

# TITLE II, THE POLICY STRUCTURE OF OLD AGE, SURVIVORS, AND DISABILITY INSURANCE pdf

## 1: Retirement, Survivors, Disability Insurance (RSDI)

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Anything that an individual receives in cash or in kind and can use to meet basic needs for food, clothing, or shelter is income. Whether an individual may receive SSI and how much SSI the individual is eligible to receive depends on how much income the person has available. Earned income includes wages, net earnings from self-employment, and payment for services performed in a sheltered workshop or work activities center. Earned Income may include the value of food, clothing, or shelter provided instead of cash. In-kind income is the value of food, clothing, or shelter provided to the individual or something that can be used to obtain food, clothing, or shelter. Items may be earned or unearned, and the various income exclusions apply. Receipts from the sale, exchange, or replacement of a resource continue to be treated as resources that have changed form, and not income. When eligibility is being determined, income is counted in the month it is received. Reentitlement can be established after the excess has been spent down. Resources are valued pursuant to the amount of equity in the property on the first day of the month. Jointly held accounts at financial institutions create difficulties in both income and resource evaluations. For a joint account with one SSI applicant or recipient named on the account, the Social Security Administration presumes that the SSI individual is the sole owner, but this presumption is rebuttable. Both the income and resources of certain individuals may be deemed available to an SSI applicant or recipient. The Social Security Administration assesses a penalty of ineligibility for SSI when an SSI-eligible individual transfers a countable resource for less than fair market value. Countable resources include legal rights such as inheritances, damage awards, and spousal or child support rights. A special-needs trust is established with the assets of a disabled person under 65 by a parent, grandparent, legal guardian, or a court and includes specific language reimbursing the state for Medicaid expenditures. A pooled trust, maintained by a nonprofit organization, is established with the assets of a disabled person of any age by the individual or a parent, grandparent, legal guardian, or court and contains specific language reimbursing the state for Medicaid expenditures. Denial and Overpayment of Benefits The two most common problem issues regarding OASDI and SSI that confront legal services attorneys are the denial of benefits due to unfavorable medical determinations of disability and the overpayment of benefits. Addressing an unfavorable medical determination of disability requires a level of expertise that I cannot address in this overview. The Social Security Administration is not bound by the decision of any government or private disability program. A minority of overpayments occur when beneficiaries or their representative payees fail to report changes in circumstances because they did not know or understand the reporting requirements, were unaware of the income and resource limitations for SSI, or were deliberately concealing information. Most advocates will not see many eligibility issues arise for individuals under the retirement insurance program. The most common eligibility problems seen under the SSI program include the existence of a joint bank account with a non-SSI individual, a spousal support order providing monthly cash payments, free or privately subsidized rent, and a bank account balance that exceeds the resource limit for more than a month. Over the course of their careers, many advocates will encounter clients who are applying for, are receiving, or have been denied benefits under the OASDI program, the SSI program, or both. Understanding these benefits will not only assist advocates in advising clients but also lead to a better understanding of the debates on proposed changes.

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### 2: Old Age, Survivors And Disability Insurance Program (OASDI)

*TITLE II—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS TABLE OF CONTENTS OF TITLE [2]. Sec. Federal old-age and survivors insurance trust fund and federal disability insurance trust fund.*

Key program parameters in effect during have also been added. Benefits are paid as an earned right to workers, their families, and their survivors. There is no means test to qualify for benefits. At the end of December , According to the latest Social Security Trustees Report, these cash benefits made up 4. Social Security benefits are essential to the economic well-being of millions of individuals. Social Security pays benefits to 90 percent of those 65 or older. It is the major source of income providing 50 percent or more of total income for 66 percent of the beneficiaries. It contributes 90 percent or more of income for one-third of the beneficiaries and is the only source of income for 22 percent of them. Employers match the employee contribution, while self-employed workers pay an amount equal to the combined employer-employee contributions. Self-employed workers receive a special tax deduction to ease the impact of paying the higher rate. There is no upper limit on taxable earnings for Medicare Hospital Insurance. Employees whose contributions exceed the maximum taxable amount because they worked for more than one employer can receive refunds of excess FICA payments when they file their tax returns. In addition to the taxes on covered earnings, OASI and DI trust fund revenues include interest on trust fund securities, income from taxation of OASI and DI benefits, certain technical transfers, and gifts or bequests. Vocational rehabilitation services for disabled beneficiaries. Administrative costs currently less than 1 percent of expenditures. The lump-sum death payment to eligible survivors. FICA revenue in excess of outlays is used to purchase special interest-bearing Treasury bonds. These securities remain assets of the trust funds until needed to cover Social Security costs. The commissioner of Social Security serves a 6-year term following appointment by the president and confirmation by the Senate. A bipartisan Social Security Advisory Board serves to review existing laws and policies and commissions studies and issues recommendations intended to anticipate changing circumstances. The president appoints three of the seven board members, and Congress appoints the other four members. Office sizes range from large urban offices with 50 or more employees to remote resident stations staffed by one or two individuals. Each region is headed by a regional commissioner and staffed with specialists to handle regional administrative tasks and to assist field offices with operational issues. In addition, there are teleservice centers servicing all regions. Significant Program Changes Program changes occur through legislation or in areas where authority is delegated to the Commissioner through regulation. Changes are often implemented in phases and often entail recurring annual changes beyond the initial enactment date or year of first implementation. Rather recent changes with a significant and recurring impact are discussed below. Elimination of this earnings test is effective for taxable years ending after December 31, In determining earnings for purposes of the annual earnings test under this legislation, only earnings before the month of attainment of FRA will be considered. The legislation also permits retired workers to earn delayed retirement credits for any months between the attainment of full retirement age and age 70 for which the worker requests that benefits not be paid. Public Law did not change the annual exempt amount for beneficiaries who are under FRA throughout the year, which continued to be pegged to increases in the average wage. Proposed rules were published August 25, It provides beneficiaries more choices in vocational rehabilitation and other support services and offers expanded health care for beneficiaries who are no longer eligible for cash benefits due to work. Effective October 1, , the Act offers extended Medicare coverage to beneficiaries who return to work and offers buy-in for Medicaid coverage. Beginning January 1, , former beneficiaries may have their benefits resumed if the benefits were terminated because of work, if their work activity ends within 5 years of the month their benefits stopped, and if they are still disabled. The Ticket to Work program was phased in nationally over a 3-year period. During the first phase in , SSA distributed tickets in the following 13 states: During the second phase, in November through September , SSA distributed tickets in the following 20 states:

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During the third phase, in November through September, SSA is distributed tickets in the following 17 states: The SGA threshold is part of the definition of disability that requires an individual to be unable to engage in substantial gainful activity to be eligible for benefits. A different definition of SGA applies to blind persons receiving Social Security disability benefits. Increases in the SGA amount for blind individuals have long been pegged to increases in the national average wage index and thus were not affected by the or subsequent rule changes. New rules also affect the trial work period TWP. The TWP allows disability beneficiaries to test their ability to work for at least 9 months. During the TWP, beneficiaries may earn any amount and still receive full benefits. After completion of 9 trial work months, the SGA level is used to determine whether earnings are substantial or not. If earnings fall below the SGA level, full benefits generally continue. If earnings are higher than the SGA level, cash benefits are usually suspended while medical benefits continue. The noncitizen worker must have been issued an SSN for work purposes at any time on or after January 1, ; or The noncitizen worker must have been admitted to the United States at any time as a nonimmigrant visitor for business B-1 or as an alien crewman D-1 or D If a noncitizen worker whose SSN was originally assigned January 1, , or later does not meet either of these additional requirements, then the worker is not fully or currently insured. This is true even if the noncitizen worker appears to have the required number of quarters of coverage QCs in accordance with the regular insured status provisions. Although this law applies directly to certain noncitizen workers, it also affects the entitlement of any person seeking a benefit on the record of a noncitizen who is subject to this law. Workers excluded from coverage fall into five major categories: For most employees, taxes are withheld from wages beginning with the first dollar earned. The exceptions are domestic employees, election workers, and agricultural workers. Employees, their employers, and the self-employed each pay taxes on earnings in covered employment and self-employment up to an annual maximum taxable amount for OASDI. A self-employed person pays the combined employee-employer rate of Two deduction provisions reduce the SECA and income tax liability of self-employed persons. The intent of these provisions is to treat the self-employed in much the same manner as employees and employers are treated for purposes of FICA and income taxes. The first provision allows a deduction from net earnings from self-employment equal to the amount of net earnings before the deduction multiplied by one-half the SECA tax rate. The effect of this deduction is intended to be analogous to the treatment of the FICA tax paid by the employer, which is disregarded as remuneration to the employee for FICA and income tax purposes. Insured Status To become eligible for his or her benefit and benefits for family members or survivors, a worker must earn a minimum number of credits based on work in covered employment or self-employment. These credits are described as quarters of coverage. Fully Insured Eligibility for most types of benefits requires that the worker be fully insured. To be fully insured a worker must have a number of QCs at least EQUAL to the number of calendar years elapsing between age 21 or if later and the year in which he or she reaches age 62, becomes disabled, or dies—whichever occurs first. Under this requirement, workers who reach age 62 in or later need the maximum number of 40 QCs to be fully insured. For workers who become disabled or die before age 62, the number of QCs needed for fully insured status depends on their age at the time the worker becomes disabled or dies. A minimum of 6 QCs is required regardless of age. In addition to earning the minimum number of credits based on work, if the worker is a noncitizen whose SSN was first assigned on or after January 1, , he or she must meet one of the following additional requirements to become eligible for his or her benefit and benefits for family members or survivors: Currently Insured If a worker dies before achieving fully insured status, benefits can still be paid to qualified survivors if the worker was "currently insured" at the time of death. To be currently insured, the worker must have earned 6 QCs in the 13 quarters ending with the quarter of death that is, 6 of the last 13 quarters, including the quarter in which death occurred. Disability Insured To qualify for disability benefits, a nonblind worker must have recent work activity as well as being fully insured. Under the test involving recent work experience, a nonblind worker who becomes age 31 or older must have earned at least 20 QCs among the 40 calendar quarters ending with the quarter in which the disability began. In general, workers disabled at ages 24 through 30 must have earned QCs in one-half of the calendar quarters

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elapsing between age 21 and the calendar quarter in which the disability began. Workers under age 24 need 6 QCs in the quarter period ending with the quarter of disability onset. Workers who qualify for benefits based on blindness need only be fully insured. Special rules may apply if the worker had a prior period of disability. International Agreements The President is authorized to enter into international Social Security agreements also called "totalization" agreements to coordinate the U. The United States currently has Social Security agreements in effect with 20 countries.

### 3: RSDI: Social Security Retirement, Survivors, and Disability Insurance | DisabilitySecrets

- title II- Federal Old-Age, Survivors, and Disability Insurance Benefits - title III- Grants to States for Unemployment Compensation Administration - title IV Grants to States for Aid and Services to Needy Families with Children and for Child-Welfare Services.

### 4: Title II: The Policy Structure of Old Age, Survivors, and Disability Insurance - Oxford Scholarship

*Old-Age, Survivors, and Disability Insurance tained in title II of the Social Security Act, and are commonly the Old-Age and Survivors Insurance Trust Fund.*

### 5: Titles XIX and XXI: Medicaid and the State Child Health Insurance Program - Oxford Scholarship

*42 u.s.c. ii - federal old-age, survivors, and disability insurance benefits.*

### 6: Markup Of Tribal Social Security Fairness Act of | Greeman Toomey, PLLC

*OASDI (Old-Age, Survivors, Disability Insurance) is the most significant part of the Social Security Disability program. It is designed to ensure continuing income for those who are retired, surviving spouses and dependent children of workers who have died, and those who qualify for Social Security Disability.*

### 7: OASDI (Old-Age, Survivors, Disability Insurance)

*The Old-Age, Survivors, and Disability Insurance (OASDI) program provides monthly benefits to qualified retired and disabled workers and their dependents and to survivors of insured workers. Eligibility and benefit amounts are determined by the worker's contributions to Social Security.*

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