

5. I AM WORKING AND MY SSI HAS STOPPED BECAUSE I MAKE TOO MUCH MONEY. IF I QUIT OR LOSE MY JOB, HOW SOON CAN MY SSI BENEFITS START AGAIN?

If you quit or lose your job less than 12 months after your SSI benefits stopped, your SSI benefits will start again immediately--so long as you are still disabled. You will not have to fill out a new application. If you have worked longer than 12 months since your SSI benefits stopped, you may need to reapply for SSI.

6. IF I GO BACK TO WORK, HOW WILL SOCIAL SECURITY DECIDE IF I AM STILL DISABLED?

To decide if you are still medically disabled, Social Security does something called a "Continuing Disability Review," or CDR. Sometimes you get a CDR even if you do not go back to work; Social Security will review your case every five to seven years no matter what. Starting in 2002, Social Security will no longer do a special CDR just because you go back to work. The exception is if you have been receiving Social Security benefits for less than two years, in which case Social Security may still do a CDR if you return to work.

During a CDR, Social Security will look at your medical records to decide if you are still disabled. Some people with HIV will clearly still be disabled. You may still have CMV or peripheral neuropathy or one of the other conditions that Social Security always considers severely

disabling. But other people may have a harder time providing that they are still disabled. If you originally got benefits because of severe fatigue, night sweats and sinusitis, for example, and those conditions have improved so that you really are functioning a lot better, then Social Security might conclude that you are no longer disabled under their rules.

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**UNDERSTANDING
YOUR
LEGAL RIGHTS:**

**RETURNING
TO WORK
WITH
HIV/AIDS
(SSI)**



This is one in a series of pamphlets designed by the Alabama Disabilities Advocacy Program. All are designed to help you understand your legal rights in Alabama. Currently, other pamphlets in this series include the following:

Working with HIV/AIDS

Returning to Work with HIV/AIDS

HIV/AIDS and Privacy on the Job

Getting Hired with HIV/AIDS

HIV/AIDS and the FMLA

This guide is intended as an overview of HIV-related Alabama and federal law. As with any legal matter, it is always a good idea to consult an attorney concerning the particular circumstances of your case.

1. IF I GO BACK TO WORK WHILE RECEIVING SSI BENEFITS, DO I HAVE TO TELL SOCIAL SECURITY?

Yes. You should always report your earnings to Social Security. Social Security rules say you should report any changes in your income within 10 days. Talk to a claims representative before you start working, so you will know what and when you have to report.

2. WHAT WILL HAPPEN TO MY SSI CHECK IF I GO BACK TO WORK?

As your income goes up, your SSI check goes down. If you earn too much money, your SSI check ends completely. But Social Security wants people on SSI to work, so they don't count some of the money you earn when they are calculating how big your SSI check will be. Social Security subtracts the income you earn from your regular SSI amount. However, they do not subtract every dollar you make. Social Security does not count the first \$85 you make each month. After disregarding the first \$85, Social Security only counts half of all the other money you earn in a month. This is called the *earned income disregard*.

3. DOES THIS MEAN I CAN EARN AS MUCH AS I WANT AND STILL RECEIVE SSI?

No. Once your earned income is roughly twice the monthly SSI benefit rate, you will no longer be eligible for SSI. In 2007, this figure is \$1331 per month, or higher if you have business-related expenses or Impairment Related Work Expenses (IRWEs). Question 4 discusses possible deductions in greater detail.

4. WILL SOCIAL SECURITY COUNT ALL OF MY EARNINGS, OR ARE THERE SOME DEDUCTIONS?

Social Security counts the gross monthly wages you earn (your pay *before* taxes) minus the expenses you have to pay to keep your job. Here are the expenses SSA will subtract from your gross wages:

- *Subsidies*: If your employer pays you and you are not really doing the work that would be required of someone else doing your job, (because your employer wants to be nice to you) your "earnings" could be considered as a subsidy and the money would not be counted as income.
- *Business Related Expenses*: People who are self-employed can deduct the reasonable cost of business-related expenses from monthly gross earnings.
- *Impairment Related Work Expenses (IRWEs)*: These are expenses that are necessary to go to work and stay on the job. These include most drugs and medical services. IRWEs can also include items such as personal attendant care, modifications to your home and special transportation. All IRWEs can be deducted from your gross monthly earnings. However, Social Security must approve any IRWE deductions.