

KNOW YOUR RIGHTS!

SOCIAL SECURITY
DISABILITY
handbook

M A R T I N

B A N K S

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YOUR SOCIAL SECURITY DISABILITY CASE

Introduction

If you have had the misfortune of suffering a catastrophic illness or injury and are unable to work, you may be eligible to apply for Social Security disability benefits. Social Security offers more than just retirement benefits. If you have worked for a long enough period of time (usually 5 out of the past 10 years), and expect to be out of work for a 12-month period, you may be eligible to submit an application for Social Security disability benefits.

This handbook focuses solely on Social Security disability benefits. There are advantages to applying if you are eligible. First and most importantly, it provides a form of income in the event that you are unable to work on a long-term basis. The majority of workers who are injured or ill as the result of a disability do not have private, long-term disability policies to supplement their income. The receipt of Social Security disability benefits provides a means for individuals to supplement their income while they are unable to work. The amount of the benefit varies by individual. The monthly benefit is based on how long a person has worked, how much money the person has earned. [The best way to find out](#)



[what you would be entitled to in the event you are disabled is to refer to your annual Earnings Statement from Social Security \(see pages 26 & 27 for a sample\).](#)

This statement informs you on what you would be able to collect monthly if found disabled. It also provides information on early

retirement benefits and full retirement benefits. Make sure your earning history is accurate. **If you find that Social Security omitted a year that you know you worked and paid Social Security taxes, it is important to notify them immediately by filing Form 7008 (see page 28 for sample) and providing a W-2 form indicating your earnings for a particular year.** These changes will affect your benefits. If you do not have a recent earnings statement, you may contact your Social Security office and request Form 7004-SM (see page 29 for sample). If you are not eligible to submit an application for Social Security disability benefits, the Earnings Record will tell you. It will say something to the effect that you have not worked long enough to qualify for Social Security disability benefits. However, you may still be eligible for Supplemental Security income benefits if you are under certain income requirements.



Advantages of Applying for Social Security Disability

Another advantage of applying for and receiving Social Security disability is that your children, if under 18 or under 19 and in high school or disabled, may also qualify for benefits automatically if your application is approved. Children are entitled to roughly half of what the parent is eligible to receive. However, if you have more than one child, that “half” is further divided amongst the children. You are not eligible to receive more dependents’ benefits if you have more than one child.

If you qualify for benefits, you will also be eligible for **Medicare**, an optional form of health insurance. These benefits are not effective immediately upon approval of Social Security disability benefits, but available 24 months from the month you are entitled to collect your first Social Security disability payment. If you are already covered by a spouse's plan or have your own health insurance, you may reject Medicare. If you are covered by COBRA, and it is set to expire, you may extend COBRA under certain circumstances if you can prove that you have been awarded Social Security disability benefits. You will have to pay for Medicare, but most of the time, the charge will be deducted from your monthly benefits.

Receiving Social Security benefits will keep your Social Security retirement from depleting. The longer you remain out of work, the more zeroes you will accumulate on your earnings record. This will result in a reduction of your full retirement benefit amount. Receiving Social Security disability benefits has the effect of “freezing” the earnings record.

YOUR MOST IMPORTANT RIGHT

The most important right you possess as a citizen of this country and resident of the Commonwealth of Pennsylvania is your **RIGHT TO VOTE**. Unless you are registered to vote, know who your state representatives are and where they stand on issues involving injured workers, and vote for those who want to protect injured workers and disabled individuals, more rights will be taken away. We encourage you to contact your state representative and tell him or her not to vote for any law that is harmful to those who are disabled. If you aren't sure of who your state representative is, visit www.vote-smart.org or call us. If you need voter registration forms, we will be happy to provide them to you as well.



VOTE

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