

SOCIAL SECURITY

Social security is a federal retirement program. It provides payments to retired workers between the ages of 65-67. Reduced benefits are available beginning at age 62. However, if you start benefits early, your benefits are reduced a fraction of a percent for each month before your full retirement age.

- Social Security benefits are increased by a certain percentage (depending on date of birth) if you delay your retirement beyond full retirement age.
- Family members of retired or deceased workers are also eligible to collect survivors, widows, or widowers benefits. Again, certain qualifications must be met in order to qualify.
- You should apply for Social Security benefits three months prior to the date benefits are to start, but not later than the month before reaching retirement age.
- Social security also provides disability and survivor benefits to qualifying recipients, and is responsible for the Medicare A program. If you are not yet at full retirement age, but have significant medical problems, you may qualify for disability benefits.
- To qualify for disability benefits, you must first meet an earnings test and then a disability test.
- Some people may be sent to a vocational rehabilitation program to obtain therapy, training, and assistance finding a job.
- For those who meet the disability requirements, benefits will start six months after the Social Security Administration determines when the disability began. Dependents of a disabled worker are also eligible to collect benefits.
- The amount of Social Security benefits you will receive depends on your earnings record and the length of time you worked at employment covered under the program.

The Social Security program is very complex. Contact your local Social Security office for any questions you may have at 1-800-772-1213 or visit www.socialsecurity.gov.

SOUTH DAKOTA OFFICE OF ATTORNEY GENERAL

**CONSUMER
PROTECTION**

1302 E Hwy 14 Ste 3 • Pierre SD 57501   consumerhelp@state.sd.us

1-800-300-1986

This handout is for informational purposes and should not be construed as legal advice or as a policy of the South Dakota Attorney General. If you need advice on a particular issue, you should consult a private attorney or other experts.

WWW.CONSUMER.SD.GOV • 605-773-4400 • 1-800-300-1986

SUPPLEMENTAL SECURITY INCOME

The Supplemental Security Income is a federal income supplement program designed to provide a minimum monthly income to people age 65 and over, or blind and disabled people, with limited income and resources. Monthly benefits are based on need. You may be eligible even if you have never worked or paid into the social security system. SSI limitations change on an annual basis. You need to contact your Social Security representative to determine if you qualify under the income and asset limits.

When counting assets, the home you live in, household items worth \$2,000.00 per individual or \$3,000.00 per couple are usually excluded.

To apply for SSI benefits, go to your local Social Security Administration office. A Social Security representative will help you complete the necessary applications. Be sure to bring proof of age and any medical reports you might have. Before applying for SSI, you must apply for any other benefits you are eligible for. This includes Social Security, pensions, and workman's compensation.

If the Social Security Administration declares you are not eligible for SSI or reduces your SSI check, you can appeal their decision. You need to appeal within ten (10) days to keep your benefits at the existing rate.

APPEALS

You can appeal most determinations and decisions about whether you can get Supplemental Security Income (SSI) or if the Social Security Administration makes changes to your benefit amount. That means you can ask the Social Security Administration to look at your case again. There are levels to your appeal process.

First an initial determination is made, you will receive a notice. If you want to appeal the initial determination in that notice, you must request an appeal in writing within sixty (60) days of the date you receive your notice. The notice will tell you how to appeal. If you file an appeal within ten (10) days, your SSI benefits may continue at the same amount until a determination on your appeal is made.

If you disagree with the initial determination, you may request reconsideration in writing. The reconsideration request must be received within sixty (60) days from receipt of the initial written determination notice. Social Security Administration considers that you receive a notice five (5) days after the date on the notice. If you ask for reconsideration in writing within ten (10) days, any payment currently being made will continue until determination, if you continue to meet all other SSI eligibility requirements.

If you disagree with the reconsideration determination, you or your representative may request a hearing before an Administrative Law Judge (ALJ) in writing. You or your representative must request a hearing within sixty (60) days after you get the notice of reconsideration determination (or, in certain States, the initial determination). After that you may appeal to the Appeals Council. Your last option is to file suit in your local Federal District Court.

All appeals must be made in writing. It is advisable to obtain assistance from an attorney when you decide to appeal. You can, however, be represented by anyone you choose.

REPRESENTATIVE PAYEESHIP

In the event you are no longer able to manage your government benefits, a representative payee may be appointed to manage them.

The person asking to be named as the representative payee must file an application with the Social Security Administration. That person must also supply evidence that he or she is related to or cares for the beneficiary of the payments.

The beneficiary does not have to be ruled legally incompetent to obtain a representative payee. The agency paying the benefits does need to find the beneficiary unable to manage their benefits.

The appointed representative payee usually has a continuous relationship with the beneficiary and has shown strong concern for the personal well-being of that person. If no such person exists, a qualified public or private agency may be appointed the position.

The representative payee must use the payment for the needs of the beneficiary. A written report of how the funds are being used must be submitted by the representative to the Social Security Administration.

Beneficiaries can terminate their relationship with the representative at any time. This is done by the beneficiary proving he/she is able to manage their benefits. If the representative is not acting in the best interest of the beneficiary the representative can be removed.

For more information, contact your local Social Security Administration.