SUPPLEMENTAL SECURITY INCOME

Sara Kendall, DRS Program Specialist October 8, 2015





- 1. To have a very basic understanding of Supplemental Security Income (SSI).
- 2. To be able to do the SSI calculation sheet for consumers.
- 3. To know that there are programs under SSI that consumers can use to retain all/some of their monthly cash benefit and/or Medicaid.
- 4. To get the proper documents about SSI benefits from the referring VRC.
- 5. To know where a consumer can get additional assistance with SSI issues.
- 6. From this day forward to always encourage consumers receiving SSI to earn as much as possible at their new job!

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SSI BASICS

- SSI pays a standard monthly cash benefit of \$733 to singles and \$1,100 to couples in 2015. The amount changes every year. The purpose of SSI is to help with obtaining food and shelter.
- SSI is for people with little to no money. A person cannot have SSI if he has more than \$2,000 in 'countable resources'. There are a number of exceptions to this rule including (but not limited to) a house someone owns and lives in, one car, and some specific burial expenses.
- SSI counts parent's income and resources if the person is under 18 or the spouse's income and resources if the person getting SSI is married.

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SSI BASICS

- SSI is known as Title XVI (16) in Social Security.
- When you send consumers to SSA they should refer to themselves as a "Title XVI Recipient"
- Consumers receiving SSI are <u>recipients</u> in Social Security, not beneficiaries.
- Never send a Title XVI recipient to SSA without giving extremely specific directions about what to ask and say. If the consumer is unable to follow these directions accompany him/her to the local SSA office if you are able to do so!
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SSI BASICS

- Eligibility for Adult SSI is determined by both the local SSA office and SSA's Disability Determination Services (DDS) using both financial and disability criteria.
- There are five steps to this evaluation:
- 1. Are you working and earning above 'Substantial Gainful Activity (SGA)'?
 - If the answer to this is yes, you are not eligible for SSI.
 - There is a difference for those who are blind. For consumers who are blind Step #1 is skipped for SSI only.
- 2. Do you have a medical condition or combination of medical conditions that have lasted more than 12 months, are expected to last more than 12 months, or will result in death?
- 3. Do you meet an <u>SSA</u> disability listing *and* severity?
- 4. Are you able to do work that you did in the past 15 years and earn SGA?
- 5. Are you able to do work anywhere in the country with your current abilities?

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THREE TYPES OF SUPPLEMENTAL SECURITY INCOME



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- Under 18 and disabled by SSA's definition. Children's SSI evaluation is different than the adult evaluation. It is concentrated on the individual's functional limitations in comparison to others without a disability at the same age at school and home.
- Parents the individual lives with, or whoever takes care of that individual has limited income.
- When the individual turns 18 SSA reevaluates the disability again to decide if the person meets the adult definition of disability. This is automatic, but it does not hurt to remind SSA it is time to do this reevaluation when the person turns 18!

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- ▶ 18 or older.
- Disabled by SSA's definition.
- Very limited income and resources.
- Usually little or no work experience or work experience did not pay a living wage.



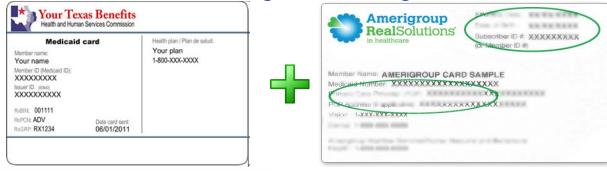


- ▶ 65 or older.
- Does not have to have a disability.
- Very limited income and resources.
- Usually little or no work experience or work experience did not pay enough to enable the individual to draw SSA Title II Retirement benefits.



SSI and Health Insurance

- SSI always comes with Medicaid in Texas. Medicaid obtained as a result of eligibility for SSI is provided through a Managed Care Organization.
- The Social Security Administration does not administer Medicaid.
- Medicaid is administered by the Health and Human Services Commission (HHSC) Medicaid/CHIP Division.
- People who have Medicaid have two cards: one from Your Texas Benefits and one from a Managed Care Organization:



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SSI and Health Insurance

- If the consumer receiving SSI is offered a job at a salary that would eliminate their SSI monthly cash benefit, there are ways to keep Medicaid which we will talk about later on in this presentation.
- If, <u>due to earned income</u>, the consumer has no way of keeping their Medicaid he/she will be eligible for the Medicaid Buy-In (MBI).
- MBI is a Texas specific program run by HHSC Medicaid/CHIP whereby certain individuals with disabilities who are working can purchase Medicaid.
- Find out more about MBI at <u>http://www.hhsc.state.tx.us/MBI.shtml</u>, but note that this webpage has not been updated in a number of years so the figures currently listed on it are not correct.

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SSI and Some POTENTIAL Disincentives to Work

- Deeming
- In Kind Support and Maintenance
- Presumed Maximum Value
- Resource Limit



Deeming

- Parent to Child (anyone under age 18 is considered a child in SSA);
- Spouse to Spouse; and
- Sponsor to Immigrant.
- Any income a parent, spouse or sponsor earns as well as their resources will be counted against the child, spouse or immigrant and could cause ineligibility for SSI.



In Kind Support and Maintenance

- In Kind Support and Maintenance (ISM or the value of the one-third reduction) rule applies if a consumer is living in the household of a person who provides him/her with both food and shelter.
- These consumers will receive a monthly SSI cash benefit in the amount of 2/3 the total Federal Benefit Rate (FBR) for the calendar year. ISM cannot be contested.
- This year a consumer being charged ISM would receive \$488.67 (\$733, the 2015 FBR (-) 1/3 of \$733 (\$244.33) = \$488.67.
- Easy Fix! Just do a standard lease agreement and charge reasonable amount for food and consumer's cash benefit will return to full FBR for the calendar year.

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Presumed Maximum Value

- Presumed Maximum Value (PMV) applies when a consumer is:
 - Living throughout a month in another person's household but not receiving both food and shelter from that person;
 - Living in their own household, but someone outside that household pays for the rent, utilities or food; or
 - Living in a non-medical institution.
- Instead of determining the actual value of in-kind support and maintenance, SSA presumes that the maximum value of the assistance is not more than an amount equal to one-third of the applicable FBR plus \$20.
- The presumed maximum value amount can be contested.

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SSI Resource Limit

Note: This information will change with implementation of the Texas ABLE Act for many!

- Consumers who receive SSI cannot have more than \$2,000 in 'countable resources'.
- Countable Resources are cash and any other personal property, as well as any real property, that a consumer (or spouse, if any) owns; has the right, authority, or power to convert to cash (if not already cash); and is not legally restricted from using for his/her support and maintenance.
- There are SSI Resource Exclusions including the home the consumer owns and lives in, one car, certain pre-paid burial expenses, energy assistance, tax refunds, maintenance payments from DRS, and more. <u>https://secure.ssa.gov/apps10/poms.nsf/lnx/0501130050</u> for complete list.
- Resources are different than income. "Resources are what you got; income is what you get".

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THE SSI FORMULA

- When a consumer earns income the SSI monthly cash benefit is re-figured using a standard mathematical formula.
- The most important thing for consumers to know is that as they earn more income the amount of their SSI cash benefit will go down, but they will always have more money in their pocket (net income) than if they just got SSI, <u>always</u>. And they can keep Medicaid.
- You can only provide the consumer with an estimate of what the SSI monthly cash benefit will be when earning income.
 Variables such as weeks in a month, hours worked, overtime, etc. make it impossible to ever provide a hard and fast figure.
 But the estimate will be close if you do the math correctly!

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How SSI Estimates a Month's Earnings

 Take hourly wage and multiply by amount of hours worked per week. Multiply the total by 4.33

If the consumer is on a fixed salary you can divide by 12. But only if it is a fixed salary.

Don't get tangled up in the "why" or worry if you are bad at math. Take your time; plug the numbers in the right lines on the calculation sheet and you'll do fine!



THE SSI CALCULATION SHEET

STEPS	CALCULATIONS
Unearned Income	
General Income Exclusion (GIE)	-
TOTAL COUNTABLE UNEARNED INCOME	=
Gross Earned Income	
Student Earned Income Exclusion	-
Remainder	
GIE (if not used above)	-
Remainder	
Earned Income Exclusion (EIE)	-
Remainder	
Impairment Related Work Expense (IRWE)	-
Remainder	
Divide by 2	
Blind Work Expenses (BWE)	-
TOTAL COUNTABLE EARNED INCOME	=
Total Countable Unearned Income	
Total Countable Earned Income	+
PASS Deduction	-
TOTAL COUNTABLE INCOME	=
Base SSI Rate	
Total Countable Income	-
ADJUSTED SSI PAYMENT	=

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THE SSI CALCULATION SHEET IN ACTION

STEPS	CALCULATIONS
Unearned Income	0
General Income Exclusion (GIE)	- 0
TOTAL COUNTABLE UNEARNED INCOME	= 0
Gross Earned Income	\$942
Student Earned Income Exclusion	- 0
Remainder	\$942
GIE (if not used above)	- 20
Remainder	\$922
Earned Income Exclusion (EIE)	- 65
Remainder	\$857
Impairment Related Work Expense (IRWE)	- 0
Remainder	\$857
Divide by 2	\$428.50
Blind Work Expenses (BWE)	- 0
TOTAL COUNTABLE EARNED INCOME	= \$428.50
Total Countable Unearned Income	0
Total Countable Earned Income	+ \$428.50
PASS Deduction	- 0
TOTAL COUNTABLE INCOME	= \$428.50
Base SSI Rate	\$733
Total Countable Income	- \$428.50
ADJUSTED SSI PAYMENT	= \$304.50

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SSI Calculation Sheet Exercises

James receives SSI. He starts a job earning \$7.50 an hour, 30 hours a week. What is his new SSI amount?

Lucy receives SSI. She gets a job earning \$14,000 per year.
 What is her new SSI amount?

Meredith receives SSI. She gets a job earning \$9.50 per hour,
 40 hours a week. What is her new SSI amount?



THE SSI BREAK EVEN POINT

- When, like Meredith, a consumer earns above a certain amount they will no longer receive any SSI cash benefit. This is known as the Break Even Point (BEP). The consumer remains an active SSI recipient as long as there is not medical improvement to the disabling condition.
- The BEP will change each year as the FBR changes.
- To figure out the BEP you do the SSI mathematical formula backwards:
 - 1. Start with the FBR for the calendar year (In 2015 it is \$733)
 - 2. Multiply the FBR for the calendar year (x) 2 (In 2015 733 x 2 = \$1,466)
 - Add \$20 (regardless of calendar year) to that total (in 2015 take \$1,466 + \$20 = \$1,486)
 - Add \$65(regardless of calendar year) to that total (in 2015 take \$1,486 + \$65 = \$1,551). So \$1,551 is the BEP for calendar year 2015.

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THE BREAK EVEN POINT IN ACTION

STEPS	CALCULATIONS
Unearned Income	0
General Income Exclusion (GIE)	- 0
TOTAL COUNTABLE UNEARNED INCOME	= 0
	•
Gross Earned Income	\$1,551
Student Earned Income Exclusion	- 0
Remainder	\$1,551
GIE (if not used above)	- 20
Remainder	\$1,531
Earned Income Exclusion (EIE)	- 65
Remainder	\$1,466
Impairment Related Work Expense (IRWE)	- 0
Remainder	\$1,466
Divide by 2	\$733
Blind Work Expenses (BWE)	- 0
TOTAL COUNTABLE EARNED INCOME	= \$733
Total Countable Unearned Income	0
Total Countable Earned Income	+ \$733
PASS Deduction	- 0
TOTAL COUNTABLE INCOME	= \$733
Base SSI Rate	\$733
Total Countable Income	- \$733
ADJUSTED SSI PAYMENT	= \$0

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SSI and Work Incentives

- Ways of keeping more of the SSI monthly cash benefit and/or Medicaid when working and earning a living wage!
 - I. Student Earned Income Exclusion
 - 2. Impairment Related Work Expense
 - 3. Blind Work Expense
 - 4. Plan to Achieve Self Support
 - 5. 1619(b) Medicaid
 - 6. 1619 (b) Individualized Threshold
 - 7. Expedited Reinstatement

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SSI STUDENT EARNED INCOME EXCLUSION SEIE)

- Consumers who receive SSI who are under age 22 and regularly attending school qualify for SEIE.
- Regularly attending school:
 - Grades 7-12: at least 12 hours a week or
 - College or university: at least 8 hours a week or
 - In a training course to prepare for employment for at least 12 hours a week (15 hours a week if the course involves shop practice); or
 - For less time than indicated above for reasons beyond the student's control, such as illness.
 - GED counts if hours meet above guidelines!
- Will have to provide proof of attendance. For high school: <u>http://www.hslda.org/hs/state/tx/Verification of Enrollment.pdf</u>. (This is the form required by DPS for students in driver's education or those trying to obtain a driving permit before the age of 18.)

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SSI STUDENT EARNED INCOME EXCLUSION (SEIE)

- Consumers meeting the requirement for SEIE are allowed to deduct up to a certain amount from their earned income each month. What remains is what SSA will count as their earned income for that month.
- ▶ The SEIE "re-sets" every January Ist.
- In calendar year 2015 the maximum monthly SEIE deduction is \$1,780.
- There is an SEIE yearly maximum deduction. In calendar year 2015 the maximum yearly SEIE deduction is \$7,180.

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THE SEIE IN ACTION

STEPS	CALCULATIONS
Unearned Income	0
General Income Exclusion (GIE)	- 0
TOTAL COUNTABLE UNEARNED INCOME	= 0
Gross Earned Income	\$471
Student Earned Income Exclusion	- 471
Remainder	\$0
GIE (if not used above)	- 20
Remainder	\$0
Earned Income Exclusion (EIE)	- 65
Remainder	\$0
Impairment Related Work Expense (IRWE)	- 0
Remainder	\$0
Divide by 2	\$0
Blind Work Expenses (BWE)	- 0
TOTAL COUNTABLE EARNED INCOME	= \$0
Total Countable Unearned Income	0
Total Countable Earned Income	+ \$0
PASS Deduction	- 0
TOTAL COUNTABLE INCOME	= \$0
Base SSI Rate	\$733
Total Countable Income	- \$0
ADJUSTED SSI PAYMENT	= \$733

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SEIE BREAKDOWN

- In the previous example Jenny makes \$7.25 an hour and works fifteen hours a week.
- Her approximate monthly gross is \$7.25 (x) 15 (x) 4.33 = \$471
- Because Jenny is under age 22 and regularly attending school she gets to deduct her entire gross earnings from her countable earned income for SSI purposes. Therefore she receives her full SSI cash benefit of \$733 a month and her gross earnings of \$471.
- Even if Jenny works all 12 months she will still get her full SSI cash benefit of \$733 since the amount she earns is under the SEIE annual maximum deduction in calendar year 2015 of \$7,180.
- This means in calendar year 2015 Jenny gets \$8,796 in SSI cash benefits <u>AND</u> \$5,652 gross in earnings (net out to approximately \$4,522) for a 2015 approximate net income of \$13,498!!

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THE SEIE CATCH

- Jenny still has to keep her resources down to \$2,000, so what will she do with all that extra income?
- She could start an ABLE (Achieving Better Life Experience) account for herself and put up to \$14,000 a year into it when the Texas ABLE accounts are established (end of 2015 or beginning of 2016).
- She could start a 529 college savings account.
- She might be able to start an Individual Development Account (IDA) and save to start a business, go to college or buy a home.
- She could prepay her rent for the year. She could buy some cool clothes, an I-Pad and go out to eat and the movies with her friends.
- There are lots of ways Jenny could keep her resources down to\$2,000!

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SEIE EXERCISE

- It is January 2015. Mickey is 19 years old, receives SSI and attends Community College 10 hours per week.
- He has a part time job making \$10.13 an hour and works 16 hours a week.
- Mickey can use SEIE, so you need to let him know how his SSI cash benefit is going to look.
- 1. How many months will Mickey receive his full SSI cash benefit?
- 2. How much will Mickey's SSI be for the remaining months in calendar year 2015?

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IMPAIRMENT RELATED WORK EXPENSE (IRWE)

- IRWEs allow consumers to deduct from SSA countable earned income those expenses directly related to helping them work and necessary because of their physical or mental impairment.
- IRWEs are paid by the consumer. An IRWE cannot be an item or service someone other than the consumer pays for.
- Common IRWES
 - Job Coach
 - Expenses related to hearing aids
 - Transportation to and from work
 - Medication co-payments
 - Attendant care
 - Mileage paid to someone who drives consumer to and from work (in 2015 amount reimbursed is 57.5 cents per mile)

 For complete list: <u>https://secure.ssa.gov/apps/0/poms.nsf/lnx/0500820555</u>
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THE IRWE IN ACTION

STEPS	CALCULATIONS
Unearned Income	0
General Income Exclusion (GIE)	- 0
TOTAL COUNTABLE UNEARNED INCOME	= 0
Gross Earned Income	\$1600
Student Earned Income Exclusion	- 0
Remainder	\$1600
GIE (if not used above)	- 20
Remainder	\$1580
Earned Income Exclusion (EIE)	- 65
Remainder	\$1515
Impairment Related Work Expense (IRWE)	- \$250
Remainder	\$1265
Divide by 2	\$632.50
Blind Work Expenses (BWE)	- 0
TOTAL COUNTABLE EARNED INCOME	= \$632.50
Total Countable Unearned Income	0
Total Countable Earned Income	+ \$632.50
PASS Deduction	- 0
TOTAL COUNTABLE INCOME	= \$632.50
Base SSI Rate	\$733
Total Countable Income	- \$632.50
ADJUSTED SSI PAYMENT	= \$100.50

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Putting It Together Exercise

- It is January 2015. LaShondra, who is 20, receives \$733 in SSI. She lives with her parents and pays her fair share of room and board. LaShondra attends Community College 10 hours a week and works at a grocery store 30 hours a week earning \$9.35 an hour.
- Because LaShondra has a severe seizure disorder and her doctor has told her she cannot drive at this time her mom drives her 0 miles to and from college, and 30 miles to and from work daily.
- LaShondra has a \$20 month co-pay for seizure meds and a \$5 month co-pay for asthma medication. Every three months she has to have her blood levels measured for which there is a \$10 co-pay. She has this done March, June, September and December.
- After you have identified the work incentive programs she can utilize, figure out what her approximate adjusted SSI cash benefit would be for the twelve months in calendar year 2015.



PLAN TO ACHIEVE SELF SUPPORT (PASS)

- PASS allows consumers to save money in a separate PASS bank account for an item or service related to obtaining, maintaining or advancing in employment.
- Whatever money gets put in a PASS account does not count against the \$2,000 resource rule and gets deducted from SSA countable income.
- Money put into a PASS account MUST be used to pay for a vocational goal. Cannot put any of the SSI cash benefit into a PASS.
- Consumer can be working, but does not have to be.
- Difficult and complex SSI work incentive best utilized by consumers who are very organized and dedicated to their employment goal; or have nonpaid support who are organized and dedicated.

 Possible good candidates: students or those who want to start a business.
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BLIND WORK EXPENSE (BWE)

- BWEs allow consumers who are statutorily blind to deduct from SSA countable earned income many expenses related to helping them work; not always necessary due to blindness.
- BWEs include:
 - Meals at work
 - Federal and state taxes
 - Any transportation
 - Expenses related to service animals

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- Job Coach
- Medication co-payments
- Attendant care
- The rule of thumb is all IRWEs are BWEs, but not all BWEs are IRWEs.

1619(b) MEDICAID and INDIVIDUALIZED THRESHOLD

- When an SSI recipient reaches the BEP because of earned income Medicaid continues until he/she earns the Texas state threshold amount.
- In calendar year 2015 the 1619(b) Texas threshold is \$34,289 gross annual earnings.
- If a consumer makes above the threshold but is not able to afford medical services(s) he/she can apply for a 1619(b) Individualized Threshold.
- Common Individualized Thresholders are those using personal attendant services, or those taking extremely expensive monthly medications related to the disability.



EXPEDITED REINSTATEMENT (ExR)

- If a consumer earns off SSI (that is exceeds the 1619(b) state threshold and does not qualify for an Individualized Threshold; or exceeds their Individualized Threshold and then loses their job they can "ExR" back onto SSI.
- The consumer has 5 years from date of termination of SSI benefits to fill out a one page application to be reinstated. The consumer will receive six months of "provisional" SSI cash benefits and six months of Medicaid coverage while SSA determines if their medical condition has improved.
- If the medical condition has not improved, SSI cash benefits and Medicaid continue. If it has improved, the consumer does not have to pay back the provisional benefits he/she received.
- Very few people on SSI use ExR. By the time they reach the point of needing to ExR they are usually eligible for Social Security Disability Insurance due to earned income.

OVERPAYMENTS

- Overpayments are very common with SSI because SSA uses "retrospective accounting" which runs two months behind.
- In other words, the SSI cash benefit a consumer receives in October is actually based on his/her August earnings.
- A single overpayment of \$1,000 or less must be automatically waived but the consumer must request this waiver from the Title XVI Claims Representative in person at their local SSA office.
- The best defense against overpayments? Reporting earned income regularly.
- Monthly overpayment amounts can always be negotiated no matter how long the consumer has been paying back the overpayment!

REPORTING INCOME

- The single most critical and positive thing you can do for consumers on SSI is help them get in the habit of reporting their earned income every month

 regardless of how little they earn, or what SSA tells them.
- Consumers receiving SSI and not using any work incentives can use telephone reporting by calling 1-866-772-0953. If using a work incentive consumer must take or mail in check stubs and documentation on work incentive to the local SSA office.
- If the consumer has an Apple or Android phone he/she can report using the mobile app that can be downloaded for free. There is also an app they can download to remind them to report.
- Best ways to report? I) Take pay stub in person. 2) Mail certified return receipt requested. 3) Mail in. Consumer should start a file or log with copies of any documents sent in or date and amount they called in to report!

BENEFITS PLANNING QUERY

- If the consumer gets SSI the referring VRC should give you a copy of the Benefits Planning Query (BPQY) or completed SSA Form 2459.
- The BPQY is the only document that can give you complete information for someone receiving SSI including but not limited to:
 - How much their monthly cash benefit is,
 - If they are in overpayment status,
 - When their next medical review is scheduled,
 - Whether they have a Representative Payee or Authorized Representative,
 - Whether they have used SSI work incentives, and
 - Non-certified yearly total of earnings.

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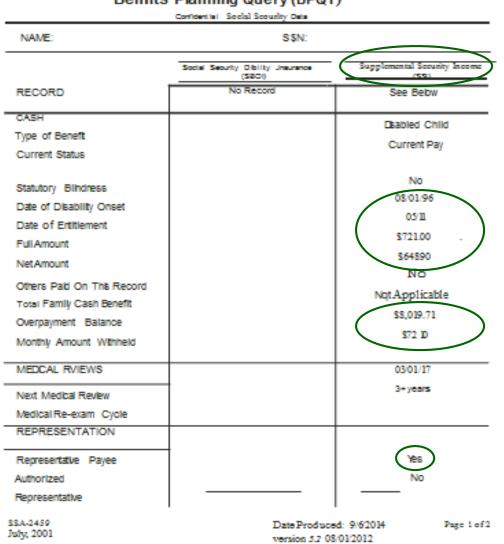
BENEFITS PLANNING QUERY

- If the consumer has a Rep Payee or Authorized Rep you need to make sure you are in contact with this individual.
- If you see on the BPQY the consumer receiving SSI is in overpayment status paying \$73.33 back per month you can advise them to go in to their local SSA office and request a lower monthly payment of \$25.

An overpayment usually is a clue that the consumer or their Rep needs education on reporting earned income.

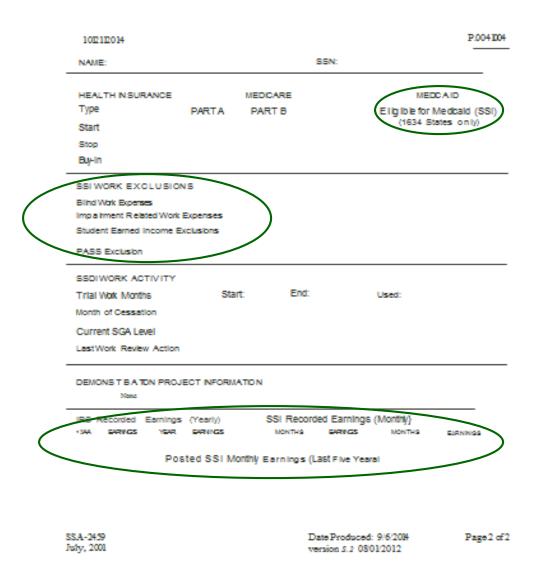
Non-certified yearly total of earnings are potential clues for job discovery and development, especially if the consumer is not a good historian!





Benfits Planning Query (BPQY)

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WHERE TO GET ASSISTANCE

- The DRS Counselor you work with can access a Benefits Subject Matter Utilization Resource Facilitator (Smurf) to assist the consumer and you. There is at least one Smurf in every DRS Unit.
- Consumers can contact their SSA funded Work Incentive Planning and Assistance Community Work Incentive Coordinator (WIPA/CWIC) if they are actively looking for work, or have started working. DARS can pay for this service! Ask the Smurf in the referring VRC's office about this. Find Texas' WIPA CWICs at <u>http://choosework.net</u>.
- Consumers can call the Ticket to Work Help Line at 1-866-968-7842 (voice) or 1-866-833-2967 (TDD).
- Consumers can request information and assistance (especially with overpayments related to work) from the Protection and Advocacy for Beneficiaries of Social Security (PABSS) run by Disability Rights Texas at 1-800-252-9108.



Instead of spending time trying to figure out why someone on SSI can't take that great job they wanted and you were able to find them. how about some



And sometimes working with family members and/or Rep Payees is as important as working with the consumer on these issues!

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