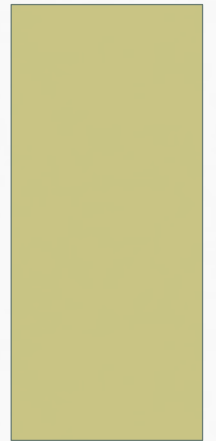


ACCESSING PUBLIC BENEFITS IN CONNECTICUT

PRESENTATION TO CCEH, APRIL 21, 2017



LEGAL SERVICES STRUCTURE IN CONNECTICUT

- Three separate legal services programs cover the state:
 - Greater Hartford Legal Aid- Greater Hartford,
 - New Haven Legal Assistance, Greater New Haven
 - Connecticut Legal Services- every where else
- Statewide Legal Services is the phone intake system for the three programs. SLS also give advice and some brief service
- Clients also access the programs through other providers and by walking in to Legal Services offices.

STATEWIDE LEGAL SERVICES OF CONNECTICUT

- **SLS's Role in Network of Legal Aid Programs in CT**
 - Network of Legal Aid Programs : SLS, GHLA, NHLAA, CLS
 - SLS is the **statewide** legal aid telephonic intake and legal advocacy center. Also website **Who SLS helps?**
 - SLS LSC guidelines and restrictions
 - Role of network partners, as non-LSC funded programs
- **Services SLS provides?**
 - SLS advocates provide telephonic, brief legal advice to low-income clients, statewide.
 - Intake & case referrals to Network of Legal Aid Partners
 - SLS Pro Bono services
 - <http://ctlawhelp.org/>

GENERAL AREAS OF PRACTICE

- All three programs have attorneys that handle:
 - Housing- evictions and housing rights
 - Family- restraining orders and divorces, with priority to those with family violence
 - Benefits- benefit delays and denials, TFA, food stamps, Medicaid, SSI, child care, a few other miscellaneous programs
 - Senior- nursing home issues, Medicaid and Medicare coverage, consumer issues affecting seniors.

SPECIAL AREAS

- Some offices have special expertise in the following, but this may not be available statewide
- education cases, students needing help with PPTs and disciplinary proceedings
- Immigration cases for victims of domestic violence
- Employment discrimination, wage and hour cases (people not getting paid what they are entitled to), unemployment compensation

HOW TO REACH US

- Clients, start by calling SLS 1-800-453-3320
- Various providers such as schools, shelters and Community Action Agencies contact us directly
- You can reach us (the presenters) at:
 - Lucy Potter, GHLA Hartford (860)541-5002
 - Veronica Halpine, GHLA Hartford, (860)541-5029

HOW WE WORK

- Referrals from whatever source are generally reviewed weekly in the units (housing, family, benefits) and taken for full representation or advice, according to priority and attorney availability
- Emergencies are dealt with as needed. (Executions, restraining orders, cash cut offs)
- Call us if you have someone who you think we might be able to help and we will help if we can

BENEFITS

STATE:

HUSKY A, B AND D

SNAP (FOOD STAMPS)

TEMPORARY FAMILY ASSISTANCE (TFA)

SAGA CASH

AABD

UNEMPLOYMENT COMPENSATION

FEDERAL:

SSI and SSD



RIGHT TO A HEARING

- Because SNAP, SAGA, TFA and Medicaid are a *right*, rather than charity, applicants and recipients have a right to hearing if they are denied, or terminated.
- If DSS proposes to terminate benefits, they have the right to have benefits continue until they have a hearing, IF THEY MAKE THE REQUEST WITHIN TEN DAYS OF THE NOTICE DATE.
- This give people leverage with DSS. DSS is more motivated to resolve errors without a hearing. And recipients don't starve while waiting for DSS to act.

ASKING FOR A FAIR HEARING

WHEN:

- To keep cash or SNAP benefits pending decision, ask for hearing ***within 10 days*** of date on notice.
- To keep Medicaid, benefits pending decision ask for hearing ***before effective date of termination***.
- You can still ask for a hearing within 60 days of notice (longer for SNAP-90).

HOW: In writing

- The DSS notice comes with a form or write to:
Department of Social Services
Office of Legal Counsel, Regulations and Admin. Hearings
55 Farmington Avenue, 11th floor
Hartford, CT 06105-3725
Phone: (860) 424-5760
Fax: (860) 424-5729
- FOR SNAP ONLY, Can request by phone.

APPLYING FOR ASSISTANCE: ON LINE

- Everyone has the right to apply

Where to Apply for cash or SNAP:

- Online: DSS's website is at www.ct.gov/dss to download forms to mail in. Online application available. Clients can open their own *myAccount* at www.connect.ct.gov for 24/7 access to their own information, and to upload some information.

APPLYING FOR ASSISTANCE: BY PHONE OR IN PERSON

- By phone: 1.855.626.6632 – client should be prepared to wait up to an hour. Clients can open their own phone benefits info account for 24/7 access to some of their own information.
- In person: DSS has 12 field offices, with long lines. List to be handed out.
- **MUST apply at DSS for HUSKY C!!** Direct HUSKY C clients to go to DSS.

APPLYING FOR ASSISTANCE: MEDICAL

- For Medical (other than HUSKY C) **HUSKY A, B and D** Apply at AHCT (the Exchange) : phone - 1.855.905.4325, or online at www.accesshealth.com. Should avoid duplicate online applications, or will have even more delays.

- ❖ **Where to mail** information, forms, verification, copy of hearing requests - *with client ID on each page, keep copy:*
DSS Scanning Center
P.O. Box 1320
Manchester CT 06045-1320

DSS SHOULD HELP PEOPLE WHEN THEY CAN'T GET PROOF

- Burden of proof is on the applicant but if person tries and can't get needed proof, ask DSS for help. If DSS has ability to get it DSS should help.
- Someone with a disability that affects their ability to apply for assistance has the right to an accommodation.

ACCOMMODATIONS FOR PEOPLE WITH DISABILITIES

- Examples of accommodations workers can provide:
 - Calling person when notice goes out
 - waiving office interviews or conducting interviews via the telephone;
 - extending deadlines for providing documentation related to factors of eligibility;
 - requesting the assistance of a specialized worker to help complete necessary forms, gather necessary documentation. Assist with making medical appointments, or assist with collecting medical documentation in order to establish disability where disability is a factor of eligibility;
 - providing forms or materials in Braille, tape or large print

TIME FRAME FOR DECISIONS FROM DSS

- SNAP expedited, when person's income is less than their rent and utilities, 7 days
- SNAP otherwise, 30 days
- HUSKY expedited eligibility for pregnant women or children: Day provider preliminarily finds eligibility. emergency
- TFA and HUSKY, 45 days
- SAGA 10 days from receipt of all needed proof. Outside limit is 45 days (if no disability determination) or 60 days (if disability determination, Medicaid with a disability determination, 90 days
- **If it takes longer and client has provided info, ask for hearing**

BASIC ELIGIBILITY

- Income, < grant amount For SAGA, \$219/month; For TFA for 2, e.g. \$487/month (+90 if earned income)
- Assets, SAGA \$250, TFA, \$3000
- TFA, must have a child under 18 (or 19 if child will graduate HS that year)
- Disability needed to be SAGA eligible, or to be exempt from TFA time limits and work requirements

HOW HARD CAN IT BE TO APPLY FOR TFA CASH ASSISTANCE?

- For someone who has received TFA in the past, DSS is likely to say that they have used up their time. 21 months and two 6-month extensions.
- **BUT**, a person who has “**barriers to work**” could still get 4 more six month extensions, up to 60 months.
- And a person who can't work for specified reasons could be **EXEMPT** from time limits and work requirements.



BUT REALLY, HOW HARD CAN IT BE TO APPLY FOR TFA CASH ASSISTANCE?

- A person can apply for an extension at the end of 21 month, at the end of an extension, OR WHEN THEY REAPPLY AFTER A PERIOD FO NOT GETTING ASSISTANCE.
- But, even though over half the TFA recipients have two or more barriers, DSS identifies only a very few as qualifying for a third or greater extension. (40 out of 7106)

3RD OR MORE EXTENSIONS, BARRIERS TO WORK

- A barrier is a circumstance that “reasonably interferes with a person’s ability to obtain or retain employment with earnings at or above the TFA payment standard” including:
 - lack of child care, has to be shown by unsuccessful attempts
 - substance abuse or addiction
 - “serious” mental or physical health problem. Distinguish this from incapacity. Remember this person has to be in the work program. An issue is “serious” even if a person has some ability to work, if it makes her
 - Learning disability
 - DV
 - Unavailability of transportation. On busline = transportation



EXTENSION: MORE BARRIERS

- Low English literacy. Note “English literacy”; non-English readers are not literate, < 235 on test taken at DOL orientation
- Open DCF file with activities that limit participation in ES activities
- Juvenile or other court order that limits work program participation
- Child with serious physical or behavioral health problem
- Any other circumstance that reasonably interferes with the person’s ability to obtain or retain employment. HOMELESSNESS is one such circumstance

EXEMPTION

- 60 y.o.
- Caring for child < 1 (if child was not conceived while mom got TFA) UNDERIDENTIFIED!
- Pregnant or postpartum w doctor's note
- Pregnancy ended w/i last 6 wks.
- Caring for incapacitated hh member
- Incapacitated: "physical or mental illness or impairment (or combo) of such debilitating nature that it eliminates the person's ability to engage in employment on a predictable basis with reasonable regularity." Expected to last > 30 days.



WHAT IS A WRONGFUL DENIAL FOR CASH ASSISTANCE?

- For TFA or SAGA, if it seems to you that the person really could not work, it is possible they should qualify for cash. Need medical evidence for SAGA (unless over 60 with no work in past five years) or for TFA exemption.
- TFA barriers to work, qualify someone for an extension, if they have had fewer than 60 months of assistance. Barriers are health problems of head of household or other members, DV, childcare problems, inability to read in English.
- TFA sanctions for work or child support requirements, good cause exception

WHAT IS A WRONGFUL DENIAL OF MEDICAL OR SNAP?

- Medicaid eligibility issues: generally income eligibility; immigrant status (legally here 5 years); denial of specific services or drug pre-authorization
- SNAP, amount, was credit give for standard utility allowance? Medical expenses? ABAWD status; Household composition

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- FOR SNAP ONLY, Can request by phone.

EMERGENCY BENEFITS TFA: SAFETY NET

- TFA SAFETY NET
- Families who have exhausted 21 months of TFA assistance but are ineligible for an extension may be referred for Safety-Net Benefits.
- Referrals can be requested from DSS.
- Safety-Net benefits are not always available or may be very limited, depending on funding.
- Safety-net benefits may include:
 - Food, Clothing, Employment services, Eviction prevention, Intensive case management, and Monitoring for child abuse and neglect.

SPECIAL BENEFITS FOR TFA, STATE SUPPLEMENT

- emergency housing
- moving and storage expenses
- security deposits
- phone installation
- Meals on Wheels
- restaurant meals
- replacement of essential clothing
- repair/replacement of essential household items damaged/lost when housing is lost
- required equipment and materials fees for high school student
- funeral and burial expenses
- out-of-state or country transportation for moves to another jurisdiction
- property repairs needed to allow homeowners to safely remain in home

UNEMPLOYMENT COMPENSATION

Generally, available to workers laid off through no fault of their own.

- NOT available if worker fired for willful misconduct
 - a single knowing violation of a reasonable and uniformly-enforced rule, when reasonably applied,
 - Action in willful disregard of employer's interest
 - Three unexcused absences in a 12 month period
- NOT available if employee quit, unless quit was for good cause attributable to employer

UNEMPLOYMENT COMPENSATION

- Claimant must have worked enough “benefits quarters” to be insured
- Amount received is based on earnings, up to a maximum (dependent’s benefits available)
- Generally, claimant must be able and available to work FULL-TIME to be eligible; exception for disabled individuals limited by their disability to part-time availability
- Should file immediately and claim each week by calling TELEBENEFITS line (look on DOL website for number)

FOR UNEMPLOYMENT COMPENSATION

- Send a request for a hearing (just a letter) to address on bottom of notice of decision
- Must do so within 21 days
- Continue to file claims while appeal pending

SOCIAL SECURITY DISABILITY AND SSI

Always consider SSI, SSD application for anyone who qualified for TFA with an exemption or for SAGA cash.

Know the application, redetermination, request for a hearing sequence and be sure to have clients follow through. Only about 1/3 of applicant granted initially, and only 15% of reconsiderations granted.

THE DEFINITION OF DISABILITY

Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months

DISABILITY UNDER SOCIAL SECURITY IS BASED ON THE INABILITY TO WORK.

SSA considers an individual disabled if, due to an established medical condition, he or she:

- meets or equals one of our medical Listings (criteria that are presumed to preclude work for most people);
- can not perform any of his/her work that was done before;
and
- cannot make an adjustment to other work.

NO TEMPORARY DISABILITY

- This is a strict definition of disability. Social Security pays only for total disability. No benefits are payable for partial disability or for any disability lasting less than twelve months (unless it results in death).
- Social Security program rules assume that working families have access to other resources to provide support during periods of short-term disabilities, including workers' compensation, insurance, savings and investments.

SEQUENTIAL EVALUATION PROCESS

- 1. SGA? NO – Go to 2.
- YES – Not disabled
- 2. Severe? YES – Go to 3.
- NO – Not disabled
- 3. Meets/equals listing? YES – Disabled
- NO ----RFC Assessment
- 4. PRW? NO – Go to 5. YES
- Not disabled
- 5. Other work? YES – Not disabled NO – Disabled

STEP 1: IS THE INDIVIDUAL WORKING ABOVE SGA LEVEL?

- At the first step, we consider an individual's work activity, if any.
- SGA stands for Substantial Gainful Activity and the amount changes each year. For 2009 it is \$980 for the non-blind and \$1640 for the blind.
- If an individual is working and his or her earnings average more than the SGA limit a month, then he or she is found not disabled.
- If an individual is not working or his or her earnings are less than SGA, the adjudicator goes to step two.

STEP 2: IS THE INDIVIDUAL'S PHYSICAL AND/OR MENTAL CONDITION SEVERE?

- An individual must have a medically determinable physical or mental impairment (or a combination of impairments) that is severe and meets the duration requirement.
- To be severe an impairment or impairments must interfere with basic work-related activities.
- To meet the duration requirement the impairment(s) must be expected to last twelve months or to result in death

STEP 3: DOES THE INDIVIDUAL'S MEDICAL CONDITION MEET OR EQUAL THE SEVERITY OF A LISTING?

- SSA maintains a listing of medical criteria that are considered to be so severe that an individual is found to be disabled if his or her medically determinable physical or mental impairment(s) matches them.
- An individual's impairment(s) can be found to meet the listed criteria exactly or to be of equal severity.

WHAT IS RESIDUAL FUNCTIONAL CAPACITY OR RFC?

- Ordinarily, RFC is a *function-by-function* assessment of an individual's *maximum* ability to do *sustained* work-related physical and mental activities on a regular and continuing basis (8 hours a day, for 5 days a week) despite the limitations and restrictions resulting from his or her medically determinable impairments.
- In short, it is an accounting of an individual's capacity for full-time work.

WHAT IS PAST RELEVANT WORK?

- Three-part test. The work must have been:
 - Substantial Gainful Activity (SGA);
 - Performed in the fifteen year relevant period; and
 - Performed long enough to learn it (reach average performance).
- Ability to Perform PRW Always Overcomes RFC Limitations/Restrictions.

BURDEN SHIFTS AT STEP FIVE

- THE BURDEN OF PROOF IS THE CLAIMANT'S THROUGH STEP 4
- An individual is responsible for submitting evidence showing that he or she has an impairment which prevents the performance of past relevant work
- At step 5 the "burden of proof" shifts to SSA to show that work exists in significant numbers in the national economy that he or she can make an adjustment to, considering the limiting effects of the individual's impairment, age, education, and work experience.

STEP FIVE

- At step 5, the adjudicator first considers the Special Medical-Vocational Profiles.
- These Profiles are specific combinations of severity and the vocational factors of age, education and work experience.
- In essence, the Special Medical-Vocational Profiles are exceptions to the Medical-Vocational Guidelines.
- If no profile is met, then the adjudicator goes on to consider the Medical-Vocational Guidelines (“The Grids”).

PRE-GRID PROFILES

- **Worn Out Worker Profile** --35 years or more of heavy or very heavy work-Severe impairment that prohibits performing this work-6th grade or less education
- **Housewife profile** --Severe impairment-No PRW -Age 55 or older-11th grade or less education

THE MEDICAL-VOCATIONAL GUIDELINES (GRIDS)

- Are based only on *exertional* limitations or restrictions.
- Cross reference a claimant's *RFC* exertional level with his/her *age*, *education*, and *work experience* and provide an outcome backed by a significant number of occupations.
- The vocational rules are based only on the existence of unskilled jobs throughout the national economy at the various exertional levels (sedentary, light, medium, etc.)

EXERTIONAL LEVELS

- **Sedentary**–lifting/carrying less than 10 lbs.. occasionally, a negligible amount frequently; standing/walking at least 2 hours –201.00
- **Light**–lifting/carrying up to 20 lbs.. occasionally, 10 lbs.. frequently; standing/walking 6 hours –202.00
- **Medium**–lifting/carrying up to 50 lbs.. occasionally, 25 lbs.. frequently; standing/walking 6 hours –203.00
- **Heavy**–lifting/carrying up 100 lbs.. occasionally, 50 lbs.. frequently; standing/walking 6 hours –204.00
- **Very Heavy**–lifting/carrying over 100 lbs. frequently; standing/walking 6 hours –204.00

AGE CATEGORIES

- Younger Individual, 18 -49
- Closely Approaching Advanced Age, 50 -54
- Advanced Age, 55 and Older
- Closely Approaching Retirement Age,
• 60 or Older (Table 3)

EDUCATION CATEGORIES

- Illiteracy in English or Inability to communicate in English or Both (All three possibilities are treated the same.)
- Marginal Education (6th grade or less)
- Limited Education (7th -11th grade)
- High School Education and Above (including GED high school equivalent diplomas)

COMPASSIONATE ALLOWANCES

- **Acute Leukemia** is a rapidly progressing cancer that starts in the blood-forming tissue such as the bone marrow, and causes large numbers of white blood cells to be produced and enter the blood stream.
- Bladder Cancer - with distant metastases or inoperable or unresectable
- Breast Cancer - with distant metastases or inoperable or unresectable
- Heart Transplant Graft Failure
- Single Ventricle

THE LISTINGS

1.05 *Amputation (due to any cause)*

- A. Both hands; or
- B. One or both lower extremities at or above the tarsal region, with stump complications resulting in medical inability to use a prosthetic device to ambulate effectively which have lasted or are expected to last for at least 12 months; or
- C. One hand and one lower extremity at or above the tarsal region, with inability to ambulate effectively.

THE LISTINGS, (cont.)

- **4.09 Heart transplant.** Consider under a disability for 1 year following surgery; thereafter, evaluate residual impairment under the appropriate listing.
- **3.11 Lung transplantation** (see 3.00M). Consider under a disability for 3 years from the date of the transplant; after that, evaluate the residual impairment(s).

12.08 PERSONALITY AND IMPULSE-CONTROL DISORDERS

- Medical documentation of a pervasive pattern of one or more of the following:
 - Distrust and suspiciousness of others;
 - Detachment from social relationships;
 - Disregard for and violation of the rights of others;
 - Instability of interpersonal relationships;
 - Excessive emotionality and attention seeking;
 - Feelings of inadequacy;
 - Excessive need to be taken care of;
 - Preoccupation with perfectionism and orderliness; or
 - Recurrent, impulsive, aggressive behavioral outbursts.

12.08 PERSONALITY AND IMPULSE-CONTROL DISORDERS (cont.)

- AND
- Extreme limitation of one, or marked limitation of two, of the following areas of mental functioning (see 12.00F):
 - Understand, remember, or apply information (see 12.00E1).
 - Interact with others (see 12.00E2).
 - Concentrate, persist, or maintain pace (see 12.00E3).
 - Adapt or manage oneself (see 12.00E4).

RATE OF SUCCESS AT HEARING STAGE

ALJ Disposition Data by Judge: HARTFORD

Judge	Total Dispositions	Decisions	Awards	Denials	Fully Favorable	Partially Favorable
Aletta, John	149	129	42	87	27	15
Alger, Ryan A	140	112	64	48	57	7
Bonsangue, Louis	201	169	74	95	50	24
Borre, Alexander P	156	125	53	72	34	19
Noel, John	233	211	82	129	63	19
Sweeney, Edward F	141	112	51	61	44	7
Zwecker, Bruce H	27	26	14	12	10	4

RATE OF SUCCESS AT HEARING STAGE (cont.)

ALJ Disposition Data by Judge: NEW HAVEN

Judge	Total Dispositions	Decisions	Awards	Denials	Fully Favorable	Partially Favorable
Boyd, Eskunder	185	160	82	78	49	33
DiBiccaro, Robert A	123	100	50	50	42	8
Harrington, I. K	122	98	53	45	45	8
Horton, Deirdre R	137	112	60	52	33	27
Kuperstein, Matthew	101	85	40	45	30	10
Thomas, Ronald J	160	133	62	71	49	13