

SSI Financial Eligibility & Appeals

Supplemental Security Income (SSI) is a cash benefit program for individuals and families with low income and qualifying disabilities.¹ Both children and adults may be eligible for this program if they meet financial eligibility requirements and have a qualifying disability that significantly impairs their functioning.²

This brief describes the basic processes of determining financial eligibility and appealing a denial based on financial eligibility. Please see our longer fact sheet for additional context on the SSI program, appeals based on disability eligibility, and a selection of policy options for expanding access to SSI for children with disabilities.



Who Decides if a Child Is Financially Eligible to Receive SSI Benefits?

The staff at the local Social Security office is responsible for making the initial decision about whether an applicant is financially eligible for SSI. Families' financial eligibility is considered during the initial application process and as part of ongoing income reporting once approved. SSI benefits may be suspended or terminated if a reported change makes the recipient ineligible.

Applicants are typically assigned a claims representative who ensures the application is complete. The claims representative will usually ask a family for proof of income and resources.

An applicant's initial financial eligibility is assessed at two different points after the initial application is submitted:

1. When a family applies for SSI for one of their children, the local Social Security Office will assess financial eligibility before moving the application to the Disability Determination Service (DDS), where an analyst will review the child's medical records.
2. If the child is found to have a qualifying disability, the local Social Security office will assess financial eligibility for a second time.

Families can submit evidence of financial eligibility directly to a claims representative at the local office.³

This evidence might include documents such as pay stubs or account statements. This evidence should then be added to the applicant or recipient's file.⁴

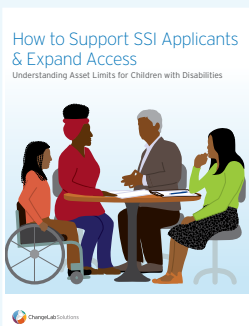
When a family's financial eligibility for SSI is evaluated, both household income and assets or resources are considered. These include the value of any savings accounts, second cars, and other property. For more information on how financial eligibility is determined, please see [ChangeLab Solutions' fact sheet on SSI asset limits](#).

Financial Eligibility Appeals

If an applicant's SSI application is denied for failing to satisfy financial eligibility requirements, the applicant may appeal that decision through the process detailed below. Recipients who are charged with an overpayment or who have their SSI benefits suspended or terminated because of changes in their financial situation may also appeal through the same process.

	Case File Review ⁵	Informal Conference	Formal Conference
Eligibility	Available to applicants and recipients	Available to applicants and recipients	Available to recipients only
Admissible Testimony	No outside witnesses or experts	No outside witnesses or experts (applicant or recipient can provide documents only)	Can order testimony from witnesses or experts
Evidence Considered	Claims representative reviews file and issues decision	Claims representative meets with applicant or recipient and issues a decision	Claims representative meets with applicant or recipient and experts or witnesses before issuing a decision

All information in this chart is from 20 C.F.R. 416.1413

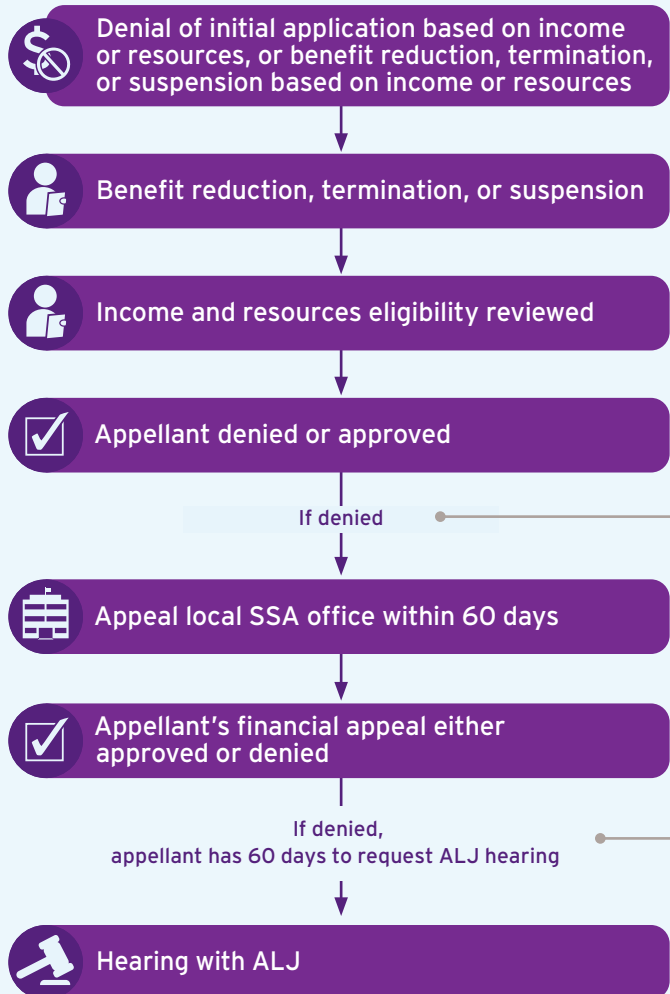


EXAMPLE: REQUESTS FOR RECONSIDERATION

As explained in our [SSI assets fact sheet](#), if a family is receiving SSI benefits for their child and one of their parents buys a second car, the local Social Security Office will determine the value of the car to ensure that the value does not exceed the resource limits. If the family disagrees with the determined value of the car and this led to the child's benefits being reduced or terminated, then the family could file a request for reconsideration and request a **formal conference**. However, if the family disagrees with an asset valuation that happened when the family is first applying, then they would only be able to request a **case file review** or an **informal conference**.

These distinctions are important, as families of SSI recipients may not be aware that they have the right to request a formal conference which allows for testimony from witnesses and experts.

SSI BENEFIT REDUCTION, SUSPENSION, OR TERMINATION DUE TO INCOME AND RESOURCES ELIGIBILITY APPEALS PROCESS



SSA = Social Security Administration
ALJ = Administrative Law Judge

If denied by the ALJ at the hearing, there are two more levels of appeals: Appeals Council and District Court Appeals. These are outside of the scope of this fact sheet.

Request for Reconsideration: Income and Resources Eligibility

If a child's application is denied based on financial ineligibility, then the family may file a request for reconsideration, which entails submitting an appeal with their local Social Security Administration (SSA) office.⁵ The request for reconsideration may be filed online through the SSA website.

There are three different types of requests for reconsideration, and it is important that applicants and recipients request the type of appeal that provides them the best opportunity to present their case.⁵ For instance, a formal conference provides the most robust opportunity for an appellant to provide evidence in support of their argument; however, only recipients are eligible for formal conferences.⁵

Request for Hearing: Income And Resources Eligibility

If a decision is issued finding that the family does not meet income and resources eligibility requirements during the request for reconsideration, the family has the right to request a hearing with an administrative law judge (ALJ). The family has 60 days from receipt of the notice to file the appeal.⁶ The matter will then be scheduled with an ALJ for hearing.⁷ At the hearing, the ALJ will review the family's file and possibly take testimony from the family, the local Social Security Office, or experts. At this time, the family can submit additional evidence in support of their income and resources eligibility.⁸ The request for a hearing may be filed online through the SSA website.

References

- 1 Social Security Administration. *Supplemental Security Income (SSI)*. Washington, DC. 2020. www.ssa.gov/pubs/EN-05-11000.pdf. Accessed September 13, 2022.
- 2 20 C.F.R. § 416.202 (2021).
- 3 SOCIAL SECURITY ADMINISTRATION, PROGRAM OPERATIONS MANUAL S.I. 00601.100, INFORMATION/EVIDENCE - GENERAL (2017). Available at <https://secure.ssa.gov/poms.nsf/lnx/0500601100>.
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- 5 20 C.F.R. § 416.1413 (2021).
- 6 20 C.F.R. § 416.1409 (2021).
- 7 SOCIAL SECURITY ADMINISTRATION, PROGRAM OPERATIONS MANUAL G.N. 03103.010, THE HEARING PROCESS (2018). Available at <https://secure.ssa.gov/poms.NSF/lnx/0203103010>.
- 8 SOCIAL SECURITY ADMINISTRATION, PROGRAM OPERATIONS MANUAL G.N. 03103.010, THE HEARING PROCESS (2018). Available at <https://secure.ssa.gov/poms.NSF/lnx/0203103010>.

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