

**NUMBER**

#19-31-01

**DATE**

May 1, 2019

**OF INTEREST TO**

County Directors

Tribal Nation Directors

County Supervisors and Staff

Employment Service Providers

Tribal Nation Representatives

**ACTION/DUE DATE**

Please read information and  
prepare for immediate  
implementation

**EXPIRATION DATE**

May 1, 2021

## Referring applicants/participants to apply for Social Security benefits

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**TOPIC**

People receiving certain public assistance benefits are required by law to apply for other maintenance benefits within 30 days of being told of their potential eligibility unless they have good cause.

**PURPOSE**

Inform county agency, employment services providers, and tribal staff on how to determine which applicants/participants should apply for Social Security benefits.

**CONTACT**

Income Maintenance programs, submit policy questions to PolicyQuest.

Employment Services, submit policy questions to PolicyQuest.

**SIGNED**

STACY TWITE

Interim Assistant Commissioner,  
Community Supports Administration

**TERMINOLOGY NOTICE**

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

# I. Referring applicants/participants to apply for Social Security benefits

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People receiving certain public assistance benefits are required by law to apply for other maintenance benefits within 30 days of being told of their potential eligibility unless they have good cause. When the other maintenance benefit is Social Security (RSDI and/or SSI), workers should only refer applicants/participants who appear eligible. The date a person contacts the Social Security Administration is very important as it establishes their protective filing date (PFD). The PFD can affect their date of entitlement, payment, and Medicare eligibility.

## A. Referrals

Refer applicants/participants who want help applying for Social Security benefits to the [Disability Hub MN](#) at 1-866-333-2466 or refer applicants/participants to DHS's [Social Security Advocacy Directory](#). This is a free service for low income and homeless applicants/participants. Applicant/participants may also apply for Social Security benefits on their own.

Most counties and tribal nations have established a [Social Security liaison within their county](#). A list of all liaisons is available on the SSA County Quarterly SIR site. These liaisons should be used whenever possible. **Do not contact your local Social Security office with questions.**

Refer to [CM 0012.12.06 \(Special Services – Applying for Social Security\)](#) for a list of specific activities that workers should perform when referring applicants/participants to apply for Social Security such as screening applicants/participants, obtaining signed Interim Assistance Authorization form(s), and converting participants to other DHS benefits when Social Security benefits are approved.

If you are requiring an applicant/participant to reapply for Social Security benefits because there has been a change in their circumstances you must refer them to either the Disability Hub MN or to one of DHS's contracted Social Security Advocates for assistance.

## B. When not to refer

**Applicants/participants who do not appear eligible to apply for Social Security benefits should not be referred to apply.** For example:

- If an applicant/participant has a medical condition that will only last for three months and no other medical conditions, do not require them to apply for Social Security benefits.
- If an applicant's/participants disability makes cooperation with the Social Security application process impossible. In this case, refer applicant/participant to a skilled Social Security advocate or to your county or tribal social worker for assistance.
- Do not require applicants/participants to reapply for Social Security benefits, which were previously denied unless there has been a change in their circumstances or the eligibility requirements of the benefit program.

## C. Good cause

Sometimes applicants/participants are unable to apply for Social Security benefits within 30 days. Determine whether or not to grant a good cause exception to not apply for Social Security benefits.

The Combined Manual defines good cause as:

- Any reason not to apply for other benefits that is reasonable and justified in the context of surrounding circumstances. Refer to [CM 0012.12 \(Applying for Other Benefits\)](#) for more information.
- Circumstances beyond a person's control which keep the person from following program requirements or specific eligibility conditions. Refer to [CM 0002.27 \(Glossary: Good Cause\)](#) for more information.

Generally, a good cause exception should be granted if:

- Because of the nature of their disability, an applicant/participant is not competent to apply or accept help to apply for other benefits.
- The applicant/participant has not been to a doctor in a long time. Allow time for them to set up appointments and establish medical documentation to support their Social Security application.
- The applicant/participant is currently working with a doctor to determine a diagnosis.
- The applicant/participant presents with chemical dependency only. However, if there is another condition along with the chemical dependency, refer applicant/participant to a skilled Social Security advocate or to your county or tribal social services for assistance.
- The applicant/participant is unable to get an appointment with their local Social Security office within 30 days.

Workers must enter a CASE/NOTE in MAXIS explaining why they have granted a good cause exception.

## II. Key eligibility criteria for Social Security referrals

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The following characteristics from the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Social Security Administration (SSA) include but are not limited to the eligibility criteria for Social Security applications.

1. Applicant's/participant's medical, sensory, and physical conditions significantly limits their ability to do basic work activities such as lifting, standing, walking, sitting, and remembering – for at least 12 months or are expected to result in death. Medical, sensory, and physical conditions could be:
  - Blindness, loss of speech, hearing loss
  - Chronic respiratory disorders, cystic fibrosis, lung transplantation
  - Spinal disorders, amputation, burns or skin disorders
  - Chronic conditions such as heart failure, liver or kidney disease
  - Sickle cell disease or hematological (blood) disorders

2. Applicant/participant has a serious mental illness or exhibits symptoms and/or has serious physical illnesses that affect their ability to work at a substantial gainful level (\$1,220/month in 2019)
3. Applicant/participant is currently exhibiting symptoms of mental illness or has periods with worsening of symptoms that prevents sustainable employment. For example:
  - Psychotic Symptoms (positive or negative)
  - Depressive Symptoms (decreased energy, lack of motivation, suicide attempts)
  - Manic Symptoms (racing thoughts, disorganized thoughts)
  - Anxious feelings (paranoia, nervousness)
  - Cognitive deficits (brain injury; problems with concentration, memory, etc.)
  - History of trauma (history of abuse, posttraumatic stress disorder, etc.)

For applicants/participants with a mental illness, they have marked restrictions in at least 2 of these functional areas:

- Understand, remember, or apply information (memory, following instructions, solving problems, etc.)
- Interact with others (getting along with others, anger, avoidance, etc.)
- Concentrate, persist, or maintain pace (as they relate to the ability to complete tasks)
- Adapt or manage oneself (hygiene, responding to change, setting realistic goals, etc.)

The following characteristics are not essential, but may strengthen an applicant's/participants Social Security application:

- Applicant/participant is prescribed psychiatric medications and continues to experience symptoms and functional impairments
- Applicant/participant has obtainable medical evidence (for at least part of the past 12 months) that corroborates mental illness and medical complaints.
  - If there is limited medical evidence or large gaps in treatment:
    - Applicant/participant clearly exhibits symptoms severe enough that a one-time examination by a physician would demonstrate issues
    - Applicant/participant is not working due to medical and/or psychiatric conditions (i.e. not because they cannot find work or was laid off)
    - History of failed work attempts (started and stopped employment due to diagnosed disability)
    - Long work history, but can no longer work up to SGA (\$1,220/month in 2019) due to conditions
    - Scattered work history due to conditions and other factors

Immediately refer all applicants/participants to apply for Social Security benefits who:

- Have been SMRT approved.
- Receive waiver services such as CADI, DD, CAC, and BI.
- Have a terminal illness or Compassionate Allowance such as certain cancers, adult brain disorders, and a number of rare disorders that affect children.
- Are in hospice.

## A. Social Security benefits for Noncitizens

Applicants/participants must be a U.S. Citizen or a qualified non-citizen to be eligible for SSI or RSDI benefits. To be eligible for SSI, applicants/participants must be a qualified non-citizen and disabled. Some refugees and noncitizens can receive SSI for up to seven years from the date the Department of Homeland Security granted immigration status. See [Supplemental Security Income for Noncitizens](#) for more information.

## B. Medical Documentation

Accept diagnoses from healthcare providers or qualified professionals as defined in [CM 0011.39 \(Qualified Professionals\)](#). Depending on the program, workers may use the Request for Medical Opinion ([DHS-2114](#)) or the Professional Statement of Need ([DHS-7122](#)) to determine if an applicant/participant has an illness or condition which limits their ability to work and provide self-support.

Workers should use the information provided by healthcare providers or qualified professionals to have a conversation with applicants/participants about their illness or disability/incapacity and whether or not they should apply for Social Security benefits.

## C. Interim Assistance Agreements (IAAs)

Applicant/participants who are potentially eligible for Supplemental Security Income (SSI) must complete the SSI Interim Assistance Authorization ([DHS-1795](#)). Applicants/participants who are potentially eligible for other benefits such as RSDI, Workers' Compensation, Veterans benefits, or private insurance (such as short or long-term disability; or auto, business or home liability insurance) must complete the Interim Assistance Agreement (Non-SSI) ([DHS-1795A](#)). Applicants/participants who are potentially eligible for both SSI and other benefits must sign both a DHS-1795 and a DHS-1795A.

Do not approve GA or Housing Support benefits until the applicant/participant returns the signed IAA form(s). If, after 30 days, the applicant/participant does not sign IAA form(s), deny benefits.

Three months prior to an applicant's/participant's 62nd birthday, require them to sign an Interim Assistance Agreement (Non-SSI) ([DHS-1795A](#)) and to file for Social Security early retirement benefits.

### III. When to deny or terminate program eligibility related to Social Security applications

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1. Do not approve GA or Housing Support benefits until the applicant/participant returns signed IAA form(s).
2. If, after 30 days, an applicant/participant does not sign IAA form(s), deny benefits.
3. Deny or terminate program eligibility after 30 days if the applicant/participant fails to apply for Social Security benefits, without good cause.
4. For Minnesota Supplemental Aid, deny or terminate applicant/participants who do not get SSI or RSDI because they have exhausted time-limited benefits. Applicant/participants in this category may apply for General Assistance. Do not consider the loss of SSI due to exhausted time-limited benefits to be a failure to meet or comply with Social Security Administration program requirements.
5. Deny or terminate applicant/participants who are suspended or terminated from RSDI or SSI for failure to meet or comply with Social Security Administration or other program requirements. This includes failure to comply with a required treatment program and failure to get a representative payee.

### IV. Social Security advocates

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The Minnesota Department of Human Services contracts with advocates throughout the state to assist individuals applying for federal disability benefits administered by the Social Security Administration.

All contracted DHS Social Security advocates may use the letter template in attachment A to notify county and tribal nation financial/eligibility workers and employment services staff that an applicant/participant is actively working with them to apply for Social Security benefits. These advocates will screen applicants/participants and determine if they should apply for benefits now; not apply at this time; or need to establish more medical care before they apply.

**Counties and Tribal Nations should accept a letter from a DHS contracted Social Security advocate as verification of good cause that an applicant/participant is exploring their option to apply for Social Security benefits.**

### V. Americans with Disabilities Act (ADA) Advisory

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This information is available in accessible formats for people with disabilities by calling (651) 431-6271 (voice) or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.

## VI. Attachment

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Attachment A: Sample letter template from a DHS contracted Social Security advocate.

**Attachment A**

Social Security Advocate/Agency  
123 Main Street  
Minneapolis, MN

To: Hennepin County  
Name: Jane Doe, worker  
Date: Today's date  
From: Social Security Advocate/Agency  
DHS contracted Social Security advocate

Subject: Bob Smith's Social Security application assistance

Bob Smith has contacted Social Security Advocacy and requested assistance applying for Social Security benefits on mm/dd/yyyy. Based on our screening:

- ☐ We have determined that "Applicant Name" is not ready to apply for Social Security benefits due to:  
\_\_\_\_\_
- ☐ We are assisting Bob Smith who resides in Hennepin County to apply for Social Security disability benefits at this time.
- ☐ Other: \_\_\_\_\_

Please contact me with any questions at 612-111-1111.

Thank you,

Social Security advocate  
Social.security@gmail.com