Schaffer & Associates LPA

Summer 2021 Newsletter



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Despite new COVID-19 cases occurring less and less, some Americans find themselves taking time off work to recover from the illness and its complications. While many people can't even tell they have COVID-19, there are those with severe and long lasting symptoms. Some people found success in obtaining FMLA, short term disability benefits, or unemployment. What happens when those run out? If you have been out of work for an extended amount of time due to a coronavirus diagnosis, you may be wondering if you are eligible for Social Security Disability benefits (SSD).

Eligibility Requirements

One of the most basic requirements you must meet to qualify for Social Security Disability is that your disability must last, or be expected to last for one year. Since the COVID-19 pandemic has barely been going on for that long, it may be difficult to prove a coronavirus diagnosis meets that requirement. However, a statement taken from the Social Security Administration revealed, "the current disability policy rules are able to evaluate COVID cases". They also stated they, "will look at their policies as the research evolves".

While there are many unknowns surrounding the pandemic, both American citizens and the SSA are doing their best to navigate these uncharted waters. As time goes on, physicians are seeing more of the long term effects of COVID-19, as well as patients who are experiencing symptoms long beyond what a typical virus would cause. With more data and research coming out regularly, we hope to see these long term complications being substantiated with more medical evidence.

Obtaining a COVID-19 diagnosis will be essential for filing a disability application based on your residual symptoms. You will need to obtain regular treatment from a licensed physician who can confirm your illness(es), corroborate your symptoms, and help document how they affect your day to day life. Despite having your doctor's support, a disability claim based on coronavirus is still likely to be novel and complicated.

It's always, but especially in this case, a great idea to meet with a Social Security Disability attorney to help get your claim started. At Schaffer & Associates, we offer free consultations during which we can assess your circumstances and help guide you through the process.

The Long Term Effects of COVID-19

COVID-19 has been found to cause permanent organ damage in some people. Coronavirus typically attacks the lungs of the infected person which can lead to Acute Respiratory Distress Syndrome (ARDS), pneumonia, and sepsis. Sepsis, which is an infection in the blood, can also affect other organs. Sepsis may lead to organ failure and even death.

ARDS and pneumonia are both conditions of the lungs which can lead to shortness of breath, the need for a ventilator, permanent lung damage, and eventually lung failure.

These types of COVID-19 complications can and are happening to people. Besides being potentially life threatening, any one of them could lead to long hospital stays, extreme fatigue, decreased stamina, and much more. If you've been diagnosed with COVID-19 and continue to suffer from symptoms that impact your ability to work, you are not alone.



Our experienced attorneys at Schaffer & Associates are equipped to handle the ins and outs of your claim while you concentrate on recovering. Send us a message online or call (419) 350-8277 to schedule your free consultation.

What's the Difference Between SSD and SSI?

When contacting our office for representation, most people don't realize that there are two different types of disability benefits offered by the Social Security Administration. There's Social Security Disability (SSD). This is also referred to as Social Security Disability Insurance Benefits. The other type of benefit is called Supplemental Security Income, commonly known as SSI.

These two benefits have some similarities and some differences. Different people may only be eligible for one, both, or neither type of benefit. Your work history, living situation, income, and more will determine which benefit, if any, you may be eligible to receive.

As the application process can often be long and overwhelming, it's helpful to understand the similarities and differences between SSD and SSI before filing any initial applications. It's always a great idea to speak with the Social Security Administration, or meet with an experienced Disability attorney if you have specific questions.

Disability Based Benefits

Before discussing differences, it's important to know both SSD and SSI are disability based benefits. This means that in order to be eligible for either, you must meet the SSA's criteria for being disabled. The SSA says physical or mental diagnoses can qualify as a disability, but they must render you incapable of performing past job duties or adjusting to new work. In addition, the impairment must be expected to last a minimum of one year or end in death. This criteria is the same for both SSD and SSI

Both types of benefits are intended for people who are totally disabled, and not for those with short term or partial disabilities. Therefore, the SSA remains strict on their definition of a disability. In fact, the SSA reported 63% of initial applications for SSD were denied in 2019.

SSD Special Criteria

To be eligible for SSD, you have to have worked long and recently enough in a job covered by Social Security. The SSA uses work credits, as well as the age during which you became disabled, to determine if you meet this qualification.

Unless you have special circumstances, 40 credits are required to qualify. 20 of those 40 credits must have been earned in the past 10 years. While the amount changes annually, you can currently earn 1 credit for every $1,470 you earn at a maximum of 4 credits per year (2021).

If found disabled by the SSA, the amount of money you will receive on a monthly basis varies from person to person. The payments depend on how much you have paid into Social Security while you were working.

SSD & Substantial Gainful Activity

In addition to your work history, the SSA will look at your current work activity and income to determine whether or not you are eligible for SSD. The SSA has an allowable limit of total income applicants may earn per month. In 2021, that amount is $1,310.00 (gross pay) for non blind individuals.

This allowable limit relates to substantial gainful activity (SGA). Substantial gainful activity not only refers to the monthly dollar amount you've earned from work, but also to the type and amount of work you're performing for pay. In other words, the SSA will consider whether or not your work involves significant physical or mental activities. While it can vary, most part-time and all full-time work for pay will be seen as SGA.

SSI Income Criteria

If you find yourself unable to work due to health conditions, but you do not have a strong enough work history to entitle you to SSD, you may instead be eligible for SSI. Unlike SSD, SSI monthly payments are fixed at a maximum of $794.00 in 2021. This dollar amount is called the Federal Benefit Rate or FBR.

SSI is commonly known as a low income version of disability, so your household income will be the one of the primary factors in determining eligibility. If you have a spouse or even a roommate that's working, their income can impact the amount of money you're entitled to receive in SSI benefits. The SSA has their own criteria for countable income.

Which Benefit am I Entitled to?

Even after considering your personal circumstances, you may still be unsure which type of benefit, if any, you're eligible to receive. In this case it's always a great idea to contact your local Social Security office, and/or reach out to a knowledgeable Social Security attorney. We know applying for SSD or SSI can be confusing, and happily offer free consultations to anyone in need of assistance.

Our experienced attorneys can assess your situation, and help advise you of the best course of action. In many cases, we can even file an initial application or appeal on your behalf. If you would like to file for benefits, or have received a denial to your application, send us a message or call 419-350-8277 to schedule your free consultation.

Meet Attorney Marilyn Brenner Levine



*"My experience with Schaffer and Associates was top notch. **Marilyn Levine** far exceeded my expectations of helping me through my workers compensation claim. She came to every hearing and was always available to answer any questions that I had through this process. I highly recommend **Marilyn** and Schaffer and Associates."*

Marilyn began her career in 1984 as a paralegal and returned to law school in 1997. She continued to work full-time as a paralegal while attending law school and passed the Ohio Bar in 2001. Marilyn's passion for representing injured workers and working for their fair treatment has made her a fearless advocate and attorney.

Education

University of Toledo College of Law
- J.D.
- Honors: summa cum laude

The Ohio State University
- B.A. Major:
- Political Science
- Masters of Labor and Human Resources, Fisher College of Business
- Major: Labor History and Public Sector Collective Bargaining

Professional Associations

- Statewide Board of the Ohio ACLU (American Civil Liberties Union)
- Past President Board of Directors for Leading Families Home and Beach House Family Shelter
- Board of Directors for Community Shares of Northwest Ohio
- Advisory Board of the University of Toledo Paralegal Studies Program
- Toledo Bar Association
- Ohio Association for Justice
- Ohio Bar Association