

Expedited Reinstatement of SSDI or SSI Benefits

SSDI Reinstatement Provisions:

- ◆ A Social Security Disability Insurance (SSDI) recipient can keep benefits during a nine-month trial work period no matter what they earn.
- ◆ During a 36-month extended period of eligibility, which begins immediately after the ninth trial work month, the person can keep SSDI for any month when countable wages are less than the substantial gainful activity (SGA) level – i.e., \$980 for disabled individuals who are not legally blind or \$1,640 if they are legally blind in 2009.
- ◆ If the recipient earns more than the SGA amount, after the extended period of eligibility, their benefits will ordinarily be terminated. However, under expedited reinstatement (EXR) rules, he or she may be able to return to benefits status without a new application.
- ◆ ***Under the EXR provisions***, benefits will be reinstated without a new application if:
 - The individual was eligible for SSDI and lost SSDI due to performance of SGA;
 - The individual files a request for reinstatement within 60 months of the last month of entitlement or establishes good cause for missing the 60-month deadline;
 - The individual's disability is the same as (or related to) the physical or mental disability that was the basis for their original claim and that disability renders the individual incapable of SGA (i.e., the individual's disability has not medically improved).
- ◆ SSDI dependent's benefits may be reinstated if the dependent satisfies all requirements for entitlement to the benefits, except requirements relating to the filing of an application.

SSI Reinstatement Provisions:

- ◆ SSI benefits shall be reinstated without a new application if the individual:
 - Was eligible for SSI on the basis of a disability or blindness;
 - Became ineligible for SSI due to earned income (or earned and unearned income) for 12 or more consecutive months;
 - Files a request for reinstatement within 60 months of the last month of entitlement;
 - The individual's disability is the same as (or related to) the physical or mental disability that was the basis for their original claim and that disability renders the individual incapable of SGA;
 - The individual satisfies SSI's non-medical requirements (i.e., SSI's income and resource rules).
- ◆ A disabled spouse's benefits will be reinstated if he or she was previously an eligible spouse of the individual and satisfies all the eligibility requirements, except the requirement for filing of an application.

“Provisional Benefits” Pending Reinstatement:

- ◆ While the SSDI or SSI reinstatement application is pending, the individual is eligible for up to six months of provision benefits.
- ◆ If SSA eventually determines that the individual was not entitled to reinstatement, any resulting overpayment cannot be recovered unless SSA determines that the individual knew or should have known that he or she did not meet the reinstatement requirements.