

DETROIT REVOLUTIONARY MOVEMENT RECORDS

BOX 5 OF 16

FOLDER 29

WORKMENS COMPENSATION
BACKGROUND MATERIAL

If you
become disabled

INTRODUCTION

Social Security: The Basic Idea

Nine out of ten working people in the United States are now building protection for themselves and their families under the social security program.

The basic idea of social security is this: During working years employees, their employers, and self-employed people pay social security contributions which are pooled in special trust funds; and when earnings stop or are reduced because the worker retires, dies, or becomes disabled, monthly cash benefits are paid to replace part of the earnings the family has lost.

Part of the contributions go to provide hospital insurance benefits under Medicare for people 65 and over. Supplementary medical insurance, which helps pay for doctor bills and a number of other medical items and services, is available to those 65 and over who choose to pay a small monthly premium.

Disability Insurance Benefits Under Social Security

The risk of disability hangs over all of us. When disability occurs, it may affect a family's financial security more than the retirement or even the death of a worker.

Protection against the loss of earnings because of disability became a part of social security in 1954. In the years since, this disability protection has been expanded and improved several times.

The disabled people who get monthly benefits come from all walks of life: the 40-year-old salesman who has had a heart attack; the 23-year-old secretary sidelined for more than a year by an auto accident; the 53-year-old widow who is crippled with advanced arthritis; the retired worker's 32-year-old son who has been mentally retarded from birth.

Each person who applies for disability benefits is considered for services by the vocational rehabilitation agency in his State.

This booklet tells you what you need to know about the social security disability provisions—how they affect you and your family, now or in the future.

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WHO CAN GET BENEFITS BECAUSE OF DISABILITY?

The social security program provides disability protection in three different situations. Monthly benefits can be paid to:

- Disabled workers under 65 and their families. (See below.)
- Persons disabled in childhood (before 18) who continue to be disabled. These benefits are payable as early as 18 when a parent receives social security retirement or disability benefits, or when an insured parent dies. (See page 12.)
- Disabled widows, disabled dependent widowers, and (under certain conditions) disabled surviving divorced wives of workers who were insured at death. These benefits are payable as early as 50. (See page 13.)

THE DISABLED WORKER

A Disabled Worker Needs Some Work Credits

If you are a worker and become severely disabled, you will be eligible for monthly benefits if you have worked under social security

long enough and recently enough. The amount of work you will need depends on your age when you become disabled:

- *Before 24:* You need credit for 1½ years of work in the 3-year period ending when your disability begins.
- *24 through 30:* You need credit for having worked half the time between 21 and the time you become disabled.
- *31 or older:* All workers disabled at 31 or older need credit for at least 5 years of work out of the 10 years ending when they became disabled. Some workers may need more credit depending on their age. The years need not be continuous or in units of full years.

When Is A Worker Disabled?

A worker is considered disabled under the social security law if he has a physical or mental condition which:

- Prevents him from doing any substantial gainful work, and
- Is expected to last (or has lasted) for at least 12 months, or is expected to result in death.

(Payments may be made to a person who meets these conditions even if he is expected to recover from his disability.)

The medical evidence from your physician or other sources will show the severity of your condition and the extent to which it prevents you from doing substantial gainful work. Your age, education, training, and work experience also may be considered in deciding whether you are able to work.

If you can't do your regular work but can do other substantial gainful work, you will not be considered disabled. (For an exception involving blind workers, see below.)

Special Provisions For The Blind

A person whose vision is no better than 20/200 even with glasses (or who has a limited visual field of 20 degrees or less) is considered "blind" under the social security law.

If a person who meets this test of blindness has worked long enough and recently enough under social security, he is eligible for a disability "freeze" even if he is actually working. Under the "freeze,"

years in which he has low earnings (or no earnings) because of disability will not reduce the amount of his future benefits, which are figured from his average earnings.

A person 55 to 65 who meets this test of blindness and who has worked long enough and recently enough under social security can get cash disability benefits if he is unable to perform work requiring skills or abilities comparable to those required by the work he did regularly before he reached 55 or became blind, whichever is later. (Benefits will not be paid, however, for any month in which he *actually* performs substantial gainful work.)

A blind worker under 55 can become entitled to cash benefits only if he is unable to engage in *any* substantial gainful work.

Dependents Of Disabled Workers

While you are receiving benefits as a disabled worker, payments can also be made to certain members of your family. These family members include:

- Your unmarried children under 18.

- Your children 18 through 21 if they are unmarried and attending school full time.
- Your unmarried children 18 or older who were disabled before reaching 18 and continue to be disabled.

(Note: Stepchildren and adopted children also may qualify for benefits on your record.)

- Your wife at any age if she has in her care a child who is getting benefits based on your social security record because he is under 18 or because he has been disabled since before 18.
- Your wife 62 or older even if there are no children entitled to benefits.
- Your dependent husband 62 or older.

If You Also Receive Workmen's Compensation

If you are a disabled worker under 62 and are entitled to both social security disability benefits and workmen's compensation, the total monthly payments to you and your family may not exceed 80 percent of your average monthly earnings before you became disabled.

(A worker's *full* earnings, including any amounts above the maximum creditable for social security, may be considered when his average earnings are figured for this purpose.) Social security benefits must be reduced if combined benefits from social security and workmen's compensation would otherwise be over this limit.

THE PERSON DISABLED SINCE CHILDHOOD

If you have an unmarried son or daughter 18 or older who became disabled before 18 and is still disabled, he or she may start receiving childhood disability benefits:

- When you begin to receive social security retirement or disability insurance benefits, or
- At your death if you had enough social security work credits for the payment of benefits to your survivors.

A person disabled before 18 needs no social security work credits to get benefits. His payments, based on the earnings of his parent, may start as early as 18 and continue for as long as he is disabled. The decision whether a person has been disabled since childhood is made

in the same way as the decision whether a worker is disabled. (See page 8.)

If a child with a severe medical condition is now receiving child's insurance benefits which are scheduled to stop when he reaches 18, he or someone in his family should get in touch with the social security office a few months before he reaches 18 to see about continuing the benefits past 18 on the basis of disability.

The mother of a disabled son or daughter who is entitled to childhood disability benefits may also qualify for benefits *regardless of her age* if she has the son or daughter in her care.

THE DISABLED WIDOW OR WIDOWER

Before a 1967 change in the social security law, a widow could not get monthly benefits until she reached 60 unless she had in her care a child entitled to benefits based on her husband's earnings. A dependent widower could not, under any circumstances, get payments based on his deceased wife's earnings before he reached 62.

Now, if you are disabled and are the widow, dependent widower, or (under certain circumstances) the surviving divorced wife of a worker who worked long enough under social security, you may be able to get monthly benefits as early as 50. The benefits will be permanently reduced, with the amount of the reduction depending on the age at which benefits start (see the table on page 19). You need no work credits of your own to get benefits based on the earnings of your deceased spouse.

A widow or widower may be considered disabled only if she or he has an impairment which is so severe that it would ordinarily prevent a person from working and which is expected to last at least 12 months. Vocational factors such as age, education, and previous work experience cannot be considered in deciding whether a widow or widower is disabled (as they may be for a disabled worker).

In general, you cannot get these benefits unless your disability starts before your spouse's death or within 7 years after the death. However, if you receive benefits as a widow with children, you can

be eligible if you become disabled before those payments end or within 7 years after they end. (This 7-year period protects the widow until she has a chance to earn enough work credits for disability protection on her own social security record.)

A disabled widower can get benefits based on the earnings of his wife only if she was providing at least half his support at the time of her death. A disabled surviving divorced wife may get benefits based on the earnings of her former husband only if their marriage lasted 20 years or longer, and he was contributing to her support at the time of his death (or was under a court order to do so).

DISABILITY BENEFIT PAYMENTS

When Benefits Are Payable

Because the law provides a 6-month waiting period, payments to a disabled worker and his family or to a disabled widow or widower generally cannot begin until the 7th full month of disability. If you

are disabled more than 7 months before you apply, back benefits may be payable (but not before the 7th month of disability). It is important to apply soon after the disability starts because back payments are limited to the 12 months preceding the date of application.

If you have recovered from a disability which lasted 12 months or more but have not yet applied for benefits, you may still be eligible for some back payments. But if you wait longer than 14 months after you recover to apply, you may not be eligible for any back benefits.

A person disabled in childhood may get benefits beginning with the month his parent starts receiving retirement or disability benefits or the month his insured parent dies. There is no 6-month waiting period.

Your benefit payments may continue as long as you remain unable to work. (In general, if someone marries while he is receiving benefits as a person disabled in childhood or as a disabled widow or widower, the benefits will stop. In some cases, however, they can be continued. You can get more information about these exceptions from your social security office.)

Amounts Of Monthly Payments

The amount of your monthly disability benefit is based on your average earnings under social security over a period of years. The amount of the monthly payments to your dependents also depends on the amount of your average earnings.

The exact amount of your benefit cannot be figured in advance. This is because all of your earnings in your social security record at the time of your application must be considered. The Social Security Administration will, of course, figure your exact benefit at that time.

You can estimate the amount of your benefit, however, by following these steps:

1. Count the number of years to be used in figuring your average earnings as follows:

- If you were born before 1930, start with 1956;
- If you were born after 1929, start with the year you reached 27.

Count your starting year and each year up until (but not including) the year you become disabled.

(Note: At least 2 years of earnings must be used to figure disability benefits.)

2. List the amount of your earnings for all years beginning with 1951. (Include earnings in the year disability began.) Do not count *more than* \$3,600 for each year 1951 through 1954; \$4,200 for each year 1955 through 1958; \$4,800 for each year 1959 through 1965; \$6,600 for 1966 and 1967; \$7,800 for 1968 through 1971; \$9,000 for 1972; \$10,800 for 1973; and \$12,000 for 1974.
3. Cross off your list the years of lowest earnings until the number remaining is the same as your answer to step 1. (It may be necessary to leave years in which you had no earnings on your list.)
4. Add up the earnings for the years left on your list, and divide by the number of years you used (your answer to step 1).

The result is your average yearly earnings covered by social security over this period. Look in the table on page 19 and estimate your benefit from the examples given there.

EXAMPLES OF MONTHLY CASH DISABILITY BENEFITS

	Average yearly earnings after 1950*							
	\$923 or less	\$1,800	\$3,000	\$4,200	\$5,400	\$6,600	\$7,800	\$9,000
Disabled worker	\$ 84.50	\$134.30	\$174.80	\$213.30	\$250.60	\$288.40	\$331.00	\$354.50
Disabled worker and wife at 62	116.30	184.70	240.40	293.40	344.60	396.60	455.20	487.50
Disabled widow at 50	51.30	67.30	87.50	106.80	125.50	144.30	165.60	215.40
Disabled worker, wife under 65 and one child (maximum family payment)	126.80	201.50	267.30	370.70	467.90	522.30	579.30	620.40

* The maximum earnings creditable for social security are \$3,600 for 1951-54; \$4,200 for 1955-58; \$4,800 for 1959-65; \$6,600 for 1966-67; \$7,800 for 1968-71; \$9,000 for 1972; \$10,800 for 1973, and \$12,000 for 1974. The maximum family bene-

fit for a young disabled worker and his family in 1972 is \$579.30 a month, based on average earnings of \$7,800. The higher benefits shown, based on higher average earnings, will be payable in later years.

Disability Benefits Are Not Paid In Addition To Other Social Security Benefits

Benefits because of disability are not paid in addition to other monthly social security benefits. If you become entitled to more than one monthly benefit at the same time, the amount you receive will ordinarily be equal to the larger of the benefits.

If you become disabled after you start receiving social security benefits (early retirement benefits, for example, or benefits as a wife or widow), it may be to your advantage to switch over to benefits based on disability. For instance, if you start receiving reduced retirement benefits at 62 and then become disabled at 63, your benefit may be higher if you change to disability payments.

If the benefit you were receiving before you became disabled was a reduced widow's benefit or a reduced retirement benefit, your disability benefits also will be reduced to take into account the number of months you received the other benefits. Even with this reduction, however, your disability benefits may be higher than the benefits you were receiving.

The people in your social security office can give you the amounts of the different benefits in this situation.

Effect Of Work On Benefit Payments

If you receive benefits because of disability (as a worker, a person disabled from childhood, or a disabled widow or widower), you are not subject to the general rule under which some benefits are withheld if you have substantial earnings. There are special rules, which include medical considerations, for determining the effect on your disability payments of any work you might do. See page 29 for further details.

If you are a disabled worker and one of your dependents (who is not disabled) works and earns more than \$1,680 in a year, some of his benefits may be withheld. In general, \$1 in benefits is withheld for each \$2 he earns between \$1,680 and \$2,880; and \$1 in benefits is withheld for each \$1 earned over \$2,880.

But no matter how much that person may earn in a year, he will

get the full benefit for any month in which he neither earns over \$140 as an employee nor renders substantial services as a self-employed person.

THE DISABILITY DECISION

Evidence Of Disability

If you are applying for benefits because of disability, you will be asked to provide medical evidence to support your claim. The evidence is usually a medical report from your doctor, hospital, clinic, or institution where you have been treated.

When you apply for benefits, the people at the social security office will assist you in requesting these reports and help you in every way possible to fill out your application and get the necessary evidence. (However, you are responsible for any charges made by the doctor or hospital for preparing the reports.)

On the medical report form, your doctor, hospital, institution, or agency is asked to give the medical history of your condition: what the doctors have found to be wrong with you, how severe it is, what

the medical tests have shown, and what treatment you have received. They are not asked to decide whether or not you are "disabled" under the social security law.

When this medical evidence has been obtained, the social security office will send the complete record to an agency in your home State (usually the vocational rehabilitation agency). There the evidence is reviewed to see if you should be considered disabled under the law.

A team of trained people in the State agency—a physician and a disability evaluation specialist—will consider all the facts in your file. If additional information is needed, the State agency may ask you to get this evidence or to have a medical examination at Government expense.

Decisions Of Other Agencies

The rules in the social security law for deciding whether a person is disabled are different from rules in some other Government and private disability programs. Some people receiving disability payments from another Government agency or from a private company

may be found not eligible for social security disability benefits. However, the report of any examination made for another agency, as well as the decision itself, may be considered in determining whether you are eligible under the social security program.

Examples Of Disabling Conditions

Certain conditions which are ordinarily severe enough to be considered disabling under the law are described in the Social Security Regulations. Copies of these Regulations are available in any social security office. Following are some examples of disabling conditions listed in the Regulations:

1. Loss of major function of both arms, both legs, or a leg and an arm.
2. Progressive diseases which have resulted in the loss of a leg or which have caused it to become useless.
3. Severe arthritis which causes recurrent inflammation, pain, swelling, and deformity in major joints so that the ability to get about or use the hands has been severely limited.

4. Diseases of heart, lungs, or blood vessels which have resulted in serious loss of heart or lung reserve as shown by X-ray, electrocardiogram, or other tests; and, in spite of medical treatment, there is breathlessness, pain, or fatigue.
5. Diseases of the digestive system which result in severe malnutrition, weakness, and anemia.
6. Serious loss of function of the kidneys.
7. Cancer which is progressive and has not been controlled or cured.
8. Damage to the brain or brain abnormality, which has resulted in severe loss of judgment, intellect, orientation, or memory.
9. Mental illness resulting in marked constriction of activities and interests, deterioration in personal habits, and seriously impaired ability to get along with other people.
10. Total inability to speak.

In the case of workers and persons disabled since childhood, conditions less severe than those listed in the Regulations can be considered disabling. This is because age, education, training, and work experience can also be taken into account for these applicants.

You Will Be Notified Of The Decision In Your Case

After you have submitted the evidence needed for the decision on your disability application, you do not have to do anything more. You will receive a notice from the Social Security Administration as soon as a decision has been reached in your case.

If Your Application Is Denied

If you get a letter notifying you that you are not entitled to benefits, the letter will tell you the reason. The doctors and other experts who have studied your case may have found that your condition is not serious enough for you to be considered disabled under the law. Or the evidence may show that your condition is of a type which is not likely to continue for 12 months or more.

In some cases, a disabled worker's application under the disability provisions may be denied because he did not work long enough or recently enough (as explained on page 7).

A letter of denial for disability benefits does *not* mean that a decision has been made about your eligibility for any other type of

social security benefits. It means only that you are not now eligible to receive social security disability benefits.

If your application is denied, you may, if you wish, present new evidence concerning your disability. Your social security office will be glad to see that any new evidence you may have is presented and that your case is reconsidered.

If you have no new evidence to offer but feel that the decision in your case is not correct, you still may ask your social security office to have your case reconsidered. If you believe that the results of this reconsideration are not correct, you may request a hearing before a hearing examiner of the Social Security Administration. There is no charge for reconsidering your claim or for a hearing.

Your social security office will help you to get your claim reconsidered or to request a hearing.

If you have received notice of the hearing examiner's decision and believe the decision is not correct, you may ask for a review by the Appeals Council of the Social Security Administration in Washington, D.C.

If you believe the decision of the Appeals Council is not correct, you may take your case to the Federal Courts.

VOCATIONAL REHABILITATION AND SPECIAL EMPLOYMENT SERVICES

Whether or not you are found eligible to receive benefits because of disability, you may be offered help in improving your condition and in preparing for and finding work.

When you apply for social security disability benefits, you will be considered for vocational rehabilitation services by your State vocational rehabilitation agency. That agency provides counseling, training, and other services that you may need to help you get back to work. Information in your file is made available to help the people in that agency decide whether you can benefit from rehabilitation services and, if so, what kinds of services will be most useful to you.

Rehabilitation services generally are financed by State-Federal funds. In some cases, however, social security pays the costs of re-

habilitating those receiving disability benefits. Rehabilitating beneficiaries is expected to save social security money because, in the long run, the cost should be less than the expense of paying them benefits.

You may also get employment counseling and special placement services from your State Employment Service.

People who become entitled to benefits because of disability will not be paid those benefits if, without good cause, they refuse counseling, training, or other services offered to them by their State vocational rehabilitation agencies.

IF YOU RECOVER OR RETURN TO WORK

If your claim for disability benefits is approved, you are required by law to inform the Social Security Administration if your condition improves or if you return to work. You may do this either by sending in the post-card form which will be given you for this purpose, by writing a letter, or by visiting your social security office.

If You Recover From Your Disability

If at any time medical evidence shows that your condition has improved so much that you are no longer disabled, you will still receive benefits for a 3-month period of adjustment. This period includes the month in which your condition improves and 2 additional months. Benefits will then be stopped.

Trial Work Period

If you are a disabled worker or a person disabled in childhood and you return to work in spite of a severe condition, your benefits may continue to be paid during a trial work period of up to 9 months (not necessarily consecutive months). This will give you a chance to test your ability to work. If after 9 months it is decided that you are able to do substantial gainful work, your benefits will be paid for an adjustment period of 3 additional months.

Thus, if you go to work in spite of your disability, you may continue to receive disability benefits for up to 12 months, even though the work is substantial gainful work. If it is decided that the work you are