

Date: April 13, 2016

Event: United Spinal Webinar

*****DISCLAIMER*****

THE FOLLOWING IS AN UNEDITED ROUGH DRAFT TRANSLATION FROM THE CART CAPTIONER'S OUTPUT FILE. THIS TRANSCRIPT IS NOT VERBATIM AND HAS NOT BEEN PROOFREAD. TO DO SO IS AN EXTRA FEE. THIS FILE MAY CONTAIN ERRORS. PLEASE CHECK WITH THE SPEAKER(S) FOR ANY CLARIFICATION.

THIS TRANSCRIPT MAY NOT BE COPIED OR DISSEMINATED TO ANYONE ELSE UNLESS YOU OBTAIN WRITTEN PERMISSION FROM THE OFFICE OR SERVICE DEPARTMENT THAT IS PROVIDING CART CAPTIONING TO YOU; FINALLY, THIS TRANSCRIPT MAY NOT BE USED IN A COURT OF LAW.

*****DISCLAIMER*****

>>CART PROVIDER: On standby.

>> Thank you for join joining us today for United Spinal Association Webinar, Your Pathway to Employment. Benefits and incentives for working with a spinal cord injury. Today distinguished speakers are Mrs. Barbara Kornblau and Marilyn Morrison. Closed captioning is provided, instructions appear in the chat window of your control panel if needed. In addition, there will be a copy of this presentation in the handouts section of your control panel. This is Bill, director of spinal cord injury resource center and I will be your moderator for today's presentation, one of a continuing series of United Spinal Association Webinar archived at spinalcord.org. We will have time at the end of today's presentations for your questions. Please use a questions chat window on your control panel to pose your question, and we will do our best to get to them today. For any questions remaining unanswered please e-mail them directly to the presenters. E-mail addresses for them will be displayed on the last slide. Barbara Kornblau, JD, OTRL is a consultant to United Spinal Association pathways to employment program. An attorney and professor of occupational therapy at Florida A and M University. She has written books, book chapters and journal articles on the Americans with Disabilities Act, the Rehabilitation Act and return to work issues specifically. Marilyn Morrison, MA is the project coordinator for vaaccess, work and planning services, Mrs. Morrison is considered an expert and well-versed in all aspects of SSI and SSDI benefits, issue eligibility and all the intricate rules of Medicaid, Medicare, housing and other entitlements. She currently holds, check that, she currently provider with benefit counselling for clients residing in Virginia, Maryland and Washington DC area. She has successfully assisted thousands of clients to return to work and manage their environments. In addition she has approximately 1 million dollars total in SSA overpayments returned on behalf of her clients who have returned to work.

And now, I'd like to hand it off to Barbara Kornblau and co-presenter Marilyn Morrison. Barbara?

>>Barbara: Thank you, Bill.

And welcome everybody. We put this Webinar together as part of our pathway to employment Webinar series and this Webinar series is addressing issues with returning to work or entering the workforce for the first time for people with spinal cord injuries and this is the second in the series and we have been looking at very laws, benefits and programs that promote employment and we're very concerned about how to overcome barriers that people with spinal cord injuries may face on their pathways to employment, involved with job lead and sources, job interviews and job options.

And after our last Webinar people seem to be asking a lot of questions about how can I go back to work and not lose my benefits. So we plan this Webinar with Marilyn Morrison, an expert in this area. So we wanted to start with a polling question. We wanted to ask you, have you ever thought about returning to work? So if you could select the answer yes or no on the screen and let's see what we get.

>> Bill: Typically we like to give a couple minutes to people --

>>Barbara: Okay, I think I lost the answers because I put this back on, I apologize for that. So can you see the answers Marilyn?

>>Marilyn: 100% said yes.

>>Barbara: Okay, great, we're glad you are here today.

And then the next polling question is whether um, oops, are you concerned that you will lose your benefits if you return to work? And we will take a minute to let everybody answer that. Okay 86% said yes, 14% said no. So that's the purpose of our Webinar today is to look at how can you return to work and not lose your benefits, with our expert Marilyn Morrison. So Marilyn, the first thing, if you could explain a little bit about, you know, most of our members who are not working are receiving either Social Security, SSI or SSDI and can you explain the difference in the two?

>>Marilyn: Sure. Sure Barbara, thank you for having me today. SSI, and you'll see, I've given you a little bit of a chart here. SSI is really that needs based program. It is really those individuals that have no work history, it is means tested, you can have no more than \$2000 in resources and that means savings, 401k, IRA, things like that. All other income is considered, any earned wages, any unearned income, annuities, any other money that's coming in. SSDI is the money that basically is taken out of the paycheck for FICA, those are the work history credits that you get. I always tell folks it is really that retirement you are going to get but you will get it under the disability column versus retirement column. There are no resource limits, you can have a million dollars in the bank and it is not going to make any difference. They don't really care what other income you have coming in, unless of course it is work income. SSI is directly associated with Medicaid, which is a state administered program. SSDI is directly associated with Medicare, which is federal.

>>Barbara: Great. So if you are getting wages, how does that affect your SSI payments?

>>Marilyn: SSI is interesting because you can earn a lot of money under SSI and what's going to happen is for every \$2 that you earn you lose \$1 of your SSI. Right now the federal benefit amount for SSI is \$733 a month. That's the amount that if you are getting your full amount benefit from SSI that you would be eligible for is \$733. So for every \$2 that you earn in earned income, in wages, you lose \$1 of your SSI. You are always going to have more by working, there is no limit really to what you can earn.

You can even get to the point where you are at a break even and you are not technically eligible for SSI, you are not eligible for that cash benefit, but you are still on the roll for being eligible, if there is some sort of health impact, not able to earn income, you let Social Security know and you start getting that SSI check back.

>>Barbara: That's great, that's very nice, like an insurance policy to know that you are back in there.

>>Marilyn: A lot of people often, Barbara, often a lot of people are really nervous sometimes when they go back to work because they are afraid that they are going to get to the point where they are not going to be eligible for the check and if for whatever reason they think they are not eligible for SSI then they are going to be terminated, which is not the case at all. You stay on, you are just not eligible for the cash benefit that month.

>>Barbara: That's great. Here you gave us an example that people can look at, we will be having the handout, this will all be posted for you with an additional handout. Now what about benefits for students, some other work incentives that are available for SSI recipients.

>>Marilyn: Well Social Security has, has an interesting program it's called the work incentive program. I always say it is leveling the playing field. So in addition to working and earning income, Social Security offers exclusion. So for instance if you are a student and you are in school prior to the age of 22, Social Security will let you exclude a large amount of your income up to actually 1780 dollars, they just don't count it, SSA does not count up to, on the slide it says up to, but it is actually 1780 dollars or over 7 thousand dollars for the year. They don't apply that two to one off set.

>>Barbara: So that would be nice if you are in college, you could have a really good paying summer job too.

>>Marilyn: That's exactly it, you can have an Internship for three months that pays really well. You know, you can work during the year when you are in school my son, for instance, is in grand school and he has a sigh penned, you can work, you can stipend, thing you have to remember with SSI no matter what you can never have more than 2000 thousand in resources. On one hand you have a great program that allows you to earn over a certain amount without the offset but you still have to remember you can't really save that income.

>>Barbara: So you have to spend it -- [LAUGHTER]

>>Marilyn: You have to spend it, you are a student you can prepay for all kinds of things, prepay your rent, get your books in advantage, you can do a lot with that money in advance.

>>Barbara: What about if you work and you have expenses that are related to your disability.

>>Marilyn: Those are called impairment related work expenses.

>>Barbara: And how does that work under SSI?

>>Marilyn: Under SSI what they look like, this is for SSI and SSDI, this is the work incentive that is most, most used. It is the one work incentive most people use, this is any cost for incision directly related to the disability that enables the individual to work. So there is no real list according to Social Security. I have given you some examples here, attendant care services, anything that you pay out-of-pocket, this is not anything that's funded by Medicaid or Medicare, but these are the co-pays for medications. It's

the co-pays for doctor visits, attendant care services, maybe you have an adaptive vehicle and it is the repair to the adaptation or the cost of the adaptation. It might be anything that you are installing in your home, anything that you can say well if it weren't for this I would not be working and earning income. So something deducts that --

>>Barbara: Now I had, one of our members asked me about, she has to park, pay for parking in a covered garage that's attached to her building so she doesn't get wet in her wheelchair because she has an electric wheelchair. Would that be an example of something, like the extra cost of that parking?

>>Marilyn: Um, you know, it could be argued. That's one of those gray areas, it is a really good question and it certainly is something that I would take to Social Security and it is certainly one of those pieces that I would have that discussion in saying well if it weren't for the fact that I can't get this wheelchair wet, I have to pay this extra amount for my covered parking, this should be an impairment related work expense. What they might do, what Social Security might do is maybe take the difference between what parking in an open lot would be versus the covered parking lot.

>>Barbara: So you have to be creative in looking at everything --

>>Marilyn: You really do. Yes. You have to show, you do have to share receipts, when reporting income, always reporting income, SSI is month to month so you do have to report your monthly, as you are reporting monthly income you are also reporting, turning in these receipts for out-of-pocket expenses.

>>Barbara: The other question I have been asked, as you said this is really significant for returning to work, especially for people with spinal cord injuries and technical care services, concept as an issue. So I've heard different things, so the question is, with attendant care services, is it only reimbursable or only count here if it is for services related to getting you ready for work? So in other words the Social Security won't pay for your attendant on weekends when you are not working.

>>Marilyn: Um, you know, that's one of those pieces where there is gray areas.

>>Barbara: Up for debate.

>>Marilyn: Yeah unfortunately I have, it's gone both ways for me. I've shown impairment related work expenses where Social Security has said absolutely not, it is only for those five-days during the week and then I've, then they have also come back for other clients and said no it is across the board. My argument, across the board, all the time, is always if it were not for attendant care services seven-days a week, the individual would not be working, period.

>>Barbara: If you are laying in bed two days a week probably not going to be able to get up and work for five-days.

>>Marilyn: Righted, exactly. A the lot of these are subjective, it is really in how you are speaking with Social Security and how you are presenting the case. But as I said, my argument is always, it doesn't make any difference if the attendant is assisting with anything in the home or anything in the office then it really should be looked at as impairment related work expense.

>>Barbara: Okay, now you give us a nice example here about how this works.

>>Marilyn: Yes, so you want me to explain this to you?

>>Barbara: Yeah maybe you can explain it since it is so important --

>>Marilyn: So basically, say Johnny is working and earning 1200 in wages, social security is looking at gross a month. He could earn 1200 dollars, his SSI cash benefit would be reduced to 175 dollars. So he would get the 1200 dollars in wages plus this 175, but he also has 200 dollars in medical co-pays, got out-of-pocket expenses. So he is also going to be reporting, along with the 1200 dollars in wages, his 200 dollars in out-of-pocket expenses. Because of the 200 dollars in out-of-pocket expenses --

>>Barbara: Instead of, so sorry that's my son calling me on the other line. So instead of receiving 175 dollars in expense, and his SSI cash benefit, his cash benefit would go up by 100 dollars and he would receive 275 dollars.

>>Barbara: Great, what about the PASS program?

>>Marilyn: The PASS plan is terrific, it is really for the right person, can do so much for the individual. What the PASS does is allow the individual to put money aside into a specialized account in order to achieve an occupational objective. It allows you to take your work income and put it into a separate savings account where you can have over 2000 dollars, you can have as much as you need to achieve the occupational objective. And at the same time Social Security does not do two to one off set, all of the calculations we have spoken about previously, Social Security just throws that out the window using that same example, John can earn 1200 dollars, putting it into the pass plan because he wants to become say a teacher.

And he would still get his full 730 dollars from SSI.

>>Barbara: Okay and I assume that Social Security has to approve this up front.

>>Marilyn: It is a 15 page document, you must show, an entire time line that you have to show, you also have to show all of your expenses that you will be outlying for your, for the occupational objective. It has to be a clear objective, it has to be attainable. I have done a am in of PASS plans, I did a PASS plan for a young lady who was living across the street from the junior college, she really wanted to get an automobile. She needed to get to other satellite locations, but because of where she was living it was unfortunate she was living in another county and when you are living, I'm in northern Virginia, when you are living in a different county, she was living in Lawton county, needed to get to [Name?] county in order to get to satellite location she would have to take a bus to the county line, walk across the county line, walk across the county line, catch another bus that would get her across the county for her school.

And it just was not reasonable. But at the same time she was living directly across the street from the satellite location for her county. The PASS came back and said well you really don't need this car, we're going to take it out of the PASS plan. We went back and we showed that based on her disability she was in a group home setting, she really needed to be living independently, needed to be in transitional housing, but wasn't able to move to transitional housing because of the transportation issue. So within the PASS plan we were able to show that yes she needed a car and this was the reason why and she eventually did move to transitional housing and now she is an accountant and she is --

>>Barbara: That's great.

>>Marilyn: Great thing about the PASS plan is there is a give and take. A lot of us have had those experiences with Social Security where you are sitting across the desk from someone and it is a yes or no

answer. In this case you are working with someone called the PASS Cadre, it is more of a negotiation, they are asking questions, they want more information. It is really a great program because of that, because you have this person that is really trying to work with you and get as much information from you as you can. It is not just a yes or no answer.

>>Barbara: Now if I was to look into the PASS plan for myself, I wouldn't be negotiating this myself, I could go to someone like you, which I know we are going to give people resources on how to find experts like, would you help me with that?

>>Marilyn: Absolutely, I love writing PASS plans, it is one of my favorite things to do.

>>Barbara: Great nice to know there is help for these things, good programs and help to get them. So what happens to Medicaid if you go back to work?

>>Marilyn: Medicaid is interesting, Medicaid actually will stay with you. As I said in the beginning, Medicaid is a state supported program, however, under Social Security there is something called 16/19B and basically what that means is that as long as you are eligible for your SSI, even if your check gets to that 0 amount because of wages, your Medicaid will stay with you. You don't go to the local Department of Social Services or your state Medicaid office for this particular program. This is a federal program that goes through Social Security. You can earn anywhere from 31 thousand to over 37 thousand depending on the state. I'm in Virginia, threshold amount is 35, 118 so it does allow you to earn at a high level, you remain on SSI and you got 16/19B at the same time.

>>Barbara: Now if you go above that amount, now if you make more than, depending on the state, 37 thousand or 35 in Virginia, can you buy Medicaid, can you buy into Medicaid.

>> Every state has a buy-in program, every state has different Medicaid buy-in rules, every state has different Medicaid threshold amounts. So I would absolutely encourage anyone as income increases, to check and see what those Medicaid buy-in threshold amounts are, because every state is different and that is a state determined program.

>>Barbara: Now with these, with both the continuation of Medicaid and the buy-in plan, can you still take off, deduct those work-related impairment benefits that you --

>>Marilyn: Absolutely, yeah, so you can --

>>Barbara: You can make more money and deduct the cost of an attendant or you probably want Medicaid for the attendant but can deduct cost of things you mentioned before.

>> Anything out-of-pocket, right, transportation. You know, if you are using paratransit, absolutely. Medicaid is using the same rules that SSI is using for those work incentives, absolutely they are using those impairment related work expenses.

>>Barbara: Great that's really exciting, makes it easier, if you are worried about losing attendant care. Okay what about, let's move on to SSDI. You were talking, you mentioned that a little bit, again maybe you can review that since many of our members are getting SSDI as well.

>>Marilyn: SSDI is paid to individuals with a work history, been enough work history in, FICA we pay into our work checks, after so many credits you are eligible for SSDI, SSI is tax money comes out of general fund, SSDI is lock-box we heard about years ago. It is federally protected the number varies, the amount

that you can receive varies, all based on your work history. With that automatically, not eligible for Medicare but it does come with Medicare.

>>Barbara: I understand a two year waiting period --

>>Marilyn: A 24 month waiting period for Medicare eligibility, yes

>>Barbara: I hear about this substantial activity, can you explain what that is and why it is important.

>>Marilyn: Within disability program, SSI or SSDI um as you are applying for adult disability it is not only the disability that Social Security is looking at and considering, but they're also looking at a person's ability to earn what's called Substantial Gainful Activity.

And you are going to hear it any different way. You might hear it as SGA, you might hear it as gainful activity or substantial activity. Some people might even say work. But what they're looking at is the person's ability to earn 1130 dollars a month gross without support. What's it going to take for a person to earn 1130 dollars, there is a higher SGA for blind. So there is a blind SGA and a non-blind SGA for our purposes we are talking about non-blind SGA.

>>Barbara: Great, now we talked about SSI work incentives, can you explain some SSDI work incentives?

>>Marilyn: Absolutely SSDI work incentives are a little bit different. SSI you can earn a lot of money and SSI is going to ratchet down just a little bit. It is month to month, it can go up, it can go down, you work one month you might, SSI might go down a little, next month you don't work, SSI goes up all the way to 733. SSDI is an all or nothing benefit either eligible for all of it or you are eligible for none of it. The first thing that you come up against when you are talking about SSDI and you go back to work is something called the trial work period. Do I have a slide for that, Barbara, I do. Okay. So the first thing that you come up against is called trial work period, you go back to work and you are earning income. During the trial work program any month you earn 810 dollars gross a month or above, Social Security says that you are working and you are using one of these trial work period months. You essentially can earn a million dollars a month and they are not going to care, this is a time period for you to try working. Some people go back to work and they go full throttle and think they can work 40 hours and maybe they have to ratchet it back a little bit. Maybe they start at 20 hours and decide I can work full-time, ratchet it up. The nine month period of time really is for that to let you try working. It is a nine month non-consecutive period of time.

And it is accumulated over a 60 month period of time. So you can have one month where you earn over 810 dollars gross a month next month you don't, of those two months you only used one trial work period month and you get nine of these.

>>Barbara: Well I know that my cousin, I have a cousin who accidently used two of them and had to pay them back. So I think that's something you need to really watch and keep track of it.

>>Marilyn: Well you don't generally have to pay them back when you use trial work period, you don't pay trial work period back, if you start to work and say you work three months into the job and then you realize it is just not working out, based on the disability, you can go back and argue that you want the trial work period back based on something called unsuccessful work attempt. But when you are working in trial work period, when working in trial work period there is no pay back. Nothing happens to your benefit, you are just using these trial work period time frames.

>>Barbara: Okay. Now what about the extended period of eligibility?

>>Marilyn: Okay so after you've used your trial work period, so you go back to work and you work for nine months and earn over 810 dollars gross a month used all nine of trial work period months, you immediately go into the extended period of eligibility and this is a 36 month consecutive period of time for any month that you earn over that Substantial Gainful Activity amount of 1130 dollars gross a month you are technically not eligible for your SSDI cash benefit for that month.

>>Barbara: Now let me just clarify a for a second. That number, the 1130, is that after I deduct my impairment really work expenses, attendant care and all of those other things.

>>Marilyn: Right Social Security always is going to look at that --

>>Barbara: So really more than that if I have these other expenses.

>>Marilyn: Sure if you are using 200 a month in transportation because you are using paratransit and you are earning 1300 dollars a month then Social Security will automatically take that 200 dollars, almost like a tax deduction. Instead of saying you earned 1300 they say you earned 1100 under Substantial Gainful Activity, you maintain your check for that month.

>>Barbara: Great I think that's important for our members, that's a really big concern is what comes out-of-pocket in keeping the benefits. Thank you for explaining that. So then this is basically like another insurance for you when you are going back to work.

>>Marilyn: Yes the EPE, now the thing about extended period of eligibility though, you are in it whether you are working or not. Even if you've used your nine months, let's say you used your nine months and then you go back to work for say three months and because of a medical set back you need to be theorem working, your extended period of eligibility keeps ticking like a clock. So you have to really be careful when you are going back to work. This is the point where I always tell folks to contact either one of my programs, work incentive planning and assistance, talk to a work incentive counsellor, gets benefit query from Social Security so that you can see if you used your trial work period and where you are in this continuum, it changes and the other thing about the EPE and this is Social Security in general, Social Security does not work in real-time. Though even though you might have a month in your EPE that you earn over 1130 dollars, it may not be, it may not be caught for a year. They may not know that, yeah they may not realize that you need to, you have to do something called the work activity report. You may not get the work activity report um notification for a year. So it is really important that you are proactive with Social Security and that you report your earnings monthly --

>>Barbara: Even though they don't ask.

>>Marilyn: Doesn't matter.

>>Barbara: That's what I'm saying, you need to report it even if they don't ask.

>>Marilyn: Doesn't matter, doesn't matter, thing about Social Security, they are workers just like everybody else, it's they have a lot of cases and by the time they ask you for your pay stubs it could be too late. They are also getting information from the IRS, but you are not giving the IRS information until it is tax time, that information could be a year. Now there are some companies that are automatically sending in information to Social Security, a lot of community rehab programs, a the London Hydro of

employment networks in the area, if you are working within those programs. If you are not your income may not be reported. So you do have to report monthly to Social Security. Especially, if you are going back to SSI slide because it is a month to month benefit. You have to be were rotating monthly, what I ASL education tell folks is if you can fax it in, terrific because you get the fax confirmation back.

>>Barbara: That's smart.

>>Marilyn: So you know if Social Security comes back and says we never got your pay stubs you can say yes you did, here is the confirmation.

>>Barbara: Here is my receipt --

>>Marilyn: Here is my receipt, right, exactly. They have automated reporting systems right now, they also have an app, but it doesn't allow for those impairment related work expenses. So those you do have to report manually. That's why I always encourage folks, fax it in. If you can afford return request great then you still have to go to the post office and deal with that, that's the paychecks there, so much easier, you got that confirmation. That's on both sides. On SSI side yes, definitely, on SSDI side if you are earning over that trial work period amount you do have to report monthly. It just keeps them current --

>>Barbara: Sounds like that's priceless advice, literally. Now how does the impairment related work expenses work on this side, the SSDI side?

>>Marilyn: One for one, what happens is the example I gave, for instance, so say you are earning, attendant care is very expensive, so is transportation, so earning \$1600 a month but might be paying 800 a month in attendant care and that's low, I know that. Say you are earning 1600 a month but paying 800 a month in attendant care, Social Security will say, we know you are earning 1600 but we are going to bring down that earning to 800 and countable earned income is 800 so it brings it below Substantial Gainful Activity amount.

>>Marilyn: That's great, is the difference between impairment related work expenses for SSDI and SSI, there is a difference in how it is counted?

>>Marilyn: Well remember SSI has two to one off set, every two dollars you earn you lose one dollar. It is basically counted the same, on the SSI side it is going to help you keep a little bit more of your S. I. On the SSDI it could be the difference between eligible for all of your cash benefit and none of your cash benefit.

>>Barbara: Interesting, okay. Now there is also a subsidy issue in certain positions you may have.

>>Marilyn: Subsidies, yes it is called subsidy and special conditions and this is one of those work incentives that is not used enough and it should be. This is basically looking at productivity or um if you have what's called carved out positions, if a job has been tailored for you. So maybe, I mean the simplest way to explain it is maybe ten tasks for the job. But based on your disability you are doing seven of those. But you are getting paid as if you are doing all ten. Social Security will say you are earning 70% of that earnings versus that full 100%, I have clients that aren't able to lift heavy objects or maybe they need extra time for breaks or need extra time to come in to the office or leave the office. One of my most favorite clients, I know Barbara you know this story, would this be a good time to tell this story?

>>Barbara: Yes it is a very good time to tell the story.

>>Marilyn: Probably a good time to tell the story, one of my most favorite clients worked for a company for many years and he had an accident which caused him to be in a wheelchair. He needed, needs 24 hour personal attendant care, he's, he attends physical therapy twice a week. But he is living in his own home and that's the way he wants it. He has his own car, he has his own adaptive vehicle. He went back to work for his employer, his employer tailored the job for him. If he was not in this job the job would not exist, it would look completely different. He's earning about 50 thousand dollars a year and gets about 1800 dollars a month for SSDI, he is paying out-of-pocket for attendant care, he has 24 hour personal attendant. He is paying that out-of-pocket so basically he is living on his SSDI, if he didn't get his SSDI he would not be able to live at home, he would lose his home. Even though he is earning a high amount. His employer has also trained people on the job to assist him with some of his needs while he is on the job. Social Security came back and said that he is used trial work period, he had used his extended period of eligibility, he no longer was eligible for his cash benefit. We have gone in, this is a number of times, in fact we just finished the last review, usually comes up every two years or so, we go back in, we have a letter from the employer that states unequivocally if it wasn't for the fact that he was in this job, the job would look completely different. We show all of his impairment related work expenses but also the fact that he is in an adapted office, he is allowed to leave early, he is allowed to come in later, he is allowed really to have his own schedule where for this company it is not the case, the job itself is adapted to him.

And Social Security put a value to that and what they said was basically that he is getting what's called 100% subsidy, they disallowed his entire amount of earnings of 50 thousand dollars a year and said absolutely, even though you are earning over this month, if it weren't for the fact this employer was tailoring the job for you, you would not be working. So they're not even counting any of his income.

>>Barbara: Well I want to say how do we find other people like you, but I know we are going to talk about that in a little bit, but this is miraculous stuff to hear, that you can go back to work, you can have a good salary, you can pay for your attendant care yourself and you can still collect benefits, it is amazing.

>>Marilyn: It takes work, yeah it does take work, you have to communicate with Social Security, remember every single Social Security claims rep is different, you have to be able to know where to find the regs and speak or at least find somebody that can Assisi with that.

>>Barbara: And it sounds like you need a Marilyn Morrison. You need an expert who has the knowledge and passion and skills that you have and you know, there are other, may not be cloned but there are people like you around the country. We will get to that in a minute. I want to talk about, you are giving us tips for avoiding overpayments, so I know you talked about them but maybe you can review those again.

>>Marilyn: As soon as you start working, as soon as you have the job, you want to be sure to let Social Security know that you are working. You can call, actually that number on the screen is the number that you are going to call for any of your questions for Social Security. That's the general 866 number that you call. You let them know that you are working, they are going to ask you what your rate of pay is, they are going to ask you how often you work, they are going to ask all of that but you let them know in advance. Set up a simple filing system, wherever it might be, it doesn't matter. But you are going to have to hang on to those pay stubs, you are going to have to hang on to any of those receipts for those

out-of-pocket expenses. Any of those pieces, make sure you have those readily available because as I said Social Security is not real-time. You might need to submit information from 12, 18, 24 months previously.

And, you know, I know often times drugstores will give you that printout but, you know, other times you might not be able to get it. So it is always good to keep those so they are readily available. Make sure when you are reporting your income to Social Security, make sure that you are including those impairment related work expenses, those receipts for that month only. If say one of the things impairment related work expenses, say you have hospitalization, six months previous to starting to work, and you are still paying the credit card bill. You are paying however much you are on the credit card bill, that is not an impairment related work expense. The expense must be incurred in the same month that you are employed. So transportation costs, getting to and from work, if it is specialized transportation, attendant care, things like that. Make sure that you are reporting those at the same time and as I said fax them in if you can or unfortunately if you hand deliver them make sure you get a stamp receipt always with my program, I work with work assistance planning and assistive program, one of us in every state, if not more. I'm in Virginia, my project covers about 85% of the state. So I have six staff spread all through the states that are more than happy to help at any time. I primarily cover the northern Virginia area, then I also am technical assistance and if you have questions about anything, even if it is not Virginia specific, the rules that we have been talking about today are federal. So everything we have talked about is federal except some of those Medicaid pieces that are state specific. But you can call at any time, e-mail me and if I can't help you I'm going to direct you to someone who can and I can also get you to a work incentive planning and assistance programming in every state. As I said we are in every state, we are funded by Social Security to provide the technical assistance for all of this.

>>Barbara: And I also want to add that United Spinal has a special program that we're running in New York, New Jersey and Pennsylvania, if you are in those states and you are interested in returning to work, we are working very closely with a program, we give you a mentor and have some employers that we have partnerships work and working as a pilot project to help place people in those states and Marilyn came on to help us with this aspect about return to work, here is the website, the choose work, TTW.net website will help get you to the programs similar to Marilyn's. I have some other resources here that this will be posted with handouts and if you need, if you are interested in the pathways to employment program in New York or Pennsylvania, please feel free to e-mail me. I guess at this point we will take questions. Marilyn, this has been great. My head is spinning laugh so I'm sure there are a lot of questions. Bill?

>> Bill: Yes Marilyn, thank you, there is a lot of information Marilyn and Barbara, I would remind the audience that on your control panel on the handouts segment of your control panel you can click on the little plus symbol to access it and you can down load this power point presentation in PDF right now, in approximately one week the entire presentation, PDF along with this recording of the live broadcast will be archived at spinalcord.org, and yes on to some fairly complicated questions. The first is, just moved on me, just a moment. I'm guessing that the best way to work, whether with SSI or SSDI, is to have a consistent monthly earnings figure, no variations. Can you address that Marilyn?

>>Marilyn: Um, no I wouldn't necessarily say that. I think that the best way to successfully work and receive SSI or SSDI is to make sure that you are communicating regularly with Social Security. There are

a lot of folks where they don't have a consistent paycheck, they work, they work different capacities and it is just a matter of making sure that you know the rules or at least familiar with them, working with someone that can help you with the rules and that you are staying in contact with Social Security.

>> Bill: Excellent. Next question, if someone has an SSI recipient and as far as working, do they automatically become eligible for SSDI after working for a certain number of quarters. So I guess that's the question of, you know, do you end up with that SSDI eligibility through your work after having been on SSI.

>> Absolutely, you do. You have 20 quarters and eventually you move from the SSI side of the aisle over to SSDI side of the aisle. It is very possible to get both at the same time. You don't get the full amount of SSI, you might get a little SSI and SSDI. But as you work, sure as long as you are paying in the system and you are working and paying FICA, you absolutely are still eligible for SSDI and then eventually retirement.

>> Bill: Excellent. Next question, I have never worked, I want to work, but I need a personal care assistant. It is been suggested I cover my PCA via SCI payment, what do I do because any salary will be over 2000 dollars, how does the PASS plan differ from the able ACT. I think multiple questions there --

>>Marilyn: Well there are, the first thing I would say depending on the state that you are living in I would contact local department of rehab services, find out what their programs are that can you with personal attendant, also look at some of the Medicaid waiver programs that are in your state. I'm in Virginia, so I have, we're not going to have any comments about the waiver system in the state here. We are going to leave that off the table. But, you know, definitely look at that. Look at Medicaid. But also yeah the 529, 529A or Able Ability can absolutely assist with saving money that can pay for personal attendant care. But you have to have been deemed to be disabled prior to the age of 26. So that's part of that able act piece. The able act just now coming into existence, you are going to see more and more and more about it within the next six months, but initially I would say you definitely want to get in touch with any of your, your local community rehab programs, any of your department of rehab services. You can earn over 2000 dollars a month, that's okay, if you are on the SSI side um, if you got out-of-pocket expenses bringing down countable earned income, getting into Medicaid waiver question, that's a whole other conversation and whole other topic.

>>Barbara: Might want to contact the incentive for the Marilyn Morrison in your state.

>>Marilyn: Absolutely, that's what I would say. There is a lot of layers to that particular question and there are a lot of moving parts a lot of support that's available if you are not already tied into them.

>>Barbara: I think one thing that Marilyn has shown us is that while this stuff is very complicated, it's, there are people out there that can help you get through it and figure out what you want to do.

>>Marilyn: And we really like what we do too.

>> Bill: This is my problem up to the [indiscernible] I have seen relatively recently that Virginia was the first, my question is, is only state so far that has actually promulgated regulations about how the Able Act will operate within the state, my understanding the federal law allow this things to use the Able Act send out regulations by the administrative --

>> That's very true, each state did have to set it up, but Barbara you might know more, I know there are several states that have it set.

>>Barbara: Yeah there are several states, each legislator in each state had to pass their own law to allow the able act in their state. Once they pass the law they have to pass regulations. So they are coming online, I can tell you that New York passed one and Virginia passed one and I believe Pennsylvania is already in place. I can also tell you that in Washington there are proposals to increase the age from 26 to something else. So it is something to watch that may happen, which benefits more people. The other thing -- we didn't really talk about it, it allows people who are disabled to put aside a lump sum of money up to 100 thousand dollars and it was sort of set up like those college tuition accounts where parents could put aside money for children college tuition and it didn't count, didn't have to pay taxes and things. The idea was to allow parents of children with disabilities to be able to do the same thing and use the money to take care of their needs. So that's where it came from. Go ahead --

>>Marilyn: Really great thing about Ability Act when interacted each state would have own room and you could only participate in the particular state you resided in. Those rules were changed as well so you actually can participate in any program and any state, it doesn't really matter. So there are some states that actually have up and running their 529a already that's the Able Act that you could start an account with. You can't transfer them though, that's the only problem, once you are in it for that state you are in it. But they are going to be administered by 529 offices just like the college saving programs. I would watch for more information on that, because that's more and more is coming out, it is a lot of information to come shortly.

>>Barbara: And it allows you kind of, when Marilyn was talking earlier limited resources this doesn't count towards those resources. So it kind of lets you, we will see how, have to watch how this develops.

>>Barbara: I think over the next year we are going to see a lot of changes in what was enacted. The banking rules were just enacted in October I believe.

>> Bill: Thank you, thank you for that explanation, sorry for the intrusion earlier, but we have several other questions, we will try to get to some more. Next with SSDI is the allowable income in parenthesis, currently 1130, based on gross or net?

>>Marilyn: That's a great question. That's a great question, it is gross if you are employed by an employer.

And you are getting a paycheck every week, they are taking all of those taxes and FICA out. It's net if you are considered a contractor or you are self-employed. So it is --

>> Bill: Into the remaining part of the question, that being said, if person on SSDI gets income 1099, consultant, I think this is what you were eluding to, not W-2 wage employee, but deducts expenses from his or her income on tax return, resulting in a lower net income figure, how is the monthly income determined?

>>Marilyn: It is net and you are not reporting monthly. So remember I said you report monthly, if you are working 1099, contractor, you are actually reporting yearly with your tax, with your tax statement and they are looking at net not gross and then any of those out-of-pocket expenses that maybe you

were't able to deduct off of your taxes, you are still going to put in as an impairment related work expense.

And what Social Security is going to do is they are going to average that over 12 months. I was, I mean it is such a co-incidence to have this question because I was just talking on a phone with a young lady not more than 45 minutes ago, a half hour before the conversation started, and that she is a 1099 employee, she has her own business, but she had a large outlay of, for resources, even before she started earning income. So her question was how do I report monthly if I know three months prior to that I had spent 3000 on resources, that's why Social Security is going to estimate, they are going to average it over the twelve months versus that monthly reporting. You just let Social Security know you are self-employed.

>> Bill: Very good, next question from a New York resident, if you are on a PASS plan and part of your plan is to work and apply the income towards the PASS plan, does that time worked count towards the trial work period?

>>Marilyn: If, so the question is if you are on SSDI?

>> Bill: Question I had is if you are on the PASS plan, so some assumptions to be made to get to that point --

>>Marilyn: Well the PASS plan is an SSI work incentive. So on the SSI side there is no trial work period. If you are working and earning a thousand dollars a month and also receiving SSI thousand dollars is going to go into the PASS plan. So on the SSI side there is no trial work period that they don't look at that. On the SSDI side though, so it is possible to have the PASS plan under on the SSDI side what would happen is you put SSDI into the pass plan, which would then get you eligible for SSI, if you work and you earn over that Substantial Gainful Activity amount then yes you would be using trial work period, even though you are putting that into the pass plan. It is a really complicated question, it is a complicated theory there. But if it is strictly on SSI and working and earning over 1130 you are not using trial work, because trial work doesn't exist on SSI side. Right, got it.

>>Barbara: And this is why you need to see someone Marilyn when you have questions like these --

>>Marilyn: One point I want to make is every person is different. It doesn't matter that, you know, your buddy Jim is doing this and he is getting this benefit and he is getting these services, that doesn't mean that you are going to get the same thing or that you are going to be in the same program, it might be less, it might be more, but every person is different.

And you always have to remember that.

And also with Social Security rules it might be true in 2016 but if you start working and earning income the rules will change as you move through the continuum, so you always want to be aware of where you are in that continuum.

>> Bill: There is actually a follow-up from the listener related to that. I've just gone through an appeal on an overpayment based on this exact situation and they did not allow me to average it, made me break it down month by month which was impossible.

>>Marilyn: Um, that's unusual because that is not normally what Social Security would do, normally they're going to look strictly at your net earnings based on your taxes and they're going to average it out over twelve months. Because exactly that, you might have an, you know, you have a large outlay of, of money on the front end of starting the business and then on the back end the business begins. Now I have, I have seen it happen on occasion when, especially because I'm in the northern Virginia BC area, Barbara you know this, you have contractors so maybe they are on a contract and it is a six month contract.

And I have seen that happen when it is really clear that even though it is, you are on a 1099 employee, it is a six month contract, contract started, contract ended. Only going to look at the six months of income, so yeah that is possible.

>>Barbara: With those kinds of contractors they are really employees but they are faking it, giving them the same amount every month as he opposed to being a sell person, different things go up and down. I also want to say that when you, when you do appeal things to Social Security it matters who is there as your expert, you know, someone like Marilyn is there you might get a different result than not. Really has to be people, often times experts like Marilyn know more about what they are talking about than the people at Social Security, there is a matter of educating them, sometimes that's an element.

>>Marilyn: Uh-huh.

>> Bill: Just want to point out that listener will reach out directly to follow-up with quite detailed and complicated situation.

>>Marilyn: Perfect.

>> Bill: quick question, I believe Barbara this is best for you, can someone in Texas also have a United Spinal Association mentor at this point?

>>Barbara: Right now our program is not in Texas but it may be in the future, if you contact me we might be able to arrange something for you. So e-mail me we will see what we can do.

>> Bill: Understood.

And um possibly time for one more question as we're very late in the session. Two more, real quick, I think, I think this was covered worth covering again. So if I work part-time for let's say twelve months I lose my SSDI. Are you able to address that --

>> No, no, no, no. If you work for twelve months, SSDI as we talked about has a number of protected windows is what I called them. So it is all based on how much you earned. If you work for twelve months and say, you never worked before, nine of those might be your trial work period, if say you are earning 1300 dollars a month, nine would be trial work period months. You are going to be eligible for cash benefit. You move into the 36 month extended period of eligibility. If you have those out-of-pocket expenses you might be maintaining your benefit every month, but when you are in that 36 month period of time it's based on how much you are earning, so one month you might earn over the SGA, next month you might earn under, you are eligible if you stay under SGA, you are not eligible if you go over. That's one of the reasons why I always say you really want to talk to a community Incentive Coordinator in your area, to make sure that you have the rules really clear before we move forward

>>Barbara: I was trying to get to the slide where you can look up where your local incentive was --

>> Bill: Yeah, a quick question where can we find a Mrs. Morrison in Texas --

>>Marilyn: I'm a Texan, I would move there in a minute.

>> If you go to this on the screen here, you can click on WIPA, it will show you where to find a Marilyn Morrison in your state.

>>Marilyn: Just because I'm in Virginia does not mean I can't answer these questions for you, I can't necessarily answer state specific questions unless it is Virginia, Maryland or DC, but I can get you to where you need to get to in that state and give you federal rules, I'm more than happy to do that. If you have questions like that please go ahead and e-mail me. It is much easier than calling, I'm in and out of the office quite a bit, more than happy to answer questions, if I can't answer the question I will send you to somebody who can answer the question. Even if not in Virginia. [indiscernible]

>> Very good, very good.

>> One thing we didn't cover is ticket to work, whole other conversation as well. If you have questions about the ticket, please, you know, please feel free to e-mail me as well and I can cover some of those rules.

>> Bill: A lot of information for sure and maybe ten additional questions we won't be able to get to today, sorry Barbara, another comment?

>>Barbara: I was just going to say if you are looking for information on ticket to work, if you go to choose work, ttw.net, you can see archives of Webinars specifically on the ticket. So you can find out information about the ticket, find out about future Webinars to come, find archive Webinars on the ticket there as well.

>> Bill: Excellent on behalf of United Spinal Association I would like to thank Barbara Kornblau and Marilyn Morrison so much for sharing their personal experience and professional knowledge with us today. On your pathway to employment benefits and incentives while working with a spinal cord injury. Thank you Barbara and Marilyn.

>> Thank you.

>> Thank you, Bill.

>> Bill: Next Webinar is on May 5th and on May 19th Barbara will be right back here with a two-hour updated presentation on prevention, a common cause of SDI. To sign-up and receive our Webinar and other program newsletters, visit us at spinal.cord.org or visit our publication website, newmobility.com, for coverage of everything active wheelchair users need to know. This will conclude today's presentation and thank you for your time and attention.

*****DISCLAIMER*****

THE FOLLOWING IS AN UNEDITED ROUGH DRAFT TRANSLATION FROM THE CART CAPTIONER'S OUTPUT FILE. THIS TRANSCRIPT IS NOT VERBATIM AND HAS NOT BEEN PROOFREAD. TO DO SO IS AN EXTRA FEE. THIS FILE MAY CONTAIN ERRORS. PLEASE CHECK WITH THE SPEAKER(S) FOR ANY CLARIFICATION.

THIS TRANSCRIPT MAY NOT BE COPIED OR DISSEMINATED TO ANYONE ELSE UNLESS YOU OBTAIN WRITTEN PERMISSION FROM THE OFFICE OR SERVICE DEPARTMENT THAT IS PROVIDING CART CAPTIONING TO YOU; FINALLY, THIS TRANSCRIPT MAY NOT BE USED IN A COURT OF LAW.

*****DISCLAIMER*****