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SSD and SSI – WHAT'S THE DIFFERENCE

Many people call our office about their social security disability claims, but don't have an understanding about what benefits they applied for. They may have heard the terms SSI and SSD, but don't know what they mean or if they qualify for them.

SSD stands for Social Security Disability (Income) and was created by a law known as "Title II." SSI stands for Supplemental Security Income and was created by a law known as "Title XVI." Sometimes SSD benefits are referred to as Title II benefits and sometimes SSI benefits are referred to as Title XVI benefits. To qualify for both SSD and/or SSI the claimant needs to be disabled with a condition that has lasted or is expected to last longer than one year.

Beyond that, there are a number of differences in the requirements necessary to qualify for benefits under SSI and SSD and also how the monthly payments are calculated. First, to obtain benefits under SSD, the claimant needs to have "insured status." If your car insurance lapsed a month before you are in a car crash, you are not insured for the crash and can't look to that insurance company to pay the damages. SSD works in a similar way. If you are not insured on the day you become disabled, you cannot look to the Social Security Administration for SSD benefits. So what does it mean to be insured? Well, it means that you have worked at least half of the quarters (20 of the 40 quarters) during the ten years prior to the date you became disabled. They don't have to be worked in any specific order or at any specific time, so long as the claimant worked at least twenty (20) of forty (40) quarters over the ten years prior to the date they became disabled. The Social Security Administration calls the quarter, "credits." When someone applies for SSD, the Administration will get a detailed work history report and will determine if the claimant had worked the necessary quarters.

For SSI benefits, there is no work history requirement and a person is eligible for benefits no matter if they are "insured" at the time they become disabled.

The other important distinction is how income and assets affect a person's ability to qualify for SSD and SSI. Income and Assets are not taken into consideration for SSD benefits. The claimant can be a millionaire and still qualify for disability benefits, so long as they otherwise qualify. However, for SSI benefits, the Administration considers the amount of income you have each month, including amounts you earn and amounts that you receive from such things as pensions, private retirement accounts or some trusts. They will also consider the income of your spouse. They will also consider your assets including bank accounts, real estate, vehicles and life insurance policies. There is, however, an exception for a home you own and live in. Generally, if a person has over \$2,000 in assets or as a couple that person and their spouse has over \$3,000 they will not qualify for SSI benefits. The amount of income a person can earn and still qualify for SSI benefits is adjusted yearly and also depends on your living situation. However, you can earn some money and still qualify for SSI. The amount you earn is subtracted from the amount of your monthly benefit.

In terms of the monthly benefits a person will receive, SSD is based on how much you earned in your lifetime and is usually reflected in the yearly statement provided by the Administration. SSI is a set amount, usually a lower amount, which is determined each year and applies to everyone no matter how much they earned over their lifetime. However, as noted above, the amount is generally reduced for any income the person receives.

There are programs that help people receiving disability earn additional monies and there are exceptions for certain types of assets and income. If you are applying for benefits, have been denied benefits or have questions about your existing benefits, it is important to speak with a lawyer who is experienced in handling Social Security Disability Cases. Adam Wolfe, a partner at the firm, has a very successful track record helping people qualify for the benefits they deserve and fighting for people who have been denied benefits.



DID YOU KNOW?

...That on every car policy they issue, the insurance company is required to provide at least \$5,000 in first party medical benefits, but you can often purchase a lot more coverage. This is particularly important for people that do not have private medical insurance, have medical insurance that is of poor quality or who have Medicare or benefits provided by the Department of Public Welfare. Some car insurance companies offer up to \$100,000 in medical benefit coverage.

...That as general election season approaches, most of the candidates will have expressed their views regarding tort reform or how they want to change the law affecting the rights of injured people. It is important that you do what you can to inform yourself and then get out and vote.

...If you are receiving or entitled to worker's compensation benefits, you may be eligible to receive a lump sum settlement. If you or someone you know is receiving these benefits and is interested in a lump sum settlement, please do not hesitate to contact Karl Januzzi, a partner at Shollenberger & Januzzi, who has successfully handled similar cases for fifteen years.

...That there is a fund, known as the Uninsured Employers Guaranty Fund that has been established to pay claims of injured workers when their employer fails to carry workers' compensation insurance.

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NEWS FROM THE FIRM

Adam Wolfe, a partner with the firm, has recently been selected by Super Lawyers, a Thomson Reuters company, and Philadelphia Magazine as a 2010 "Rising Star." The "Rising Star" distinction is awarded to only 2.5% of all Pennsylvania lawyers each year and recognizes the top lawyers in Pennsylvania under the age of 40 or who have been in practice less than 10 years. The other partners, Tim Shollenberger and Karl Januzzi, would like to congratulate Adam on this distinction.

Senior Partner, **Tim Shollenberger**, was once again recognized by the American Trial Lawyers Association by being named one of the top one hundred trial lawyers in Pennsylvania. This is the second consecutive year that Tim has received this prestigious distinction. Tim also continues to teach courses for the Pennsylvania Bar Institute, educating other lawyers about aspects of personal injury law and litigation.

We are proud to have the President of the Central Pennsylvania Paralegals Association as part of our team. **Jessica Swedenhjelm, R.P.** (Register Paralegal), paralegal to Attorney Shollenberger, was elected as the President of the organization for the 2010 term. In addition, Jessica recently received her masters degree in legal studies from California University of Pennsylvania. Congratulations to Jessica from everyone at Shollenberger & Januzzi.

Shollenberger & Januzzi supports going green! We recently ordered "**eco-friendly reusable grocery bags**" with the Shollenberger & Januzzi logo. Stop by to see us and pick up your bag!

VISIT US ON THE WEB...NEW AND IMPROVED

Our **NEW WEBSITE** is now available at: www.sholljanlaw.com. Please take a few minutes to browse the site. We have recently added videos covering topics that may be of importance to you. The telephone numbers on the site are different than the numbers most of you are used to calling. If you are a current client, we encourage you to use the telephone numbers you already have. However, the telephone numbers on the website will connect you to our main office location in Enola. We hope that the new website content is informative and provides our current and prospective clients with pertinent information about personal injury law and how we can help. Please feel free to share the internet address with anyone who may benefit from the content of the site.

OUR PURPOSE

Shollenberger & Januzzi, LLP is committed to excellence in providing superior legal services in personal injury cases. We consider our past and present clients part of our legal family and we hope that they think of us as "their lawyers". Publication of this quarterly newsletter is another example of our determination to keep friends and clients informed about legal matters important to them. It is not intended to be offered as a source of advice pertaining to any specific matter. Please share the newsletter with neighbors, friends or anyone you think may benefit from the information it contains.

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Your Professional Personal Injury Law Firm