

SSI and Age 18 Redeterminations

A child who receives Supplemental Security Income (SSI) benefits is considered disabled based on how the condition or illness affects development and functioning in typical daily environments (i.e., school, home, community). At age 18, a review is scheduled to determine whether or not the condition or illness meets the SSI definition of disability for an adult.

SSI considers an adult to be disabled when the illness or condition prevents substantial work activity for 12 months or longer. Therefore, the main issue for adults is how the condition or illness affects the person's ability to work.

When the case is reviewed, evidence from all medical, vocational and educational sources should be obtained. Therefore, it is important to:

- ◆ Continue to see doctors or therapists.
- ◆ Continue appropriate educational or vocational training, especially if there is no recommended treatment for the disabling condition.
- ◆ Provide SSI with the information needed to obtain all medical, educational and vocational reports.

Lack of any recent treatment, vocational or educational records may lead to a finding that the illness or condition is no longer disabling to the SSI recipient.

If a finding is made that the person is considered no longer disabled:

- ◆ The SSI program is required to send a written notice of the decision, including all appeal rights. In order to continue the SSI benefits during an appeals process, the appeal must be requested with 10 days of the notice of discontinuance.
- ◆ A person who decides to appeal a medical discontinuance has the right to representation on the appeal.

There is a special rule for person's who are participating in an Approved Vocational Rehabilitation program. This rule is called "Section 301." The Section 301 rule allows an SSI recipient to continue to receive SSI benefits after it is found that he or she is no longer disabled by his or her illness or condition, if he or she is participating in a vocational rehabilitation program at the time the disability ended, and the program will increase the likelihood of eliminating the future need for disability benefits.

The Section 301 rule provides a special protection for special education students, ages 18 to 21, who are found to be no longer disabled or not disabled under the adult standard of disability. If the student continues enrollment in a special education program, with services provided through an individualized educational plan (IEP), Section 301 will apply and benefits will continue so long as they continue to be enrolled in the program.