

Legal Assistance of Western New York, Inc. ®

SSI Frequently Asked

We provide free legal aid to people with civil legal problems in western New York.

www.lawny.org

SSI Frequently Asked Questions (FAQs)

What is SSI (Supplemental Security Income)?

SSI is a federal program that provides cash benefits to needy people who are 65 or older, blind, or disabled. For SSI, “disabled” means you cannot work because of a mental or physical problem that has lasted or is expected to last 12 months or end in death..

Where do I apply for SSI?

SSI is run by the Social Security Administration (SSA). To apply for SSI, you should contact your nearest Social Security office. (Listed below are the locations of the SSA offices in our 14-county area.)

How does Social Security decide if I am eligible for SSI?

To be eligible for SSI you must prove that you are disabled and that you are financially needy. Social Security follows a procedure to decide whether or not you are eligible.

First, Social Security looks at your financial situation: your income and resources. If you are a child applying for SSI, Social Security will also look at your parent's income and resources. If you are married, Social Security will also look at your spouse's income and resources. Next, Social Security looks at your disability.

How does Social Security decide if I am disabled?

Social Security follows a five-step process to determine whether you are disabled. For SSI, “disabled” means that you cannot work because of a mental or physical problem that has lasted or is expected to last at least 12 months, or will end in death. If Social Security finds that your problems significantly limit your ability to do basic work, they will continue to review your case.

Social Security has a list of medical problems that are considered disabling. They then see if your disability fits one of their categories. Some of these categories are: respiratory, cardiovascular, mental disorders, and immune system. If your medical problem matches or equals the requirements for one of these categories, your claim should be approved.

If your disability does not meet the requirements of one of the categories, you might still be considered disabled. Social Security should decide if your medical problems prevent you from doing any work you have done in the past (usually meaning the past 15 years). If you are no longer able to do past work because of your disability, your claim should move to the next step of the procedure.

Next, if SSA decides that you cannot do past work, Social Security will consider your age, education, and past work skills to decide if there is other work you are able to do. If Social Security finds that your medical problems prevent you from doing any past work or other work you should be found “disabled.”

You should be notified in writing by Social Security if you have been found disabled or not disabled. If you would not be disabled except for your drug addiction or alcoholism, you will not be eligible for SSI payments.

What can I do if my application for SSI is denied?

You have the right to appeal any decision made by Social Security. If Social Security decides that you are not disabled, you should be notified in writing of your appeal rights. There are very strict time deadlines for appeals, so make sure you read your notice carefully.

You have 60 days to appeal Social Security’s decision. Appeals must be made in writing. You can get information about appeals from your nearest Social Security office, as well as some legal services offices and private attorneys. You can also find it online at: www.ssa.gov

How do I file an appeal?

If Social Security denies your claim for disability benefits, you can file a “Request for a Hearing.” This form can be found at your local Social Security office or on the web at <http://www.ssa.gov/online/ha-501.pdf>. This form must usually be filed within 60 days after you receive your denial. Make sure you follow this deadline and file your request for a hearing within 60 days. You may file your appeal online, by following the links on www.ssa.gov to Appeal your Recent Medical Decision. Be sure to print your appeal when you are done.

Your appeal may be filed at any Social Security office. Some Social Security offices in the area are:

Batavia: Easttown Plaza, 571 East Main Street, Batavia, New York 14020

Corning: 200 Nasser Civic Center, Corning, New York 14830

Elmira: 100 W. Church Street, Suite 201, Elmira, NY 14901

Geneva: 15 Lewis Street, Geneva, NY 14456

Ithaca: 127 W. State Street, 2nd Floor, Ithaca, NY 14850

Jamestown: 321 Hazeltine Ave, Jamestown, NY 14701

Olean: 175 N Union Street, Suite 6, Olean, NY 14760

Rochester: One HSBC Plaza, 14th Floor, 100 Chestnut Street, Rochester, New York 14604

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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