

Social Security Benefits for Disabled Service Members

— By Marc J. Soss, SC, USN



Disabled veterans are keenly aware of the patient care and health benefits they may receive from the U.S. Department of Veterans Affairs (VA). In addition to VA care and benefits, a disabled veteran may qualify for benefits from the Social Security Administration.

The Social Security Administration pays disability benefits through two programs: the Social Security Disability Insurance (SSDI) program and the Supplemental Security Income (SSI) program. SSDI pays benefits to qualified individuals and certain members of his or her family if the individual was “insured” (worked long enough and paid Social Security taxes). SSI pays benefits based on financial need. Eligibility for disability benefits requires: (1) the individual to be unable to do substantial work because of his or her medical condition(s); and (2) the medical condition(s) must have lasted, or be expected to last, at least one year or be expected to result in death.

Military service members who become disabled while on active military service, on or after 1 October 2001, are eligible to receive expedited processing of his/her disability claim for Social Security

benefits (SSA Publication No. 05-10131). Disability benefits may be applied for at any time while the service member is in active military status or after discharge, while (1) hospitalized; (2) in a civilian or military rehabilitation program; or (3) undergoing out-patient treatment in a military or civilian medical facility.

Active duty status and receipt of military pay will not adversely impact a service member’s eligibility for disability benefits. A service member receiving medical treatment at a military facility and working in a designated therapy program or on limited duty may have his or her work activity evaluated to determine eligibility for benefits. The actual work activity is the controlling factor for eligibility.

The Disability Claim:

A service member’s application for disability benefits should include: (1) Original or certified copy of birth certificate or proof of U.S. citizenship, or legal residency if foreign born; (2) Form DD 214, if discharged from the military service; (3) W-2 Form or income tax return from prior year; (4) Proof of receipt of military or workers’ compensation; (5) Social Security numbers of the applicants spouse and minor children; (6) Name,

address and phone number of a contact person; and (7) Medical records from all military and civilian sources. The disability benefits application should be filed with the service member’s state Disability Determination Services (DDS) office.

Eligible Family Members:

Certain members of a service member’s family may also qualify for social security benefits based upon the member’s inability to work. They include: (1) a spouse age 62 or older; (2) a spouse, any age, if caring for the service members child under age 16 or disabled; (3) an unmarried child (including an adopted child, stepchild or grandchild) under age 18 or younger than age 19 if in elementary or secondary school full time; and (4) an unmarried child, age 18 or older who has a disability that started before age 22. In limited circumstances, a service member’s divorced spouse may qualify for benefits based on his or her earnings if they (1) were married to the service member for at least 10 years; (2) are not currently married; and (3) are at least age 62. Any benefits paid to a service member’s divorced spouse will not reduce the member’s benefits or any benefits due to his or her current spouse or children. ↓