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SOCIAL SECURITY DISABILITY PROGRAM

WILLIAM J. CARR*

On an average day last year there were approximately 3 million people in the United States between 14 and 64 with disabilities lasting more than 6 months which prevented them from following their normal activities. About one-half of these people were in the 50 to 64 age group. An estimated three-fifths were men. About three-fourths of these disabled people between 14 and 64, or about 2.2 million of them would have been engaging in substantial gainful activity if it were not for their disabilities.

The Advisory Council on Social Security appointed in 1947 by the Senate Finance Committee had this to say with regard to the problem of disability:

"The economic hardship resulting from permanent and total disability is frequently even greater than that created by old age or death. The family must not only face the loss of the breadwinner's earnings but must meet the costs of medical care. As a rule, savings and other personal resources are soon exhausted. The problem of the disabled younger worker is particularly difficult, since he is likely to have young children and not to have had an opportunity to acquire any significant savings."

The Department of Health, Education and Welfare has made a three-pronged attack on the economic hazard of disability. A part of this program is the 1954 expansion and improvement of the VR program, including increased Federal appropriations made available to states for VR programs so that many more disabled persons can be rehabilitated and returned to productive activity. A second part of this three-pronged attack on the economic hazard of disability involves the earmarking of Federal funds available to states for surveying the need for rehabilitation facilities and for erection of rehabilitation centers. The third area of attack is the disability freeze and benefit program administered by the Bureau of Old-Age and Survivors Insurance.

In 1954, Congress passed amendments to the Social Security Act providing for the protection of the insurance rights of individuals under the Old-Age and Survivors Insurance Program if the person was forced out of the labor market because of disability. The 1954 amendments provided that a disabled person might have his earnings record "frozen," that is, the Social Security Administration would not

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consider the period during which a person was disabled in computing the amount of his benefit. Unless an earnings record is frozen, the period during which a worker is disabled and has little or no earnings can seriously reduce the amount of his own and his family's future benefit's.

In a further improvement of the Old-Age and Survivors Insurance program, Congress in 1956 passed amendments which permits payment of full Social Security benefits to a disabled worker who is 50 years of age or older. These disability insurance payments start after June 1957.

In order to qualify for disability insurance payments at age 50 or to have his earnings record frozen while he is disabled, a worker must meet certain "work" and "severity of disability" requirements. He must have worked in employment covered by the Social Security Act in five out of the ten years immediately preceding the beginning date of his disability *and* one and one-half years of work in the three years before that date. The amount of work required for a worker to get disability benefits is always at least as much as would be required for old-age insurance payments. Active military service at any time after September 15, 1940 and work in the railroad industry after 1936 may count toward the disability freeze but can count toward disability insurance payments only under more limited conditions.

How disabled must one be? Only those individuals who are disabled by injury, illness, or other physical or mental impairment which can be expected to be of long-continued and indefinite duration may qualify for the freeze. The impairment must be medically determinable and preclude the performance of any substantially gainful activity. Congress in writing the amendments did not use the words "permanent" and "total" to describe the degree of impairment, possibly because these words convey a notion of complete and irrevocable helplessness. This would be counter to the dual purpose of the program of encouraging the rehabilitation of disabled persons by referring applicants to the Vocational Rehabilitation Centers. An individual is also disabled if he is blind within the meaning of that term as used in the law.

To establish inability to engage in any substantially gainful activity, it is not necessary that the applicant prove complete helplessness. An individual could be found disabled even though he is able to or actually does engage in some *limited* activities so long as he is unable to engage in *substantial* activities. Inability to engage in any substantial gainful activity relates to any activity for which the individual may be qualified in the light of his residual physical and mental capacity and the occupational skills and training he may have acquired. Disablement

for work in his last or regular occupation is not, by itself, enough to qualify an individual.

The evidence in any case will show when an individual actually became disabled. A worker applying for a disability freeze or benefit is requested to submit a medical report from his own physician or hospital or other institution. This report is an important factor in the determining of the disability of any person. If he met all the requirements at that time, the date he became disabled will be used by the Social Security Administration as the official "beginning date" of his disability.

Benefit payments are available to disabled children of workers who are entitled to Old-age insurance benefits under Social Security regardless of the child's age. This provision also includes the disabled children of a parent who died any time after 1939 and who was insured for survivor's benefit at the time of his or her death. It is not necessary that the child have any record of work under the Social Security law to get payments as a disabled child. In order to qualify he must have been disabled since before he reached age 18, unmarried and dependent upon a parent, stepparent, or adopting parent who is entitled to old age insurance benefits under Social Security.

The disability benefit amount depends on the worker's average earnings. It is the same as the amount of the old-age insurance benefit for which he would be eligible if he were 65. The following chart will illustrate representative benefit amounts:

Average monthly earnings after 1950	Monthly retirement benefit at 65 or later, or disability benefit at age 50 — man or woman	Monthly retirement benefit for woman worker, starting at age —			Widow, widower, child, or parent (monthly)	Lump-sum death payment
		62	63	64		
\$50.....	\$30.00	\$24.00	\$26.00	\$28.00	\$30.00	\$90.00
100.....	55.00	44.00	47.70	51.40	41.30	165.00
150.....	68.50	54.80	59.40	64.00	51.40	205.50
200.....	78.50	62.80	68.10	73.30	58.90	235.50
250.....	88.50	70.80	76.70	82.60	66.40	255.00
300.....	98.50	78.80	85.40	92.00	73.90	255.00
350.....	108.50	86.80	94.10	101.30	81.40	255.00

(Note: The amount of any disability benefit is *reduced* by the amount of any other Federal benefit received which is based on disability and by the amount of any state or federal workmen's compensation benefit.)

Disability benefits are not paid in addition to other old-age or survivors insurance benefits. If a person is eligible for more than one benefit at the same time, he will ordinarily receive an amount equal to the largest. The first month for which benefits can be paid is July, 1957.

Dependents of a disabled person receiving disability payments do not receive benefits based on his account until he applies for his retirement benefits. Disability benefits terminate at age 65 for men and for women as they then become eligible for retirement benefits. A

dependent may, however, become eligible for survivors benefits in the event of the death of a worker who has been receiving disability benefits.

To meet the costs of the benefits for disabled workers, an increase in the Social Security tax will go into effect January 1, 1957. The amount of the increase is one-fourth of 1 percent each for employee and employer and three-eighths of 1 percent for self-employed people on the first \$4200 of earnings in a year.

If a worker believes he is entitled to a disability freeze or disability benefits he should get in touch with his local Social Security office as soon as possible and make application. The entire operation of the program for the protection of the disabled worker hinges upon his having filed an application.

O. A. S. I. FOR ALL WOMEN

MARY A. BEARD*

Today over 21 million women are employed and they will be found in all lines of endeavor. As early as 1950 there was not one category in the census of occupations that did not have some women workers. The women represent approximately one-third of all employed persons, and an interesting fact is that there are more married women workers than there are unmarried women workers.

Many young women enter the business world after graduation and continue to work following their marriage until they decide to raise a family. When the youngsters reach school age, mothers frequently return to work so they can help provide all the comforts for their children and accumulate savings to pay for college educations.

Now just where does Old-Age and Survivors Insurance, usually referred to as Social Security, fit into this picture? The working mother not only assists with current expenses, but her work affords added Social Security protection for the family. First—the young mother: If a young mother dies after having worked at least one and a half years in the three years ending with her death, the children under the age of 18 can receive monthly Social Security benefits on her record even though the father is living with the children and perhaps furnishing the major part of their support. Under the law, children are deemed dependent upon their mother if she dies currently insured, which means approximately one and a half years of work in the three-year period immediately preceding her death. In addition to the monthly payments to her children, the widower would be paid the lump-sum death payment. The lump-sum is a small single payment which ranges

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