



Federal Benefits and National Service

Some of the most frequently asked questions about national service and people with disabilities center on how national service stipends will affect federal benefits, like social security or Medicaid. It is important to inform all potential and current national service participants that taking part in national service may have an impact on federal benefits. This information will help individuals determine which national service program is right for them and their unique circumstances. Potential and current national service participants should also be informed about the resources available to help guide them through the process of determining a potential impact.

Navigating the social security system can be confusing, and national service program staff are not expected to become experts on disability benefits. The following information will help you better understand the system and provide resources to help you assist national service participants with finding solutions to questions that may arise during their service.

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Supplemental Security Income (SSI) & Social Security Disability Insurance (SSDI)

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

- **SSI** is a program that offers a monthly cash benefit to individuals who are aged, blind, or who have a disability and have limited income and resources. It also may pay monthly benefits to children with disabilities under the age of 18 who come from low-income families. Many people who receive SSI have some earnings as well. For someone who is working to be considered for SSI, earnings generally need to be below Social Security's Substantial Gainful Activity level.
- **SSDI** provides cash benefits to individuals who are blind or have a disability and have worked and paid Social Security taxes for enough years to be covered under Social Security Insurance. SSDI may be received by the worker, the worker's widow(er), the surviving divorced spouse, or the worker's adult child with a disability. Many people who receive SSDI have some earnings as well. As with SSI, if someone is working when they apply for SSDI, earnings generally need to be below Social Security's Substantial Gainful Activity level.

Both SSI and SSDI:

- Are administered by the federal Social Security Administration.
- Will pay a monthly benefit to persons with disabilities who qualify.
- Require the same medical qualifications to be eligible for benefits and follow the same guidelines in determining whether or not an applicant has a disability.

Amount of Monthly Benefit:

- Some states provide *supplements* to this amount that are added to the individual's SSI checks while other states run their own State Supplement programs. In the states that run their own programs, an application must be made to the specific state agency overseeing the State Supplement program. The amount of supplement varies based upon the state of residency and living arrangements such as: living independently or with a roommate, living in a board and care facility, living rent-free, etc.
- SSDI pays a monthly benefit. Some individuals are eligible for a combination of both SSI and SSDI based upon the amount being received by SSDI.

Additional Resources:

- Social Security Administration (SSA): <http://www.ssa.gov/>
- Supplemental Security Income (SSI): <http://www.socialsecurity.gov/ssi/>
- Social Security Disability Insurance (SSDI): <http://www.socialsecurity.gov/disabilityresearch/wi/generalinfo.htm#ssdi>
- How Payments and Services Received Under the Corporation for National and Community Service (CNCS) Can Affect Social Security and SSI Benefits: <http://www.socialsecurity.gov/disabilityresearch/cncs.htm>

**Information compiled with assistance from Joyce Armstrong, Connecticut DSS/Bureau of Rehabilitation Services Connect to Work Center and Lanny Taulbee, Disability Coordinator of Kentucky Commission of Volunteerism and Service.*



The H.E.A.R.T. Act

On June 17, 2008, President Bush signed into law H.R. 6081, the Heroes Earnings Assistance and Relief Tax Act of 2008 (“the HEART Act”), making AmeriCorps more accessible to people with disabilities.

How does the HEART Act make AmeriCorps more accessible to people with disabilities?

Supplemental Security Income (SSI) is a Federal program that provides a monthly cash benefit to low-income individuals who are aged, blind, or who have a disability. In the past, receiving an AmeriCorps living allowance could disqualify an individual from eligibility. The new law directs the Social Security Administration to ignore an individual's receipt of AmeriCorps benefits for purposes of SSI eligibility.

Why did Congress make this change?

This brings all AmeriCorps members under one treatment of benefits rule for SSI. In the past, law from countable income for SSI purposes excluded only AmeriCorps*VISTA benefits.

Which AmeriCorps benefits are excluded from countable income?

The Heart Act excludes “any benefit (whether cash or in-kind)” and so covers the living allowance, health insurance, childcare, and the education award (and related interest payments).

What other items are excluded from countable income under the SSI program?

The SSI program rules exclude specific amounts of earned income, unearned income such as tuition scholarship and disaster relief payments, and resources such as a residence or household automobile.

Why doesn't the law cover both SSI and SSDI?

Social Security Disability Insurance (SSDI) is a Federal program that provides money to individuals with disabilities based on their having paid into the insurance program. There are separate laws and regulations for SSDI eligibility and the HEART Act moved through Congress too quickly to include SSDI. We hope that Congress will extend the AmeriCorps exclusion to SSDI in the near-future.

When did the law take effect?

The exclusion of AmeriCorps benefits took effect for benefits payable after August 16, 2008.

Does the HEART Act affect former AmeriCorps members as well as current members?

Yes, the exclusion covers benefits beginning on the effective date, regardless of the status of the AmeriCorps member.

**Information about the HEART Act is available on the Corporation for National and Community Service's Accessibility page at:*

http://www.nationalservice.gov/home/site_information/accessibility.asp



The ADA and the Family and Medical Leave Act

How does the Family and Medical Leave Act apply to national service programs?

The Family and Medical Leave Act requires that certain employers grant certain employees up to a total of 12 workweeks of unpaid leave during any 12-month period for any one of a number of reasons, including a medical leave when the employee is unable to work because of a serious health condition. Although AmeriCorps members are not employees, they can receive FMLA protections, as long as certain conditions are met: the member must have served in AmeriCorps for at least 1,250 hours and 12 months.

However, if these requirements are not met a program director has the flexibility to grant leave when appropriate. For example, if a member is pregnant and her health is not good, the program might permit her to go on temporary leave rather than suspend the member, in order to continue her benefits.

It should be noted that the period of any absence of a participant from a service position pursuant to the Family and Medical Leave Act is not counted toward the completion of the term of service of the participant.

The aforementioned information was taken from:

http://www.americorps.gov/help/ac_sn_all/ASN_Megasearch_Site.htm

FAQ Number: 070206 and FAQ Number: 07 Prov. IV. I. 8 (subheading FMLA)

Read the statute which authorizes this policy:

[http://www.americorps.gov/help/ac_sn_statute/SUBTITLE_F ADMINISTRATIVE PROVISIONSSEC 171 42 U S C.htm](http://www.americorps.gov/help/ac_sn_statute/SUBTITLE_F_ADMINISTRATIVE_PROVISIONSSEC_171_42_U_S_C.htm)

Read the Regulation which discusses this requirement:

http://edocket.access.gpo.gov/cfr_2007/octqtr/pdf/45cfr2540.220.pdf

The ADA's Relevance to National Service Programs

Section 504 of the Rehabilitation Act lays the foundation for nondiscrimination in national service programs. Specifically, it states that "no otherwise qualified individual with a disability... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...."

In the spirit of the foregoing rule, recipients of CNCS grants are further prohibited from "discriminat[ing] against a participant... on the basis of disability, if the participant or member is a qualified individual with a disability." 42 U.S.C.A. sec. 12635(a)(1). Additionally, recipients agree to "provide reasonable accommodation[s...], based on the individualized need of a participant who is a qualified individual with a disability...." 42 U.S.C.A. sec. 12594(f)

Although the ADA is not mentioned above, the rules and interpretations of the ADA are used when evaluating disability inclusion in CNCS programs because the CFR states that the ADA should be used as a reference when dealing with disability inclusion:

* 45 C.F.R. sec. 2510.20 states "[t]he term qualified individual with a disability has the meaning [as found in] the Americans with Disabilities Act...."



* 45 C.F.R. sec. 2522.100 states that recipients of CNCS funding must provide reasonable accommodation "as defined in... the Americans with Disabilities Act...."

Therefore, although Section 504 and 42 U.S.C.A. sec. 12635(a)(1) are the laws which govern disability inclusion in national service, the CFR instructs one that the ADA, by analogy, can give specific guidance on disability inclusion in CNCS programs.

CNCS has posted a primer on disability law for grantees on its website; download it at: http://www.americorps.gov/pdf/disab_law_grte.pdf

Read the statute that prohibits discrimination:
http://www.americorps.gov/help/ac_sn_statute/SEC_175_42_U_S_C_12635_Nondiscrimination.htm

Read the statute that requires reasonable accommodations to be provided when appropriate:
http://www.americorps.gov/help/ac_sn_statute/SEC_140_42_U_S_C_12594_Living_allowances_for_national.htm

Additional Support – Michigan WIPA

If potential or current national service participants need additional assistance determining how their benefits might be affected by participating in national service, they can contact the designated WIPA in their county.



The Work Incentives Planning and Assistance (WIPA) project is a federally-funded initiative to educate and assist individuals with disabilities – and those who support them – to understand the benefits and risks of going back to work/serve, and/or increasing their work income. The goal of the project is to assist individuals to have a better quality of life and contribute to their communities as working citizens. There is no cost to consumers for this service. A WIPA can assist a potential or current service member in determining how government benefits may or may not be affected by participating in national service.

To find the WIPA contact information for each county, visit:
<http://www.arcmi.org/new/wipa.htm>.



AmeriCorps*State/National vs. VISTA Comparison Chart

AmeriCorps*State/National	AmeriCorps*VISTA
The Heroes Earning Assistance and Relief Tax Act of 2008 (HEART Act) contains a provision that excludes AmeriCorps*State and National program benefits from being counted as income for purposes of eligibility for Supplemental Security Income (SSI). An SSI recipient enrolled in AmeriCorps on or after September 1, 2008 will no longer risk the loss of SSI benefits or eligibility as a result of participating in AmeriCorps.	The Domestic Volunteer Service Act makes benefits received to be fully excluded from countable income. What this means is that by serving as a VISTA, benefits will not be affected.
Q: Will the following benefits be affected by my participation in a national service program?	
AmeriCorps*State/National	AmeriCorps*VISTA
SSI: Supplemental Security Income	NO
SSDI: Social Security Disability Income	NO
Food Stamps	NO
Pell Grant	NO
HUD Housing programs	NO
Veterans benefits	NO
Medicaid	NO
Medicare	NO
Trial Work Period	NO
Temporary Assistance for Needy Families (TANF)	NO
Q: Is the living stipend I receive considered income if I am receiving SSI?	NO
Q: Is the living stipend I receive considered income if I am receiving SSDI?	NO