

HOT TOPICS

SSI BENEFITS AND SECTION 301

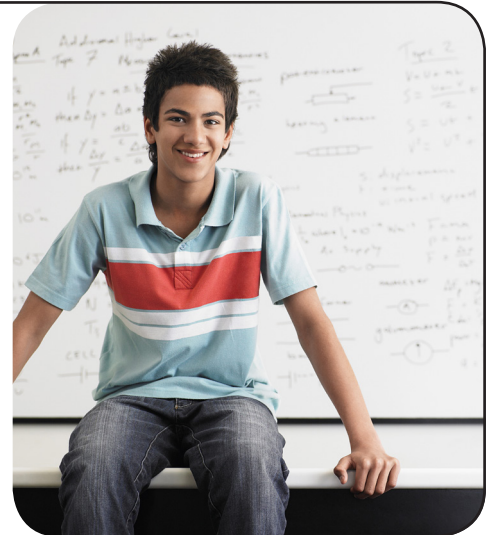
Presented by Parent Network of WNY - March 2017



Section 301 is a rule with Social Security where students actively enrolled in school with an IEP can't lose their SSI benefits

Section 301 allows a student to continue receiving benefits if they are enrolled in or have one of the following:

- Vocational Rehabilitation (VR)
 - Ticket to Work
 - PASS plan
- Individualized Education Program (IEP) (only 18-21 years old)



The Continuing Disability Review or Medical Review

Section 301 Protection in a timely manner

- Cooperate with all SSA field office and DDS requests for information
- Fill out all required forms completely, including SSA-454, SSA-827; SSA-3881 and SSA-3375-3379.
- Fill out any other applicable sections: If the youth has an IPE through VR, fill out Section B.

For Age 18 Redeterminations

- Cooperate with all SSA field office and DDS requests for information
- Fill out all required forms completely, including SSA-3368, SSA-827, and others if necessary.
- It is important to complete Section 10 of the SSA-3368.
- Fill out any other applicable sections:
 - o If the youth has an IPE through VR, fill out Section B;
 - o If the youth has an IEP, fill out Section D.
 - o Be take notice of the dates - these should indicate that services started before the medical cessation (cutoff).

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CDR Cessation

(Social Security's Term for Cutting off Benefits)

You may receive the DDS notice stating that benefits may stop. It should also say that the case is being further reviewed for 301 eligibility.

- This review may take time and there may be additional documentation needed.
- Benefits should continue during this process as long as they continue to meet the non-medical requirements.

Reasons to Contact the Field Office Right Away

- If the youth does not give the School enrollment and IEP information during the CDR/age-18 redetermination
- Does not see the notice about the case being sent for further development on the cessation notice
- Receives a notice that benefits are stopping because of the medical decision

Section 301 provides temporary benefits while the individual is participating in a program designed to lead to a permanent removal from SSI (gainful employment). Once the program is done, Section 301 protection stops and benefits are terminated.

Locate your district office <https://secure.ssa.gov/ICON/main.jsp>



Unresolved Issues

Be aware that the age-18 redetermination is not just a medical decision. SSA also reviews non-medical eligibility criteria during an age-18 redetermination (income, assets, etc.).

If benefits are ceased for one of those reasons, Section 301 does not apply. To be eligible for Section 301, or continue to be eligible for Section 301, an individual must meet all non-medical eligibility for SSI.

For more detailed information on the Policy for 301 Payments to Individuals Participating in a Vocational Rehabilitation or Similar Program, visit <https://secure.ssa.gov/poms.nsf/lnx/0414505010>



“There are no
secrets to success.
It is the result of
preparation, hard
work, and learning
from failure.”

-Colin Powell