



# Graduate to Work E-News

University of Montana, Rural Institute Transition Projects

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## **PABSS (Protection and Advocacy For Beneficiaries of Social Security)**

*Helping People Return to Work* by Kathy Kuntz,  
Montana Advocacy Program

### **Introduction/Background**

In 1999, President Clinton signed into law the Ticket to Work and Work Incentives Improvement Act. The Act was intended to provide health care, employment preparation and placement services to individuals with disabilities and to reduce "disincentives to work." The legislation also established a return to work "Ticket" program to allow individuals with disabilities to seek the services necessary to obtain, regain, or maintain employment. Congress recognized that many people with disabilities face major barriers in their efforts to secure employment.

In May 2001, the Social Security Administration (SSA) awarded grants to the protection and advocacy systems (P&As) in each state for "Work Incentives Assistance to Beneficiaries with Disabilities." This program is better known as the Protection and Advocacy for Beneficiaries of Social Security (PABSS). The purpose of PABSS is to provide: 1) information and advice about obtaining Vocational Rehabilitation and employment services; and 2) advocacy or other services that a beneficiary needs to regain or secure gainful employment.

### **Services**

PABSS programs provide information & referral, short-term and technical assistance, legal consultation and representation to recipients of Social

Security Disability Income (SSDI) and/or Supplemental Security Income (SSI). PABSS services are primarily focused on removing barriers to employment. PABSS staff include attorneys and advocates who provide direct advocacy and representation to protect and secure the rights of beneficiaries in a variety of issues. These specific issues include, but are not limited to:

- Access to Vocational Rehabilitation, employment, and placement services,
- Access to job accommodations or accommodations in post-secondary education,
- Violations of employment discrimination laws,
- Transition services from school to work,
- Supported employment,
- Plans for Achieving Self-Support (PASS) and other Social Security Work Incentives, including the correct application of Impairment-Related Work Expenses, Subsidies, and the Expedited Reinstatement of benefits,
- Medicaid/Medicare services,
- Medicaid eligibility and 1619(b) issues,
- Extended Medicare,
- Access to services such as transportation and housing,
- Social Security overpayments due to earnings,
- Assistive technology, and
- Basic benefits planning.

Cont...

## **Resources:**

Social Security Administration:  
[www.ssa.gov](http://www.ssa.gov)

Montana's BPAO:  
[www.msubillings.edu/socialsecurity](http://www.msubillings.edu/socialsecurity)

To locate BPAO and PAO providers in other states:  
[www.ssa.gov/work/ServiceProviders/providers.html](http://www.ssa.gov/work/ServiceProviders/providers.html)

Montana Advocacy Program:  
[www.mtadv.org](http://www.mtadv.org)

Montana Center on Disabilities:  
[www.msubillings.edu/socialsecurity](http://www.msubillings.edu/socialsecurity)

University of Montana's Rural Institute:  
<http://ruralinstitute.umn.edu/transition>  
<http://ruralinstitute.umn.edu/training/publications.asp>

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## PABSS, continued

### Case Examples from Montana:

#### Sharon's Story

Sharon, an SSI/SSDI beneficiary, came to the PABSS program in August 2002 with a business plan in hand and, more importantly, a dream. Sharon's dream was to open a greenhouse business that would provide fresh organic produce to the elderly, low income, and people with disabilities at a reasonable cost they could afford. Her long-range vision was to employ people with disabilities. Sharon's barrier was accessing the resources and funding she needed (\$45,000.00) to make this dream a reality. Sharon sought help from Vocational Rehabilitation but her business plan was initially denied. PABSS assisted Sharon through direct advocacy by convincing Vocational Rehabilitation to accept her business plan and to get the Individual Plan of Employment (IPE) written and signed.



After this first resource was in place, PABSS provided technical assistance to Sharon in developing her Plan to Achieve Self-Support (PASS). Sharon's PASS plan would generate about \$20,000 to purchase materials for the greenhouse, to purchase a vehicle to transport the produce, and to make payments on a business loan until the greenhouse was completed and producing. After some "tweaking" of the plan and advocacy from PABSS, the PASS Cadre approved Sharon's PASS Plan.

After the second resource was in place, Sharon applied for a loan from the Small Business Administration (SBA). She faithfully completed all of the SBA requirements over the course of 18 months, but was denied the loan. PABSS assisted Sharon with her appeal before the loan review board and, ultimately, Sharon's loan application was approved.

After the third resource was in place, Sharon got a part-time job with the help of a job coach through Vocational Rehabilitation. Sharon put half of the earnings into her PASS account each month. Then we referred Sharon to the Montana Choice, Control, and Career program (a Department of Labor Customized Employment Project), which contributed to the heating, cooling, and sprinkler system for the greenhouse.

Despite the barriers Sharon faced, she never gave up on her dream. She believed in her abilities and the best resource she

had was herself. It was her determination, dedication, and confidence coupled with the above resources that made this dream a reality. The construction of the Helping Hands/Hearts Greenhouse is near completion and Sharon is anticipating the planting of her first crop this February 2005. We are all looking forward to some great produce. Congratulations Sharon, owner/operator of Helping Hands/Hearts Greenhouse.

#### Rick's Story

Rick, an SSDI beneficiary, was employed as a security guard. Rick enjoyed the work and was a valued employee. Rick received an \$8000.00 work-related overpayment notice from Social Security. Rick was very upset by this overpayment notice and was going to quit his job. He contacted the PABSS program and asked for assistance. PABSS prepared and filed a Request for Reconsideration based on the fact

that Rick had a medical Impairment-Related Work Expense (IRWE) that Social Security had not applied when calculating the overpayment amount. Social Security retroactively applied this medical IRWE and Rick did not owe an overpayment. Rick continues to work as a security guard, has increased his hours at work, and utilizes the Impairment-Related Work Expense.

These are just two examples of the advocacy work done by the PABSS program in resolving barriers to employment for beneficiaries of Social Security. There are many more success stories in Montana and in every state.

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For more information on the Montana Advocacy Program visit [www.mtadv.org](http://www.mtadv.org).

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## Resources:

The Rural Institute maintains a lending library of audiotapes from previous teleconference training sessions and videotapes from the METNET broadcasts.

Available teleconference audiotapes include:

- "An Overview of Customized Employment and the Customized Career Planning Model"
- "The Vocational Profile"
- "Planning for Employment"
- "Job Development"
- "Collaborative Funding for Transition"

Available METNET videotapes include:

- "An Introduction to Social Security"
- "Social Security Work Incentives"
- "Writing PASS Plans" (Plans for Achieving Self-Support)

To check out materials, please contact Kim Brown via email at [brown@ruralinstitute.umn.edu](mailto:brown@ruralinstitute.umn.edu) or by calling (888) 648-7267 or (406) 243-4852.





## **BPAO** **(Benefits Planning Assistance & Outreach Services for Beneficiaries of Social Security)**

*The Ticket To Work/Outreach for Social Security*  
By Gary Flom, Montana Center on Disabilities

The Montana Outreach for Social Security Project is part of the Ticket to Work and Work Incentives Improvement Act that was established in 1999. The goal of the project is to explain work incentive programs to Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) beneficiaries who want to work.

This project:

- Provides direct advice and assistance to these individuals.
- Provides benefits planning assistance to beneficiaries with disabilities.
- Conducts outreach to beneficiaries with disabilities (and their families).
- Works in cooperation with Federal, State, and private agencies and nonprofit organizations that serve beneficiaries with disabilities.
- Explains SSA's work incentives, and informs beneficiaries of the effects of work on their benefits.
- Disseminates information on other supports available so they can make informed decisions about returning to work.

The project utilizes existing outreach networks, such as Social Security, Vocational Rehabilitation, and Centers for Independent Living to help in the identification of individuals with disabilities that could benefit from receiving this information. The Benefits Specialist travels throughout Montana to make these services more accessible for consumers in their local areas.

The Social Security Administration provides training and technical assistance to the project. For more information about the Benefits Planning Assistance and Outreach for Social Security Program contact your Montana Benefits Specialist.

### **Case Study:**

#### **David's Case Scenario**

David, a Social Security Disability Insurance (SSDI) beneficiary, first contacted the BPAO program in March 2003 to ascertain how earnings would affect his SSDI benefits. David is 63 years old and supporting his 22-year-old daughter who is in college. He was having a hard time meeting his financial obligations. David had a dream of starting his own trucking business to not only increase his income, but also as a way to feel more involved in his community. He had done a tremendous amount of research into the feasibility of starting a new business; however, he realized that he would need his SSDI check to make ends meet while he got his business operating. David met with his accountant and current trucking business owners to develop a business plan for his banker. David and I reviewed the current work incentives available, with a focus on the Trial Work Period (TWP), Extended Period of Eligibility (EPE), and extended Medicare. He was then provided information on how the Social Security Administration (SSA) looks at self-employment when determining Substantial Gainful Activity (SGA). SSA determines SGA differently under self-employment (see the Red Book under self-employment for determining SGA at: <http://www.ssa.gov/work/ResourcesToolkit/redbook.html>).

*Continued ...*

## **Resources:**

### **Social Security (SSA) Question and Answer Forum**

We have recently launched the SSA forum. If you want to submit questions about SSA or work incentives, or if you want to join the SSA listserve, please e-mail Kim Brown at:

[brown@ruralinstitute.umt.edu](mailto:brown@ruralinstitute.umt.edu)

*\*Note: the SSA listserve is separate from the EMGTW listserve.*

To view previously disseminated Questions and Answers visit:

<http://ruralinstitute.umt.edu/transition/SSAQ&A.asp>

## **Upcoming Trainings**

### **May 4, 2005**

- 1:00 – 2:30 PM, Teleconference “Designing Representational Portfolios”

### **May 6, 2005**

- 1:00 – 4:00 PM, METNET “Self-Employment Part 2”

*You can register for a training by emailing Kim Brown at least five days in advance at:*

[brown@ruralinstitute.umt.edu](mailto:brown@ruralinstitute.umt.edu)

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## **BPAO, continued**

David stated he had some concerns about his Medicare coverage and was provided the information on extended Medicare for SSDI beneficiaries who work. David was also concerned about losing his benefits if he was unable to continue to work. He was reassured to learn that he could take advantage of his EPE until he reaches full retirement age if he can no longer continue employment due to his medical condition.

In May of 2004, David was able to get his business plan approved and received funds to start his business. Through networking with individuals in the construction business, he was able to secure a contract to haul gravel for a large road job. We discussed the importance of maintaining accurate records for his accountant, as he would need to report his work activity to SSA.

David had a dream, and the drive to make it come true. He plans to leave a successful, small business for his daughter to operate after she graduates from college.

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