

Expedited Reinstatement: A Quicker, Easier Way to Get Benefits Back



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Learning Objectives

1. Describe the purpose and importance of Expedited Reinstatement (ExR) regarding cash and medical benefits
2. Identify who is eligible for ExR
3. Explain the criteria to receive provisional benefits
4. Describe the initial reinstatement period (IRP)
5. State how to request ExR
6. Explain the Benefit to Work Coach's role regarding ExR

Expedited Reinstatement Overview

(See POMS DI 13050.001)

- * Most work incentives protect cash and/or medical benefits before cash benefits are terminated.
- * Expedited reinstatement (ExR) lets a person get cash benefits back if the benefits have been terminated due to earnings, but earnings have later dropped below substantial gainful activity (SGA).

Expedited Reinstatement Overview

(See POMS DI 13050.001)

- * Applies to both Title II Disability benefits (Social Security Disability Insurance (SSDI), Childhood Disability Benefit (CDB), Disabled Widow(er)'s Benefit (DWB)) and to Supplemental Security Income (SSI) based on disability.
- * ExR must usually be requested within 5 years of benefits having been terminated due to earnings.

Expedited Reinstatement Overview

(See POMS DI 13050.001)

- * ExR also restores medical benefits, if they have stopped.
- * Provides up to 6 months of “provisional benefits” while Disability Determination Services (DDS) does a medical review to ensure that the person has not medically improved.

Expedited Reinstatement Overview

(See POMS DI 13050.001)

- * Once ExR is approved, the person gets a 24-month Initial Reinstatement Period (IRP).
- * After completing the IRP, a Title II beneficiary gets a new Trial Work Period (TWP), Extended Period of Eligibility (EPE), Extended Period of Medicare Coverage (EPMC) and the ability to request ExR again, if eligible.
- * After completing the IRP, a SSI beneficiary can be eligible for ExR again.

Who Is Eligible for ExR? (See POMS DI 13050.001)

To qualify for ExR, an individual must:

1. Have had benefits terminated due to:
 - * SGA-level earnings after the EPE and Grace Period (for Title II)
or
 - * Earnings above the 1619(b) threshold for 12 consecutive months (for SSI)

Who Is Eligible for ExR? (See POMS DI 13050.001)

To qualify for ExR, an individual must:

2. Not be performing SGA in the month she requests ExR, AND
3. Be unable to work at the SGA level due to her disability in the month when the ExR request is made, AND
4. Have stopped performing SGA, for any reason, within 60 months of her prior termination, AND

Who Is Eligible for ExR? (See POMS DI 13050.001)

To qualify for ExR, an individual must:

5. Have her current disability be the same as or related to the original disability, AND
6. Not be medically improved, AND
7. Request ExR within 59 months after the month benefits were terminated due to earnings (the time limit may be extended for good cause), AND
8. Meet all non-medical criteria for SSI (for SSI recipients)

ExR Examples

- * Gilda received SSDI due to bipolar disorder. Her SSDI was terminated in March 2015 because she did SGA after her EPE.
- * She continued earning \$2,200/month gross wages after termination. She had no IRWE's or subsidies.
- * Her employer cut her hours in half in January 2019. She earned \$1,100/month gross wages. Her employer reported she was not able to keep up with full-time duties.
- * She still had bipolar disorder. Her disability status had not changed.
- * She requested ExR in February 2019.
- * **Was she likely eligible for ExR?**

ExR Examples

1. Were benefits terminated due to earnings?
2. Were her earnings below SGA in the month she requested ExR?
3. Was she unable to do SGA in the month when she requested ExR?
4. Did she stop SGA within 60 months of SSDI termination?
5. Does she have the same or a related disability?
6. Has she NOT medically improved?
7. Did she request ExR within 59 months after termination?

ExR Examples

1. Were benefits terminated due to earnings? **Yes**
2. Were her earnings below SGA in the month she requested ExR? **Yes - \$1,100/month gross wages**
3. Was she unable to do SGA in the month when she requested ExR? **Most likely, yes. Her employer cut her hours because she was unable to keep up with full-time duties.**
4. Did she stop SGA within 60 months of SSDI termination? **Yes. Termination was 3-2015; SGA stopped 1-2019**
5. Does she have the same or a related disability? **Yes – same**
6. Has she NOT medically improved? **Yes – disability unchanged**
7. Did she request ExR within 59 months after termination? **Yes**

ExR Examples

Gilda was likely eligible for ExR.

ExR Examples

- * Iggy received SSI due to schizoaffective disorder. His SSI was terminated in August 2014 because he earned above the 1619(b) threshold for 12 months.
- * He continued earning \$4,000/month gross wages after termination.
- * He had an extended hospitalization from March 2019 to June 2019. He lost his job in May 2019 as a result.
- * He still had schizoaffective disorder, which resulted in the hospitalization.
- * He has a bank account with \$1,200 and no other resources.
- * He requested ExR in June 2019.
- * **Was he likely eligible for ExR?**

ExR Examples

1. Were benefits terminated due to earnings?
2. Were his earnings below SGA in the month he requested ExR?
3. Was he unable to do SGA in the month when he requested ExR?
4. Did he stop SGA within 60 months of SSDI termination?
5. Does he have the same or a related disability?
6. Has he NOT medically improved?
7. Did he request ExR within 59 months after termination?
8. Does he meet all non-medical criteria for SSI?

ExR Examples

1. Were benefits terminated due to earnings? **Yes**
2. Were his earnings below SGA in the month he requested ExR? **Yes – he wasn't working.**
3. Was he unable to do SGA in the month when he requested ExR? **Most likely, yes. He had been hospitalized.**
4. Did he stop SGA within 60 months of SSDI termination? **Yes. Termination was 8-2014; SGA stopped 3-2019.**
5. Does he have the same or a related disability? **Yes – same.**
6. Has he NOT medically improved? **Likely – hospitalized due to disability.**
7. Did he request ExR within 59 months after termination? **Yes**
8. Does he meet all non-medical criteria for SSI? **Yes**

ExR Examples

Iggy was likely eligible for ExR.

ExR Exercises

Which of the following people may be eligible for ExR?

1. Lily received SSDI. Her EPE ended in November 2015; she had used her grace period earlier. She earned \$1,500/month gross wages continuously after that, and had no IRWE's or subsidies. Her SSDI terminated in December 2015. In February 2019, she was fired from her job due to performance issues. She continued to have severe depression. She requested ExR in March 2019.

ExR Exercises

Which of the following people may be eligible for ExR?

1. Lily received SSDI. Her EPE ended in November 2015; she had used her grace period earlier. She earned \$1,500/month gross wages continuously after that, and had no IRWE's or subsidies. Her SSDI terminated in December 2015. In February 2019, she was fired from her job due to performance issues. She continued to have severe depression. She requested ExR in March 2019. **Yes**

ExR Exercises

Which of the following people may be eligible for ExR?

2. Stevie received SSDI. After his EPE ended in October 2014, he continued earning \$1,400/month gross wages. He paid \$150/month for accessible transportation for work, but had no subsidies. His SSDI was terminated in November 2014. In January 2019, the cost of his transportation increased to \$250/month. He continued working at the same earnings level. He has had bipolar disorder since 2002. He requested ExR in February 2019.

ExR Exercises

Which of the following people may be eligible for ExR?

2. Stevie received SSDI. After his EPE ended in October 2014, he continued earning \$1,400/month gross wages. He paid \$150/month for accessible transportation for work, but had no subsidies. His SSDI was terminated in November 2014. In January 2019, the cost of his transportation increased to \$250/month. He continued working at the same earnings level. He has had bipolar disorder since 2002. He requested ExR in February 2019. **Yes. Earnings fell below SGA due to increase in IRWE.**

ExR Exercises

Which of the following people may be eligible for ExR?

3. Aretha received SSI. She has worked full-time continuously since 2013 earning \$3,500/month (\$42,000/year). The 1619(b) threshold in Michigan is \$36,552/year in 2019. Aretha has had average medical expenses, so she does not qualify for an individualized 1619(b) threshold. Her SSI was terminated in February 2014. She has no other income besides her earnings. She has \$1,500 in a bank account and no other resources. She left her job in June 2019 due to a recurrence of severe depression, the disability that entitled her to SSI. She requested ExR in July 2019.

ExR Exercises

Which of the following people may be eligible for ExR?

3. Aretha received SSI. She has worked full-time continuously since 2013 earning \$3,500/month (\$42,000/year). The 1619(b) threshold in Michigan is \$36,552/year in 2019. Aretha has had average medical expenses, so she does not qualify for an individualized 1619(b) threshold. Her SSI was terminated in February 2014. She has no other income besides her earnings. She has \$1,500 in a bank account and no other resources. She left her job in June 2019 due to a recurrence of severe depression, the disability that entitled her to SSI. She requested ExR in July 2019. **No. Stopped performing SGA and requested ExR more than 59 months after SSI terminated.**

ExR Exercises

Which of the following people may be eligible for ExR?

4. Madonna received SSDI. She worked full-time and earned \$1,500/month - without IRWE's or subsidies – continuously from August 2014 – January 2019, when she was fired. Her SSDI was terminated in May 2018. She received SSDI for depression, but has had no symptoms and has not taken medication since 2017. She requested ExR in February 2019.

ExR Exercises

Which of the following people may be eligible for ExR?

4. Madonna received SSDI. She worked full-time and earned \$1,500/month - without IRWE's or subsidies – continuously from August 2014 – January 2019, when she was fired. Her SSDI was terminated in May 2018. She received SSDI for depression, but has had no symptoms and has not taken medication since 2017. She requested ExR in February 2019. **No – appears to have medically improved.**

Provisional Benefits/Payments (See DI 13050.025 and 13050.030)

- * A person can receive up to 6 months of provisional cash benefits, plus Medicare (for Title II) or Medicaid (for SSI), while awaiting a decision on the ExR request.

Provisional Benefit Amount – Title II

- * The provisional benefit amount is generally:
 - * The benefit amount when Title II was terminated, plus
 - * Cost of living adjustments (COLA's) since the termination, plus
 - * Adjustments based on the person's earnings after termination

Provisional Benefit Amount – SSI

- * The provisional benefit amount is calculated the same way as for any other SSI recipient.

When Do Provisional Benefits Start?

- * Provisional benefits start:
 - * The month that the signed ExR request is submitted to SSA (for Title II), or
 - * The month after the month the signed ExR request is submitted (for SSI).
- * Provisional benefits won't usually start for a few months after the request, but will be retroactive.

When Do Provisional Benefits Stop (Title II)?

- * For Title II, provisional benefits stop the earliest of:
 - * The month SSA mails an ExR decision to the person, or
 - * The month the person does SGA, or
 - * The month the person gets the 6th provisional benefit payment
- * NOTE: If provisional benefits stop due to SGA, they do not resume if earnings later drop below SGA.

When Do Provisional Benefits Stop (SSI)?

- * For SSI, provisional benefits stop the earliest of:
 - * The month SSA mails an ExR decision to the person, or
 - * The month the person gets the 6th provisional benefit payment

Do Provisional Benefits Need to Be Repaid if ExR Is Denied? (See POMS DI 13050.080)

- * If ExR is denied, provisional benefits do NOT have to be paid back, with several exceptions.
- * Only the following provisional benefits must be repaid:
 - * Provisional benefits received after the month the ExR denial notice is mailed, or
 - * Title II provisional benefits received after the first SGA month, or
 - * Provisional benefits the individual knew, or should have known, she was not eligible to receive (e.g., if she performed SGA during the ExR request month)

Exercise

Diana requested ExR in July 2019. She appeared to meet all the eligibility criteria.

- * When should she start receiving provisional benefits?
- * If Diana does not work and receives an ExR denial notice in November 2019, when should she receive her last provisional payment?
- * If Diana receives an ExR approval notice in October 2019, what should happen to her benefits?

Exercise

Diana requested ExR in July 2019. She appeared to meet all the eligibility criteria.

- * When should she start receiving provisional benefits? **July 2019**
- * If Diana does not work and receives an ExR denial notice in November 2019, when should she receive her last provisional payment? **November 2019**
- * If Diana receives an ExR approval notice in October 2019, what should happen to her benefits? **Provisional benefits should end, but regular benefits should begin in November 2019.**

Exercise

- * If Diana receives an ExR denial notice in January 2020, when should she receive her last provisional payment?
- * If Diana performs SGA in September 2019, before she receives a notice of her ExR determination, when should she receive her last provisional payment?
- * If Diana's earnings fall below SGA in October 2019, should she receive a provisional payment in October?

Exercise

- * If Diana receives an ExR denial notice in January 2020, when should she receive her last provisional payment? **December 2019 – 6th month**
- * If Diana performs SGA in September 2019, before she receives a notice of her ExR determination, when should she receive her last provisional payment? **August 2019**
- * If Diana's earnings fall below SGA in October 2019, should she receive a provisional payment in October? **No**

Medicare During Provisional Benefit Period for Title II (See POMS HI 00801.164 and 00801.165)

- * Medicare coverage continues during the provisional benefit period.
- * If Medicare has stopped before the provisional benefit period, then it is reinstated during the provisional benefit period, starting with the first month of provisional benefits.
- * If ExR is approved, Medicare continues.

What Happens to Medicare If ExR Is Denied? (See POMS DI 13050.070)

- * It depends.
- * If the only reason for Medicare entitlement is provisional benefits, then Medicare will end when ExR is denied. Medicare will end the earlier of:
 - * The end of the 6th month of provisional benefits, or
 - * The end of the month after the month the ExR denial notice is mailed

What Happens to Medicare If ExR Is Denied? (See POMS DI 13050.070)

- * **If the person is in the Extended Period of Medicare Coverage (EPMC), then Medicare will:**
 - * **End if the ExR denial is based on medical improvement. Medicare will stop the end of the month after the denial notice is mailed.**
 - * **Continue through the EPMC if the ExR denial is for reasons other than medical improvement.**
- * **If the person receives Medicare based on age (65 or older) or End Stage Renal Disease, then Medicare will continue after ExR is denied.**

Medicaid During Provisional Benefit Period for SSI

- * Medicaid is reinstated during the provisional benefit period for SSI.
- * Medicaid continues after the provisional benefit period only if:
 - * The ExR request is approved, or
 - * The person qualifies for Medicaid another way and enrolls.

Initial Reinstatement Period (IRP)

(See POMS DI 13050.035 and DI 13050.040; DI 13050.066 and DI 13050.067)

- * The Initial Reinstatement Period (IRP) begins once the person has been approved for ExR.
- * It's the first 24 months (not necessarily consecutive) after ExR begins in which the person:
 - * Does not perform SGA (for Title II), or
 - * Receives a SSI payment, or is eligible for 1619(b), or would have received a payment if the full amount had not been withheld to recover an overpayment (for SSI)

Initial Reinstatement Period (IRP)

(See POMS DI 13050.035 and DI 13050.040; DI 13050.066 and DI 13050.067)

- * Impairment Related Work Expenses (IRWEs) and subsidies can be used to determine whether the person is doing SGA during the IRP. Unsuccessful Work Attempts and Averaging can NOT be used.
- * SSI work incentives can be used to calculate the person's SSI payment during the IRP.

Initial Reinstatement Period (IRP)

(See POMS DI 13050.035 and DI 13050.040; DI 13050.066 and DI 13050.067)

- * The IRP may include months when the person:
 - * Gets provisional benefits,
 - * Gets retroactive benefits once ExR is approved, and
 - * Gets benefits after ExR is approved.

Initial Reinstatement Period (IRP)

(See POMS DI 13050.035 and DI 13050.040; DI 13050.066 and DI 13050.067)

- * Once the IRP is finished, the person gets a new TWP, EPE, EPMC, and period to request ExR again (for Title II) and is able to request ExR again if SSI is terminated again due to earnings (for SSI).
- * During the IRP for Title II, if the person does SGA in a month:
 - * The cash benefit (Title II) is suspended, and
 - * Benefits that dependents get on the same record are suspended, and
 - * The month does not count as one of the 24 IRP months.

Initial Reinstatement Period (IRP)

(See POMS DI 13050.035 and DI 13050.040; DI 13050.066 and DI 13050.067)

- * The IRP for Title II is similar to the EPE. If the person does SGA in a month, she does not receive a cash benefit. If she does not do SGA in a month, she gets the cash benefit.
- * But unlike the EPE, the IRP can continue indefinitely if the person does SGA continuously.
- * A month does not count toward the IRP if SSI is suspended for reasons such as excess resources or unearned income.
- * During the IRP, Medicare (for Title II) or Medicaid (for SSI) continues even during months when the cash benefit is suspended due to SGA (for Title II) or earnings (for SSI).

Exercises

Marvin requests ExR during his Extended Period of Medicare Coverage.

- * If ExR is denied due to medical improvement, what will happen to Marvin's Medicare?
- * If ExR is approved, what will happen to his Medicare?

Exercises

Marvin requests ExR during his Extended Period of Medicare Coverage.

- * If ExR is denied due to medical improvement, what will happen to Marvin's Medicare? **It will terminate at the end of the month following the month the denial letter is mailed.**
- * If ExR is approved, what will happen to his Medicare? **It will continue.**

Exercises

Anita requests ExR in March 2019. Her Medicare stopped at the end of her EPMC in January 2019 because she did not want to pay the Part A premium and her earnings were too high for the Qualified Disabled Working Individuals (QDWI) Program.

- * Will Anita receive Medicare during her provisional benefit period?
- * If her ExR request is approved, what will happen to her Medicare?
- * If her ExR request is denied in June 2019, what will happen to her Medicare?

Exercises

Anita requests ExR in March 2019. Her Medicare stopped at the end of her EPMC in January 2019 because she did not want to pay the Part A premium.

- * Will Anita receive Medicare during her provisional benefit period? **Yes**
- * If her ExR request is approved, what will happen to her Medicare? **It will continue.**
- * If her ExR request is denied in June 2019, what will happen to her Medicare? **It will terminate at the end of July 2019.**

Exercises

George requests ExR in August 2019. His ExR is approved in December 2019, retroactive to August 2019.

- * If George does not perform SGA in August 2019 or later, when will his Initial Reinstatement Period (IRP) end? When will he get a new TWP?
- * If George does SGA in some months but not others during his IRP, what will happen to his SSDI payments?
- * If George does SGA every month after August 2019, when will his IRP end? When will he get a new TWP?

Exercises

George requests ExR in August 2019. His ExR is approved in December 2019, retroactive to August 2019.

- * If George does not perform SGA in August 2019 or later, when will his Initial Reinstatement Period (IRP) end? **July 2021** When will he get a new TWP? **August 2021**
- * If George does SGA in some months but not others during his IRP, what will happen to his SSDI payments? **They will stop during SGA months, but he will receive them during non-SGA months.**
- * If George does SGA every month after August 2019, when will his IRP end? **It won't.** When will he get a new TWP? **He won't.**

When Do Reinstated Title II Benefits Terminate?

- * If a person gets Title II benefits back through ExR, Title II will terminate if the person:
 - * Does SGA after the EPE and Grace Period, or
 - * Medically improves, or
 - * Reaches full retirement age and SSDI is switched to SS Retirement, or
 - * Is terminated for other reasons (e.g., CDB marries a spouse who does not receive Title II)

How to Request ExR (See POMS DI 13050.045 and DI 13050.050)

- * Complete:
 - * SSA 371, “Request for Reinstatement for Title II” or
 - * SSA 372, “Request for Reinstatement for Title XVI Individual (or Disabled Spouse with Work Activity)”
- * The person must sign the ExR request.
- * Some other forms are usually needed as well.

ExR vs. Initial Claim (See POMS DI 13050.020)

- * A person who has had benefits terminated due to earnings, then has earnings drop or stop later, has a choice to regain benefits:
 - * ExR or
 - * Initial claim (new application)
- * For most people, ExR is the better option. However, sometimes an initial claim is more advantageous. The choice of options can be complex.
- * Refer the person to a Benefit Planner to help decide which option may be better.

ExR Appeals (See POMS DI 13050.085)

- * A person can't appeal a decision about provisional benefits.
- * However, the person may protest a decision involving provisional benefits, and SSA must review the decision and correct it if they find cause to do so.
- * ExR determinations are subject to appeal rights.
- * Appeals must be filed within 65 days of the date on the notice, or later if they have good cause for missing the deadline.

Why Expedited Reinstatement Matters

- * ExR is a great supplement to earlier SSDI work incentives.
- * If a worker performs SGA continuously, the TWP and EPE offer 3 years and 9 months during which benefits are not terminated.
- * ExR adds an additional 5-year safety net after termination.

Why Expedited Reinstatement Matters

- * If benefits were terminated due to work, but then earnings fall below SGA within 5 years, a worker can request ExR to get benefits back more quickly and easily than through a new initial application.
- * ExR also provides provisional benefits while the person waits for SSA to do a medical review. In many cases, the medical review is finished before or soon after the 6 months of provisional benefits end.

Your Role Regarding Expedited Reinstatement

- * A Benefit to Work Coach should explain the option of using ExR to individuals who:
 - * Expect to have their benefits terminate due to work, or
 - * Have already had benefits terminate due to work
- * If an individual wants to request ExR, refer her or him to a Benefit Planner.