



# Social Security Disability Benefits for Victims of Crimes

April 2020

Securing Economic Rights for Victims with Disabilities Program

# What is MidPenn Legal Services?

- Non-profit public interest law firm
- High quality free civil legal services to low-income residents and survivors of domestic violence and sexual assault in 18 counties in Central Pennsylvania
- Services help to address the basic needs of food, housing, personal safety and income that stabilize families and enhance quality of life for entire communities
- Case Types in FY 2019
  - Family Law (26%)
  - Domestic/Sexual Violence (24%)
  - Housing (24%)
  - Consumer (9%)
  - Public Benefits (8%)
  - Expungement (3%)
  - Healthcare (1%)
  - Low Income Tax Controversies (1%)
- For more info: @LegalMidpenn on Twitter, Youtube, Instagram and Facebook

# What is Social Security Disability?

- Federally funded program that provides benefits if you have a medical condition that has prevented you from working or is expected to prevent you from working for at least 12 months or end in death.
- Two kinds of Social Security Disability:
  - **Social Security Disability Insurance (SSDI)** is for insured workers
    - For those with work history who have paid into the Social Security system through payroll deductions
  - **Supplemental Security Income (SSI)** is for people with little or no income and resources
    - For those completely lacking or with insufficient work history to qualify for SSDI
    - Countable income must be under payment amount \$771 for an individual, \$1157 for a couple.
    - Resources must be under \$2000 for an individual, \$3000 for a couple (residence and car generally don't count).
  - Both programs use the same definition of “disability”

## Securing Economic Rights for Victims with Disabilities Program

- MidPenn has received a federal Victims of Crime Act (VOCA) grant administered by the Pennsylvania Commission on Crime and Delinquency\*
- Purpose is to help crime victims whose disability has a nexus to the victimization to obtain Social Security disability benefits (SSI or SSDI)
- Focus on domestic violence victims

*\*Points of view expressed in this powerpoint do not necessarily represent the official position of the Pennsylvania Commission on Crime and Delinquency*

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### *Who Qualifies as a “Victim of a Crime”?*

- Person who has suffered physical, sexual, financial, or emotional harm as the result of a commission of a crime
- Criminal charges not needed
- Includes a “secondary” victim
  - Person who is impacted by the crime but did not experience the crime itself
    - Example: Child impacted by exposure to domestic violence in the home

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### *Who is Eligible for Service?*

- Crime victims in Bedford, Blair, Centre, Clearfield, Huntingdon, Juniata and Mifflin counties
  - Including but not limited to domestic violence survivors
- A victim of a crime who is unable to work because of a disability related to victimization
- No income ceiling, though other MidPenn funder restrictions apply
- *Stage of the Social Security application process?*
  - Already applied for Social Security disability and received a notice of denial from Social Security

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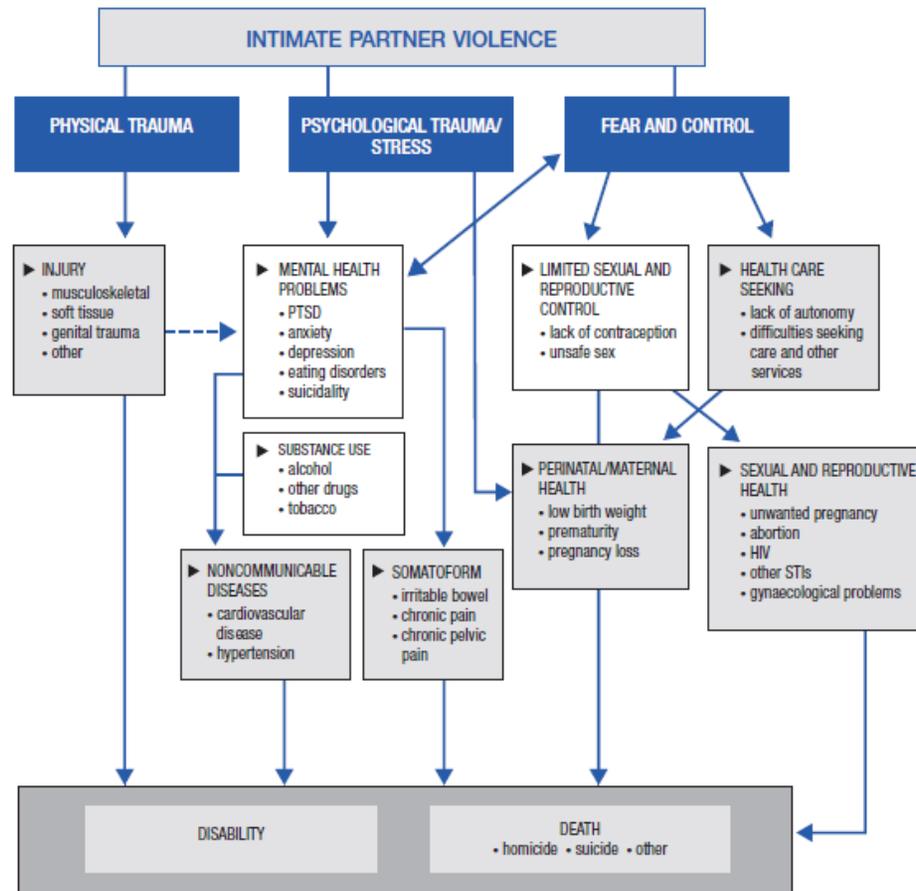
## *Available Services*

In eligible cases, MPLS can:

- Meet with the victim to assess the strength of the case
- File a request for reconsideration or hearing before an Administrative Law Judge (appeal).
- Assist the victim in developing case record for the appeal by collecting all medical evidence related to the disability
- Represent the victim at the appeal hearing before an administrative law judge

From World Health Organization, "Global and Regional Estimates of Violence Against Women: Prevalence of Health Effects of Intimate Partner Violence and Non-Partner Sexual Violence," (2013)

Figure 1. Pathways and health effects on intimate partner violence



There are multiple pathways through which intimate partner violence can lead to adverse health outcomes. This figure highlights three key mechanisms and pathways that can explain many of these outcomes. Mental health problems and substance use might result directly from any of the three mechanisms, which might, in turn, increase health risks. However, mental health problems and substance use are not necessarily a precondition for subsequent health effects, and will not always lie in the pathway to adverse health.

## Traumatic Brain Injury (TBI) in Female Victims of Intimate Partner Violence – An “invisible” and “understudied” public health epidemic”

- ❖ Study reported in 2018 by Dr. Eve Valera, Asst. Prof. of Psychiatry at Harvard Medical School and researcher at Martinos Center for Biomedical Imaging, who volunteered in DV shelter while studying brain injuries in the mid-1990s. See <https://www.health.harvard.edu/blog/intimate-partner-violence-and-traumatic-brain-injury-an-invisible-public-health-epidemic-2018121315529>
- ❖ Of 99 females who experienced IPV interviewed, 75% reported at least one TBI sustained from their partners and about half reported more than one — oftentimes many more than one
- ❖ The more brain injuries a woman reported, the more poorly she tended to perform on cognitive tasks such as learning and remembering a list of words
- ❖ Brain injuries were associated with higher levels of psychological distress such as worry, depression, and anxiety.
- ❖ Results published in the 1990s. Over 20 years later, Dr. Valera remarks “Despite the plethora of concussion-related research in athletics and the military — concussion-related research in the context of intimate partner violence remains scant.” See <https://www.health.harvard.edu/blog/intimate-partner-violence-and-traumatic-brain-injury-an-invisible-public-health-epidemic-2018121315529>

## People With Disabilities are at Greater Risk of Victimization

- In study of 31 women with physical disabilities, 25 (81%) described some experience of sexual, physical or emotional abuse in their lifetimes
- Persons with developmental disabilities have a 4 to 10 times higher risk of becoming crime victims than persons without a disability
- Children with any kind of disability are more than twice as likely as children without disabilities to be physically abused and almost twice as likely to be sexually abused
- Victims with disabilities are more likely to stay longer in an abusive situation and have fewer options for safety due to systemic and physical barriers in the community

## How Can Social Security Disability Benefits Help Crime Victims?

- Critical income source
- Comes with Medical insurance
  - Medical Assistance (Medicaid) with SSI or Medicare with SSDI
- Additional resources for treatment, safety planning, and obtaining stability
  - For domestic violence survivors, economic need is major reason victims stay or return to abusive relationships
- Sense of self-determination and empowerment

## Is the Social Security Disability Process Victim-Oriented?

- Focus on how medical impairments produce limitations in claimant's ability to sit, stand, lift weights of certain amounts, concentrate and maintain pace, interact with others, and adapt and manage oneself etc.
- Focus on whether limitations prevent claimant from working any past relevant jobs or any jobs that exist in sufficient numbers in the national economy
- Not a determination of whether claimant has compelling reasons to remain outside of the workforce or whether work exists that suits claimant's career goals or work-setting preferences
- Victimization may be relevant to cause of the individual's impairments, but no more so than any other event (e.g. work-related accident, other trauma, aging process)

## *Stage of Social Security Disability Application Process?*

- Victims must have already submitted an application and received denial notice
  - In other words, ready to seek reconsideration OR to appeal and request hearing before a judge
  - Note – Victims who have been denied should be referred to MPLS **immediately** given the 60-day period to seek reconsideration or appeal

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## *Child Social Security Disability Cases*

- For adults, SSA looks at how medical impairments and limitations prevent ability to work
- For children, SSA looks at how medical impairments affect child's domains of functioning as compared to a child without impairments of the same age.
  - Acquiring and using information
  - Attending and completing tasks
  - Interacting and relating with others
  - Moving about and manipulating objects
  - Caring for yourself
  - Health and physical well being

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**For referrals: Call MPLS at 717-248-3099, ext. 1503 or  
800-326-9177 Ext. 1503.**

**For questions or additional information:**

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- J.C. Chang, "Helping Women with Disabilities and Domestic Violence, Journal of Women's Health," 2003 Sep; 12(7):699-708.
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- Social Security Administration, [www.ssa.gov](http://www.ssa.gov)
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- Washington State Coalition Against Domestic Violence Online Training Modules, available at <https://wscadv.remote-learner.net/>.
- National Disability Rights Network, <https://www.ndrn.org/>; Disability Rights Pennsylvania, <https://www.disabilityrightspa.org/>

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