

Does Getting Veterans' Disability Guarantee Social Security Disability?



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Introduction

The U.S. Census Bureau calculated that, in 2013, Florida had 65,014 veterans whose disability rating was 70% or higher with the Department of Veterans Affairs (VA). The interim period a veteran experiences while transitioning from active duty to discharge status due to a disability is riddled with difficulties. It's something virtually alien to those not affected, and is nearly impossible to describe unless you or a loved one has gone through it.

Not only is the veterans' system antiquated and rife with problems, but many veterans remain unaware that, considering their VA compensation¹, they may also be eligible for Social Security disability benefits.

We're here to tell you that you *can* get Social Security disability benefits in addition to VA compensation—but which program you should apply for depends. Are you qualified for Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI?) As you know, you can apply for either VA compensation or VA pension, which are linked to service and VA pension is need. SSDI and SSI are of a similar nature, so it's important to choose which of the two compensation programs that will offer you **optimum benefits**.

Meeting with a disability representative is the keystone to discovering which program is right for you. The short answer to our overarching guide is this: does having veterans' disability guarantee anything? No, because the definition of disability differs between the two programs. However, if approached correctly, VA approval does help getting SS benefits, and being a veteran can even expedite your claim with the Social Security Administration (SSA). It's not as helpful the other way around, unfortunately.

Stay tuned in this guide as we review the entire spectrum of SS benefits, as well as how to apply in conjunction with VA disability.

¹ For the duration of this guide, when we mention "VA compensation," we are referring to "VA disability compensation," which is described as the service-connected funds allocated to a veteran for a disability rating after being discharged from active duty.



Veterans' Disability Benefits vs. Social Security Disability Benefits

Exploring the realm of these benefits and how they diverge from one another is no simple task: there are shades of black, white, gray and everything in-between that span across a rainbow of situations. In an attempt to snapshot some of these circumstances, however, we will be going over veterans' disability versus social security disability benefits.

Veterans' Disability at a glance:

- ✔ You must have a diagnosed medical condition/disease or disability from an incident during active service
- ✔ From there, your degree of disability is rated in 10% increments
- ✔ This means you can get compensation with less than permanent and total (P&T)
- ✔ There are two kinds of disability: VA compensation, which is service-connected, and VA pension, which is income-based

Social Security Benefits

(Sponsor's SSN)

GROUP HEALTH PLAN (SSN or ID) (SSN) (ID) OTHER

3. PATIENT'S BIRTH DATE MM DD YY M F

6. RELATIONSHIP TO INSURED Self Spouse Child Other

8. PATIENT STATUS Single Married Other

Employed Full-Time Student Part-Time Student

10. IS PATIENT'S CONDITION RELATED TO EMPLOYMENT? (CURRENT OR PREVIOUS) YES NO



Veterans' Disability Benefits vs. Social Security Disability Benefits

SSD at a glance:

- ✔ The SSA sees SS strictly in black and white. Unlike the VA, you must be deemed totally disabled; otherwise, you are not eligible for any benefits
- ✔ The SSA's definition for disability is that it's expected to last up to 12 months or result in death
- ✔ There are two SS programs: SSDI, which is based on work credits, and SSI, which is income-based
- ✔ **Under the Wounded Warrior program with 100% P&T, military members are eligible for “expedited processing of disability claims.”**

Best case scenario would be you receiving SSDI and VA compensation since the amount of benefits awarded are higher (as a general rule). Make sure before applying that you consult with an expert disability representative or your local SS and VA office for the details on all the available programs.

Determination Factors

So if having VA disability can assist with SS benefits, why doesn't it work vice versa? Why is it more difficult for SS beneficiaries to qualify for VA compensation? It has to do with the U.S. Court of Appeals holding differing weight determinations depending on which circuit area you're in. The goal is to persuade the VA that your disability was caused by “service-connected impairments.” As a tip, it's mandatory for the VA to include your SSD file in their consideration for benefits, so include everything you can!



What you Need to Apply

For your Social Security disability application, you need to compile all of your medical records from VA physicians and keep a copy for yourself in the event that the SSA loses your documents. You also need documentation of your employment, birth certificate, Form DD214 if discharged, as well as a W-2 for the previous year and contact information.

Be advised that **military payments never prevent you from applying for disability with the SSA.** Your work activity will be examined, and it is that activity that is the main criterion for determining the amount of benefits to be paid.

Will any of my family members be eligible for benefits? Based on your work, yes. Your spouse, unmarried child (including a stepchild or grandchild, in some cases) in elementary or secondary school full-time, or unmarried child who was disabled before 22 years-old—be aware this must meet eligibility requirements for adults, and not children.

For more information on how your child may be eligible for benefits, please [click here](#) for a complimentary eBook on how to get disability benefits for your child in Florida.

What if I start working again? Don't worry; you can test your ability to work again through the SSA's work incentives while still receiving monthly benefits. Work incentives such as the Trial Work Period (TWP) and Extended Period of Eligibility (EPE) allow you to test your ability to work: the TWP permits you to test working ability for 9 months (doesn't



What you Need to Apply

have to be consecutive) regardless of how much you earn on the condition that you keep record of your work and continue to have a disability.

The EPE is after the TWP, in which you get 36 months of work while receiving benefits as long as you're not earning a "substantial" amount.

Simply put, if you start a job, you need to notify your local Social Security office about the details of the job. Even if you're a recipient of full pay, your qualifications for SSD benefits may not be compromised.



Medicare, TRICARE, and You

As a disabled veteran, you must be wondering how Medicare and TRICARE affect one another with healthcare and your family. Medicare coverage becomes effective immediately after receiving Social Security disability benefits for **24 months**.

TRICARE, however, functions alongside Medicare with another set of requirements dependent upon whether you are a service member eligible for Medicare Part A (hospital insurance) and Part B (medical insurance).

- ✔ If you cleared for Medicare Part A based on disability, you need to contact the Department of Defense to find out how your TRICARE benefits will be impacted
- ✔ There is a possibility you'll be **required to enroll in Part B** in order to maintain TRICARE coverage
- ✔ Due to the relatively new legislation of the Patient Protection and Affordable Care Act of 2010, TRICARE beneficiaries receive a **12 month enrollment period** for Medicare Part B. This is for people who were authorized for Part A but didn't initially register for Part B



Key Takeaway

We hope this guide was effective at helping you learn the basics of Veterans' Disability and how it ties into Social Security disability benefits. As you've learned, while having VA compensation doesn't *guarantee* SSD benefits, it does *help*.

Still have questions? In order to gain more insight on your personal situation, talk to a **disability representative** to learn more. Unfortunately, we here at Disability Experts of Florida aren't qualified to represent you for a veteran case, but we wanted to compile as much educational information as possible moving forward with your claim.





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