# PART A, CHAPTER 3.3.c: SOCIAL SECURITY RECIPIENTS

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part A, Chapter 3.3.c | 34 CFR [§361.45(c)(3)](https://www.ecfr.gov/current/title-34/part-361#p-361.45(c)(3)), [§361.42(a)(3)](https://www.ecfr.gov/current/title-34/part-361#p-361.42(a)(3)), and [§361.42(a)(4)](https://www.ecfr.gov/current/title-34/part-361#p-361.42(a)(4)) | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the special conditions applicable to Social Security recipients and beneficiaries when applying for and receiving TWC-VR services.

## DEFINITIONS

Benefits Planning Query (BPQY): A report generated by the Social Security Administration (SSA) that provides detailed information about a customer’s Social Security disability benefit.

Presumptive Eligibility: Presumption of eligibility for TWC-VR services predicated on an individual receiving Supplemental Security Income (SSI) or a Title II benefit based on disability.

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Subject-Matter Utilization Resource Facilitator (SMURF): A TWC-VR staff member trained in the basics of SSI and Title II benefits based on disability.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

Title II: Disability benefits under Title II -- 1) Social Security Disability Insurance (SSDI), 2) Childhood Disability Benefits aka Disabled Adult Child (CDB/DAC), and 3) Disabled Widow/Widower Benefits (DWB).

Work Incentive Liaison (WIL): An SSA employee within a local SSA office who specializes in issuing BPQYs and approving requested work incentives other than Plan to Achieve Self-Support (PASS).

## POLICY

### General Overview

A customer receiving SSI or a Title II disability benefit (e.g., SSDI) due to their own disability, must be given unique considerations during the VR process, including presumptive eligibility for TWC-VR services. Evidence of these benefits is required.

Presumption of eligibility does not create an entitlement to any TWC-VR service.

## PROCEDURES

### Verification of Social Security Benefits

When a customer asserts eligibility for SSI, or a Title II benefit based on disability (e.g., SSDI), but cannot provide evidence (e.g., award letter), verification from Social Security must be obtained.

* Customers: To verify eligibility for SSI, or a Title II benefit based on disability, customers may do one of the following:
	+ Go to the [Social Security Administration (SSA) website](https://www.ssa.gov/myaccount/?utm_medium=cpc&utm_source=bing&utm_content=ssa-create-ad1&utm_campaign=mysocialsecurity). The customer can create an account and print out a benefits verification letter. The customer will get immediate verification of benefits using this method.
	+ Go in person to their local SSA field office and request a completed Benefits Planning Query (BPQY) (SSA-2459). There is no charge for the BPQY. The customer will get the BPQY immediately using this method.

If the customer is not provided with their BPQY, is asked to pay for the BPQY, or SSA staff gives any reason why the BPQY cannot be provided, the TWC-VR staff member emails SSAVR at ssavr@twc.texas.gov and request assistance. The TWC-VR staff member should include the following:

* + - Customer’s name;
		- Case ID and SSN;
		- Date the customer requested their BPQY;
		- Which SSA office they visited; and
		- General recap of what they were told by the SSA staff.
	+ Call their local SSA field office or the SSA national number at 1 (800) 772-1213 and request a completed SSA-2459. Receipt of the BPQY using this method can take up to 30 days.
	+ If the customer does not receive their BPQY within 30 days, the TWC-VR staff member should email SSAVR at ssavr@twc.texas.gov and request assistance. The TWC-VR staff member includes the date the customer called SSA and whether they called their local SSA office or the SSA national line.
* TWC-VR Staff: To verify eligibility for SSI, or a Title II benefit based on disability, TWC-VR staff must do the following:
	+ The TWC-VR staff member obtains the customer’s BPQY from SSA. The staff member faxes/e-faxes the prefilled Consent for Release of Information (SSA-3288) to the SSA WIL in the customer’s local SSA office without changing the language on the SSA-3288.
		- The TWC-VR staff member enters the customer’s information and the TWC-VR staff member's contact information, including fax and phone number. The customer’s complete address and phone number is entered at the bottom of the form.
		- The customer signs and dates the SSA-3288. This must be a handwritten signature as no electronic signatures are accepted by SSA. The customer must sign the form unless they are a minor under age 18 or have a Legal Guardian recognized by SSA. Parents of customers over age 18 and Representative Payees cannot sign for a customer.
* The TWC-VR staff member finds the WIL associated with customer's local SSA office by using the [SSA field office locator](https://www.ssa.gov/locator/) as well as the name and fax number for the WIL in that office using the Texas Statewide WIL list. Include a cover letter to the WIL.

SSA has 30 days to return the BPQY after receipt of the fax/e-fax.

If the TWC-VR staff member has not received the BPQY within 30 days after requesting, they can email SSAVR at ssavr@twc.texas.gov and request assistance, including the date the SSA-3288 was faxed, the local SSA office, and the name of the WIL to whom it was sent.

The TWC-staff member emails SSAVR at ssavr@twc.texas.gov for verification, including the customer’s name, case ID, and SSN in the email request.

### Releasing and Obtaining Records

With appropriate consent forms, TWC-VR and the SSA or Disability Determination Services (DDS) may exchange records about specific customers for eligibility purposes.

* Releasing Records to DDS: DDS may request records for TWC-VR customers as part of the disability determination process. The customer's records can be released to DDS only after TWC-VR receives the following:
	+ A signed Authorization to Disclose Information to SSA (SSA-827); or
	+ Another valid release.
* Obtaining Records from SSA/DDS: TWC-VR staff can obtain records from the SSA office or from DDS when necessary, only after completing the following:
	+ For non-medical records from the customer’s local Social Security office, TWC-VR staff complete the SSA-3288.
	+ For medical records from SSA DDS, TWC-VR staff complete DDS Request for Records (VR3310), and, for questions, review the [SSA's description of records available to request](https://secure.ssa.gov/poms.nsf/lnx/0413510030#:~:text=Provide%20the%20State%20VR%20agency%20with%20the%20following,4%20%20SSA-4734-F4-SUP%20%28Mental%20Residual%20Functional%20Capacity%20Assessment%29).

SSA does not charge TWC-VR for the release of these records.

### Trial Work Experience (TWE)

If the VR Counselor determines the applicant, who is presumptively eligible due to the receipt of SSA benefits, due to their own disability, may not benefit from TWC-VR services in terms of an employment outcome due to the severity of their disability, TWEs must be provided. A Trial Work Plan (TWP) is completed as soon as possible once benefits are verified.

### Benefits and Work Incentives Counseling Services

TWC-VR provides this specialized service to customers receiving SSI or a Title II benefit based on disability from SSA. The goal of this service is to empower customers to pursue self-sufficiency through greater financial independence while navigating the complex Social Security disability benefit system. This involves working with the customer to develop a comprehensive analysis on how earned income will affect Federal and State benefits, including, but not limited to, the following:

* Social Security cash benefits based on disability;
* Healthcare benefits, including Medicare and/or Medicaid;
* Public housing assistance;
* Food Stamps;
* Home and community-based service waivers and/or other Long-Term Supports and Services; and
* Veteran’s benefits.

By engaging in Benefits and Work Incentives Counseling Services, customers can make informed decisions about returning to work and set realistic earnings goals (e.g., increasing earnings).

## APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

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| **Date** | **Type** | **Change Description** |
| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |