Supporting Clients Receiving SSI and SSDI: Considerations for Legal Practitioners

Presented by:

Hunter Wolff, Staff Attorney at ALRP

August 27, 2026

ALRP
AIDS Legal Referral Panel

Agenda

- Housekeeping
- Overview of ALRP and our Volunteer Panel
- Substantive Training
- Q&A

Housekeeping

- This training is being recorded and will be available afterwards.
- We will also circulate the PowerPoint afterwards.
- If you have questions throughout, please submit them in the Q&A function. We will do our best to address them.

Housekeeping

- Following the training, you will receive a link to an evaluation form via email – please take a moment to complete it.

- We will also send you a Certificate of Attendance.

<u>ALRP's Mission</u>:

To advance and protect the rights, dignity, and health of people living with HIV/AIDS in the Bay Area

BY THE NUMBERS 2025

2,150
Legal matters handled

64% Clients over age 50 at intake

24% Clients over age 65 at intake

63% Clients over age 50 living alone

100,944
Legal matters handled 1983-2025

1,363
Unique clients assisted

61% Clients of color

83% LGBTQ+ clients

8% Transgender and nonbinary clients

85%
Clients expressing satisfaction with ALRP services

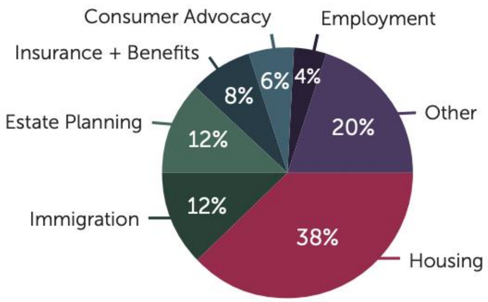
$919,749
Value of legal hours donated by Volunteer Panel Attorneys this year

77% Clients living on an income of $30,000 or less

53% Clients living on an income of $15,000 or less

842
Community members reached through 42 outreach presentations with partner organizations

316
Attorneys trained through 11 Continuing Legal Education webinars



LEGAL AREAS SUPPORTED IN 2025

ALRP Panel Attorneys

- We rely on our Panel to provide low-cost legal counseling & representation on any civil legal matter

- We have a handheld referral process, where we conduct an intake first before making a referral to ensure that it's the right fit

- We tailor the referral to your expertise and your availability

ALRP Panel Attorneys

- Receive access to ALRP's free MCLE trainings;

- Opportunities for networking and mentorship with ALRP's Panel of 280+ pro bono attorneys; and,

- The chance to use your legal skills to support our clients when they need it most and make a meaningful impact in their lives.

Interested in Joining?

Learn More & Submit Your Application Here:

https://www.alrp.org/get-involved/pro-bono-opportunities/

Questions?

Contact Claire Clayton,

Pro Bono & Development Manager at:

clairec@alrp.org or (415) 701-1200 x. 321

Other ways to support ALRP!

https://www.alrp.org/ways-to-give/

Questions?

Contact Sloka Krishnan,

Director of Development and Communications at:

slokak@alrp.org or (415) 701-1200 x. 303

Thank you to our Co-Sponsors!

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Introducing:

Hunter Wolff

Supporting Clients Receiving SSI and SSDI

Considerations for Legal Practitioners

Presented by Hunter Wolff
ALRP Staff Attorney

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Overview of SSI and SSDI

- Federal programs providing income to individuals with disabilities
- Social Security Disability Income (SSDI)
  - Entitlement benefit based on work credits and prior earnings, akin to Social Security Retirement
- Supplemental Security Income (SSI)
  - Needs-based program for individuals who don't qualify for SSDI
- Some clients may receive both SSI and SSDI

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Determining Benefit Type

- Rules differ significantly, so determining whether a client receives SSI or SSDI is essential
- Benefit verification letter is ideal
- How much do you receive?
  - SSI maximum benefit for 2026 is $941 for a non-blind individual
  - CA supplements for total of $1,233.94
- What day do you earn benefits?
  - SSI generally paid on 1st of each month
  - SSDI generally paid on 3rd of each month

SSI Rules

- Two primary rules: resource limit and income reduction
- Resource limit
  - $2,000 limit for individuals, $3,000 limit for couples
  - Includes bank accounts, investments, cash, property
  - Excludes tangible property like household items, value of first car, and primary residence
- Income reduction
  - Earned income – SSA reduces benefit by $1 for every $2 in wages
  - Unearned income – SSA reduces benefit by $1 for every $1 in unearned income (e.g. cash, child support, alimony, inheritance)

Other SSI Rules

- Benefits not due in certain situations:
  - Out of country for 30+ consecutive days
  - Living in an institution for a full calendar month
  - Living in a medical care facility for a full calendar month

- Benefits may be lower if receiving in-kind support and maintenance"
  - Living in another's home for free
  - Paying less than "fair share" of housing costs
  - Someone else pay's recipient's rent or utilities

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SSDI Rules

- Mostly concerned with gross earnings – when and how much received
  - SSDI benefits are all or nothing – no dollar-for-dollar reduction
  - Considered “not disabled” after certain level of earning

- SSDI recipients get:
  - 9 <u>nonconsecutive</u> months of Trial Work Period (TWP)
  - 36 <u>consecutive</u> month Extended Period of Eligibility (EPE)

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SSDI Rules

- Trial Work Period (TWP)
  - Allows recipients to test their ability to work for at least 9 months in a 60-month (5-year) period
  - Month counts towards their tally when they make over the TWP amount, which changes yearly
  - Continue to receive benefits during this period, regardless of earnings

Year	TWP Amount
2026	$1,210
2025	$1,160
2024	$1,110
2023	$1,050
2022	$970
2021	$940
2020	$910
2019	$880
2018	$850

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SSDI Rules

- Extended Period of Eligibility (EPE)
  - After 9 TWP months, recipients enter 36-month EPE. During EPE, no benefits are owed in any month where earnings exceed Substantial Gainful Activity (SGA) amount
  - After EPE ends, disability terminates once earnings exceed SGA. Recipients receive three-month grace period before benefits stop being paid

Year	SGA Amount
2026	$1,690
2025	$1,620
2024	$1,550
2023	$1,470
2022	$1,350
2021	$1,310
2020	$1,260
2019	$1,220
2018	$1,180

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Common Issues

- Violation of SSI or SSDI rules commonly results in one or more of several issues
- Reduction in benefits
- Termination of benefits or disability status
- Overpayments – if paid too much, recipients will be responsible for repaying SSA and may be subject to involuntary recoupment
  - Withholding of existing benefits
  - Tax intercepts
  - Wage garnishment
  - Credit reporting

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Social Security + Other Practice Areas

- Highlight how other legal matters can intersect with Social Security rules
- Possibility of complications, including reduction, suspension, or termination of benefits
- Highlight possible solutions for avoiding or mitigating disruption to recipients' income
- ***Most issues arise with SSI, very few with SSDI

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Lump Sum Payments

- Lump sum payments pose huge issues for SSI recipients
- Cause recipients to exceed resource limit
- May be viewed as unearned income, reducing benefits
- Rarely an issue for SSDI recipients, except in employment-related cases

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Lump Sum Payments

- Housing-related matters
  - No-fault eviction relocation costs
  - Cash for keys move out agreements
  - Security deposit returns
  - Rent Board ordered payments
- Civil suits
  - Tort payments
  - Small claims
- Employment
  - Back pay
  - Worker Compensation

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Employment

- Income from employment-law related matters poses specific complications in addition to lump sum payment challenges
  - Back pay, mileage, other reimbursements
- May be viewed as additional earnings for SSDI recipients, counting towards their TWP tally or exceeding SGA
- ***SSDI: quarterly or yearly earnings often averaged for record-keeping
  - Vital to maintain and submit monthly paystubs

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Other Issues

- Eviction suits
  - Rent payments not accepted during UD may accumulate
  - SSI recipients can deposit their rent payments into an IOLTA account while a case pends to avoid exceeding resource limit
- Bankruptcy may cover SSI/SSDI overpayment debt

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Best Practices

- Report income ASAP
  - Report wages by 6th day of month after payment
  - Report self-employment income and unearned income by 10th day of month after payment
  - Report any expected lump sum payments ASAP in case SSA can adjust a payment before it's made
- How to report income
  - In person @ local field office: request appointment, bring paystubs, and request written confirmation at meeting
  - On SSA Mobile Wage Reporting App
  - By phone or fax
    - ***Use caution – reporting by phone does not create record of reporting

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Best Practices

- Keep all records possible
  - Record of wage or resource reporting if done in person or online or document date/time of phone or fax reporting

- For SSDI recipients, track progress through TWP months and be mindful of SGA amounts
  - Hold onto monthly earning's statements to avoid averaging
  - If needed, make appointment with SSA to request work earnings history
  - Compare past earnings to each year's TWP and SGA amounts, tables available through SSA online

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Best Practices – Excess Resources

- Spend down small lump sum payments within a month
  - Document spend-down via bank statements
  - Avoid taking out cash
  - Provide bank statements to SSA once under resource limit
- Establish an ABLE account for eligible recipients
  - Allow individuals whose disability began before age 46 to save up to $20,000 annually and up to $100,000 balance exempt from resource limit
    - Contributions from friends and family also allowed, not considered income
  - Use for living expenses, legal fees, education, supportive services, healthcare/wellness, assistive tech, and more
- Establish special needs or pooled trust, if eligible

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Overpayment Notifications

- Recipients generally notified of overpayment via mail
  - Notice of Proposed Decision
  - Notice of Overpayment
  - Notice of Disability Cessation (SSDI only)

- Best practices
  - Review all SSA mail ASAP
  - Note date on each letter – you may have limited response time
  - Keep all SSA communications for your records
  - If seeking legal support, provide copy of letters to attorney
  - Request copies from SSA if needed

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I’ve Been Overpaid – Now What?

- SSI
  - Typical withholding of 10% monthly benefit
  - May sometimes withhold entire monthly benefit

- SSDI
  - Benefits generally terminate
  - Can apply for Expedited Reinstatement within 5 years

- Request for Change in Overpayment Recovery Rate (SSA-634)
  - Payment plans as low as $10/month

I've Been Overpaid – Now What?

- Request for Reconsideration (SSA-561)
  - Asserts SSA is incorrect and you were not overpaid
  - ***Must be filed within 60 days of Notice

- Request for Waiver of Overpayment (SSA-632)
  - May be able to get debt waived if (1) overpayment not recipient's fault, and (2) paying SSA back would prevent you from affording basic needs
  - No deadline, may be filed multiple times
  - Waiver by phone possible for overpayments <$2,000
  - ***Requesting waiver will usually pause benefit withholding until waiver decision has been made

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Thank you!

Questions?

(415) 701-1200

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