



O'Donnell, Weiss & Mattei, P.C.

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Can I Work While Receiving Social Security Disability Benefits?

The short answer is "Yes." Remember that there are two types of social security disability benefits. Social Security Disability Insurance (SSDI) is payable to those individuals who have worked a sufficient number of years and therefore contributed a sufficient amount of premium into the disability program to receive the insured benefits. Supplemental Security Income (SSI) is payable to individuals who have not worked a sufficient amount of time to receive the insurance benefits.

Social Security wants to encourage people to work. A person on SSI is not penalized by the first \$80.00 of income received each month. After the first \$80.00, fifty percent (50%) of whatever they earn is subtracted from the benefits they receive.

A person receiving SSDI can earn \$1,000.00 per month (*2011 level*) without the income affecting his/her SSDI benefits. Income which exceeds \$1,000, in most cases, will be regarded as Substantial Gainful Activity. Even a person who earns in excess of \$1,000.00 can still receive full SSDI benefits if his/her income can be reduced to under \$1,000.00 by impairment related expenses such as out-of-pocket costs for necessary medication.

Most people applying for disability benefits have significant physical or psychological problems and would prefer to be working instead of receiving the limited disability payment. The Social Security Administration recognizes this and encourages them to try to return to work. There is a nine-month trial work period where a person on SSDI can be working full-time and earning a full income while continuing to receive SSDI benefits. The trial work period may result in an unsuccessful work attempt, after which benefits will continue. The work attempt need not be in consecutive months, but can be spaced out over a number of work attempts.

Many individuals are stricken with an illness, yet decide to try to work through the problem. In some cases, their illness is so severe that most people would not anticipate their continuing, yet they do. There is a five-month waiting period after the onset of a disability before Social Security benefits can begin to be paid. If a person works through their illness for a number of months and then is forced to stop, the onset date can go back to a time when the person was still working, which includes the five-month waiting period. That period of work will be considered an unsuccessful work attempt that would be subtracted from the nine-month trial work period.

Information regarding work activity while receiving Social Security Disability benefits was featured in the OWM Legal Talk program that appeared on PCTV for the month of November, 2011. This and other Legal Talk programs can be viewed on our website at <http://www.owmlaw.com/resources/legal-talk/>. Other programs on Social

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Attorney Spotlight

David S. Kaplan, Esq., grew up in Collegeville and is a graduate of Perkiomen School, Ursinus College and The University of Pittsburgh School of Law. He has been a member of OWM since 1983 and resides in Chester County with his wife, Diana.

Mr. Kaplan is active in the Collegeville Rotary as Past President and, most recently, Assistant Governor. He has been a leader in many community organizations and Montgomery Bar Assn. Committees. He authored the Estate Mate Planner as well as The Executor's Job - A Guide For Your Executor, now incorporated into the OWMLAW website.

Mr. Kaplan's areas of concentration are Estate Planning/Administration and Social Security Disability. He is also an active mediator.

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Security were also featured on Legal Talk in July of 2011 and July of 2010. Please visit our [video archives](#).

UPCOMING EVENTS

Read Legal Ease every other Sunday in the Pottstown Mercury.

Watch Legal Talk, brought to you by OWM, on PCTV, Tuesdays at 8:30 on Channel 28, and Thursdays at 9:30 p.m. on Channel 98, or on our website at <http://www.owmlaw.com/resources/legal-talk/>.

laws, court decisions, administrative rulings and congressional materials that existed at that time, and should not be construed as legal advice or legal opinions on specific facts. The information in this publication is not intended to create, and the transmission and receipt of it does not constitute, a lawyer-client relationship.

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