

Impairment Related Work Expenses

For SSI recipients & SSDI beneficiaries, the cost of certain items & services that are required for you to work may be deducted from your monthly earning & keep your earnings below Substantial Gainful Activity, which allows you to continue receiving your benefit check. These costs are called Impairment Related Work Expenses (IRWE).

In order to be considered an IRWE, the costs must have the following elements:

- ▶ Expenses must be related to your impairment & enable you to work;
- ▶ You must need the items or services to work because of your disability;
- ▶ You must pay the initial cost & not be reimbursed from other sources;
- ▶ You must pay the expenses in the month when you are or were working; and
- ▶ The expenses must be reasonable for your community.

There are no time limits for how long you can deduct IRWE. You need to keep track of the costs & send a letter to the local Social Security office asking them to consider the cost as an IRWE. The SSA will review the costs & determine if they are IRWEs.

**For more information
contact the
Native American
Disability Law Center**

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**CALL US
WE CAN HELP YOU
GO BACK TO WORK**

If you have questions about how
you can return to work,
please call us.

If you are trying to return to work
& are having problems because
you have a disability,
please call us.



**Programs to Help
Individuals with
Disabilities
Return to Work**

**Protection and Advocacy
for Native Americans
with Disabilities**

Work Incentive Programs

If you are disabled & receiving Social Security benefits, you may be able to get help from the Social Security Administration (SSA) to return to work. The SSA programs can:

- ▶ Help you develop a plan so that you get a job,
- ▶ Extend your benefits while you try a job, and
- ▶ Help you pay for impairment related work expenses.

Plan for Achieving Self-Support

A Plan for Achieving Self-Support (PASS) can help cover the cost of vocational training, school, starting a business, or paying for support services that help you to work, like transportation, equipment, or uniforms. With a PASS, a person receiving Supplemental Security Income (SSI) can save income & resources to help reach a work goal. A PASS helps you improve your work skills & your chances of getting a job. It is not for covering long-term costs related to working.

Your PASS must:

- ▶ Be designed especially for you;
- ▶ Be in writing (form SSA-545-BK);
- ▶ Have a specific work goal with a specific timeframe which you are capable of performing;
- ▶ Show what money (other than SSI payments) & other resources you have & how they will be used to reach your goal;
- ▶ Show how the money you set aside will be kept separate from other funds;

If you are interested in a PASS, contact your local Social Security office, call your local Independent Living Center, or call the Native American Disability Law Center.

Trial Work Period

If you are receiving Social Security Disability Insurance (SSDI), then you may be entitled to a nine-month Trial Work Period. The Trial Work Period gives you a chance to test work skills while still receiving your full benefit check. You continue to receive your benefit checks for nine months no matter how much you are earning from you job.

If you are self-employed you may be entitled to a Trial Work Period. Any month you earn over \$530 or work over 80 hours in self-employment counts as one of your nine months of your Trial Work Period.

The Trial Work Period continues until you accumulate 9 months (not necessarily consecutive) in which you performed (what the SSA calls) “services” within a rolling 60-consecutive month period. The SSA uses this “services” rule only to control when the Trial Work Period stops.

The SSA currently considers your work to be “services” if you earn more than \$670 (for 2008) a month **or** work more than 80 self-employed hours in a month. (the dollar amount is adjusted each year based on the national average wage).

Extended Period of Eligibility

As an SSDI beneficiary, when you are working after your Trial Work Period, you have a 36-month Extended Period of Eligibility. This period begins the month following the ninth month of the Trial Work Period. You will have a “grace period” for the first 3 months of your Extended Period of Eligibility. During this grace period you will still receive your benefit check.

During the 36 months following the end of your Trial Work Period, you will receive your benefit check for any month that you do not work or when your monthly earnings are low. If your monthly earnings are high enough to be considered Substantial Gainful Activity, you will not receive your benefit check. Substantial Gainful Activity is a monthly earning level at which you are no longer eligible for benefits. For instance, if you earn \$200 a month at your job, then your income is below Substantial Gainful Activity. In 2008, if you earn over \$940 a month, your earnings are above Substantial Gainful Activity.

You need to check with your local Social Security Administration office to make sure that your monthly income is below Substantial Gainful Activity.

Native American Disability

Law Center

1-800-862-7271