

# Legal Rights of Children & Adults with CF.©

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Cystic Fibrosis Parent Education

North Carolina

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# Disclaimer:

This presentation is informational only.

Nothing in this presentation is intended to be legal advice and no assurance or guarantee of eligibility for benefits is expressed or implied.

A person who may be eligible for Social Security benefits should not rely on this information, but should consult with a qualified attorney about their individual and unique situation.

# About the Speaker



## **BETH SUFIAN, J.D.**

- Partner in Sufian & Passamano
- Director of the CF Legal Information Hotline.
- Director of the CF Social Security Project.
- Practicing Attorney for 32 years.
- 57 year old with Cystic Fibrosis.

# CF Legal Information Hotline.

- Established in 1998.
- Provides free and confidential information on laws that protect people with CF.
- Is operated by the law firm of Sufian & Passamano, L.L.P.
- Is sponsored by the CF Foundation, although Hotline employees are not employees of the CF Foundation.

# CF Social Security Project

- Provides *representation* at no cost to people with CF in an application for Social Security benefits or a Continuing Disability Review.
- May provide services to an individual more than once.
- May contact directly. No need for a referral.
- Operated by the law firm of Sufian & Passamano, L.L.P.
- Sponsored by the CF Foundation. (CFSSP employees are not employees of the CF Foundation.)

# CF Legal Information Hotline.

- Best contact is by email at:

**CFLegal@sufianpassamano.com**

- Contact by telephone at:

**1-800-622-0385**

# Social Security Disability Insurance (SSDI).

- Claimant must have worked the requisite amount to accrue enough work credits to be eligible to make a claim for SSDI.
- Claimant cannot be capable of working more than 20 hours a week at time application for benefits is filed.
- In 2023, claimant cannot make more than \$1,470/month in gross earnings from work activity when applying for SSDI.
- In 2023, if claimant is self-employed, the monthly gross earnings limit is \$990.

# Supplemental Security Income (SSI).

- Adult claimant must be within the income and asset limits.
- For a claimant under age of 18, the household in which claimant lives must be within the income and asset requirements.
- The asset limit is not more than \$2,000 for an individual, or \$3,000 for a couple.
- Resource limit **excludes** the value of one car and one house owned (if house is used as claimant's residence).



# Other Eligibility.

- An individual who is deemed disabled by the Social Security Administration before attaining the age of 22 years may be eligible based on the work record of a deceased, disabled, or retired parent.

# Social Security Medical Eligibility Criteria.

- Both SSI & SSDI use the same medical eligibility criteria.
- Social Security Administration lists the medical eligibility criteria at:

[www.ssa.gov](http://www.ssa.gov)

# “As Severe As” the listed Medical Criteria

When the individual does not meet SSA’s listed medical criteria, but has a medical condition as severe as listed medical criteria, Social Security may still approve benefits.

Showing a claimant is “as severe as” the listing is difficult and complex.

# What is a Continuing Disability Review (CDR)?

- A CDR is a review by the Social Security of a SSI or SSDI beneficiary to determine if the beneficiary continues to meet all other eligibility requirements for benefits.

# Continuing Disability Reviews (CDR).

- Number of Continuing Disability Reviews have increased.
- A person who receives notice of a CDR should know this is a very important matter.
- A beneficiary is at risk of losing SSA benefits because of evidence provided during a CDR.

# 18-year-old Reviews.

- When a child receiving SSI benefits reaches age 18 years, SSA will review benefit eligibility.
- To remain eligible, beneficiaries must show they:
  - Continue to meet the medical criteria; and
  - Cannot engage in substantial gainful activity. (This criteria is different than the childhood criteria.)

# Overpayments.

- Social Security may review non-medical eligibility, which includes income and asset eligibility for SSI beneficiaries.
- SSA is looking for work earnings that exceed the allowable income for SSDI beneficiaries.

**Contact CF Legal at:**

*[CFLegal@sufianpassamano.com](mailto:CFLegal@sufianpassamano.com)*

**1-800-622-0385**