



# SOCIAL SECURITY

## Disability Adjudication & Continuing Disability Review Primer

# SSA Disability Programs

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- **Disability Insurance (DI) – 1956**
  - Funded through FICA/SECA tax
  - Eligibility based on covered work record
  - Benefit amount based on previous earnings
- **Supplemental Security Income (SSI) – 1972**
  - Funded through general revenues
  - Eligibility based on need
  - Benefit amount based on total income

# How Does SSA Define Disability?

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- The inability to engage in any substantial gainful activity (SGA) because of a medically determinable physical or mental impairment(s):
  - That can be expected to result in death, or
  - That has lasted or that we can expect to last for a continuous period of not less than 12 months.
- In 2019, SGA is considered earnings of \$1,220 or more per month (\$2,040 for blind).

# DI and SSI Disability Programs

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- Includes both a medical and vocational requirement
- No partial or short-term benefits
- Must be unable to do previous work or any other kind of work which exists in significant numbers in the national economy
- Very strict definition of disability

# Disability Adjudicative Process

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- **SSA Field Office (FO)**
  - Initial application
  - Insured status (DI); income/asset test (SSI)
  - SGA Determination
- **State Disability Determination Services (DDS)**
  - Five step sequential process – initial decision
  - Reconsideration
  - Pre-effectuation reviews
- **Hearing - Administrative Law Judge (ALJ)**
- **Appeals Council (AC)**
- **Federal Courts**

# **Disability Adjudicative Process**

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Five-step sequential evaluation process (SEP)

Step 1 Engaging in SGA?

Step 2 Impairment that is severe & meets duration?

Step 3 Meets or medically equals a listing?

Step 4 Impairment(s) prevent past relevant work?

Step 5 Ability to adjust to other work?

# Continuing Disability Reviews

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- Continuing Disability Review (CDR) is the process by which SSA determines if individuals who are receiving disability benefits continue to meet the program's medical eligibility requirements. Since 1993 CDRs have been completed by full medical reviews or by mailers.

# Continuing Disability Reviews

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- **Diary Categories**

SSA is required by law to periodically review both DI and SSI disability cases. Timeframe established to conduct a CDR depends on the expected likelihood of medical improvement:

- Medical Improvement Expected (MIE) 6-30 months (3% of beneficiaries)
- Medical Improvement Possible (MIP) 3 years (58% of beneficiaries)
- Medical Improvement Not Expected (MINE) 5-7 years (39% of beneficiaries)

- **Review Standard**

SSA's Medical Improvement Review (MIR) Standard provides that a beneficiary's entitlement cannot be ceased unless there is medical improvement related to the ability to perform work (SGA) or a specific exception is evinced (such as failure to cooperate) that if present does not require that MIR be found



# Continuing Disability Reviews

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## Review Process

- **8-step process with exceptions (boils down to 3 medical questions):**
  1. **Does the person meet a current listing?**
  2. **If not, has there been Medical Improvement related to the ability to work?**
    - A finding of Medical Improvement does not *necessarily* mean that benefits will cease
  3. **If so, decide whether the person is currently disabled based on all of their limitations considered against our medical and vocational factors.**
- **Exceptions Include:**
  - Failure or refusal to cooperate
  - Substantial Gainful Activity
  - Fraud of similar fault