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# **Everything a WC Attorney Should Know About Social Security, But Was Afraid to Ask**

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**EVERYTHING A WC  
ATTORNEY SHOULD KNOW  
ABOUT SOCIAL SECURITY,  
BUT WAS AFRAID TO ASK**

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# TYPES OF BENEFITS

- Retirement
- Early retirement
- Disability insurance benefits (dib)
- Supplemental security income benefits (ssi)

# DEFINITION OF DISABILITY

- Disability is the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

# SEQUENTIAL EVALUATION FOR DISABILITY

- Are you working?
- Do you have a severe impairment?
- Do your impairment(s) meet or equal one of the listing of impairments?
- Can you perform any of your past relevant work?
- Can you perform any jobs which exist in the national economy?

# PROCESS FOR DIB & SSI

- File an application
- If denied, request a reconsideration
- If denied, request a hearing
- If denied, file a request for review or a new application
- If denied, file in federal court

# EFFECTUATION ISSUES

- DIB
  - Workers compensation – SS benefits reduced by WC payments
  - Veterans benefits
  - Long term disability benefits
  - State retirement
  - Railroad retirement
  - Five month waiting period for benefits and earliest is one year before application
- SSI
  - Income and resource limitations
  - Limitation for an individual is \$2,000/a couple is \$3,000
  - Any income coming into your household may reduce monthly benefit
  - Resources can include Workers' Compensation, PERS benefits, Long-term disability benefits, and VA benefits
  - Earliest benefits may start is the month after the application date

# WORKERS' COMPENSATION

- An expense is excludable from offset
- Settlements may contain language that a specific money amount is paid for a waiver or buyout of future medical expenses, vocational rehabilitation, or for rights to reopen or appeal a claim



# RETIREMENT BENEFITS

- Full retirement
  - Born between 1943 and 1954 – 66
  - Born after 1960 - 67
- Early retirement
  - Reduced for both you and your spouse
    - If born between 1943 and 1954, 75% at age 62, 93.3% at age 65 – spouse receives 35% at age 62, 45.8% at age 65
    - If born after 1960, 70% at age 62, 86.7% at age 65 – spouse receives 32.5% at age 62, 41.7% at age 65

# APPLYING FOR RETIREMENT BENEFITS

- Apply at [www.socialsecurity.gov](http://www.socialsecurity.gov) – select apply online for retirement
- Information you need to know
  - Full retirement age
  - Date and place of birth
  - Current health insurance
  - Marriage and divorce
  - Names and dates of children
  - Military service
  - Employer information
  - Bank information

# BENEFITS WHILE WORKING

- Working before full retirement age
  - After you earn \$17,640 (2019), \$1 for every \$2 earned is deducted
- Working at retirement age
  - After you earn \$46,920 (2019), \$1 for every \$3 is deducted until your birthday
- Working after retirement
  - No reduction in benefits

# MEDICARE

- Everyone is eligible at age 65
- After receiving 24 dib payments
- End stage renal disease
- als

# PART A

- Hospital \$1,364.00 deductible and no coinsurance for the days 1-60 each benefit period  
\$341.00 per day for days 61 – 90 each benefit period  
\$682.00 per day for days 91 and beyond of a hospital stay (Lifetime Reserve Days, up to 60 over your lifetime)  
all costs beyond lifetime reserve days
- Skilled nursing \$0.00 for the first 20 days each benefit period.  
\$170.50 per day for days 21-100 each benefit period.  
All costs for each day after day 101 in the benefit period.
- Hospice Care \$0.00 but may need to pay a copayment of no more than \$5 for each prescription and 5% of the Medicare approved amount for inpatient respite care

# PART B

<u>File Individual Tax Return</u>	<u>File Joint Tax Return</u>	<u>Married &amp; Separate return</u>	<u>You Pay</u>
\$85,000 or below	\$170,000 or below	N/A	\$135.50
\$85,000 - \$107,000	\$170,000 - \$214,000	N/A	\$189.60
\$107,000 - \$133,500	\$214,000 - \$267,000	N/A	\$270.90
\$133,500 - \$160,000	\$267,000 - \$320,000	N/A	\$352.20
\$160,000 - \$500,000	\$320,000 - \$750,000	\$85,000 - \$415,000	\$433.40
Above \$500,00	Above \$750,000	above \$415,000	\$460.50

## WHAT IS THE PART B LATE-ENROLLMENT PENALTY?

If you don't sign up for Part B when you are first eligible, the cost for Part B may go up 10% for each full 12-month period that you are eligible for Part B, but didn't sign up for it.

# PART B DEDUCTIBLE

- Deductible of \$185 per year
- Then, usually pay 20% of Medicare approved amount
  - Most doctor services
  - Outpatient therapy
  - Durable medical equipment

# PART C

- Preferred Provider Organization (PPO) Plans
- Health Maintenance Organization (HMO) Plans
- Private Fee-for-Service (PFFS) Plans
- Medical Savings Account (MSA) Plans
- Special Needs Plans (SNP)



# PART D

- PRESCRIPTIONS
- No drug plan can have a deductible exceeding \$415 in 2019

# MEDIGAP PLANS

- A, B, C, D, F, G, K, L, M, N
- All cover Part A coinsurance and hospital costs up to an additional 365 days after Medicare benefits used
- All, except K (50%) and L (75%), cover Part B coinsurance or copayment, first 3 pints of blood, and Part A hospice care coinsurance or copayment
- C, D, F, G, M, N, K (50%), and L (75%) of skilled nursing facility care insurance
- B, C, D, F, G, N, K and M (50%), and L (75%) Part A deductible
- C and F Part B deductible
- F and G Part B excess charge
- C, D, F, G, M, N cover 80% of foreign travel exchange
- K out of pocket limit is \$5,560 and L is \$2,780

- You can buy Medigap insurance
  - When enroll in Part B if 65 or older
  - 6 month period that starts first day of the month turn 65
  - When Employer insurance coverage ends, can enroll without late enrollment penalty
- If under 65, ohio does not provide for Medigap insurance

# MEDICAID

- MEDICAID PAYS FOR COVERED MEDICAL BILLS, DENTAL BILLS, EYEGLASSES, AND HOMEMAKER SERVICES
- Who qualifies for service
  - Low income – Modified adjusted gross income (Magi)
  - Older adults, pregnant women, infants, children, disabled
  - Be u.s. citizen or meet Medicaid citizenship requirements
  - Have a social security number
  - Be an ohio resident
  - Meet financial requirements

# OLDER ADULTS AND PERSONS WITH DISABILITIES

- Eligibility
  - Age 65 or older or considered legally blind or disabled
- Medicaid buy in for workers with disabilities
  - 16 to 64 years of age
  - Be disabled
  - Employed in paid work
  - Monthly income less than or equal to \$2,453
  - Resources less than \$11,473
  - Will have to pay premium

# **MEDICARE PREMIUM ASSISTANCE PROGRAM**

- Receiving Medicare
- Meet specific income and resource requirements

# QUALIFIED DISABILITY EXPENSES

- Education
- Housing
- Transportation
- Employment support
- Health prevention and wellness
- Assistive technology and person support
- Miscellaneous expenses

**QUESTIONS?**