



*Helping Older Persons with Legal &  
Long-Term Care Problems*

# **Supplemental Security Income (SSI)**

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## ***1. Who Is Eligible For Supplemental Security Income (SSI)?***

You must apply and submit a signed application, be aged (at least 65), blind or disabled and meet the financial eligibility requirements to qualify. The Social Security Administration (SSA) also requires that you apply for all other benefits you may be entitled to, such as veterans' benefits or workmen's compensation before granting SSI eligibility. SSI Disability is generally determined by SSA under the same rules as Social Security Disability. [1]

## ***2. How Is The Amount Of My SSI Check Determined?***

The monthly dollar amount an eligible individual receives is the federal benefit rate (FBR) of \$750 (2018) for an individual (\$1,125 for an eligible couple), adjusted annually for cost of living, and reduced by other countable income that an individual receives. But, see the exclusions from income discussed in paragraph 3 below. The maximum unearned income (from all sources) that an individual may receive is \$770 a month. The maximum unearned income an eligible couple may receive is \$1,145 per month. [2]

## ***3. What Is Counted As Income For SSI Eligibility?***

Income can be earned or unearned. Income is also anything you receive in-kind that can be used for food, clothing and shelter. Earned income includes wages, net earnings from self-employment and payments for services in sheltered workshops. The first \$65 of earned income, as well as one-half of remaining earned income, is not counted. Unearned income includes annuities, pension, alimony, dividends, interest, royalties, rents, life insurance proceeds, prizes, gifts and in-kind support and maintenance. The first \$20 is not included when counting unearned income.

In-kind income is not cash, but is a gift or donation to you of actual food, clothing or shelter or something that can be used to get food, clothing or shelter. If an applicant lives in another's household and receives in-kind support and maintenance, SSI benefits are automatically reduced by one-third. If you live with an ineligible spouse, his or her income will be applied (deemed) to you. Medical assistance paid by Medicaid or Medicare is not considered income. Food stamps are also not counted as income. [3]

#### ***4. What Are Counted As Resources For SSI Eligibility?***

Resources are cash or other liquid assets or any real or other personal property you own which can be converted to cash for your support and maintenance. The eligibility limit on resources is \$2,000 for an individual and \$3,000 for a couple. Your home is not counted as long as you, your spouse or dependent relative lives there. The IRA of an ineligible spouse or their pension funds is excluded. Household goods and/or personal effects with a total equity value of \$2,000 or less are not counted. One vehicle per household is excluded (regardless of value) if the vehicle is used for transportation for any member of the household. Certain income-producing property necessary for self-support is not counted.

If the face value of all life insurance policies is over \$1,500, then the cash surrender value is counted. However, the value of a burial space, and up to \$1,500 each for an individual and a spouse set aside for burial (it need not be in a designated account), will not be counted. If your property cannot be liquidated for cash, it is not considered a resource. The resources of a spouse living with an SSI applicant are resources considered available to the SSI applicant. [4]

#### ***5. May I Transfer Resources Before Applying For SSI Benefits?***

Any available resource that is transferred for less than fair market value or gifted within 36 months from the date of your SSI application carries a penalty. The penalty is calculated by dividing the total amount transferred or gifted by the current FBR (\$750). This determines the number of months an applicant or recipient is ineligible for SSI. The penalty period begins the month after the transfer and cannot exceed 36 months. [5]

#### ***6. Do Changes In Income Or Resources Affect My SSI Benefits?***

Yes. You must report any changes in your income or resources within the first 10 days of the month following the change. Failure to report such changes may result in penalty deductions from your benefits. [6]

#### ***7. Will I Still Receive SSI If I Am In A Nursing Home?***

If you live in a nursing home or a hospital throughout a month and Medicaid pays your care, your SSI benefit is reduced to \$30 a month for a single nursing home resident and \$60 a month for a couple living in a nursing home. If your spouse lives in any medical treatment facility throughout a month and you remain at home, you are treated as an individual for that month's benefits. [7]

## ***8. Can Someone Else Receive My Monthly SSI Benefit Check For Me?***

Yes. SSA will appoint a representative payee to handle your benefit payments if it is proven to SSA that you are legally incompetent or mentally incapable of handling the payment yourself. Your representative payee is legally required to use the monthly benefit payment amount only for your welfare and needs. [8]

## ***9. How Does SSI Affect Medicare Or Medicaid Eligibility?***

Medicare: Since Medicare is not a needs-based program, receipt of SSI has no effect. However, to qualify for Medicare you must be insured for Social Security benefits. You must be 65 years or older or you can be less than 65 if disabled according to SSA standards. As a disabled person you will become eligible for Medicare two years after your entitlement to disability benefits.

Medicaid: In Ohio, an SSI recipient automatically qualifies for Medicaid. But it is advisable to separately apply for Medicaid at the County Department of Job and Family Services for a determination. Ohio Medicaid follows the same income and resource rules as the SSI program for purposes of determining eligibility.

SSI income is not counted in determining eligibility for Community Medicaid. If the SSI recipient is in a nursing home and receiving Medicaid to pay for nursing facility care, SSI is reduced to \$30 a month. It is possible to qualify for Medicaid in Ohio under the “expanded” Medicaid program even if the person is not disabled or aged 65. The general criteria for qualification for expanded Medicaid is household income under 138% of Federal Poverty Level (currently approximately \$1,396 month) and no other health insurance is available. [9]

## ***10. Can I Appeal A Decision That Denies, Reduces Or Ends My SSI Benefits?***

The SSA appeal process is divided into four major steps:

- a) Reconsideration;
- b) Administrative Hearing;
- c) Appeals Council; and
- d) Federal District Court.

SSA must send an initial written notice of any proposed action that affects your benefits or eligibility. You have 60 days from the date of the initial written notice to request Reconsideration (SSA will extend the deadline 5 days to account for mailing time). A proposed decision to terminate benefits will be suspended while you appeal if you file a request for Reconsideration within 30 days from the date of the initial written notice.

At all major steps of appeal, you have 60 days to request further appeal from the date on the written notice from SSA. If you miss the 60-day limit to appeal at any step,

contact your SSA office, as there are limited exceptions that may apply. At any stage you may submit new evidence and be represented by an attorney.

For more SSI details see: <http://www.socialsecurity.gov/ssi/text-understanding-ssi.htm>.  
[\[10\]](#)

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Pro Seniors' Legal Hotline for Older Ohioans provides free legal information and advice by toll-free telephone to all residents of Ohio age 60 or older. If you have a concern that cannot be resolved over the phone, then the hotline will try to match you with an attorney who will handle your problem at a fee you can afford.

In southwest Ohio, Pro Seniors' staff attorneys and long-term care ombudsmen handle matters that private attorneys do not, such as nursing facility, adult care facility, home care, Medicare, Medicaid, Social Security, protective services, insurance and landlord/tenant problems.

This pamphlet provides general information and not legal advice. The law is complex and changes frequently. Before you apply this information to a particular situation, call Pro Seniors' free Legal Hotline or consult an attorney in elder law.

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Pro Seniors, Inc.  
7162 Reading Rd.  
Suite 1150  
Cincinnati, Ohio 45237

Switchboard: 513.345.4160  
Clients Toll-free: 800.488.6070  
Fax: 513.621.5613  
TDD: 513.345.4160

E-mail: [proseniors@proseniors.org](mailto:proseniors@proseniors.org)

Web Site: [www.proseniors.org](http://www.proseniors.org)

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**Endnotes:** [Click the endnote number “[1]” to return to the text]

- [1] [42 U.S.C. §1381a](#) – Basic entitlement to benefits  
See generally, [Code of Federal Regulations - Title 20, Part 416](#)—Supplemental Security Income For the Aged, Blind, And Disabled
- [2] [20 C.F.R. § 416.413](#) – Amount of benefits; qualified individual  
[20 C.F.R. § 416.405](#) – Cost-of-living adjustments in benefits
- [3] [20 C.F.R. § 416.1102](#) – What is income?  
[20 C.F.R. § 416.420](#) – Determination of benefits; general  
See generally, [Code of Federal Regulations - Title 20, Part 416, Subpart K—Income](#)
- [4] [20 C.F.R. §§ 416.1201, et seq.](#) – Resources; general  
See generally, [Code of Federal Regulations - Title 20, Part 416, Subpart L—Resources and Exclusions](#)
- [5] [42 U.S.C. § 1382b\(c\)](#) – Resources
- [6] [20 C.F.R. § 416.714](#) – When reports are due
- [7] [20 C.F.R. § 416.414](#) – Amount of benefits; eligible individual or eligible couple in a medical treatment facility
- [8] [20 C.F.R. § 416.601, et seq.](#) – Subpart F—Representative Payment
- [9] [Ohio Administrative Code § 5160:1-3-02.3](#) – Medicaid: coverage for individuals receiving supplemental security income (SSI) benefits.  
[Spotlight On Continued SSI Benefits For Persons Who Are Temporarily Institutionalized – SSI Spotlights, 2018 Edition](#)
- [10] [20 C.F.R. 404.907, et seq.](#) – Reconsideration  
[20 C.F.R. 404.929, et seq.](#) – Hearing Before an Administrative Law Judge  
[20 C.F.R. 404.967, et seq.](#) – Appeals Council Review