



Capitol Hill Briefing:
The Need to Strengthen and Restore SSI
April 17, 2013

Representative Raul Grijalva, Honorary Host
National Senior Citizens Law Center, Sponsor

By Zoe Paolantonio, Staff Attorney at Whitman-Walker Health Legal Services Program

Good afternoon, Representative Grijalva and invited guests. My name is Zoe Paolantonio, Staff Attorney at the Whitman-Walker Health (WWH) Legal Services Program.

WWH provides high quality, affirming medical and legal services to more than 13,000 individuals in Washington DC, Maryland and Virginia, many of whom are low income and living with HIV or identify as gay, lesbian, bisexual and transgender. Our legal services program practices in a variety of areas which are important to WWH's patients, including employment discrimination, medical privacy, estate planning, immigration, health care law, and, my practice area, public benefits. We help many of our clients navigate SSI program rules to ensure they receive the benefits they need and are entitled to.

Today, I'd like to highlight the experience of our client Mr. Reneto Wilkins, who had his SSI benefits cut off when he had more than \$2,000 in his savings account. Mr. Wilkins is here with me today, and he asked me to share his story in hopes that it will inspire support for this bill.

Mr. Wilkins is a lifelong DC resident who has been living with HIV/AIDS and schizophrenia for over 30 years. He has served as an out-spoken HIV awareness advocate, and has even volunteered with the Washington Metropolitan Public Health Association, Howard University, and the World AIDS Conference. However, as the result of these disabling conditions and their symptoms, which include cognitive impairment and severe memory loss, Mr. Wilkins has never been able to work. Therefore, his only income has been from SSI benefits since the 1980s. Today, Mr. Wilkins relies on various social services programs for daily mental health support and help with basic activities. He is a long time patient at Whitman-Walker Health's Max Robinson Center in Southeast DC, where he receives daily support including critical medical care, social support, legal services and advocacy, and food assistance from our holistic health care team.

In February 2012, the Social Security Administration suspended Mr. Wilkins' SSI benefits because he had more than \$2,000 in his savings account. Mr. Wilkins had indeed accumulated about \$3,500 in savings by not spending his entire SSI check each month.

Mr. Wilkins brought me the notice from SSA and didn't understand why he had been cut off. When I explained the rule that his savings or assets had to be below \$2,000, he was shocked. He did not remember ever hearing about the rule before and he did not know that by saving money, he was breaking SSI program rules. He clearly understood his obligation was to use this money as prudently as possible and felt he was doing that by trying to reserve part of his modest check each month.

He was very concerned that he would once again become homeless because he would not be able to pay his rent of \$64.00 per month for his federally subsidized Section 8 apartment. He also worried that he would lose his Medicaid coverage, which he needs to cover his life saving medical care and medications. He told me that he asked the SSA claims representative what he would do without his SSI check, and she told him that he could live on his savings – just \$3,500 (\$1,500 over the asset limit).

Mr. Wilkins knew that this money wouldn't last and that he needed his monthly benefits. After understanding Mr. Wilkins current ordinary living needs, I helped him buy a winter coat, clothing, non-perishable groceries, and a bed— all things that he had been going without in order to use his benefits prudently.

When his savings were below \$2,000, SSA re-started his monthly benefits. SSA then assessed an overpayment for the entire three-year period that his account totaled more than the \$2,000 limit. That meant he would have to pay back the \$18,000 in benefits that he received over the three years that he had the extra money in his account. Losing his SSI check on which he relied for two months and the worry about this huge debt was very difficult for Mr. Wilkins.

Mr. Wilkins' benefits were restored and I am pleased to report that we learned last week that SSA granted our request to waive recovery of the overpayment. However, it is important to note that it took over one year of legal advocacy to win this appeal. Most people in his situation likely wouldn't know how to re-qualify for these critical lifeline benefits or understand that they have appeal rights or the opportunity to try to seek a waiver of recovery of the overpayment.

Mr. Wilkins' case shows how the current SSI asset limit is jeopardizing these lifeline benefits for extremely low-income people. As you can see, Mr. Wilkins was working hard – going without – to use his benefits as prudently as possible. He did not have a winter coat or a bed because he was trying to use his benefits as wisely as possible, and got penalized for doing so. The monthly SSI payment is only \$710 per month. SSI recipients must be permitted to save a reasonable amount of money for an unexpected expense—a break in, a hospital bill, an especially cold winter and spring. A more realistic asset limit will give SSI recipients a greater opportunity to take care of themselves without living in fear of unexpected emergencies.