

7. CalWORKs SSI Advocacy

7.1 Program Overview

Some of our clients may find it difficult to become self-sufficient due to disabilities or multiple barriers. Our agency is engaged in efforts to find other types of assistance for these clients. For those clients who have long-term disabilities, the next step for assistance may be Supplemental Security Income/State Supplementary Payment (SSI/SSP) hereinafter referred to SSI. Because the application and approval process for SSI can be very complex and involve a lengthy time period (up to 2 years or more), our agency has incorporated a process through the CalWORKs Social Worker for advocating on behalf of CalWORKs clients to obtain SSI benefits.

7.2 CalWORKs SSI Advocacy

The CalWORKs Social Worker (SW) takes the lead in advocating for the client's application for SSI by assisting them until SSI is approved. The Social Workers utilize social worker intervention and assistance in order to:

- Help clients follow through with the SSI application process.
- Secure additional and more precise medical and/or psychiatric information.
- Provide representation at the initial stages of the SSI process.

7.3 Services provided

7.3.1 Assessment Services

To aid the client in the SSI application process the following services are provided:

- Education abilities,
- Employment and medical history,
- Agency history, and
- Criminal and institutional history.

7.3.2 Other Services

Social workers also conduct third party interviews to gather information and:

- Prepare correspondence for the client.
- Prepare case for transition to attorneys.
- Furnish legal referrals and referrals to other resources.

7.4 Agency Collaboration

Full collaboration between the Eligibility Worker and the Employment Counselor (EC) is needed to assist the SW in completing the SSI application process. As part of this process, the SW will contact the EC and the Eligibility Worker to obtain additional information to support the client's disability and observations. The SW will contact the:

- EC via e-mail and
- Eligibility Worker via TMT assignment.

7.5 Referrals

At this time, Eligibility Workers (EWs) or ECs are not to refer clients to CalWORKs SSI Advocacy. All referrals for this program are initiated from the "Centralized Exemptions List." Referrals are initiated by the CalWORKs Employment Services (CWES) Centralized Exemptions Worker (CEW) or through management exception. Clients who meet the referral criteria are referred by the CEW.

7.5.1 Referral Criteria

A CalWORKs client who meets the following referral criteria is referred to CalWORKs SSI Advocacy

- Has a medical exemption for the past 24 months and the disability is permanent or is expected to continue for 12 months,
- Has a medically verifiable disability for the past 24 months and the disability is permanent or is expected to continue for 12 months, or

- Has a current medically verifiable disability that is permanent or is expected to last for 12 months and the client has a 24-month history of non participation that may be attributed to a medical problem.

**Reminder:**

Referrals are only initiated for CalWORKs individuals who are exempt. Referrals are not to be initiated for disabled individuals for whom care is required in the home.

7.6 Documentation

The CEW must document in CalWIN **Maintain Case Comments** window that a CalWORKs SSI Advocacy referral was made and the date additional documents were faxed under separate cover to the CalWORKs Social Worker. Case Comments must also include the additional forms that were mailed to the client. If the Social Worker contacts the CEW for additional information, the CEW must also document in case comments the additional information provided.

7.6.1 CEW Referral to CalWORKs SSI Advocacy

At this time, referrals to the CalWORKs Social Worker for SSI Advocacy are only initiated from the Centralized Exemptions Worker (CEW) or by management exception via the CEW. The referral process is as follows:

Stage	Who	Action
1.	CEW	<ul style="list-style-type: none"> Downloads and mails to the client the “Appointment of SSI Representative” form, SSA-1096-U6. http://www.ssa.gov/online/ssa-1696.pdf If not in IDM, mails the client the “Physical Capacities” (CW 61A) and/or “Mental Capacities” (CW 61B) forms. Initiates referral to CalWORKs SSI Advocacy by following CalWIN Announcement (CA) 85, “Referral to CalWORKs Social Worker” and selects CalWORKs SSI Advocacy from the <u>Need</u> drop-down in CalWIN. Under separate cover faxes to SSI Advocacy fax number, (408) 286-7935, “Authorization to Release Medical Information (CW 61) and if available, includes the following: <ul style="list-style-type: none"> “Physical Capacities (CW 61A) and/or “Mental Capacities (CW 61B). Any other available medical documents. <p>Note: When the CW 61A/CW 61B are returned, the CEW initiates an additional fax to CalWORKs SSI Advocacy.</p>
2.	Designated CalWORKs Social Worker	<ul style="list-style-type: none"> Receives referral from CEW. Assigns CalWORKs SSI advocacy case to a CalWORKs Social Worker when email referral is received. <p>Note: The case is assigned to the CalWORKs SW once the email referral comes in. The SW follows-up with the CEW and/or the client to obtain additional medical reports.</p>

7.6.2 CalWORKs Social Worker SSI Advocacy Steps

The CalWORKs SW follows the steps below for the various stages of the SSI process with the Social Security Administration. The various forms are on-line at the Social Security Administration Website: <http://www.ssa.gov/>

Steps	Actions
1.	<p style="text-align: center;">Referral Stage</p> <ul style="list-style-type: none"> Under separate cover receives and reviews “Physical Capacities” (CW 61A)/”Mental Capacities” (CW 61B) and/or medical reports.

Steps	Actions
2.	<p style="text-align: center;">Pre-Application Stage</p> <ul style="list-style-type: none">• Reviews CalWIN case & and medical records in IDM to assist in obtaining general client medical related history.• Identifies verification/documentation that is on file and/or needed in order to proceed with the Application/Assessment Stage.• Contacts the client by phone to advise of potential SSI eligibility.• Obtains CW 61 or other appropriate medical release forms.• Sets up face-to-face appointment.• Downloads from Social Security Administration Website the Medical and Job Worksheet, and includes with the appointment letter. The letter is to include any documentation that is still needed by the client. http://www.socialsecurity.gov/disability/SSA-3381.pdf.• Follows-up with telephone reminders to ensure client shows up for appointment.• Initiates collateral contacts to obtain additional client information/ medical documentation. <p>Note: Collateral contacts may occur throughout the Pre-application & Application/Assessment Stages.</p>

Steps	Actions
3.	<p style="text-align: center;">Application/Assessment Stage</p> <ul style="list-style-type: none"> • Conducts face-to-face interview and reviews SSI process with the client. • Gathers additional client information (this is ongoing throughout the entire application process). • From the Social Security Administration Website, completes the online application and the following forms for the client: <ul style="list-style-type: none"> • On-line Disability Benefits Application: https://secure.ssa.gov/iCLM/dib. • "Appointment of SSI Representative" (SSA-1696-U4), http://www.socialsecurity.gov/online/ssa-1696.pdf. • "Authorization to Disclose Information to the Social Security Administration" (SSA-827), http://www.ssa.gov/online/ssa-827.pdf. • "Disability Report" (SSA 3368), http://www.ssa.gov/online/ssa-3368.pdf. • Sends the application packet forms to the Social Security Office identified on the application. <p>Note: The Social Security application may be assigned to an analyst at the Fresno or Oakland Department of Developmental Services (DDS).</p> <ul style="list-style-type: none"> • Receives bar code from assigned Social Security Administration Analyst and submits additional supporting documentation (this is ongoing until all necessary documents are with DDS). • Social Security Administration regional office analyst reviews packet and requests medical records. • Follows-up with Social Security Office as appropriate. • Intervenes/assists Social Security in obtaining medical records and/or other documentation. <p>Note: Social Security Administration may require client to undergo a consultative exam through their appointed medical doctor. The time frame for a decision is approximately 6months.</p>

Steps	Actions
4.	<p style="text-align: center;">Appeal (Reconsideration)</p> <ul style="list-style-type: none"> • Schedules and conducts a face-to-face interview to re-assess the client. • Requests an appeal within 60 days when the Social Security Application is denied. Generally three elements need to be present: <ul style="list-style-type: none"> • Still disabled. • Still unable to work. • Condition is getting worse, and/or new conditions exist. Check the box “Case Review” as this is the only option on a new claim. • From Social Security Administration Website, downloads and completes the following two forms: “Request for Reconsideration” (SSA-561-U2) http://www.ssa.gov/online/ssa-561.pdf and “Disability Report Appeal” (SSA 3441-BK) http://www.ssa.gov/online/ssa-3441.pdf. <p>Note: If the 60-day deadline is missed for filing for a reconsideration hearing, a 'good cause' letter can be submitted to Social Security Administration to extend appeal filing time beyond the 60 day time limit. There needs to be a legitimate reason for being late such as but not limited to, illness, claimant did not understand the requirement to file timely, or client’s condition prevented filing, etc.</p> <p style="text-align: center;">Administrative Law Judge (ALJ Hearing)</p> <ul style="list-style-type: none"> • When the request for appeal is denied, refers client to list of attorneys to handle the appeal. It is very important to explain to the client the advantages of engaging an attorney at this juncture. • Informs the client of the five step in the Appeals process: <ul style="list-style-type: none"> • Level I: Reconsideration (application to decision approximately 180 days). • Level II: Administrative Law Judge Hearing (time frame 6 to 9 months). • Level III: Appeals Council Review (time frame up to years). • Level IV: Federal Court Review (time frame up to 3 years). • Level V: United States District Court (time frame up to 3 years) • When attorney is selected, informs client to inform attorney to retain CalWORKs Social Worker as secondary representative. <p>Note: If the client does not want to use an attorney, the Social Worker can act as a support person only (not as a representative) and assist the client in obtaining records, new evidence and attending the ALJ hearing with the client. The SW can also assist with filing additional appeals.</p>

7.6.3 Best Practices

The following best practices are to be adhered:

- For non-responsive clients, at a minimum, three telephone contacts must be made. A letter must be mailed advising client their SSI referral will be closed if they fail to respond.
- The CalWORKs SW validates most recent telephone numbers and addresses by reviewing case records, such as CalWORKs Semi-Annual Report (SAR 7), **Case Comments**, and contacting the EW and/or the EC for most recent information, as needed.

- For non-english speaking clients, arranges for translation services to assist during the meetings.
- When changing or ending Appointment of Representation status of the client, both the client and Social Security Administration will need to be notified.
- The CalWORKs SSI Advocacy Case must be kept open during the application/appeals process until the case is approved or denied.
- CalWORKs SW reminds attorney to retain SW as secondary representative while the client is represented by his/her attorney to ensure that the outcome of the SSI Appeal is forwarded to the county.

**Note:**

Standard introduction letter should be sent to client in appropriate language.

7.7 Outcomes

- | The CalWORKs SSI Social Worker is to notify the Employment Counselor and Eligibility Worker when SSI is approved.

7.8 IDM

For a list of most common SSI Advocacy correspondence which are scanned into the IDM system and identifies the SSI category/sub-category under which the form is scanned refer to [Refer to Common-Place Handbook, [["Category/Sub-Category - SSI Advocacy Chart,"](#) page 19-23].