

NACDD Position Statement with Policy Recommendations Social Security and Income Maintenance

Social Security is more than just a retirement program. It is an insurance program to protect against poverty in retirement or as a result of disability or death of a family wage earner. More than one-third of all Social Security checks go to non-retirees, including nearly nine million people with disabilities. These beneficiaries include workers with disabilities and people with disabilities who are dependents and survivors of disabled workers, retirees, and deceased workers. Many depend solely on their Social Security or Supplemental Security Income benefits and related health coverage for their basic survival.

People with disabilities have experienced increasingly long delays and decreased service in accessing critical Social Security benefits for many years. Processing times grew, especially at the hearing level where delays reached intolerable levels – in many cases claimants waited more than two years to receive a hearing and decision. After years of advocacy efforts, Congress and the Administration began to devote substantial resources to reducing the backlog and the waiting times began to come down. However, with the recent economic crisis, the Social Security Administration is receiving hundreds of thousands more applications than usual. The backlogs are growing. Pressures in the claims and hearings offices are growing again. All of this is happening despite the increased resources. Behind the numbers are individuals with disabilities whose lives have unraveled while waiting for decisions – families are torn apart; homes are lost; medical conditions deteriorate; and once stable financial security crumbles. Many individuals die without receiving the benefits and medical care to which they were entitled, which in some cases would have prolonged their lives.

It is the position of NACDD that the Social Security programs which people with disabilities rely upon, be preserved and strengthened to avoid insolvency and assure that resources are adequate to cover benefits for intended beneficiaries. NACDD specifically supports efforts to ensure the solvency of the Social Security Trust Funds while preserving the program's basic structure and strengthening its insurance functions. NACDD also supports continued full implementation of all Social Security programs for people with disabilities, as well as measures to make them better encourage the employment and economic self-sufficiency of people with disabilities. The Social Security Administration must receive sufficient administrative funding to assure timely processing of all applications and appeals in a timely manner, as well as to meet its other administrative obligations.

Policy Recommendations

To address issues with Social Security, the federal government must

Overall structure

- Protect and expand the effectiveness of income support programs and their related health coverage programs in the Social Security Act, including the Old Age, Survivors, and Disability Insurance (Title II) programs, Supplemental Security Income (SSI) (Title XVI) program, Medicare (Title XVIII), and Medicaid (Title XIX);
- Reject any proposal to privatize or otherwise diminish Social Security Trust Funds or revenues dedicated to the Trust Funds. The potential impact of the resulting market risk, and potential loss of trillions of dollars in revenue to the trust fund could result in severe reduction of benefits that would be devastating for people with disabilities
- Support proposals to ensure the continuing long-term solvency of the Social Security Trust Funds through adjustments that spread the costs and are as minimal as possible;
- Make adjustments to ensure the solvency of the Social Security programs through changes made outside of a deficit reduction context;
- Reject proposals to increase the retirement age, change the benefit formula, or otherwise cut benefits;
- Maintain the insurance protections of the Title II programs for people with disabilities;
- Recognize that most developmental disabilities are serious, lifelong conditions. Therefore, maintain SSI and Title II as cash assistance programs that are relevant and viable for children and adults with these conditions.

Definition of Disability

- Reject any proposal that would further narrow the definition of disability and lead to the loss of critical supports and services for children and adults with significant disabilities;
- Increase the Substantial Gainful Activity (SGA) level for all people with disabilities to at least the level used for people who are blind.

Administrative Issues

- Fully fund the administrative expenses of the Social Security Administration (SSA) to ensure that the service needs of the public are met in a timely and responsive manner, particularly for people applying for disability benefits and those who request a hearing;
- Monitor changes in the process for determining disability and ensure the protection of claimants' due process rights to an individualized decision, including the right to a full and fair administrative hearing by an independent decision-maker who provides impartial fact-finding and adjudication;
- Require the Social Security Administration (SSA) to minimize overpayments by establishing an efficiently working, beneficiary-friendly, system for collection of earnings reports and adjustments of benefits payments. Require SSA to waive non-fraudulent overpayments when SSA has failed to notify the beneficiary within a reasonable time period;

- Provide oversight to review and improve the representative payee system.

Supplemental Security Income (SSI)

- Substantially increase the resource limit for SSI to the level it would have been had it been indexed for inflation since inception. Annually index the SSI resource limit for inflation;
- Increase the SSI earned and unearned income exclusions to the level they would be if they had been indexed for inflation since inception, and index for inflation annually thereafter;
- Extend continued Medicaid eligibility for SSI/Medicaid beneficiaries who earn their way into the Title II Disability Insurance program so that they may continue to have the supports necessary to work;
- Permanently extend eligibility for SSI to refugees, asylees, and other legal immigrants who are disabled or elderly;
- Enact a program to allow SSI beneficiaries to maintain resources dedicated for housing purposes;
- Ensure that SSI beneficiaries can participate in appropriate Individual Development Accounts, retirement plans (such as 401(k) accounts), and other similar accounts without jeopardizing their eligibility for SSI.

Retirement, Survivors, and Disability Insurance

- Eliminate the 5-month waiting period for eligibility for Title II disability benefits and eliminate the additional 24-month waiting period for Medicare for Title II beneficiaries with disabilities;
- Enact an earnings offset work incentive for Title II beneficiaries that parallels work incentives for SSI;
- Enact simplification of work incentives, including allowing on-going presumptive re-entitlement to Title II disability benefits for those who lose benefits due to work but continue to be disabled.

Disabled Adult Child (DAC) Benefits

- Improve requirements for “disabled adult child” eligibility to eliminate work disincentives;
- Exempt Disabled Adult Child beneficiaries from the Family Maximum when they are not living in the household of the parent/spouse;
- To eliminate potential disincentives for adoption, ensure that individuals who adopt children with special needs are not affected by application of the family maximum with respect to those adopted children.

Employment Issues

- We support payment of wages at or above minimum wage to people with disabilities. However, where people with disabilities work in sub-minimum or wage-subsidized situations, it must be ensured that FICA taxes are paid on their behalf and they receive appropriate work credits for Title II and Medicare eligibility;
- Enact technical and substantive changes to the Ticket to Work and Work Incentives Improvement Act to ensure the Act operates as intended for all people with disabilities.

Other

- Ensure adequate benefit levels and protect buying power through appropriate cost of living adjustments;
- Eliminate marriage penalties in Social Security disability policy;
- Permanently authorize the Social Security Administration's authority to conduct demonstration programs, so long as beneficiaries are protected from any disadvantage as a result of participating in demonstration projects;
- Exclude the AmeriCorps State and National and AmeriCorps National Civilian Community Corps program payments for purposes of determining Title II Disability program eligibility and benefit amounts;
- Support development of interdisciplinary teams of clinicians with specialized developmental and assessment expertise to provide expertise for adjudicators who determine eligibility for disability benefits.