

4. SSI / SSP

Basic eligibility criteria for CAPI, with a few exceptions, are the same as those for SSI/SSP.

As a condition of eligibility an individual must apply for SSI/SSP in a timely manner, provide proof of application, and fully cooperate in the application/appeal process of the Social Security Administration (SSA).



4.1 Requirement to Apply

Confirmation of denial of SSI/SSP must be obtained for all CAPI applicants prior to issuance of CAPI benefits. Social Security Administration staff will provide this confirmation (formal or informal letter).

To be eligible for CAPI, an individual must be ineligible for SSI/SSP solely due to his or her immigration status. Ineligibility must be verified by one of the following:

- An informal denial letter (L-991) from SSA issued within 6 months of the CAPI application date that states the person is ineligible for SSI/SSP due to immigration status.
- A formal denial letter from the Social Security Administration (SSA) issued within 6 months of the CAPI application date that states the person is ineligible for SSI/SSP due to immigration status; or
- Verification that an SSI/SSP application based on disability has been filed with SSA and is pending a final determination. (This includes pending appeals if related to disability or immigration status.)

To be eligible for Conditional CAPI, an individual must apply for SSI/SSP benefits within **30 calendar days** of signing the "Request for Conditional CAPI after Naturalization pending SSI/SSP Eligibility Determination Form" (SOC 830). Client must provide proof of application, and fully cooperate in the application/appeal process of the Social Security Administration (SSA).



4.2 SSI Application Process

At Intake, redetermination, or any time the immigrant or disability status of a CAPI applicant or recipient changes, he or she must be referred to the Social Security Administration (SSA) to apply for SSI/SSP.

A Conditional CAPI recipient, must apply for SSI/SSP within **30 calendar days** of signing the Request for Conditional CAPI after Naturalization Pending SSI/SSP Eligibility Determination form (SOC 830). [Refer to [“Conditional CAPI for Naturalized U.S. Citizens,”](#) page 3-4.]

4.2.1 SCD 169

As a condition of eligibility for CAPI, a “Referral To/From Social Security” (SCD 169) must be completed for the applicant or recipient to take to SSA to apply for SSI/SSP (unless the applicant or recipient can provide one of the verifications listed in Section 3.1).

The completed SCD 169 (or one of the verifications listed in Section 3.1) must be returned to the EW before CAPI eligibility can be established.

4.2.2 SSP 14

Eligibility staff must obtain a new “Authorization for Reimbursement of Interim Assistance Initial Payment or Initial Post eligibility Payment” (SSP 14) form whenever a client is referred to SSA or it is determined that the client has applied (or re-applied) for SSI/SSP. The EW must ensure a copy of the SSP 14 is in IDM.

4.2.3 Approval

If SSI/SSP is approved, there is no eligibility for CAPI benefits. If CAPI payments have been issued, aid must be discontinued, and the computation of CAPI Interim Assistance must be done within 10 working days in order that the Interim Assistance Reimbursement (IAR) process may be completed.

If the 10-day deadline is not met, the entire retroactive SSI/SSP payment must be sent to the recipient. [Refer to “Interim Assistance/Reimbursement (IAR),” page 14-1.] If the 10 day requirement causes a situation which will result in Overlapping CAPI and SSI payments, the recipient should be warned that they are receiving an overpayment which will be collected back.

If the assistance payment has already been prepared, and cannot stop delivery of the next assistance payment when the initial payment is received from SS, the amount of the next payment is also reimbursable as interim assistance per DSS manual - EAS 46-377.5.52.

Note:

There will be situations in which both GA and CAPI Interim Assistance has been paid and both must be reimbursed from the SSI/SSP retroactive payment. Timely processing of IAR is essential.

4.2.4 Denial

Due to Immigrant Status

Denial of SSI/SSP based solely upon immigrant status is required before CAPI can be approved.

Reminder:

CAPI must be denied when the applicant is under 65 years of age and a SSI disability determination is pending with Social Security Administration since the applicant will either be found eligible for SSI/SSP or denied due to not being disabled; which are reasons other than immigration status.

4.2.5 Appeal Levels

After the initial SSI/SSP application is denied, the CAPI applicant/recipient must file an appeal. There is a 60-day limit after each denial to file hearing requests for the following levels of the appeal process:

- Reconsideration;
- Administrative Law Judge;
- Appeals Council in Washington, D.C.; and
- Federal District Court.

Failure to File Appeal

CAPI benefits will be denied or discontinued if the applicant / recipient fails or refuses to file either:

- A timely appeal with the Social Security Administration; or
- A timely waiver (based on good cause) of the time limit.

The recipient shall remain ineligible until cooperation is achieved with all aspects of the SSI application process, including medical examinations.

Note:

CAPI may not be discontinued for the above reason unless it can be proven that the recipient was aware of the responsibility to file an appeal.

The only time the client would not file an appeal is when he or she:

- Receives notification of a denial too late to file an appeal within the time limit, or
- Determines there is no good cause for a waiver, or
- Determines the appeal to be inappropriate.



4.3 Disability Determination

4.3.1 Blindness

To qualify as blind, a person must be found “statutorily blind” or meet presumptive disability standards. Statutory blindness is central visual acuity of 20/200 or less in the better eye with the use of a corrective lens.

Note:

Work or the ability to perform substantial gainful activity (SGA) is not a factor in determining blindness.

4.3.2 Disability

To qualify as disabled, a person must be found to have the inability to do any substantial gainful activity due to a physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. The Disability Determination Service

Division (DDSD) will make a determination of eligibility based on medical documentation provided. The DDSD process for CAPI is the same as for Medi-Cal DDSD determinations.

Note:

Any child or adult who is engaging in substantial gainful activity (SGA) at the time of filing a new CAPI application will not be considered disabled.

Current Determination

A current determination of disability is one that has not lapsed due to benefit termination. A determination established for one of the following programs is acceptable verification of blindness or disability for CAPI:

- Title II Social Security,
- SSI/SSP, or
- Medi-Cal.

Disability Evaluation

There are two types of disability evaluations for CAPI:

3. Regular Disability

This applies to CAPI applicants who are under 65 years old. Disability must be established before CAPI benefits can be approved. A determination established for one of the following programs is acceptable verification of blindness or disability for CAPI:

- Title II Social Security,
- Supplemental Security Income/State Supplementary Program (SSI/SSP), or
- Medi-Cal.

If there is no existing verification of a physical or mental disability from Title II Social Security, SSI/SSP, or Medi-Cal, a DDSD referral must be completed to be eligible for disability-based CAPI.

Note:

If the disabled individual is age 65 or over, CAPI benefits may be paid on the basis of age while the disability determination is pending, if all eligibility is met.

4. Sponsor-Deeming Disability



This only applies to sponsored noncitizens whose sponsor signed the “Affidavit of Support” (I-134). If DDS determines that the sponsored noncitizen becomes blind or disabled AFTER admission to the United States, deeming of sponsor’s income and property will be inapplicable or will cease.

A new DDS referral is still needed for sponsor-deeming disability evaluations even if there is a current DDS determination and client’s disability-based Medi-Cal is active. [Refer CAPI Handbook Chapter 11, “[Disability Determination Service Division \(DDS\) Referral](#),” page 11-15 for more information.]

Required DDS Forms

- MC 220 – Authorization for Release of Information
- MC 221 – Disability Determination and Transmittal (CAPI case to be flagged)
- MC 223 – Applicant’s Supplemental Statement of Facts for Medi-Cal

Annotate the MC 221 with the identifier “CAPI CASE” in Item 8, next to the box that is checked to indicate Initial Referral.

Under Item 10, “County Worker Comment(s),” write if the evaluation is a Regular Disability CAPI or a Sponsor-Deeming Disability CAPI.

4.3.3 Presumptive Disability

If an individual’s blindness / disability meets one of the presumptive disability conditions listed below and the individual meets all other CAPI eligibility criteria, CAPI benefits may be paid presumptively pending the final disability determination from DDS. A presumptive disability determination MUST be documented in the **Maintain Case Comments** windows. [Refer to “[Presumptive Disability](#),” page 2-11.]



4.4 CAPI Applicants with Expired SSI/SSP Benefits

Refugees and other humanitarian immigrants (including asylees, persons granted withholding of deportation or removal, Cuban and Haitian Entrants, Amerasians, and victims of human trafficking) may be eligible for SSI/SSP for a period of seven years.

Under the “SSI Extension for Elderly and Disabled Refugees Act” (Public Law 110-328), which became effective on October 1, 2008, eligible SSI/SSP recipients were able to receive SSI/SSP for at least two additional years. However, the two-year extension in eligibility provided by the P.L. 110-328 has expired on October 1, 2010.

4.4.1 Process

Eligibility Workers (EWs) must verify the following for all CAPI applicants whose SSI/SSP were recently terminated:

- Termination of SSI/SSP benefits [Refer to CAPI Handbook Chapter 3, “[Ineligibility for SSI/SSP](#),” page 3-7], and
- Disability status and reexamination date (only applies to disabled clients). [Refer to “[Disability](#),” page 3-10

4.4.2 Verifying Termination of SSI/SSP Benefits

The EWs must verify that the CAPI applicant is no longer receiving SSI/SSP prior to the approval of CAPI benefits. It must still be ensured that an applicant’s SSI/SSP was terminated due to immigration status before approving CAPI benefits. Verification may include, but not limited to, the following:

- An informal denial letter (L-991) from SSA issued within 6 months of the CAPI application date that states the person is ineligible for SSI/SSP due to immigration status.
- A formal denial letter from the SSA issued within 6 months of the CAPI application date that states the person is ineligible for SSI/SSP due to immigration status;
- Verification that an SSI/SSP application based on disability has been filed with SSA and is pending a final determination. (This includes pending appeals if related to disability or immigration status.); or
- “Referral To/From Social Security” (SCD 169) form completed by SSA.

Reminder:

The “Authorization for Reimbursement of Interim Assistance Initial Payment or Initial Posteligibility Payment” (SSP 14) must be signed and filed in IDM whenever a client is referred to SSA with the SCD 169.

4.4.3 Verifying Client's Disability

For CAPI applicants, who are not aged or blind but claim to be disabled, the disability status and reexamination date must be verified prior to the approval of CAPI.

The disability status and reexamination date may be verified through the following:

- Official letter from Social Security Administration,
- Previous disability determination from Disability Determination Service Division (DDSD), only if client's disabling condition remains the same, or
- Current data from CDB/MEDS or SDX/MEDS.

Requesting information from Social Security

For additional information, the EW must submit the SCD 169 to Social Security Administration requesting, under item #V, the following:

- Disability onset date, and/or
- Medical reexamination date (enter in CalWIN when reexam date becomes available).

Requesting information from DDSD

If the EW is still unable to verify the CAPI applicant's disability status and/or reexamination date from Social Security, then a Limited Referral Packet must be submitted to DDSD. A Limited DDSD Packet includes:

- A copy of the prior "Disability Determination and Transmittal" (MC 221) if available, and "DDSD Disability Determination - Response to MC 221" (SP2 DDSD 221R), and
- A new MC 221 with the reason for the limited referral clearly stated in the "County Worker Comments" section.

Note:

Check "CAPI" on item #8, "Type of Referral." Write on item #10, "County Worker Comment(s)," the statement, "Unable to confirm Reexamination Date through Social Security. Reexamination Date is needed prior to CAPI approval."

Expired Reexamination Dates

When it is found that the CAPI applicant's reexamination date for disability had expired or is due, a FULL disability packet must be submitted to DDS before CAPI benefits can be approved. On the MC 221, mark the "Reexamination" box under Item #8.



4.5 State CAPI Reports

The CAPI Program Coordinator receives three CAPI reports from the State. The purpose of these reports is to match CAPI applicants/recipients against the SSI/SSP records as reflected in the State Data Exchange (SDX). The SDX which is sent by Social Security Administration (SSA) to the State contains a record of all SSI/SSP applicants and recipients in California. These reports are used to help counties and target applicants and recipients in assistance in apply for SSI/SSP as described in All County Letter ACL 04-47.

Two of these CAPI State Reports will be forwarded to the Eligibility Worker and Eligibility Work Supervisors for action.

1. CAPI/SSI County Non-Matching SSN - Report # SSP687

This report lists CAPI recipients who have not filed an application for SSI/SSP.

EWs must immediately refer clients on this list to Social Security Administration using the "Referral To/From SSA" (SCD 169) and have the client sign a new "Authorization for Reimbursement of Interim Assistance Initial Payment or Initial Post eligibility Payment" (SSP 14) and ensure it is processed in IDM.

Reminder:

Eligibility staff must obtain a new "Authorization for Reimbursement of Interim Assistance Initial Payment or Initial Post eligibility Payment" (SSP 14) form whenever a client is referred to SSA or it is determined that the client has applied (or re-applied) for SSI/SSP. CAPI/SSI County Matching SSN.

2. CAPI/SSI County Matching SSN - Report # SSP688

This report lists CAPI recipients who have filed an application for SSI/SSP but their SSI/SSP are still pending or the denial are for reasons other than due to immigration status (N13).

EWs must review CAPI eligibility for recipients on this list and discontinue their benefits, if appropriate, with a timely and proper Notice of Action.