



a program of Law Foundation of Silicon Valley

152 North Third Street, 3<sup>rd</sup> Floor

San Jose, California 95112

MHAP Intake Line (408) 280-2420 • Fax (408) 350-1158 • TTD (408) 294-5667

## **Working While Receiving Social Security Disability Insurance (SSDI)**

### **1. Can You Work While Receiving Social Security Disability Insurance Benefits?**

**Yes.** If you receive Social Security Disability Insurance (SSDI), you can work for a certain period of time before your income will affect your benefit amount and eligibility. You are entitled to what is called a “trial work period” and “extended period of eligibility.” The rules for working are explained below.

The following rules do **not** apply to Supplemental Security Income (SSI) benefits.

### **2. What is a Trial Work Period?**

SSDI recipients are entitled to a “trial work period.” The trial work period allows you to test your ability to work for at least nine months. They do not need to be consecutive. During your trial work period, you will receive your full Social Security benefits regardless of how much you earn as long as you report your work activity and you continue to have a disabling condition. You have to earn a certain amount per month for that month to count as one of your nine months of the trial work period. **In 2018, a “trial work month” is any month in which your total earnings are \$850 or more, or, if you are self-employed, you earn more than \$850 or spend more than 80 hours in your own business. Your trial work period should expire when you have worked nine “qualifying trial work months” within a 60-month (5-year) period.** This means you are entitled to one nine month trial work period for each 60 months that you receive SSDI benefits.

Once you complete all nine months in your trial work period, the Social Security Administration may review your benefit eligibility. If they decide you have successfully completed the trial work period and are no longer disabled, your benefits will continue for three more months and then stop. However, many people are still found disabled after this trial work period. If you are still disabled, Social Security will then grant you 36 more months in which you can work and earn certain levels of income.

### **3. What if You Are Still Disabled After Your Trial Work Period?**

If you complete your trial work period, but continue to be disabled after your trial work period, you can receive your SSDI benefits for 36 months (3 years) without reapplying for benefits. This 36-month period is called an “extended period of eligibility.” During this 36 month period, you will automatically receive your *entire* SSDI benefit for any month that your earnings are below \$1,180 (substantial gainful activity level for 2018). If you earn more than \$1,180, you should not receive a SSDI check for that month.

During the 36 month time period, the Social Security Administration will review your case to determine if you are still disabled. However, you should not count on Social Security to always stop your benefits in time. Sometimes Social Security does not catch your work activity in time, which results in an overpayment, requiring you to pay back any amount that was overpaid to you.

#### **4. What Happens If You Lose Your Job?**

If you lose your job during a trial work period, your benefits will not be affected. If you lose your job during the 36 month extended period of eligibility, call Social Security and your benefits will be reinstated as long as you are still disabled. You do not have to reapply for the benefits or undergo any waiting period as you did when you first applied for SSDI benefits.

#### **5. What Happens If You Go Back to Work But Have to Stop Because of Your Disability?**

If you are forced to stop working or your earnings are reduced to below \$1,180 per month after less than six months of working because of your disability, this period of employment may be considered an **“unsuccessful work attempt.”** Earnings from an unsuccessful work attempt cannot be considered when determining whether your disability continues.

#### **6. Do You Need To Tell The Social Security Administration When You Work?**

Yes! Notify Social Security about any change in your working situation. This includes: beginning employment, stopping employment, pay increases or if you begin to use equipment that may be excluded from your pay. Notify your local Social Security office by telephone and in writing about the changes. For your records, keep copies of each letter that you send. The Social Security Administration may make mistakes during the 36 month eligibility period, so it is important to keep good records of all of your communications with them.

#### **7. Which Expenses Can Be Deducted From Your Earnings?**

The Social Security Administration allows for the deduction of work expenses related to your disability from your earnings before they calculate your monthly income. These expenses may include the cost you pay for any item or service you need to work. Possible examples of include: a seeing-eye dog, prescription drugs, transportation to and from work (under very specific conditions), a personal attendant or job coach, a wheelchair, or any specialized work equipment.

#### **8. How do the Trial Work Period and Extended Period of Eligibility Affect Medicare Coverage?**

If Social Security stops your disability payments because you have earnings at or above the substantial gainful activity level (\$1,180), *but you are still disabled*, Medicare can continue for at least 93 months after the trial work period. After that, you can buy Medicare coverage by paying a monthly premium. If you need help understanding this process, please call the Law Foundation at (408) 293-4790.

---

Sources: POMS sections DI 13010 generally, DI 13010.050 (TWP), DI 10501.015 (SGA), DI 11010.210 (UWA), DI 10520.001 (IRWE), and DI 28055.001B (Medicare).

DISCLAIMER: This fact sheet is intended to provide accurate, general information regarding legal rights. It does not constitute legal advice. Because laws and legal procedures are subject to frequent change and differing interpretations, the Mental Health Advocacy Project cannot ensure the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular case or situation.