What You Need to Know About Applying for Disability

by BRANDY OSTLER

Applying for Disability With Lupus

Lupus is a disabling and debilitating condition. Although many who suffer from lupus are able to lead perfectly normal lives, others find that it changes everything. Depending on how lupus affects you and your line of work, you may find yourself traveling the long and tedious road of applying for disability.

Chances are you have probably seen the attorney commercials on television, promising their stellar skills in getting your disability approved. The implication of these television ads is that benefit denial happens to many people the first time around.

Luckily, that was not my case. I did not need an attorney to assist me. However, my doctor was an integral part of the process.

Once I was determined disabled by my doctor, I had to apply to four different entities. Your particular situation may include one, all, or more of these. Fortunately, the information needed by the various agencies is standard across the board, which helps significantly.

Government – Social Security Disability

Virtually everyone who becomes disabled applies for government disability benefits and you may qualify for two different programs. Navigating the online process is relatively easy and it saves you substantial time!

To apply, visit the Social Security Disability website. Programs you may qualify for include:

Social Security Disability Insurance

This program pays benefits if you have earned enough "credits" through your work history (the last 10 years) and pay Social Security taxes. You can find this information on your social security statement.

If you do not know where this document is, you can request one. I encourage you to sign up for an account with My Social Security to keep track of your information.

Even if you have not earned enough credits, apply anyway because you may still qualify for Medicare. Although disabled by definition according to the SSA, Medicare was the only benefit I qualified for, and it does not take effect until later this year (two years after my disability date).

Supplemental Security Income

This program pays benefits based on financial need regardless of credits earned or Social Security taxes paid. However, your income needs to be significantly low to qualify for this benefit.

Just because your doctor determines that you are disabled does not guarantee that the government will agree. This is probably why those disability attorneys exist.

The Social Security Administration has a five-step criteria process to determine disability status. If you meet the first three conditions, then approval should be automatic.

Even if you do not qualify for benefits, the disability status is important to have on hand, especially if additional disability sources are involved. The five questions considered are as follows:

1. **Are you working?** If you are earn a specified amount per month through working, you will not qualify for disability. If you are not working, they move to the next step.
2. **Is your condition severe?** According to the SSA, your condition is severe if it interferes with basic work-related activities. If that is the case, they move to the next step.
3. **Is your condition found in the list of disabling conditions?** The Immune System Disorders lists lupus and related conditions as disabilities. To automatically be considered disabled, your condition needs to either:
    - Involve two or more body systems or organs; one of which must have a moderate level of severity and have at least two typical symptoms.
    - Have repeated manifestations with two or more symptoms that limit activities of daily living, the ability to maintain social functions, or completing tasks in a timely manner.
4. **Can you do the work you did previously?** If your condition is not to the severity listed, they move on to step four. In this case, your disability must interfere with your ability to do your job. If so, they move on to step five.
5. **Can you do any other type of work?** Age, education, past work experience, and transferrable skills considered. Approval of your claim results if they determine that you cannot adjust to a different work environment.

Before submitting your application online, review the website for specific information so that you are prepared. Identifying information will be requested (birth certificate, W-2s).

You will also want to have evidence of your medical condition (medical records, doctors' reports, test results). However, if you do not possess all of the pertinent information, apply anyway. They will contact your doctor(s) if they need further information or documentation.

Next page: employment, insurance and additional waivers, and more information on applying for disability with lupus.

Employment – Disability Retirement

Having been a teacher for 12 years prior to my disability, I did not qualify for Social Security benefits (other than Medicare). Teachers (at least in Nevada) do not pay Social Security taxes.

Instead, they have a pension plan in place, which pays disability under early retirement. If you have a similar case, you will need to apply for early retirement based on disability through your employer.

If you have been on FMLA, then you are probably already familiar with the people you will be working with. Unlike the SSA, employers will usually grant disability retirement if your doctor has determined you to be disabled and sufficient evidence is included. There may be a review board, but they are not generally out to deny you.

Most companies with pension plans have rules regarding disability retirement. You may have to seek permission to work in the future if your distribution (under disability) is to continue. Once you reach retirement age, the pension reverts to regular retirement upon request (without future working restrictions).

If your disability specifically restricts your job (the position you held), many companies approve future work and

allow distributions to continue as long as your new position is in an unrelated field and requires unrelated tasks.

Insurance – Long-Term Disability

Coverage under a long-term disability insurance policy is a smart choice. You will need to apply with the company that issued your policy. Many people purchase this insurance through their employer, but many companies offer stand-alone insurance to individuals.

If you do not have a long-term disability policy, you may want to look into it. Many companies will still insure you even if a diagnosis is present, but there will probably be a waiting period before you qualify for benefits.

Although less challenging than the government (but more challenging than disability retirement), these insurance companies review *everything*. This is why disability determination is essential.

Upon approval of benefits, the company will waive policy premiums, which is nice for the wallet. However, they do require updates by a licensed physician (mine are yearly) as well as documentation of any additional income (so that they can reduce your benefit amount).

Most companies require your total compensation to be no more than 70% of your former salary (including their distribution). These companies insist you apply through all avenues. If you have already applied through SSA and received a determination letter, the process is that much easier.

Additional Waivers

I have held a life insurance policy for many years. I continued to pay my premiums faithfully each month despite my loss of earning potential due to disability. About a year into my disability, I perused the document and discovered that I had a “disability waiver of premium”. Awesome!

The policy dictated a waiting period of six months. I had to submit basic documentation and then my waiver was approved. The check for overpayment in the mail was a nice bonus.

Now my policy will remain active regardless of my ability to pay. If you have any type of insurance, I strongly suggest you review your documents in case you have this nice little waiver added!

The journey is not easy, and although I lost 1/3 of my income upon disability, the long-term disability insurance has been my biggest relief. It provides more income than my pension and when combined, I am able to live modestly, but comfortably.

If you have not already taken the necessary steps to prepare for potential permanent and total disability, I strongly recommend that you make it a priority! It just might be all you have to rely on. Furthermore, if lupus has the potential of being a long-term disability for you, review the information regarding SSA now so that it will not be such a thorn in your side when and if they day comes that you need to apply.

As hard as it may be, talk openly and honestly with your doctor regarding any concerns you may have. My doctor was my greatest supporter in the process. She was timely and efficient, which made the experience tolerable.