

# Your Social Security

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News and Information for SSDI and SSI Recipients

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## Disability Back Pay:

Wrong Decisions Can Cost You Thousands

Because Social Security disability claims take a long time to process, past due disability benefits (known as disability back pay) are paid in almost every case. How much back pay you might receive in a successful claim for disability benefits depends on three factors: your application date, the date of the onset of your disability and whether you qualify for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

Under Social Security rules for SSI, if you are approved, you are paid from the first of the month after you apply. But since it typically takes Social Security several months to decide a case, the first few months of payments will, in all likelihood, be paid in a back payment.

For SSDI the important date is the date of the onset of your disability. With SSDI you can get retroactive pay as far back as 12 months from the date you apply for benefits, if you were disabled before that point. When you apply for disability benefits, you will be asked on the forms for the date when your disability started. This is known as the alleged onset date (AOD). The selection of a disability onset date is a critically important decision. Picking the wrong date can torpedo your chances of being approved or can cost you thousands of dollars in back benefits. It often is difficult to pinpoint an exact onset date because it is common for impairments to develop over time rather than happen on one specific day. Our best advice is to pick a date supported by medical evidence (e.g. lab tests, doctor's written records, etc.) and your work history (usually the date you were no longer able to work).

When you and your attorney are successful in making your case for disability and you are awarded benefits, you will be given an established onset date (EOD). The EOD is set either by



*"Medical evidence, your work history, and the application you filled out in applying for disability benefits will determine how far back your benefits will extend."*

your Social Security administrative law judge or a SSA Disability Determination Services examiner. The evidence presented in your case will be the exclusive basis for setting the established onset date. In other words, your doctor's reports and notes, lab tests, your work history, written statements, testimony and the application you filled out in applying for disability benefits will determine how far back your benefits will extend.

But there is one more factor in calculating the SSDI starting date: a mandatory five-month waiting period. Social Security subtracts five months when computing your back pay. This waiting period combined with the limit of 12 months of retroactive back pay means that the established onset date cannot be more than 17 months before the application date. Of course, you must prove you have been disabled and were

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**Cuddigan Law**  
1005 S. 107th Ave. Ste. 201  
Omaha, NE 68114  
cuddiganlaw.com  
402.933.5318

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unable to work for that long or longer. When you are approved for SSDI you will receive the back pay as one lump-sum payment.

For SSI disability benefits, when you are approved you will receive your back pay in either a lump-sum amount or, if the amount of back pay owed to you is large (more than three times the maximum monthly SSI benefit), you will be paid in smaller installment payments.

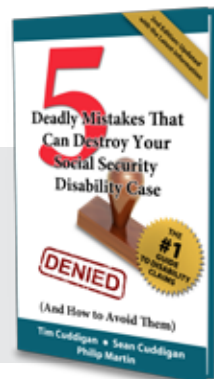
Usually, you will receive your back pay within 60 days of being approved. However, the waiting time for both SSI and SSDI payments can be longer, for a number of reasons. For example, SSDI back pay is handled by separate payment processing centers and your processing center may be in a state other than where you live. Often the processing centers have a considerable backlog of payments to process.

## Question of the Month



### Can I own a home and still receive Social Security disability benefits?

The short answer is yes. You can receive Social Security disability payments and own a home. Social Security



**5 Deadly Mistakes That Can Destroy Your Social Security Disability Case** is the #1 guide to improving the odds of winning a disability case.

For a FREE copy for you or someone you care about call Cuddigan Law at 402.933.5318 or email us at [lawteam@cuddiganlaw.com](mailto:lawteam@cuddiganlaw.com)

Disability Insurance (SSDI) benefits are not based on your resources or your family's financial status. If you can prove you are unable to work due to a disability which has lasted or will last at least 12 months you may be eligible for SSDI benefits.

A second kind of disability benefit program, Supplemental Security Income (SSI), is designed to help people with limited or no income. For this program overall family income and resources do matter. You are eligible only if your countable resources do not exceed \$2,000 for an individual or \$3,000 for a couple. Countable resources include cash or items you own that could be used for food or housing if converted to cash.



Many items are exempt and therefore not counted toward the SSI resource limit even though they might be valuable. A house you own and live in will not usually be considered a countable resource under the rules governing SSI payments. However, a home you own but are not living in will most likely be a countable resource, which could make you ineligible for SSI benefits.

The Social Security Administration (SSA) has a long list of what it counts and what it doesn't count as resources in determining SSI eligibility, so you may wish to seek professional advice.



## Comfort Food

From the kitchen of Janet Cuddigan

### New Year's Vegetable Soup

Is one of your New Year's resolutions to get fitter, to lose a few pounds? Here's a recipe that will help and it's hot and delicious, too — perfect for cold winter nights.

½ diced onion  
4 packets chicken broth and seasoning mix  
3 cups water  
4 cloves minced garlic  
3 cups zucchini, sliced  
1 cup carrots, sliced  
1 cup tomatoes, chopped  
1 teaspoon fresh parsley, chopped  
¼ teaspoon basil  
1/8 teaspoon pepper

Combine ingredients in a large sauce pan. Bring to boil then let simmer until vegetables are cooked.

If you really like vegetables, you can add different types to the soup. To make it more of a meal, add chicken and noodles or rice.

## Connections

### Beat the Cold: Get Help Paying Your Heating Bill

Midwestern weather can be brutal, especially at this time of year when temperatures plunge and the wind howls. Keeping your home and family warm can be a financial challenge, but there is help available for those with limited resources through the federal Low Income Home Energy Assistance Program (LIHEAP).



LIHEAP helps people with limited incomes offset the cost of heating and cooling their homes. The program will partially pay the cost of electricity, fuel oil, gas, coal, wood, kerosene, propane, or other fuel source. Although this is a federal program managed by the U.S. Department of Health and Human Services, it is administered at the state level and the program guidelines can vary from state to state.



In general, eligibility in Nebraska and Iowa "is based on a household's resources and income. Some resources are not counted like your home, one car and personal belongings such as furniture and clothing.

LIHEAP benefits are different for each household. The exact amount of these benefits depends on household size, household income, and cost of energy for the household. The fuel type used by the household is another important factor for deciding the amount of maximum and minimum benefits available for individuals with limited resources.

Applicants participating in other social programs such as SNAP, SSI, TANF, and certain VA benefits may be automatically eligible for the LIHEAP program.\*\*

Here are some resources for specific information and to apply for assistance:

U.S. Department of Health and Human Services <http://www.hhs.gov/>

[www.benefitsapplication.com](http://www.benefitsapplication.com)

(Click on the map to see the specific benefits and requirements in your state.)

Nebraska Health & Human Services Department (402) 471-3121

Iowa Department of Health & Human Services (712) 225-1698

We also maintain an extensive list of all kinds of government and non-government resources on our website at: <http://www.cuddiganlaw.com/resources.cfm>.

\*\* Source: U.S. Department of Health and Human Services, [www.benefitsapplication.com](http://www.benefitsapplication.com)

## We're in your corner.

We value the confidence and trust you have placed with us in the past.

If you or a family member or a friend could use our help now or in the future, please pass along our name.

Cuddigan Law.

Disability law is all we do.



Tim & Sean Cuddigan

### Cuddigan Law

1005 S. 107th Ave. Ste. 201  
Omaha, NE 68114  
[cuddiganlaw.com](http://cuddiganlaw.com)  
402.933.5318

Are you a disabled veteran?

Before you apply for VA disability benefits call Cuddigan Law at 402.933.5318 or email us at [lawteam@cuddiganlaw.com](mailto:lawteam@cuddiganlaw.com) for your FREE copy of our book *The Essential Guide to VA Disability Claims*.

