

2017



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# Disability Benefits For Wounded Warriors

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## Introduction

Military service members can receive expedited processing of disability claims from Social Security. Benefits available through Social Security are different from those through the Department of Veterans Affairs, and require a separate application.

The expedited process is used for military service members who become disabled while on active military duty on or after October 1, 2001, regardless of where the disability occurs.

## What types of benefits can I receive?

Social Security pays disability benefits through two programs. The Social Security Disability Insurance program pays benefits to you and certain members of your family if you are “insured,” meaning that you worked long enough and paid Social Security taxes. The Supplemental Security Income (SSI) program pays benefits based on financial need.

The rest of this booklet is about the Social Security Disability Insurance program. Other helpful publications also are available online at ***[www.socialsecurity.gov/woundedwarriors](http://www.socialsecurity.gov/woundedwarriors)***.

## What is Social Security's definition of disability?

By law, Social Security has a very strict definition of disability:

- You must be unable to do substantial work because of your medical condition(s); and
- Your medical condition(s) must have lasted, or be expected to last, at least one year or to result in death.

While some programs give money to people with partial disability or short-term disability, Social Security does not.

## Can I receive benefits for a past disability if my health has improved?

That depends. If we find that you meet our disability criteria, and your application was filed within a specified timeframe, we will consider whether you qualify for a closed period of disability. A closed period of disability specifically requires:

- The medical evidence to establish that you were unable to engage in substantial work for a continuous period of 12 months, but by the time the disability decision is made, your condition had improved to the point where we find you're no longer disabled.
- You to file an application within 14 months after the disability ended.

- A five-month waiting period before your first monthly benefit can be paid, if you meet the requirements for disability benefits. You can receive **up to 12 months of retroactive benefits** from the date you file an application with Social Security.

*Example:* You file an application for Social Security disability benefits in December 2013. After reviewing your claim, we find that your disability started on April 15, 2012, and that your condition improved to the point that you were no longer considered disabled as of September 2013. We refer to this as a closed period of disability.

Your five-month waiting period begins May 2012, the first full month you are disabled. The months in your waiting period are May, June, July, August and September. Thus, the first month for which you are entitled to disability benefits is October 2012.

You could receive benefits for October 2012 until September 2013, the month your disability ended. Based on the application you filed in December 2013, you would receive 10 months of retroactive benefits for December 2012 through September 2013.

## How does military pay affect eligibility for disability benefits?

Active duty status and receipt of military pay doesn't necessarily prevent payment of Social Security disability benefits. Receipt of military payments should never stop you from applying for disability benefits from Social Security. If you're receiving treatment at a military medical facility and working in a designated therapy program or on limited duty, we will evaluate your work activity to determine your eligibility for benefits.

You can't receive Social Security disability benefits if you engage in substantial work for pay or profit. We count the actual work activity and not the amount of pay you receive, or your military duty status.

## How do I apply?

You may apply for disability benefits at any time while in military status, or after discharge, whether you are still hospitalized, in a rehabilitation program, or undergoing out-patient treatment in a military or civilian medical facility. You may apply online at [www.socialsecurity.gov/woundedwarriors](http://www.socialsecurity.gov/woundedwarriors), in person at the nearest Social Security office, by mail, or by telephone.

You may call **1-800-772-1213** to schedule an appointment. If you are deaf or hard of hearing, you may call our TTY

number, **1-800-325-0778**. We also have a “disability starter kit” available online to help you complete your application.

## What information do I need?

To apply for benefits, you or your representative must provide information and documentation about your age, employment, proof of citizenship, and information regarding all impairments and related treatment. Social Security will make every reasonable effort to help you get the necessary medical evidence.

Important: You should file the application for disability benefits as soon as possible with any documents readily available.

Don't delay filing, even if you don't have all the documents mentioned below.

- Original or certified copy of your birth certificate, or proof of U.S. citizenship or legal residency if foreign born;
- Form DD 214, if discharged from military service;
- W-2 form or income tax return from last year;
- Proof of military pay or workers' compensation;
- Social Security numbers of your spouse and minor children;
- Account number for checking or savings account, if you have one;
- Name, address, and phone number of a contact person, in case you are unavailable; and

- Medical records that you have or that you can easily obtain from all military and civilian sources.

## How does Social Security make the decision?

Your claim is sent to a state disability determination services (DDS) office. The state DDS will make the disability determinations. The state has medical and vocational experts who will contact your doctors and other places where you received treatment to get your medical records. The state agency may ask you to have an examination or medical test. You won't have to pay the costs of any additional exams or tests you are asked to take. If the state does request an examination, make sure you keep the appointment.

## How long does it take?

The length of time it takes to receive a determination on your disability claim can vary, depending on several factors, but primarily on:

- The nature of your disability;
- How quickly we obtain medical evidence from your doctor or other medical source; and
- Whether it is necessary to send you for a medical examination to obtain evidence to support your claim.

## What can I do to speed up the determination?

You can speed up the determination on your application for benefits by being prepared for your interview. We can take prompt action on your claim if you:

- Let us know right away that your disability occurred while on active military duty;
- Have information available for all the doctors you have seen and the address of the military site where your records are kept;
- Notify us if your address changes while we are working on your claim; and
- Inform us about any changes in doctors, hospitals, or outpatient clinics where you are receiving treatment.

After we receive your application for Social Security disability benefits, we'll identify it as a military service member claim and expedite its processing, both at Social Security and the DDS. We also expedite disability claims filed online.

## Can my family get benefits?

Certain members of your family may qualify for benefits based on your work. They include:

- Your spouse, if he or she is age 62 or older;

- Your spouse, at any age, if he or she is caring for a child of yours who is younger than age 16 or disabled;
- Your unmarried child, including an adopted child, or, in some cases, a stepchild or grandchild. The child must be younger than age 18 or younger than age 19 if in elementary or secondary school full time; and
- Your unmarried child, age 18 or older, if he or she has a disability that started before age 22. (The child's disability also must meet the definition of disability for adults.)

**NOTE:** *In some situations, a divorced spouse may qualify for benefits based on your earnings if he or she was married to you for at least 10 years, is not currently married and is at least age 62. The money paid to a divorced spouse doesn't reduce your benefit or any benefits due to your current spouse or children.*

## When do I get Medicare coverage?

You will get Medicare coverage automatically after you have received disability benefits for 24 months.

## How does Medicare affect my TRICARE?

For active duty service members who are entitled to Medicare Part A (hospital insurance) and Part B (medical

insurance), TRICARE is the primary payer and Medicare serves as a supplement providing secondary coverage.

For military retirees, who are entitled to Medicare Part A (hospital insurance) and Part B (medical insurance), Medicare is the primary payer and TRICARE provides “wraparound” coverage. TRICARE serves as a supplement, paying the Medicare deductible and patient cost share.

If you are entitled to Medicare Part A based on disability or permanent kidney failure, contact the Department of Defense to find out how this may affect your TRICARE benefits. You may need to be enrolled in Medicare Part B to keep your TRICARE coverage. For general information about TRICARE, please visit ***[www.tricare.mil](http://www.tricare.mil)***.

Individuals who are awarded retroactive Social Security disability benefits may also become entitled to Medicare Part A before they receive the disability award notice. Effective October 2009, TRICARE beneficiaries who are awarded retroactive benefits based on disability or permanent kidney failure don't have to enroll in Part B for those months in the past and can keep their TRICARE coverage as long as they enroll in Part B currently. You should contact the Department of Defense to find out whether you need to enroll in Medicare Part B so you can keep your TRICARE.

The Patient Protection and Affordable Care Act of 2010 provides for a 12-month Medicare Part B special enrollment period for TRICARE beneficiaries who are entitled to Medicare Part A, but didn't enroll in Medicare Part B during their initial enrollment period. The Department of Defense will notify eligible people about this period.

For more information about TRICARE and recent changes in the law, please visit [\*\*www.socialsecurity.gov/legislation/tricareinfo.html\*\*](http://www.socialsecurity.gov/legislation/tricareinfo.html).

## What if I remain on active duty?

You may receive Social Security disability benefits and remain on active duty. You should contact Social Security immediately if there is a change in your:

- Military Occupational Specialty code (MOS);
- Air Force Specialty Codes (AFSC); or
- Navy Enlisted Classification (NEC).

A permanent change of station (PCS) move from one duty station to another is also an indicator that you may be going back to work and should contact Social Security.

Changes in your work status may affect your Social Security benefits. Tell us right away about changes in your work or active duty status.

If you are planning to change your PCS, MOS, AFSC or NEC, you can request a Benefits Planning Query from Social Security. This query contains information about the status of your disability benefits, work history and current work status, health insurance, scheduled medical reviews, and representative payee data.

You can use the Benefits Planning Query as a tool to help you plan your return to work. Request your query by calling **1-800-772-1213** or visiting your local field office.

## What should I know about working?

Social Security has special rules called work incentives that allow you to test your ability to return to work and still receive monthly Social Security disability benefits.

You also can get help with the education, training, and rehabilitation you need to work. Later in this publication, you will find a description of the work incentives and other programs that can help you return to the work force. For more information, please see our free pamphlets, *Working While Disabled — How We Can Help* (Publication No. 05-10095) or *The Red Book* (Publication No. 64-030), our guide to employment support programs. You can find them at

***www.socialsecurity.gov/pubs*** and ***www.socialsecurity.gov.redbook*** online; or visit ***www.socialsecurity.gov/work***.

## Do I need to report my work activity?

Yes. If you take a job, let us know about it as soon as possible. You should tell us:

- When you start or stop work; and
- If there is a change in your job duties, hours of work, or rate of pay.

Even if you are receiving full pay, you still may qualify for Social Security disability benefits.

You may visit your local field office to report your current work activity. You can find your local office by going to the Social Security Office Locator on our website, Social Security Online, at ***www.socialsecurity.gov/locator***. Enter your postal ZIP code to get the address, telephone number and directions to your local office.

Ask the Social Security representative to give you a receipt showing that you reported your work activity. The work report receipt is for your records and serves as proof that you told us about your current work situation.

## What happens next?

When we receive notification that you have returned to work, we perform a work continuing disability review (CDR).

During this review, we look to see whether you are doing substantial work. For 2017, we consider you to be doing substantial work if your monthly earnings are over \$1,170 (\$1,950 if you are blind).

That amount may change each year. When we conduct a work CDR, we ask you to complete an SSA-821-BK (*Work Activity Report — Employee*). You should complete the form and provide as much detail as possible about your job duties.

Tell us whether you are in a designated work therapy program or whether you are assigned limited duty because of your disability. You may be receiving full military pay, but not performing work duties. Without this information, we can't properly evaluate your work, and your Social Security benefits may be suspended or terminated.

## What are the work incentives?

### **Trial Work Period (TWP)**

The TWP allows you to test your ability to work for at least nine months. The months don't need to be consecutive. During your TWP, you will receive your full Social Security benefits, regardless of how much you earn, as long as you report your work activity, and you continue to have a disabling impairment.

In 2017, a trial work month is any month in which your gross earnings are more than \$840, or, if you are self-employed, you earn more than \$840 (after your

work expenses) or spend more than 80 hours in your own business. Your work expenses may include the costs of any items or services you need to work, even if they are also useful in your daily living. Examples include copayments for prescriptions, counseling services, transportation to and from work (under certain conditions), a personal attendant or job coach, a wheelchair, or any specialized work equipment. The TWP continues until you have worked nine trial work months within a 60-month period.

### **Extended Period of Eligibility (EPE)**

After the TWP ends, you have 36 months during which you can work and still receive benefits for any month that your earnings are not “substantial.”

During the EPE, your benefits are suspended for any month that you have substantial earnings. However, you’ll receive a benefit for any month your earnings fall below the substantial level. You don’t need a new application or disability determination to receive a Social Security disability benefit during the EPE.

More information on work incentives is available at [\*\*\*www.socialsecurity.gov/redbook\*\*\*](http://www.socialsecurity.gov/redbook).

## **Ticket to Work Program**

Social Security's Ticket to Work program offers support to help you return to work. Under the Ticket program, you can receive vocational rehabilitation, training, job referrals, and other employment support services free of charge. These services are provided by Employment Networks, which are private organizations or government agencies (state or local) that have contracts with Social Security to provide employment services and other support to beneficiaries with disabilities.

When you are ready to explore your work options, you can talk directly with us about work, benefits, or our work incentive programs. Just call our national call center at **1-866-968-7842**, Monday through Friday between 8 a.m. and 8 p.m. EST. If you are deaf or hard of hearing, you may call our TTY number, **1-866-833-2967**. Or you can call our toll-free number and ask for *Your Ticket To Work* (Publication No. 05-10061).

You also can visit the Ticket to Work website at ***www.choosework.net*** for more information.

## Contacting Social Security

There are several ways to contact Social Security, including online, by phone, and in person. We're here to answer your questions and to serve you. For more than 80 years, Social Security has helped secure today and tomorrow by providing benefits and financial protection for millions of people throughout their life's journey.

### Visit our website

The most convenient way to conduct Social Security business from anywhere at any time, is to visit ***[www.socialsecurity.gov](http://www.socialsecurity.gov)***. There, you can:

- Create a *my* Social Security account to review your *Social Security Statement*, verify your earnings, print a benefit verification letter, change your direct deposit information, request a replacement Medicare card, get a replacement 1099/1042S, and more;
- Apply for Extra Help with Medicare prescription drug plan costs;
- Apply for retirement, disability, and Medicare benefits;
- Find copies of our publications;
- Get answers to frequently asked questions; and
- So much more!

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## Call us

If you don't have access to the internet, we offer many automated services by telephone, 24 hours a day, 7 days a week. Call us toll-free at **1-800-772-1213** or at our TTY number, **1-800-325-0778**, if you're deaf or hard of hearing.

If you need to speak to a person, we can answer your calls from 7 a.m. to 7 p.m., Monday through Friday. We ask for your patience during busy periods since you may experience higher than usual rate of busy signals and longer hold times to speak to us. We look forward to serving you.

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## **Notes**

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## **Notes**



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