

# NC DIVISION OF SERVICES FOR THE BLIND POLICIES AND PROCEDURES VOCATIONAL REHABILITATION

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Section:	S
Title:	Social Security SSA/VR Reimbursement Program Substantial Gainful Activity (2010)
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## I. SSA-VR PROGRAM

The **Social Security Administration-Vocational Rehabilitation (SSA-VR) Program** in the N. C. Division of Services for the Blind (DSB) is a 100% federally funded program of reimbursement of case service and counseling/placement costs for Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) beneficiaries who have received benefits during the course of a Vocational Rehabilitation (VR) program. For the Agency to receive reimbursement, it must show that the eligible individual has earnings equal to or in excess of those determined to be **Substantial Gainful Activity (SGA)**. The SGA amount is determined annually by the SSA.

A designated DSB staff member processes claims to SSA for reimbursement. To file the claim, SSA requires a copy of the individual employment records and earnings from Employment Security Commission (ESC) (or other source if ESC information is unavailable), along with a record of the individual's Social Security benefits during the time the individual received VR Services. With that data, a claim is made for reimbursement of direct service costs plus costs associated with administrative, counseling, placement (ACP) and tracking services.

## II. SSA/VR REIMBURSEMENT FOR BENEFICIARIES WITH BLINDNESS

For the SSA/VR Reimbursement Program, earnings at or exceeding **\$1,640** per month (**January 2010**) for individuals with statutory blindness have been established as an indication of **SGA**. An individual who is legally blind and derives such earnings on the basis of his service is deemed to be working at the SGA Level. If SGA level employment continues for an accumulation of 9 "service months" and the individual was a SSDI or SSI beneficiary at any time during his VR Program, the case service and counseling/placement costs, or a portion thereof, can be reimbursed to the VR Agency from the SSA. For these individuals, an allowance of **\$100 (2010)** for "work tolerance" is added to the monthly earnings. Accordingly, reimbursement can be requested for individuals with blindness who received SSI or SSDI benefits during their rehabilitation program earning a minimum of **\$1,740** per month.

## III. SSA/VR REIMBURSEMENT FOR BENEFICIARIES WITH OTHER DISABILITIES

In addition, the VR Agency can request reimbursement for case service, counseling/placement costs for individuals with **other disabilities** who received SSDI or SSI benefits during the course of a VR program. For disabilities other than blindness, the SGA level is **\$1,000** plus a **\$200** work tolerance (**January 2010**). Accordingly, reimbursement can be requested for these individuals whose monthly earnings equal to or exceeding **\$1,200**.

In either case, earnings at or above the SGA level rate of earning show ability to engage in substantial gainful activity, unless:

- a. the earnings include a subsidy which reduces true earnings to less than the SGA level, or

- b. the work activity can be considered an unsuccessful work attempt because of its short duration and involuntary termination.

Also, individual performing services clearly worth over SGA, accordingly to prevailing pay scales in his community, should be regarded as engaging in SGA, even if he is paid less.

#### **IV. CONTINUOUS PERIOD OF SGA**

The continuous period of SGA consists of a 9-month period during which the beneficiary has worked at the SGA level.

The beneficiary is considered to have completed a continuous period of SGA if the individual performed SGA,

- In 9 consecutive months; or
- In 9 out of 10 consecutive months, regardless of the reason for the 1-month break; or
- In at least 9 months within 11 or 12 consecutive months, if the break in SGA was due to circumstances beyond the individual's control (e.g., layoff) and unrelated to the individual's impairment.