

BATTERED AND BROKE: MAKING ENDS MEET WHEN YOUR WORKERS' COMP CLAIM IS DENIED

FENNER & BOLES, LLC



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MEET WHEN YOUR WORKERS' COMP
CLAIM IS DENIED**

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Prepared By
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Attorneys

At Fenner & Boles, each of the partners has more than 25 years of experience helping injured people and their families. In the Philadelphia area and throughout Pennsylvania, our law firm is well regarded by former clients as well as other attorneys.

If you are being given the run-around about workers' compensation benefits, if you have been denied Social Security Disability or Long Term Disability benefits, or if you have been injured in a car accident or through someone else's negligence, talk to one of our lawyers.

The consultation is free. Find out what we can do for you.



Diane Fenner

Diane Fenner graduated from the University of Pennsylvania Law School. She received her Bachelor of Arts degree with honors from Barnard College, and also has a Ph.D. in psychology from Columbia University. Diane has been practicing law since 1983. After 4 years at the prestigious Philadelphia-based defense firm of Pepper Hamilton, Diane switched to a practice exclusively devoted to the representation of injured individuals. As such, she has practiced in various areas of personal injury, including medical malpractice, automobile accidents, premises liability, and product liability.

At the present time, her Philadelphia practice is devoted primarily to workers' compensation matters, where she represents both injured workers and medical providers who are denied payment for their treatment. In addition, she has a national practice specializing in the representation of people injured as a result of pharmaceutical products. She is the co-author of a chapter in ATLA's Litigating Tort Cases entitled "Drugs and Medical Devices," and was involved extensively in Hormone Therapy (Prempro) litigation. Diane also has the following qualifications: Treasurer, Workers' Compensation Section of the Philadelphia Bar Association, Certified Specialist in Workers' Compensation, and Lecturer, Philadelphia Bar Association.



Gregory Boles

Gregory Boles is a graduate of Georgetown University and a graduate of Villanova Law School. Before opening his own practice in 2000, Greg was a partner in Willig, Williams & Davidson, where his practice was devoted exclusively to the representation of injured workers. He is the author of "Consumer's Guide to Pennsylvania Workers' Compensation" and "Caregiver's Guide to Pennsylvania Workers' Compensation Billing." Greg has written extensively on Pennsylvania workers' compensation and has lectured before attorneys, labor unions and advocacy groups for the disabled. Greg also has the following qualifications: Certified Specialist in Workers' Compensation and Super Lawyer since 2007.

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Are other benefits available to me pending the outcome of a claim petition for workers' compensation?

Although disputes concerning your entitlement to compensation benefits may be worked out in short order, it is often necessary for you to win in court. Unfortunately, this can take a long time.

If your claim has lasted for 52 weeks or is expected to last more than 52 weeks, your lawyer will have to take a formal deposition of your doctor during which a court reporter will swear in your doctor and the lawyers for both sides will ask the doctor questions about your condition. Under ordinary circumstances, this deposition must take place within 90 days of the date that you testified.

The insurance company then has 90 days from the date of your doctor's deposition to take their doctor's deposition. There may be factual disputes in the case that cause delays. Reconciling the schedules of the attorneys and the doctor may complicate things. Furthermore, at the final hearing in the case, the Judge will not issue a decision immediately. Instead, the Judge will order both parties to prepare proposed findings of fact and conclusions of law. In these documents, the parties argue why they should win the case. Once the Judge receives these findings, he will review them and make a decision. The Judge is supposed to issue an order within thirty days of the receipt of both parties' briefs, but delays can occur there as well.

Your employer may have sickness and accident insurance. Even if you do not have such benefits, you can apply for unemployment compensation, welfare, Veterans benefits, or pension benefits. If you are totally disabled from all forms of employment, you may seek recovery of social security disability benefits. Before you apply for such benefits, you should consult with an attorney.

You may be eligible for social security benefits pursuant to two programs: disability insurance and supplemental security income. Social security disability is an early retirement program for profoundly disabled individuals. The Social Security Administration will consider all medical or psychiatric problems that you may have in determining whether you are eligible for Social Security disability benefits. Once you receive these benefits for two years, you are entitled to purchase Medicare coverage for your medical expenses. You are only entitled to receive Social Security disability benefits if you are suffering from a physical or medical condition that prevents performance of any substantial gainful work and the condition is expected to last or has lasted for at least 12 months, or is expected to result in death.

If your Social Security disability benefits are approved, the Social Security Administration is entitled to receive an off-set of worker's compensation benefits that are paid to you. While in most circumstances you should apply for Social Security disability benefits if you qualify, it is possible that the Internal Revenue Service will take the position that your worker's compensation benefits are rendered taxable by virtue of an award of Social Security disability benefits.

Supplemental Social Security is available to persons who have not made sufficient contributions to the Social Security system to qualify for Social Security disability benefits. The same disability test is applicable, but you will not qualify if you have more than minimal liquid assets.

In summary, pursuing a workers' compensation claim can be a very lengthy process. Fortunately, there are benefits programs that are available to everyone that can be of special use to injured workers. This booklet contains short descriptions of the many types of benefits available to those who are unfortunately suffering from disabling work injuries.

You can obtain many of these benefits quickly and easily online by clicking [here](#), which will take you to the Compass website.

Additional Benefits Available To Government Employees

There are a number of laws that impose upon governmental entities the obligation to pay special benefits to employees who have suffered work injuries. The two most commonly invoked statutes are the Heart and Lung Act and Act 534. The Heart and Lung Act applies to all state police officers, enforcement officers and investigators employed by the Pennsylvania Liquor Control Board, parole agents, enforcement officers and investigators of the Pennsylvania Board of Parole, any member of the Delaware River Port Authority, police or any policemen, firemen, or park guard of any county, city, borough, town, or township, who was injured in the performance of his or her duties. If you qualify, these benefits are available for any temporary incapacity which results from a work injury. If you are permanently incapacitated from returning to your pre-injury duties, you are ineligible for Heart and Lung Act benefits.

Act 534 covers any employee of a state penal institution or correction institution under the Department of Corrections, and any employee of a state mental hospital or youth development center under the Department of Public Welfare. The Act covers injuries that occur during the course of employment by an act of any inmate or any person confined in such an institution, or by any person who has been committed to an institution by any Court of the Commonwealth, or pursuant to any provision of the Mental Health Act. With respect to any employee of the County Board of Assistance, the injuries are covered if they result from the act of an applicant or recipient of public assistance.

Any employee of the Department of Public Welfare who has been assigned to work or has volunteered to join the fire fighting force of any institution of the Department of Public Welfare and who is injured while on fire fighting duties is also entitled to compensation.

Under both the Heart and Lung Act and Act 534, injured employees are paid their full salary. Under the Heart and Lung Act, these benefits are paid during periods of temporary incapacity. Under Act 534, the injured employee is entitled to receive these benefits until he or she is no longer prevented from returning as an employee of the Department or institution at a salary equal to that earned at the time of the injury. There also are benefits available for the widow or widower and minor dependents of any employee who dies within one year as a result of an injury covered under Act 534.

Sickness, Vacation & Disability Benefits

Your employer or your union may provide sickness and accident benefits. You should apply for such benefits as soon as possible. Please recognize that many sickness and accident programs require that you agree to repay the benefits if you win your claim. You should forward any application for sickness and accident benefits to your attorney for review.

You may also be entitled to use sick and/or vacation pay while your claim is pending. Sick pay is not always identical to sickness and accident benefits. Your employer may permit you to earn accumulated sick time during the course of your employment. You may be permitted to use these benefits while your claim is pending.

If your employer refuses to pay you earned sick or vacation pay, you should notify your attorney immediately. You may have a claim under the Pennsylvania Wage Collection Act (PWCA) for such benefits. The Wage Collection Act provides for payment of interest, penalties, and counsel fees for an employer's unlawful refusal to pay you wages, fringe benefits, and wage supplements.

The PWCA provides that every employer who agrees to provide fringe benefits or wage supplements must make payment of such benefits within ten (10) days after the payments are required to be made directly to the employee, or within sixty (60) days of the date when a proper claim is filed by the employee in situations where no required time for payment is specified. If your employer does not act in accordance with the Act, you have the right to pursue an action to recover these benefits. You may also file a complaint with the Department of Labor, which will take administrative action against the employer. Individual liability may be imposed upon the officer of your employer who made the decision not to pay you sick or vacation pay due, and criminal penalties may also be assessed. Let your attorney know if there is any such refusal and request advice concerning your rights.

Rights for Union Members

If you are a union member who works pursuant to a collective bargaining agreement, it is essential for you to review the terms of the agreement to see if you have protections available to you while you are out in connection with a work injury. The collective bargaining agreement may protect your employment for a time period beyond what is required under the Family Medical Leave act. It may provide for payment of sickness, accident, and vacation pay during your period of disability, or compensation in addition to your workers' compensation benefits. It could contain short term and long term disability benefits, and you may even qualify for a disability pension.

Please note that you may have rights that are not explicitly spelled out in the collective bargaining agreement. If an employer and a union engage in certain practices over the course of time, those "past practices" may confer rights to you that are not contained in the collective bargaining agreement.

Furthermore, there may be other agreements governing your employment other than the collective bargaining agreement. Some union contracts contain all benefits available to employees, including health and pension benefits. Other collective bargaining agreements are bare bones agreements, and if there are any disability, health, or other benefits available to the injured worker, you must review those agreements as well. You certainly should check with your union on this issue, but you also may wish to check with your human resources department.

If you are a union member and you suffer a disabling work injury, one of the first things you should do is obtain a copy of your collective bargaining agreement and find out from your union what benefits may be available to you. If you have an attorney, your attorney should review the agreement as well. Even if your attorney does not have any experience interpreting the language of a collective bargaining agreement, feel free to call our office, as we would be happy to help your lawyer or you at no charge.

Unemployment Compensation

You may collect unemployment compensation benefits while your claim for worker's compensation benefits is pending. If you are disabled from your pre-injury position but are capable of performing lighter work, you will qualify for unemployment compensation benefits if your employer refuses to supply such work to you. Your employer or its worker's compensation insurance company will be entitled to a credit for any unemployment compensation benefits you receive while the petition is pending.

To claim benefits, you need to have earned enough money during your "base year" working at a job that is subject to the Unemployment Compensation Act. Your base year is the first four quarters of the last five completed quarters at the time your claim is filed. The money you made during your base year determines, in part, if and how much you can collect in benefits.

If you are out of work because you quit or committed willful misconduct, you might not be eligible for these benefits, but if you quit because of your injury, you are still entitled to receive benefits.

To collect benefits while you are disabled due to a work injury, you must be able and ready to return to work at light duty

If you are eligible, you will be paid benefits every other week for a limited number of weeks. Ordinarily, you will be paid about half of what your full-time wage.

Because Pennsylvania does not mail unemployment checks, you will be paid either by direct deposit or debit card.

Direct Deposit is the easiest and most convenient way to receive your benefits. To set up direct deposit, you must have your bank account number, routing number, bank address and bank telephone number.

After about four weeks you will start receiving benefits. You will also get a debit card in the mail. The **UC debit card** works just like a regular bank card.

COBRA

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), workers and their families who lose health benefits may continue to obtain group health benefits for limited periods of time. If you work for a company with more than 20 employees and encounter voluntary or involuntary job loss, transition between jobs, reduction in your hours worked, divorce or other life events, you may be able to maintain your coverage temporarily by paying the premium.

For more information concerning COBRA, consult the Department of Labor's webpage:
<http://www.dol.gov/ebsa/faqs/faq-consumer-cobra.html>

Dropping COBRA for Obamacare Marketplace Coverage

You can end COBRA coverage and purchase a plan in the Marketplace during the Obamacare open enrollment period.

You may be entitled to **out-of-pocket costs** or **lower costs on monthly** premiums, depending on your income and household size.

This **tool** allows you to analyze available Marketplace plans and estimate your premium.

When you file a Marketplace application you will also learn if you are eligible for **Medicaid** and the **Children's Health Insurance Program (CHIP)**.

Do not let your COBRA coverage end before your Marketplace plan begins or there will be a coverage gap.

If your COBRA coverage expires, you will qualify to apply for a Marketplace plan during a **special enrollment period**, which permits you to enroll outside the open enrollment period.

Must my employer keep my position open for me if I suffer a work injury?

The Worker's Compensation Act is silent regarding this issue. Accordingly, nothing in the Worker's Compensation Act prevents your employer from firing you after you suffer a work injury. If your employment is terminated because you filed a worker's compensation claim, you may have the right to pursue a wrongful discharge lawsuit. If you are a union member, your collective bargaining agreement may contain provisions that strictly limit your employer's right to terminate you.

The Family and Medical Leave Act grants you the right to 12 weeks of unpaid leave time per year if you are suffering from a serious medical condition. This protection is available only if you have worked a sufficient number of hours in the year preceding the first day of leave, and your employer is large enough to be covered by the law.

The Americans with Disability Act prohibits employers from discriminating against qualified individuals with permanent disabilities. The Act imposes upon employers the obligation to make reasonable accommodations to known physical and mental impairments provided the person can perform the essential functions of the job. The Americans with Disability Act does not distinguish between work related and non-work-related impairments.

Companies that have federal government contracts over \$2,500 and hire subcontractors are subject to Section 503 of the Federal Rehabilitation Act of 1973, which provides that such firms may not discriminate against disabled workers, must maintain affirmative action programs, and must make reasonable accommodations to retain and hire workers with a wide range of handicaps. If they do not comply with these provisions, the Federal Government may cancel their federal contracts.

The termination of a disabled employee may be an attempt to discharge an older worker in violation of state and federal statutes prohibiting age discrimination. If you are between the ages of 40 and 70, you should consider an age discrimination lawsuit. Please remember that prompt action must be taken on such claims, as complaints with the Equal Employment Opportunity Commission must be filed within 180 days of the alleged discriminatory act.

Pension Benefits

Your attorney should review your pension agreement to determine whether you are eligible for disability, early retirement, regular disability, or regular retirement benefits. You should obtain a copy of your pension agreement and forward it to your attorney with a request that the agreement be reviewed to determine what type of benefits are available to you.

The worker's compensation insurance company is entitled to receive a credit for any pension benefits you receive to the extent that those benefits were funded by your time of injury employer. If you defer collecting your pension, you may be able to collect larger benefits later on and may be able to settle your worker's compensation case on more favorable terms. Your pension plan may give you the right to recover disability pension benefits. You should check with your personnel office to determine what benefits are available, and consult with an attorney before applying.

Federal Benefits for Veterans, Dependents and Survivors

Veterans of the United States armed forces have many benefits and services available through the U.S. Department of Veterans Affairs (VA). For additional information, visit:

http://www.va.gov/opa/publications/benefits_book/2013_Federal_Benefits_for_Veterans_English.pdf

Eligibility for most VA benefits is based upon discharge from active military service unless you have been dishonorably discharged, in which case benefits may be barred. Certain VA benefits require Wartime Service.

If you have an outstanding felony warrant, you are not entitled to VA benefits.

Important Documents: If you are applying for a VA benefit for the first time, you need to submit a copy of your service discharge form, which sets forth your service dates and type of discharge, or provides your full name, military service number, and branch and dates of service.

Make sure you keep your service discharge form should be kept in a secure place accessible to you, your next of kin, or your designated representative.

eBenefits: eBenefits is a Web portal that provides resources to Servicemembers, Veterans, and their families to apply for and manage their VA and military benefits.

Through eBenefits you can apply for benefits, view your disability compensation claim status, obtain access to official military personnel documents, obtain a VA-guaranteed home loan Certificate of Eligibility, and register for direct deposit of certain benefits. To gain access to this resource, click here:

www.ebenefits.va.gov.

May I receive welfare benefits if my claim is denied?

If you are disabled and have children under the age of eighteen, very limited family income, and few liquid assets, you may be eligible for temporary assistance to needy families through the Department of Public Welfare.

General assistance benefits are available to adults without children. Applications must be filed with the Department of Public Welfare or County Board of Assistance. For low income families or individuals,

food stamps are available for buying groceries and certain household goods. You may be entitled to food stamps even if you are receiving Workers' Compensation benefits. Applications for these benefits may be filed with the Department of Public Welfare. To apply, [click here](#).

You may be eligible for Medicaid or Medicare benefits to cover medical expenses. The Department of Public Welfare administers Medicaid and the Social Security Administration administers Medicare, which is available only to retired workers or persons receiving Social Security disability benefits for two years or more.

Pennsylvania Medicaid Program

If you have limited income, no health insurance and high medical expenses, Medicaid is available to pay your health care providers. In some cases, you may be eligible to have your providers paid for healthcare services provided up to 90 days before the month in which you file your Medicaid application.

Pregnant women, children, older or disabled adults who meet financial and citizenship requirements are eligible for benefits.

If you are temporarily disabled or caring for a disabled family member, you may be eligible for benefits.

If you believe you are entitled to Medicaid, contact your local County Assistance Office. If you are denied and you believe the denial is wrong, you may call the Pennsylvania Health Law Project at 1-800-274-3258.

What are waiver programs?

Home and community based waiver programs can provide you with services such as home health aide, transportation, and personal attendant services. If you require assistance with activities of daily living or have certain functional limitations and also meet certain financial requirements, waiver services are available. For additional information, call the DPW public information Helpline at 1-866-286-3636 or click on the following link:

<http://www.dpw.state.pa.us/foradults/healthcaremedicalassistance/longtermcareservices/>

Does a physician have a role in determining eligibility?

If you are temporarily or permanently disabled, your physicians will have a key role in helping you obtain Medical Assistance.

Program contact information

For more information about the Pennsylvania Medicaid program, contact the Welfare Helpline at 1-800-692-7462.

If you have a hearing impairment, call 1-800-451-5886.

To apply, contact the County Assistance Office in the county where you live. Phone numbers and addresses of local offices can be found in the blue pages of the phone book or at the following link: <http://www.dpw.state.pa.us/findfacilsandlocs/countyassistanceofficecontactinformation/>

Benefit application forms can also be downloaded from the following link: <http://www.dpw.state.pa.us/applyforbenefits/index.htm>

You may also apply online at: <https://www.humanservices.state.pa.us/compass/CMHOM.aspx>.

Women, Infants & Children's Program

Who is Eligible for WIC? How do I Apply?

- Infants and children aged five or less;
- Pregnant women or women who have given birth in the past six months (twelve months if breastfeeding); and
- Fathers, grandparents and foster parents, who are the legal guardian of children up to 5 years old.

Applicants must be Pennsylvania residents, have a nutritional or medical risk, and have household income less than 185% of the U.S. Poverty Income Guidelines.

Unfortunately, WIC does not have an on-line application. To apply you must call your local WIC agency, which can be found at this link: <http://www.wicprograms.org/state/pennsylvania>

You may also call 1-800-942-9467 to be connected to a WIC office.

For a list of items you need for your appointment at the WIC office. Click [here](#) for the list of items. For more information, consult the WIC website at www.pawic.com.

Farmers Market Nutrition Program (FMNP) & Senior Farmers Market Nutrition Program (SFMNP)

WIC recipients and eligible seniors may obtain fresh, nutritious, unprepared, locally grown fruits, vegetables, and herbs from authorized farmers and farmer's markets through the WIC Farmers Market Nutrition Program (FMNP) and Senior Farmers Market Nutrition Program (SFMNP). Only by the State agency may accept and redeem FMNP and SFMNP checks. To find an authorized farmer near you, follow the instructions on the following link:

<http://pameals.com/MealsPublic/FarmMarkets/MarketSearch.aspx?pc=fmnp>

SFMNP- If you are 60 years or older by December 31st of the program year and have household income less than 185% of the federal poverty income guidelines, you may be eligible for these benefits.

How the Program Works for Recipients:

If you are an eligible WIC recipient, you will receive receive FMNP benefits in the months of May - September during your quarterly WIC visit. If you are an eligible senior recipient, you may obtain the benefit by going to a distribution site in your county. To find a distribution site, call the county aging office where you reside. You will be given a list of authorized farmers and farmers' markets when you get your check, which can be redeemed for fresh fruits and vegetables grown in Pennsylvania. For more information, click [here](#).

Home & Community-Based Services

If you have a mental illness, intellectual disability, and/or physical disability, you may receive services in your own home or community through the Home and Community-Based Services program (HCBS). For more information, follow this link:

<http://www.dpw.state.pa.us/forchildren/healthcaremedicalassistance/homeandcommunitybasedservices/>

HUD's Public Housing Program

What Is Public Housing?

Low-income families, the elderly, and persons with disabilities may be entitled to decent and safe rental housing through HUD's Section 8 housing program. To apply for public housing, contact your local Housing agency (HA), which you can locate here:

<http://www.hud.gov/offices/pih/pha/contacts/states/pa.cfm>

Your application for housing must be written either you or your HA representative. To determine eligibility, the HA needs the following information:

- (1) Your address and telephone number;
- (2) An estimate of your family's anticipated income for the next year;
- (3) The sources of that income;
- (4) Names and addresses of employers and banks the HA will need to verify your income and deductions;
- (5) Names, sex, date of birth, and relationship to the family head of all persons who will live in the housing;
- (6) Information about your family's characteristics such as whether there are veterans in the family or circumstances that might qualify you for preferences in tenant selection;
- (7) Information to corroborate your family composition;
- (8) Names and addresses of your current and previous landlords to determine your suitability as a tenant; and
- (9) Any other information the HA may need to determine your eligibility.

Please note that the HA may visit your home to interview you and your family members and see if your current home is well-maintained.

After obtaining this information, the HA representative should describe the public housing program and its requirements, and answer any questions you might have.

You will be required to produce documentation such as tax returns or birth certificates to verify your application. You will be required to sign a form to authorize the release of relevant information.

If you are eligible, your name will be placed on a waiting list if the HA is unable to assist you immediately. The HA will contact you when your name is reached. If the HA rules that you are ineligible, it must explain why. You can request an informal hearing if you believe the decision is not correct.

You must sign a lease with the HA and may have to provide a security deposit if you accept an offer of a house or apartment. Make sure to review the lease with the HA representative to ensure that you understand your responsibilities as a tenant and the HA's responsibilities as a landlord.

To direct limited housing resources to those with the greatest needs the HA may give preference to specific groups of families.

Because the demand for housing often is greater than the resources available the HA, it may take a long time for your name to be reached on the waiting list. Sometimes an HA will stop placing people on the waiting list if they cannot be accommodated in a reasonable time.

HAs may establish preferences to reflect needs of the community. Ask the HA about preferences to learn if you qualify.

For more information, consult this link: <http://www.hud.gov/offices/pih/pha/contacts/states/pa.cfm>

Social Security

If you have a disability that impairs you from all employment has lasted one year or is expected to last for more than one year; and you are unable to earn an income greater than the amount allowed by the Social Security Administration, you may qualify for benefits under these programs:

Social Security Disability (SSD) pays benefits to you and certain members of your family if you are "insured," which means that you paid Social Security taxes and worked long enough. To obtain more information or to apply online, click here: [Security Disability Insurance](#)

Supplemental Security Income (SSI) pays benefits based on financial need. To obtain more information, follow this link: [Supplemental Security Income](#)

You want to hire an attorney to assist you unless it is obvious that your disability impairs you from all employment.

After applying, the Social Security Administration will collect medical and other information from you to make a decision about whether you meet [Social Security's definition of disability](#).

To determine your eligibility, use the [Benefits Eligibility Screening Tool](#).

If your application has been denied, use the [Internet Appeal](#) to request a review of the decision.

If you are denied for:

- Medical reasons, submit the Appeal Request and Appeal Disability Report online. The disability report asks for information about your medical condition since the date of the Social Security Administration's decision.
- Non-medical reasons, [contact your local Social Security Office](#) to request a review.
- You also may also call 1-800-772-1213 to request an appeal, but you may have a lengthy wait. If you are hard of hearing call the Social Security Administration at 1-800-325-0778.

What is the difference between Social Security disability (SSDI) and Supplemental Security Income (SSI) disability?

For complete information on SSDI, follow this link: [Social Security Disability](#)

For complete information on SSI, follow this link: [Supplemental Security Income](#)

| | SSDI | SSI |
|-------------------------|--|--|
| Eligibility | To be insured for benefits, a disabled or blind individual must have paid Social Security taxes. | To be eligible, a disabled or blind adult or child must: Have limited income and resources ; Live in the United States or Northern Mariana Islands; and Be a United States citizen or national, or be in one of certain categories of aliens. |
| Payment | Your monthly disability benefit amount will be calculated in accordance with your social security earnings record. | Your monthly payment is based on need up to the maximum federal benefit rate . Some states, including Pennsylvania, add money to federal SSI payments. http://www.ssa.gov/pubs/EN-05-11150.pdf |
| Medical Coverage | After receiving disability benefits for two years you get Medicare coverage. | In most states, including Pennsylvania, beneficiaries are automatically eligible for Medicaid . |

Social Security Benefits for Children

If you are a disabled parent, you may be eligible for a higher monthly benefit to you assist in supporting your children.

Adult disabled children may also be eligible for Social Security benefits, even if they have not worked. If you worked, your disabled adult child may be entitled to benefits if:

- They became disabled before reaching age 22; and
- They either have a deceased parent or a parent receiving social security benefits.

Children may also receive Social Security benefits if they have severe functional limitations and: Children may be eligible for benefits if they became disabled before reaching 18. After reaching age 18, the parent and child must have low income.

In general, benefits are given automatically to children who are blind or deaf or have certain conditions such as Cerebral Palsy, Down Syndrome, Muscular Dystrophy or HIV.

Medicare

If you are 65 or older or have collected social security disability benefits for two years, you are guaranteed health coverage through Medicare.

Medicare's health coverage comes in parts, and generally:

Medicare helps pay for hospital, doctor bills and needed medications for those who choose to buy the optional prescription coverage.

You may choose between a fee-for-service plan (which allows you to see the doctor of your choice) and a Medicare Advantage plan, which is a private insurance option similar to an HMO (Health Maintenance Organization) or PPO (Preferred Provider Organization).

Because Medicare does not provide coverage for all health needs, a typical recipient spends nearly 20 percent of his or her income on medical expenses, averaging about \$4,600 a year.

Medicare doesn't cover (1) Out-of-pocket health care costs including premiums, copays and deductibles; (2) Dental, hearing and vision care; and (3) Long-term nursing home care or routine assistance with daily activities at home (such as eating, bathing and dressing).

PACE, PACENET, and PACE Plus Medicare

Pennsylvania's medical prescription assistance programs for older adults (PACE, PACENET and PACE plus Medicare) offer low-cost prescription medication to qualified residents who are over 65. For information, contact the Pennsylvania Department of Aging at 1-800-225-7223.

You are not eligible for PACE and PACENET if you are currently receiving the Department of Public Welfare's Medicaid prescription benefit.

If you are a single person, your income must not exceed \$14,500 to be eligible for PACE. For married couples, combined total income must not be more than \$17,700.

To be eligible for PACENET, your income can be between \$14,500 and \$23,500 if you are a single person. For married couples, combined total income can be between \$17,700 and \$31,500.

Under PACE Plus Medicare, you will receive a supplement to your PACE/PACENET coverage for Medicare Part D prescription coverage.

For more information or to apply online, visit the [PACECares website](#).

Earned Income Tax Credit

The Earned Income Tax Credit (EITC) is a tax credit for low to moderate income working individuals to help them keep more of what they earned.

To be eligible, you must meet certain requirements and file a tax return, even if you are not required to file or do not owe any tax. For more information, visit the IRS website by clicking [here](#).

Pennsylvania Child Support Enforcement Program

The Department of Public Welfare, Bureau of Child Support Enforcement (BCSE) oversees the Pennsylvania Child Support Enforcement Program.

The Domestic Relations Section (DRS) of your county Court of Common Pleas provide child support enforcement services. Your DRS will help you to establish paternity, apply for child support services, and enforce support orders. Call your local DRS office to schedule an appointment. To find your local DRS office, [visit here](#).

The Department of Public Welfare has prepared an online questionnaire to make it easy for your DRS to open a new support case. [Click here](#).

Make sure you talk to your DRS representative about safety measures if you have domestic or family violence concerns.

Your DRS can help if the parent owing child support lives in another Pennsylvania county, a different state or even another country. If you do not know where your child's other parent lives, ask the DRS to refer you to the Parent Locator System. To find the parent, you will have to provide the DRS with the other parent's name, date of birth, and Social Security number, if you know it. You should provide as much information as possible to aid in the search.

Child support payments are calculated using the Pennsylvania Support Guidelines, which are based on the needs of the child and the ability of the parents to provide child support until the child turns 18 or graduates from high school, whichever occurs later, unless otherwise ordered by the court. Either parent may be ordered to provide medical support if it is available at no cost or at a reasonable cost.

"Reasonable cost" is defined as an amount not to exceed five percent of the net monthly income. The incomes and assets of both parents are considered when the court establishes a support order. For detailed information about the support guidelines, check under "Frequently Asked Questions" on the Pennsylvania Child Support website at www.childsupport.state.pa.us. The website also includes the Pennsylvania Support Estimator, which you can use to estimate the amount of your monthly child support obligation. However, the court will establish the amount of monthly support, and it may be different than the amount on the Support Estimator.

The Support Order

The support order lists the details about child support payments, including how much and how often support payments and other expenses the noncustodial parent must pay, including medical support.

The Pennsylvania Support Guidelines set the standards by which the income and expense information provided by the parents are used to calculate support.

A support order may be appealed by either party.

Modifying the Child Support Order

If a parent feels there are changes in circumstances that affect the child support order payment amount, a parent may file a petition with the court to review or modify the support order at any time.

Furthermore, every three years the DRS will send each parent a notice asking if they want their support case reviewed. The review may result in an appropriate increase, decrease, modification, or termination of the order based on the best interests of the child. The following factors related to the child support order are considered:

- The parents are now living together.
- The child starts living with the noncustodial parent or someone other than the custodial parent/plaintiff.
- The child receiving support is 18 years of age and graduated from high school.
- The noncustodial parent is incarcerated.
- The income of either parent significantly increases or decreases.
- The child now has significant or continuing medical expenses.

- Child care and/or medical insurance changes.
- Other substantial changes in circumstance occur.

There may be a fee to accept a request for a modification. You may be excused from paying the fee by filing a petition to proceed In Forma Pauperis, which allows you to proceed with your petition even if you cannot afford the fees.

For Your Information

For more detailed answers to any questions you may have concerning PA child support enforcement or modification, see <https://www.humanservices.state.pa.us/csww>. You can also call the Child Support Helpline at 1-800-932-0211 or the local DRS for more information.

Special Kids Network (SKN)

The SKN, in partnership with the PA ELKS Home Service Program, <http://www.paelkshomeservice.org/> helps the families of children and youth with special health care needs to obtain services they need to function as contributing members of their communities. These services are free.

The SKN offers:

- Information for special needs children on health care resources, assistive technologies, recreation and leisure activities and much more.
- Support to families to ensure their children have access to services, education and employment.

Contact: SKN / Phone: 1-800-986-4550 / Website: www.gotoskn.state.pa.us.

What is Head Start?

Head Start is a preschool program for low-income families to help their children under 5 obtain a proper early childhood education. Children in the program get health checkups and treatment, including oral health screenings, and a nutritious daily meal.

Families wishing to enroll their children in Head Start or Early Head Start must meet income eligibility requirements but the services are provided free. To qualify, a family of four must have an income of less than \$20,000. For the current Federal Poverty Guidelines, [Click here](#). For information on how to enroll in either Head Start or Early Head Start, [Click here](#).

For more information, please visit: <http://www.paheadstart.org/>

Conclusion

We hope that this booklet has been of some assistance to you in trying to find ways to support you and your family during this difficult period. Feel free to contact us at no charge for any assistance you may need in connection with your workers' compensation matter or the benefits described in this booklet. If you are represented by another lawyer, we would be happy to provide your attorney with help regarding these benefits at no charge.

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