

## Q&A: Topics in SSI – Practical Tips on Recent SSI and Social Security Changes Webinar

### Introduction

This Q&A covers common questions raised during a recent webinar on recent changes in SSI and Social Security. Topics include the 60-day appeal period, the SSI protective filing tool, SSI exclusion of pandemic-related financial assistance, and ABLE accounts, among other things. There is also information on how to reach your local Regional Communications Director and other points of contact at SSA.

### SSI 60-Day Appeal Period for Benefit Continuation

**Does this cover both disability and non-disability issues?**

The 60-day appeal period for benefit continuation only covers SSI non-disability issues (such as resource issues) and does not cover SSI disability issues such as a medical cessation decision.

**Does this apply to individuals who get only SSDI or SSI/SSDI combo?**

The 60-day appeal period for benefit continuation does not apply to individuals who get only SSDI. It does apply to individuals who get both SSI and SSDI but only if the specific issue they are appealing is an SSI non-disability issue.

**Do you have to specifically ask for benefit continuation?**

As long as you appeal within 60 days, benefit continuation is automatic and does not have to be specifically requested.

**What should advocates do if SSA claims that someone terminated for being over the SSI asset limit is not entitled to continuing benefits pending appeal until they can prove they are back within the asset limits?**

Elevate this issue within the local Social Security office, and to your Congressional representative or the Regional Communications Director (see below) if the local SSA office is unhelpful. SSI benefits stopping due to exceeding the resource limit is an SSI non-disability appeal with the right to continue benefits pending appeal.

### SSI Protective Filing Tool

I enter all of the requested information (DOB, SSN, address, our information, etc.) in the SSI Protective Filing Tool and then at the very end get an error message that this option is not available at this time. Why does this happen?

This error message occurs because the security filters on the online tool will block a submission due to one of several reasons:

- It detects activity that looks like a bot repeatedly making submissions in an effort to match a name with an SSN for identity theft.
- The name, DOB and SSN do not match what SSA already has in their records for the person you are submitting the request for.
- The person already has an application for benefits pending with SSA. This is a common reason.
- The person is on the SSA Death Master File, meaning SSA received information that the person is deceased.

### **Do you need to have a mySSA online account to use the SSI protective filing tool?**

No, you do not need to have a mySSA online account to use the SSI protective filing tool. The protective filing tool is entirely separate from the mySSA online account system.

### **Are appointments requested using the SSI protective filing tool going to be in person or via phone call or zoom?**

The appointment being requested will be via phone call. If SSA does not call you at the scheduled time, you should contact SSA to follow up.

## **SSI Exclusion of Pandemic-Related Financial Assistance**

### **How is Social Security determining what money in someone's checking account is the result of the stimulus payments when all that money goes into a lump sum in their account?**

For funds that were kept in a bank account, to show that the money left in the account is from the stimulus payments or other excluded pandemic-related financial assistance, the individual can provide bank statements to SSA, or they can give SSA permission to access those statements (SSA has a way to obtain the statements electronically). SSA will then review the bank statements to determine if the excluded funds remained in the person's account from the time they came into the account until the present moment.

For funds in a bank account that are commingled with non-excluded funds, SSA will assume that the excluded funds are the last out of the account. Therefore, if the account also contains non-excluded funds or funds that have a time-limited exclusions, those non-excluded or time-limited exclusion funds will be assumed to be withdrawn first, before these permanently excluded pandemic-related funds. If the bank account balance never goes below the amount of the excluded funds, the money should remain exempt. This rule explains how SSA will evaluate commingled funds: [SI 01130.700 Identifying Excluded Funds That Have Been Commingled With Nonexcluded Funds](#).

Non-excluded funds include the monthly SSI payment, which is deposited on the 1st of each month. Note that the monthly SSI payment is excluded for the purpose of the resource determination. This means that when making the resource determination for a given month, SSA should exclude the monthly SSI payment. [SI 01140.200 Checking and Savings Accounts \(section D6\)](#).

Use these rules if you are being told that stimulus payments or other excluded pandemic-related financial assistance are not excluded: [EM 20014 REV 9](#) and [EM 21050 REV 5](#).

## ABLE Accounts

### What is the annual contribution limit for ABLE accounts?

The contribution limit is \$17,000 for 2023, and will increase to \$18,000 for 2024. The contribution limit is tied to the IRS gift tax exemption, and increases each year to match the IRS gift tax exemption amount.

### Who is considered “disabled” for ABLE purposes?

ABLE accounts are available to individuals who are blind or have a disability that began before age 26 (starting in 2026, before age 46), and who meet the severity of disability requirement in one of two ways: 1) receiving SSI or SSDI or 2) possessing a disability certification signed by a licensed physician stating that the individual’s disability meets the “marked and severe” functional limitations standard stated in the ABLE statute and that the individual’s disability occurred prior to their 26th birthday (starting in 2026, their 46th birthday).

## ADDITIONAL RESOURCES

[SSI Spotlight on ABLE Accounts](#), [ABLE Decision Guide Series](#) from the ABLE National Resource Center

## Regional Communications Directors and Other Points of Contact

### How do we locate the Regional Communications Director in our area?

[This webpage](#) lists the regional communications directors for each of the 10 regions. Next to each region name is a list of the states in that region. Some regions provide a list of public affairs staff, such as [New York](#) and [San Francisco](#). In addition to doing things like community presentations, regional public affairs staff also have an ombudsman-like role and can be particularly helpful where elevating an issue at the local office has been unsuccessful.

### Is there Spanish language support available through this office? Do they have a specific representative that we can contact to file a complaint about the Payment Center?

Yes, the regional offices should be able to provide language support using staff who speak the non-English language or using an interpreter service. They also should have contacts in other agency offices, such as the Payment Centers. Note that your local Social Security office should also have contacts in other agency offices, and can also be used to elevate these types of issues. Many times, issues can be addressed at the local office. For issues that cannot be addressed there, the Regional Communications Directors and your local Congressional representative are other potential sources of assistance.

## Other Topics

### Regarding mobile check-in express, is that a QR code we get online? or from inside the office?

You would scan the QR code when you are inside the office. Mobile check-in express allows individuals to check in when they go to their local SSA office by scanning a QR code in the local SSA office. From SSA’s blog: [Save Your Place in Line with Mobile Check-in Express](#).

### Does the 3288 form work to get information at the DDS level too?

The 3288 form allows an individual to authorize SSA to disclose information in their file to a third party, such as an advocate who is helping them with a question about their benefits. And yes, the 3288 form can

be used to obtain information from the state disability determination service (DDS). This rule provides general guidance on using the 3288 form: [GN 03305.003 Consent Documents](#). This guidance may be helpful if you experience problems using the 3288 form, or if you are discouraged from using the 3288 form and instead are asked to use the 1696 appointment of representative form.

**Will wait times for overpayment hearing be longer with the special review cadre?**

The special review cadre is a specialized Administrative Law Judge (ALJ) unit that handles non-disability appeals that are at the ALJ appeal level. Ideally, the wait time for hearings will be shorter with the addition of this unit.

For SSI non-disability appeals where an Administrative Law Judge (ALJ) hearing is requested, SSA must make a decision within 90 days after the individual requests the hearing ([42 U.S.C. 1383\(c\)\(B\)\(ii\)\(2\)](#)). If a non-disability SSI appeal at the ALJ level is delayed more than 90 days, you may want to follow up with the hearing office; Justice in Aging would also be interested in hearing about any such delays. There is no similar timeliness standard for non-disability ALJ hearings for Social Security disability (SSDI), retirement or survivors' benefits appeals.

If you have further questions, please [reach out to Tracey Gronniger](#) and/or [Trinh Phan](#).