

Social Security Disability and Medicaid Law Newsletter



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A FREE LEGAL UPDATE FOR ELDERS AND SAME SEX PARTNERS WHO SEEK ASSET PROTECTION ♦ NOVEMBER 1, 2013 EDITION

Working While Collecting Social Security Disability Income

Many people wonder if they can return to full- or part-time work once they begin drawing Social Security Disability (SSDI) benefits. The simple answer is YES. But you need to be aware of how much you can earn without triggering the end of the Social Security "Trial Work Period".

TRIAL WORK PERIOD (TWP)

How does the TWP help you?

The TWP allows you to test your ability to work for at least 9 months. During your TWP, you will receive full Social Security Disability Insurance (SSDI) benefits regardless of how high your earnings might be as long as you report your work activity and you have a disabling impairment.

When does the TWP start?

Your TWP starts when you begin working and performing "services". In 2013, Social Security considers your work to be services for the TWP if your gross earnings are more than \$750 a month, or if you work no more than 80 hours in self-employment income in a month. Your TWP cannot begin until the first month you are entitled to SSDI benefits or the month you file for benefits, whichever is later.

How long does the TWP last?

The TWP continues until you accumulate 9 TWP service months (not necessarily consecutive) within a rolling 60-month period.

What happens when you complete your TWP?

After you complete your TWP, you begin your Extended Period of Eligibility (EPE). During the EPE, Social Security evaluates your work and earnings to decide if you can work at the substantial gainful activity (SGA) level.

The term "substantial gainful activity" (SGA) is used to describe a level of work activity and earnings.

Work is "substantial" if it involves doing significant physical or mental activities or a combination of both. For work activity to be substantial, it does not need to be performed on a full-time basis. Work activity performed on a part time basis may also be a SGA.

"Gainful" work activity is:

- Work performed for pay or profit; or
- Work of a nature generally performed for pay or profit; or
- Work intended for profit, whether or not a profit is realized.

What else do you need to know about the TWP?

1. You are not eligible for disability benefits or a TWP if you work at the SGA level within 12 months of the start of your impairment(s) and before Social Security approves your claim for disability benefits. This is because your impairment does not meet our definition of disability.

2. Social Security can consider medical evidence that might demonstrate your medical recovery at any time. Therefore, it is possible for your benefits to stop due to your medical recovery before the end of your TWP.

3. Social Security will not conduct a continuing disability review if you are participating in the Ticket to Work program and you are using your Ticket.

The Ticket to Work program is an innovative program for persons with disabilities who want to work and participate in planning their employment. A Ticket increases your available choices when obtain employment services, vocational rehabilitation services, and other support services you may need to get or keep a job. It is a free and voluntary service.

4. Unsuccessful Work Attempts do not apply during the TWP.

A unsuccessful work attempt is an effort to do substantial work, in employment or self-employment, which you stopped or reduced to below the substantial gainful activity level after a short period of time (6 months or less) because of: your impairment; or removal of special conditions related to your impairment that you needed to help you work.

Usually, Social Security adjusts the dollar amount of TWP "services" each year based on the national average wage index.

Does the TWP apply to Supplemental Security Income (SSI)?

No. A TWP does not apply to the SSI program.

For as long as you are drawing benefits, you may work and earn up to \$750.00 per month in 2013. If

your monthly income reaches or exceeds this amount (or if you are self-employed and work more than 80 hours/month in your own business) then a Trial Work Period begins. You are allowed 9 months of income at this level while still drawing your regular SSDI benefits.

The 9-month period is calculated as any month within a 60-month period in which your monthly income exceeds \$750.00. For example, if you earn \$450.00 in May, \$755.00 in June, \$450.00 in July, and \$800.00 in August, Social Security would consider June as the first month of a Trial Work Period, and August would be the second.

That means that you would then be eligible for 7 more months in which your earnings exceed \$750.00 per month, spread out over a 60-month period (which starts from the first month of the Trial Work Period).

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News You Can Use

2013 FLORIDA MEDICAID LIMITS

Gross Monthly Income Limit for Medicaid Applicant:	\$2,130.00
Personal Needs Allowance:	\$35.00
Asset Limit (Individual):	\$2,000.00
Asset Limit (Couple):	\$3,000.00
Medicare Part B Premium:	\$104.90
Community Spouse Resource Allowance:	\$115,920.00
Minimum Monthly Maintenance Income Allowance:	\$1,891.25
Maximum Monthly Maintenance Income Allowance:	\$2,898.00
Monthly Personal Needs Allowance:	\$35.00
Home Equity Interest Limit:	\$536,000.00
Excess Shelter Standard:	\$567.38