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Disability Benefits for Wounded Warriors

Military service members can receive expedited processing of disability claims from Social Security. Benefits available through Social Security are different than those from the Department of Veterans Affairs and require a separate application.

The expedited process is used for military service members who become disabled while on active military service on or after October 1, 2001, regardless of where the disability occurs.

Below are the answers to the questions most people ask about applying for disability benefits. Knowing the answers to these questions will help you understand the process.

What types of benefits can I receive?

Social Security pays disability benefits through two programs: the Social Security disability insurance program, which pays benefits to you and certain members of your family if you are "insured," meaning that you worked long enough and paid Social Security taxes; and the Supplemental Security Income (SSI) program, which pays benefits based on financial need.

What is Social Security's definition of disability?

By law, Social Security has a very strict definition. To be found disabled:

- You must be unable to do substantial work because of your medical condition(s); and
- Your medical condition(s) must have lasted, or be expected to last, at least one year or to result in death.

While some programs give money to people with partial disability or short-term disability, Social Security does not.

Can I receive benefits for a past disability if my health has improved?

That depends. If we find that you are disabled under our rules and your application was filed within a specified time frame, we will consider whether you qualify for a closed period of disability. There are specific requirements for a closed period of disability:

- The medical evidence must establish that you were unable to engage in substantial work for a continuous period of 12 months, but by the time the disability decision is made, your condition has improved to the point where we find you are no longer disabled.
- You also must file an application within 14 months after the disability ended.
- If you meet the requirements for disability benefits, there is a five-month waiting period before your first monthly benefit can be paid. You can receive up to 12 months of retroactive benefits from the date you file an application with Social Security.

How does military pay affect eligibility for disability benefits?

Active duty status and receipt of military pay does not, in itself, necessarily prevent payment of Social Security disability benefits. Receipt of military payments should never stop you from applying for disability benefits from Social Security. If you are receiving treatment at a military medical facility and working in a designated therapy program or on limited duty, we will evaluate your work activity to determine your eligibility for benefits.

You cannot receive Social Security disability benefits if you engage in substantial work for pay or profit. However, the actual work activity is the controlling factor and not the amount of pay you receive or your military duty status.

How do I apply?

You may apply for disability benefits at any time while in military status or after discharge, whether you are still hospitalized, in a rehabilitation program, or undergoing out-patient treatment in a military or civilian medical facility. You may [apply online](#), in person at the nearest [Social Security office](#), by mail, or by telephone.

You may call **1-800-772-1213** to schedule an appointment. If you are deaf or hard of hearing, you may call our TTY number, **1-800-325-0778**. We also have a “[disability starter kit](#)” available online to help you complete your application.

What information do I need?

To apply for benefits, you or your representative must provide information and documentation about your age, employment, proof of citizenship, and information regarding all impairments and related treatment. Social Security will make every reasonable effort to help you get the necessary medical evidence.

Important: You should file the application for disability benefits as soon as possible with any documents readily available. Do not delay filing, even if you do not have all the documents mentioned below.

- Original or certified copy of your birth certificate or proof of U.S. citizenship or legal residency if foreign born;
- Form DD 214, if discharged from military service;
- W-2 form or income tax return from last year;
- Proof of military pay or workers' compensation;
- Social Security numbers of your spouse and minor children;
- Checking or savings account number, if you have one;
- Name, address, and phone number of a contact person, in case you are unavailable; and
- Medical records that you have or that you can easily obtain from all military and civilian sources.

How does Social Security make the decision?

Your claim is sent to a State Disability Determination Services (DDS) office that makes disability decisions. The State has medical and vocational experts who will contact your doctors and other places where you received treatment to get your medical records. The State agency may ask you to have an examination or medical test. You will not have to pay the costs of any additional exams or tests you are asked to take. If the State does request an examination, make sure you keep the appointment.

How long does it take?

The length of time it takes to receive a decision on your disability claim can vary, depending on several factors, but primarily on:

- The nature of your disability;
- How quickly we obtain medical evidence from your doctor or other medical source; and
- Whether it is necessary to send you for a medical examination in order to obtain evidence to support your claim.

What can I do to speed the decision?

You can speed the decision on your application for benefits by being prepared for your interview. We can take prompt action on your claim if you:

- Let us know right away that your disability occurred while on active military duty;
- Have information available regarding all the doctors you have seen and the address of the military site where your records are kept;
- Notify us of any address changes you have while we are working on your claim; and
- Inform us about any changes in doctors, hospitals, or outpatient clinics where you are receiving treatment.

After we receive your application for Social Security disability benefits, we will identify it as a military service member claim and expedite it through all phases of processing, both at Social Security and the DDS. We also expedite disability claims filed online.

Can my family get benefits?

Certain members of your family may qualify for benefits based on your work. They include:

- Your spouse, if he or she is age 62 or older;
- Your spouse, at any age, if he or she is caring for a child of yours who is younger than age 16 or disabled;
- Your unmarried child, including an adopted child, or, in some cases, a stepchild or grandchild. The child must be younger than age 18 or younger than age 19 if in elementary or secondary school full time; and

- Your unmarried child, age 18 or older, if he or she has a disability that started before age 22. (The child's disability also must meet the definition of disability for adults.)

NOTE: In some situations, a divorced spouse may qualify for benefits based on your earnings if he or she was married to you for at least 10 years, is not currently married, and is at least age 62. The money paid to a divorced spouse does not reduce your benefit or any benefits due to your current spouse or children.

When do I get Medicare coverage?

You will get Medicare coverage automatically after you have received disability benefits for 24 months.

How does Medicare affect my TRICARE?

For service members who are entitled to Medicare Part A (Hospital Insurance) and Part B (Medical Insurance), TRICARE provides Medicare “wraparound” coverage. Medicare is the primary payer for these beneficiaries, and TRICARE serves as a supplement, paying the Medicare deductible and patient cost share.

If you are entitled to Medicare Part A based on disability or permanent kidney failure, contact the Department of Defense to find out how this may affect your TRICARE benefits. You may need to be enrolled in Medicare Part B to keep your TRICARE coverage. For general information about TRICARE, please visit <https://tricare.mil/Plans/Eligibility/MedicareEligible>.

Individuals who are awarded retroactive Social Security disability benefits also may become entitled to Medicare Part A for months before they receive the disability award notice. Effective October 2009, TRICARE beneficiaries who are awarded retroactive benefits based on disability or permanent kidney failure do not have to enroll in Part B for those months in the past and can keep their TRICARE coverage as long as they enroll in Part B currently. You should contact the Department of Defense to find out whether you need to enroll in Medicare Part B so you can keep your TRICARE.

The Patient Protection and Affordable Care Act of 2010 provides for a 12-month Medicare Part B special enrollment period for TRICARE beneficiaries who are entitled to Medicare Part A, but did not enroll in Medicare Part B during their initial

enrollment period. The Department of Defense will notify eligible individuals about this period.

For more information about TRICARE and recent changes in the law, please visit www.socialsecurity.gov/legislation/tricareinfo.html.

What if I remain on active duty?

You may receive Social Security disability benefits and remain on active duty. It is important that you immediately contact Social Security if there is a change in your --

- Military Occupational Specialty code (MOS);
- Air Force Specialty Codes (AFSC); or
- Navy Enlisted Classification (NEC).

A permanent change of station (PCS) move from one duty station to another is also a potential indicator that you may be going back to work and should contact Social Security

Changes in your work status may affect your Social Security benefits. Tell us right away about any changes in your work or active duty status.

If you are planning to change your PCS, MOS, AFSC, or NEC, you can request a Benefits Planning Query from Social Security. This query contains information about the status of your disability benefits, work history and current work status, health insurance, scheduled medical reviews, and representative payee data.

You can use the Benefits Planning Query as a tool to help you plan your return to work. Request your query by calling 1-800-772-1213 or visiting your local field office.

What should I know about working?

Social Security has special rules called work incentives that allow you to test your ability to return to work and still receive monthly Social Security disability benefits.

You also can get help with the education, training, and rehabilitation you need in order to work. You will find a description of the work incentives and other programs that can help you return to the work force below. For more information, ask us for *Working While Disabled -- How We Can Help* (Publication No. 05-10095) or visit

www.socialsecurity.gov/work.

Do I need to report my work activity?

Yes. If you take a job, it is important that you let us know about it as soon as possible. You should tell us:

- When you start or stop work; and
- If there is a change in your job duties, hours or work, or rate of pay.

Even if you are receiving full pay, you still may qualify for Social Security disability benefits.

You may visit your local field office to report your current work activity. You can find the closest office on our website at www.socialsecurity.gov.

Ask the Social Security representative to give you a receipt showing that you reported your work activity. The work report receipt is for your records and serves as proof that you told us about your current work situation.

What happens next?

When we receive notification that you have returned to work, we perform a work continuing disability review (CDR). During this review, we look to see whether you are doing substantial work.

When we conduct a work CDR, we ask you to complete an SSA-821-BK (*Work Activity Report-Employee*). You should complete the form and provide as much detail as possible about your job duties.

It is important that you tell us whether you are in a designated work therapy program or whether you are assigned limited duty because of your disability. You may be receiving full military pay, but not performing work duties. Without this information, we cannot properly evaluate your work, and your Social Security benefits may be suspended or terminated.

What are the work incentives?

- **Trial Work Period (TWP)**

The TWP allows you to test your ability to work for at least nine months. The months do not need to be consecutive. During your TWP, you will receive your full Social Security benefits, regardless of how much you earn, as long as you report your work activity and you continue to have a disabling impairment. The TWP continues until you have worked nine trial work months within a 60-month period.

- **Extended Period of Eligibility (EPE)**

After the TWP ends, you have 36 months during which you can work and still receive benefits for any month that your earnings are not "substantial."

During the EPE, your benefits are suspended for any month that you have substantial earnings. However, you will receive a benefit for any month your earnings fall below the substantial level. You do not need a new application or disability determination to receive a Social Security disability benefit during the EPE.

More information on work incentives is available at www.socialsecurity.gov/redbook.

- **Ticket to Work Program**

Social Security's Ticket to Work program offers many supports that can help you return to work. Under the Ticket program, you can obtain vocational rehabilitation, training, job referrals, and other employment support services free of charge. These services are provided by Employment Networks, which are private organizations or government agencies (state or local) that have contracts with Social Security to provide employment services and other supports to beneficiaries with disabilities.

If you are interested in using the Ticket program to go to work or get vocational services, please call **1-866-968-7842**, toll-free.

- **Work Incentives Planning and Assistance (WIPA) program**

The WIPA program is a nationwide network of community-based organizations with experts who can answer questions about Social Security's work incentives

and help you make a decision about working.

WIPA experts, called Community Work Incentive Coordinators, provide information and work incentives planning and assistance to people who are receiving Social Security disability benefits and who are currently working or considering work. They can help you understand how work affects your disability benefits and explain what other federal, state, and local supports there are for people with disabilities who want to work.

To locate the WIPA project nearest you, call **1-866-968-7842**, toll-free.

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