

SSI Tip: 5 Things to Know Before Applying for SSI Based on Disability

QUESTION: “I am homeless and want to apply for SSI. I have back pain but have not yet seen a doctor for this condition. I also started seeing a therapist about six months ago for depression but have not always been able to make my appointments. I use marijuana daily to help manage my symptoms. Should I apply for SSI now or wait?”

Supplemental Security Income (“SSI”) is a program administered by the Social Security Administration (SSA) for low-income individuals with little to no work history who are disabled and unable to work. The program has many complicated rules, and the application process for each person is different based on his or her individual circumstances. But there are some general rules that every applicant should consider.

1. Your medical problems must be severe.

In order to qualify as disabled, and therefore eligible for SSI, your physical or mental health conditions must be “severe,” which means they significantly interfere with your ability to work. General complaints—like “my back hurts”—without more, will not meet this threshold.

2. Your health conditions must be expected to last for at least 12 months.

SSI is not a temporary disability program; you must show that your disabling conditions are expected to last for at least 12 months. If your conditions are fairly new, unless they are very serious, it may be difficult to show that they will not improve over time. Therefore, in most cases, you should be in treatment for several months before applying for SSI.

3. Your impairments must be supported by medical evidence.

SSA decides if you are disabled by reviewing your medical records. Although SSA will also ask to hear from you and those close to you about your impairments, the most important factor in your case will be whether there is sufficient medical documentation of your disability, including diagnoses, test results, letters from your doctors, etc.

4. Drug or alcohol use can affect your application.

Sometimes SSA can use the fact that you drink or use drugs as a reason to deny your SSI claim. The test used is whether your substance use is a “material contributing factor” to your underlying disability. In other words, if you stopped drinking or using drugs, would your condition improve to the point that you are no longer disabled under SSA rules? If the answer is yes, SSA can deny your claim. It is helpful to be able to show periods of sobriety of at least six months so SSA can consider your impairments independent of any drug or alcohol use.

5. Failing to comply with prescribed treatment can affect your application.

SSA may deny your claim if you fail to follow your doctor’s prescribed treatment plan. This is because SSA can find that you would regain the ability to work if you followed your treatment plan. While there are some exceptions to this rule, it is important to follow your doctor’s prescribed course of treatment, including showing up to your appointments.

Disclaimer: This tip is for educational purposes only and does not constitute legal advice. If you have a legal question, please contact an attorney of your choice.

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