

SOCIAL SECURITY ADMINISTRATION ESTABLISHES THE TICKET TO WORK PROGRAM

By Arlene Kane

There are nearly 12 million people receiving Social Security Disability benefits in the United States. Many of these individuals, in particular those aged 19-39 and who have a work history, do have work goals. Fear of losing health benefits, provided by Medicare and Medicaid programs, as well as the loss of benefits due to the impact of strict income rules, has had a chilling affect on the work goals of these individuals. The new "Ticket to Work" program could be a shining light for those individuals who are disabled and those who may be dependant upon them.

History

The purpose of the Ticket to Work program is to provide individuals with the services and support needed to return to work. The scope of the Program is described at 20 C.F.R. § 411.100.

The Ticket to Work Regulations was specifically designed to eliminate some of the barriers deterring individuals from returning to work thereby assisting them to once again be productive members of society. Concurrently the legislation would reduce or eliminate their dependence on Social Security Disability and/or SSI benefits, based on disability or blindness, by getting more beneficiaries back in the workplace and out of the social security system. This would alleviate an already overburdened Social Security system at least for some years and at best until the individual reaches retirement age.

The new Ticket to Work program became effective July 21, 2008. The development of this program took nearly six years and is continuously changing. President Clinton signed the final bill on December 17, 1999 and the Final Regulations were published May 20, 2008.

Eligibility for the "Ticket"

Only those individuals who have met the standard of "disability" set forth by the SSA and are presently receiving cash benefits through the Social Security Disability Program (SSDI) Title II or Social Security Supple Mental Income (SSI) Title XVI may be eligible provided they are¹:

Youth who have been determined disabled and awarded benefits under Adult Rules after age 18

Adult Social Security disability beneficiaries who are Childhood Disability Beneficiaries (CDB), formerly referred to as Disabled Adult Children (DAC)

Adults under age 65 who receive Social Security Income (SSI) and or Social Security Disability Insurance (SSDI)

Resident Immigrants (legally residing)

How the Program Works

Employment Networks (EN),² provide the services necessary to assist beneficiaries in reaching their work goals. The Social Security Administration certifies and regulates as well as funds these Networks. Although the Social Security Administration administers the Program, a private firm MAXIMUS, performs the day-to-day management. As program manager MAXIMUS provides outreach, teaching, training and recruitment, and processes payments to the authorized EN.³ The disabled individual can select an authorized service provider to assist them in reaching their employment goals with training, vocational rehabilitation, job coaching, job readiness and transportation all as part of a planned agreement with the beneficiaries monies paid to the EN, which is all funded by the SSA.

The Beneficiary/EN Agreement

Once receiving the ticket, the beneficiary selects an authorized EN from a list provided by the SSA. The beneficiary communicates their goals to the EN to determine what services will be required. Once an agreement is reached a written Individual Work Plan (IWP).⁴ is drafted and developed. This formal agreement with the EN, details how the individual will utilize the services to achieve their goal.

Timely Progress

The plan (IWP) lays out the specific steps and time frames, which may involve several years. “Timely Progress” must be established as well as adherence to training rules.

“We consider timely progress toward self-supporting employment when you show an increasing ability to work at levels which will reduce or eliminate your dependence on social security benefits”,⁵

As long as there is “timely progress” the individual need not be subject to any Continuing Disability Reviews (CDRs). Although the beneficiary participating in The Program may show improvement in their *impairment*, (CDRs) are suspended, during participation in The Program.⁶

Benefits may continue for 60 months. Wage earning however is subject to the same affect on eligibility standards for “substantial gainful employment” whether or not you participate in the ticketed program. The amount of earnings not the numbers of hours is determinative.⁷

Conclusion

This article is intended to serve as an overview of the new Program. Our clients want to be productive and can now further their goals without fear of losing their medical benefits and continuing disability review while attempting to work.

It is incumbent upon us as attorneys representing disabled individuals to encourage our clients to evaluate whether the program is suitable for them.

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Endnotes

1. 20 C.F.R. § 411.125.
2. 20 C.F.R. § 411.300.
3. 20 C.F.R. § 411.450.
4. 20 C.F.R. § 411.180.
6. 20 C.F.R. § 411.165.
7. 20 C.F.R. § 411.155.