

5.6 POTENTIAL RESOURCES

The following are potential resources for which the client may be eligible:

A. SSA BENEFITS

1. Supplemental Security Income (SSI)

a. Description

SSI is federally administered public assistance which replaced the former State administered programs of Old Age Assistance, Aid to the Blind and Aid to the Disabled. To meet eligibility requirements for SSI the client must:

- Be age 65 or over, or blind or disabled.
- Be a U.S. citizen or a legally admitted alien.
- Not be residing in a public institution.
- Have income and assets which are within SSI limits.

b. Who Should be Referred for SSI Benefits

Any adult or child who appears to meet the above criteria may be referred. See Section 16.11.

2. Retirement, Survivors And Disability Insurance (RSDI)

a. Description

RSDI benefits are available to certain retired or disabled workers and their dependents and to certain survivors of the deceased worker.

The wage earner must have credit for a certain amount of work under Social Security, i.e., the wage earner must meet a work requirement. Types of RSDI benefits and other eligibility requirements are:

- (1) Retirement benefits - Retired wage earner must be age 62 or over.

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(2) Disability benefits - Wage earner must be under **his full-retirement benefit age. This is based on his year of birth. He must meet the SSA definition of disability.**

(3) Dependent and Survivor Benefits

- Age 60 or over - widow or widower of the deceased worker.
- Age 62 or over - spouse of a disabled or retired worker.
- Age 62 or over - former spouse of wage earner when **not remarried.**
- Age 50 or over - disabled widow or widower of the deceased wage earner.
- Disabled adult child of the wage earner - child must be unmarried, 18 or over and have become severely disabled before he reached his 22nd birthday. In order for the disabled adult child to receive benefits, his wage earner parent must be deceased or receiving retirement **or** disability benefits.
- Family benefits - **a widow or widower or spouse of a retiree can receive benefits at any age if the person takes care of a child who is under age 16 or the child is disabled and receives benefits on the record of the retired or deceased individual.**

To receive benefits from a retired or deceased parent, a child must be unmarried and under age 18 or under age 19 and a full-time elementary or secondary school student or be 18 or older and have a disability that began before age 22. Eligible children include natural or adopted children, stepchildren or dependent grandchildren.

b. Who Must be Referred for RSDI Benefits

Clients who appear to meet the above criteria:

3. Special Age 72 Entitlement (Prouty Benefits)

a. Description

The Social Security Administration administers a benefit program which is available to a small group of individuals who are age 72 and who meet certain other requirements.

The purpose of the program is to provide a small monthly benefit to aged individuals who do not have sufficient work coverage to qualify for RSDI. More specifically, these benefits are available to individuals who:

Attained age 72 before January 1, 1968 (no work coverage required), or

- Men who attained age 72 after January 1, 1968, but before January 1, 1972, and who worked in covered employment at least three quarters for each calendar year elapsing after 1968 and the year in which they reached age 72, or
- Women who attained age 72 after January 1, 1968, but before January 1, 1970, and who worked in covered employment for at least three quarters for each calendar year elapsing after 1968 and the year in which they reached age 72, and
- Is a citizen or an alien lawfully admitted for permanent residence and who has lived in this country for five years, and
- Does not qualify for RSDI, and
- Is not receiving SSI.

The amount of the Prouty Benefit is reduced dollar for dollar for any government pension such as VA benefits or a Civil Service retirement pension received by the individual. Since the Prouty Benefit amount is low, individuals who **receive** government pensions **are** seldom eligible.

b. Who Should be Referred for Prouty Benefits

Clients who appear to meet the above criteria and may benefit from receipt.

4. Black Lung Benefits

a. Description

Black Lung Benefits are available to a wage earner who is totally disabled by Black Lung Disease as a result of exposure to coal dust while working in the coal mining industry in the United States and to certain dependents or survivors. More specifically, benefits may be available for:

- The wage earner,
- **The spouse** and unmarried children who are under the age of 18 (or under age 23 if in school),
- **The wage earner's** widow or widower (regardless of age) and surviving dependent children under age 18 or under 23 if in school, of the wage earner who was entitled to Black Lung Benefits at the time of his death or who dies of Black Lung Disease.

Claims for Black Lung Benefits are filed at the local Social Security Office. However, since 1973, the Worker's Compensation Division of the U.S. Department of Labor has been responsible for administering the program which includes making an eligibility decision and issuing the benefit payments once the local Social Security Office forwards that claim to the U.S. Department of Labor. Since the local Social Security Office has no knowledge of the decision as to eligibility for the benefit, the Worker must follow up with the client to learn the outcome.

b. Who Must be Referred for Black Lung Benefits

Clients who appear to meet the above criteria.

Individuals who are referred to the Social Security Office for Black Lung Benefits should be referred to the State Workers' Compensation Fund to apply for Occupational Pneumoconiosis (State Black Lung Benefits). See Section 5.6, D, 1 for details.

Additional information about Black Lung Benefits may be found at www.dol.gov/esa/regs/compliance/owcp/bltable.htm.

5. Medicare

Medicare is a health insurance program which is available to individuals who **meet the following criteria.**

The individual:

- **Is a US citizen or lawfully admitted alien who has resided in this country for 5 consecutive years; and**
- **Is age 65 or over; or**
- **Has received RSDI benefits based on a disability for 24 consecutive months, regardless of age; or**
- **Has received Railroad Disability Benefits based on total and permanent disability for 24 consecutive months. Railroad Disability Benefits based on occupational disability do not qualify the individual for Medicare. or**
- **Has End Stage Renal Disease (ESRD) or Amyotrophic Lateral Sclerosis (ALS)**

Medicare, **administered by SSA**, consists of two parts as follows:

a. Medicare - Part A - Hospitalization Insurance Benefits (HIB)

To **qualify** for "premium free" Medicare, Part A, the individual must meet a work **coverage** requirement or must be the surviving spouse of the individual. If the individual does not qualify for Medicare, Part A, because of lack of work coverage, he may purchase the coverage by payment of a monthly premium.

b. Medicare - Part B - Supplementary Medical Insurance (SMI)

There is no work coverage requirement for Part B. Any citizen or legally admitted alien who has resided in this country for **5** years and who is age 65 or over is eligible even though he may not be eligible for Part A.

Individuals enrolled in Part B pay a monthly premium. If **the person** is receiving RSDI or Railroad Retirement Benefits, the premium is deducted from his benefit. **Otherwise**, he must pay the premium from his income. **See Section 16.6, items C, D and E, for Medicaid coverage groups for Medicare premium payments.**

c. Medicare – Part D – Medicare Prescription Drug Benefit

Effective January 1, 2006, an individual who is already enrolled in Medicare, Part A or Part B, may receive the Medicare Prescription Drug Benefit. Enrollment for those who already have a Medicare benefit begins November 15, 2005.

The Part D Prescription Drug Benefit is not administered by the Social Security Administration. The benefit is obtained by enrolling in a Prescription Drug Plan (PDP). Enrollees may pay a monthly premium, unless financially qualified for extra help, also known as the Low Income Subsidy or LIS. The extra help pays all or part of the drug benefit premium, co-pays and deductibles which may be required. Applications for the extra help began in June 2005. Workers must assist individuals who request it to complete an application for the Low Income Subsidy. The application must be submitted on an original Social Security form, the SSA-1020-OCR-SM, or submitted on the internet at www.ssa.gov/prescriptionhelp/.

Medicaid recipients enrolled in Medicare automatically qualify for the extra help and will be automatically enrolled in a Prescription Drug Plan. With a few exceptions, Medicaid will not pay for prescription drugs after December 31, 2005, for individuals age 65 or over who are eligible for and do not enroll in a Prescription Drug Plan. This also applies to Medicare-enrolled individuals under age 65 who are identified by DHHR.

Additional information about the Prescription Drug Benefit and extra help are available at www.ssa.gov and www.medicare.gov.

d. Automatic Enrollment of Individuals in Medicare

In the following circumstances, an individual **is** automatically enrolled in Medicare, Part A. He **is also** automatically enrolled in Part B unless he specifically **declines enrollment**.

- **When** the individual is receiving RSDI, he is automatically enrolled by the Social Security Administration when he becomes eligible.
- **When** the individual is receiving Railroad Retirement Benefits, he **is** automatically enrolled by that Board when he becomes eligible.

Individuals who **are** automatically enrolled by SSA are not referred for enrollment. However, at the time of application and redetermination, the Worker **must** identify each individual who will **be** automatically enrolled before the next redetermination. The individual **must** be asked to notify the Worker when he receives his Medicare **card**. **The** claim number **is** entered in the data system.

e. Who Must be Referred for Medicare Enrollment

All Medicaid applicants and recipients, age 65 or over, who are not enrolled, and all others who appear to meet the criteria in item 5 above, must be referred for enrollment. Failure to enroll, for those eligible for Medicare Buy-In who do not meet an exemption described in Section 5.4,A, results in denial of the Medicaid application, removal from the Medicaid AG or closure of the Medicaid AG.

6. Procedure For Referrals To The Social Security Administration

The Worker refers the client to SSA for any of the benefits listed above using **forms ES-6 or HS-3 or the RAPIDS verification checklist**.

In addition, the Worker must instruct the client to phone or visit his local SSA office to file **an enrollment application** in accordance with local SSA procedures.

7. Follow-up When A WV WORKS Recipient Becomes Eligible For SSI

When a WV WORKS recipient becomes eligible for SSI, SSA is required to count his share of the WV WORKS check as income.

The Worker must notify the local Social Security Office when the individual(s) no longer receives WV WORKS. See Section 2.17,D for cash assistance information requested by SSA.

B. VETERANS ADMINISTRATION (VA) BENEFITS

VA Benefits are Pension Benefits, Compensation Benefits, and Aide and Attendance Benefits.

1. Pension Benefits

a. Requirements for Coverage

- The veteran must have at least 90 days of wartime service. The dates for such services are:

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- World War I - April 15, 1917 to November 11, 1918
- World War II - December 7, 1941 to December 31, 1946
- Korean **War** - June 27, 1950 to January 31, 1955
- Vietnam **War** - August 5, 1964 to **(February 28, 1961, for veterans who served “in country” before August 5, 1964) May 7, 1975.**
- **Gulf War – August 2, 1990, through a date to be set by law or Presidential Proclamation**

- The veteran must be permanently and totally disabled from reasons not traceable to service. **Veterans age 65 or older** are automatically considered permanently disabled.
- The veteran must have been discharged under other than dishonorable conditions.

b. Who May Receive Benefits

The veteran, his wife, his dependent children who are unmarried and under age 18, or under 22, if in school, his dependent parents, and his unmarried disabled children at any age.

If the veteran who was eligible for VA Pension Benefits is deceased, his widow and his dependent children, his dependent parents and unmarried disabled children are eligible.

2. Compensation Benefits

a. Requirements for Coverage

The applicant must be a veteran who is disabled by injury or disease incurred in or aggravated by active service in the line of duty. The veteran must have had wartime or peace-time service and separated or discharged under conditions other than dishonorable.

b. Who May Receive Benefits

- The veteran.

Resource Development

- The veteran's spouse, dependent children who are unmarried and under 18 or under 22 if in school, his dependent parents, and disabled children, if the veteran's benefit is based on 50% or more disability.
- The veteran's surviving spouse, dependent children, his dependent parents and disabled children, if the veteran died as a result of a service-connected cause, or if he was receiving benefits based on at least 10% disability.

3. Aide And Attendance Benefits

a. Requirements for Coverage

- The veteran must be eligible to receive either of the other two benefits described above.
- The veteran must be in a nursing home, or
- The veteran is in his home and in need of in-home care.

b. Who May Receive Benefits

- The veteran who is in a nursing home or in need of in-home care and also receives either Compensation or Pension Benefits.
- The widow of a deceased veteran who is in a nursing home or needs **in-home care**.
- The dependent parent(s) of the disabled or deceased veteran who is in need of nursing home or in-home care.

This special allowance is payable monthly in addition to Compensation Benefits paid to the veteran's spouse or dependents.

Some veterans are eligible to receive education and housing benefits.

4. Who Must Be Referred

Clients who appear to meet any of the criteria listed above.

5. Procedures For Filing A Claim

Applications for Veterans Benefits can be secured by the applicant contacting the State Department of Veterans Affairs, the Red Cross, the VFW, the American Legion or the Veterans Administration. Individuals can also receive assistance in filling out the application from these organizations. **Additional information is available at www.va.gov or www.vba.va.gov.**

If the veteran lives in Hancock, Brooke, Ohio or Marshall counties, his completed application **is** sent to the VA office in Pittsburgh to be processed. The address is:

Veterans Administration Regional Office
1000 Liberty Avenue
Pittsburgh, PA 15222

If the veteran lives elsewhere in the state, his completed application **is** sent to the VA office in Huntington to be processed. The address is:

Veterans Administration Regional Office
640 - 4th Avenue
Huntington, WV 25701

1-800-827-1000

All applications must be accompanied by a medical report describing the nature of the disability. If the Veterans Administration determines that additional medical information is needed, they arrange for examination at the nearest VA hospital or medical clinic.

C. UNITED MINE WORKERS (UMW) BENEFITS

1. Description

The miner must be at least 55 years old at the time of application, and he must have worked in the mining industry for at least 20 years.

Benefits are also available to the following individuals:

- The wife of a retired miner and dependent unmarried children up to age 22.

Resource Development

- Parents of the deceased miner or of his spouse who have been dependent upon and living with the miner for at least one year.
- Spouses of deceased miners.

UMW miners and retired miners and their families **may** receive medical insurance through the UMW.

2. Who Must Be Referred

Clients who appear to meet the above criteria.

3. Procedure For Filing A Claim

Applicants may obtain the necessary application form and information from any UMWA Local Union or District Office or by writing to:

UMWA Welfare and Retirement Fund
4455 Connecticut Avenue N.W.
Washington, D.C. 20008
Phone: 202-845-3700

4. Referral Method

Potential eligibles should be referred to the UMWA Local Union or to one of the field offices listed.

Beckley
Dry Hill Road
P.O. Box 1229
Beckley, WV 25802
Phone: 252-0751

Madison
331 State Street
P.O. Box 468
Madison, WV 25130
Phone: 369-6550

Morgantown
3461 University Avenue
Morgantown, WV 26505
Phone: 599-3321

Resource Development

Wheeling
Riley Building
Eighth Floor
14th and Chapline Streets
Wheeling, WV 26003
Phone: 233-7880

D. WORKER'S COMPENSATION BENEFITS

The West Virginia Worker's Compensation Fund administers two programs.

1. Occupational Pneumoconiosis**a. Requirements for Coverage**

- The claimant must have a medically determined pulmonary disorder as a result of exposure to dust at this place of employment.
- Generally, the individual must have been exposed to dust for a period of two continuous years and filed a claim within three years of his last exposure. However, regulations provide for exceptions to these time periods.
- The individual must be either totally or partially disabled as a result of a pulmonary disorder, except that if he has worked in an industry in which he is exposed to dust for 20 years or more, he need not have any degree of disability.

It should be noted that these benefits do not apply only to individuals who have worked in the mining industry but that they apply to employees in an industry in which he may be exposed to dust , i.e. glass factories, textile mills, etc.

Benefits paid to individuals who qualify as a result of working in the mining industry are commonly referred to as "State Black Lung Benefits".

b. Persons Who May Receive Benefits

- Persons who are disabled from occupational pneumoconiosis.
- The spouse of the person described in item a above.

Resource Development

- Dependent children under age 18 , if the **primary** wage earner died of occupational pneumoconiosis.
- Dependent children between the ages of 18-22, if full-time students, or over the age of 18, if they are **disabled** and the father died of pneumoconiosis.
- In certain cases, a dependent parent.

2. Compensation For Injury Or Occupational Disease

a. Requirement for Coverage

Must have been injured on the job during the last two years while working for an employer who has paid into Worker's Compensation Fund.

b. Persons who May Receive Benefits

- A worker injured on the job while working for an employer who has paid into the Worker's Compensation Fund.
- Surviving spouses of a worker who died as a result of a work related injury.
- Dependent children under 18, if one of their parents died from a work related injury.
- Dependent children 18-22, if they are full-time students, or over 18, if they are **disabled** and the parents died from a work related injury.
- In certain cases, a dependent father or mother.

3. Who Must Be Referred For Worker's Compensation Benefits

Clients who appear to meet the above criteria. Individuals who are referred to apply for State Black Lung benefits should also be referred to SSA to apply for Federal Black Lung benefits.

4. Procedures For Filing A Claim

a. Occupational Pneumoconiosis (State Black Lung Benefits)

Workers' Compensation **may be contacted at 1-888-4WV-COMP or locally in Charleston at (304) 926-3400. Information is available at www.wvcc.org.**

b. Compensation for an Injury or Occupational Disease

Application for benefits may be obtained at the following places:

- Doctors' offices
- Hospital
- Worker's Compensation Fund Field Offices
- Employers

The claim must be filed within two years from the date of the injury.

E. UNEMPLOYMENT COMPENSATION INSURANCE (UCI)

UCI benefits are administered through the benefit section of the West Virginia **Bureau of** Employment Programs (**BEP**). The purpose of these benefits is to maintain income to families during temporary periods of unemployment.

1. Who Is Eligible

In order to receive UCI benefits, the individual must meet the following requirements:

- Must be unemployed or under-employed
- Must be able and willing to work.
- Must have worked in employment covered by the Unemployment Compensation regulations.
- Must have earned at least \$2,200 in his base period. The base period is the first four out of the last five completed calendar quarters preceding the date of the claim.

2. Who Must Be Referred

All **AFDC Medicaid, AFDC-Related Medicaid** and WV WORKS unemployed parents and any other persons who appear to meet the above criteria.

3. Procedures For Filing A Claim

All claims for UCI Benefits must be filed at the local **BEP** Office.

F. RAILROAD RETIREMENT, DISABILITY AND SURVIVORS BENEFITS

Railroad Retirement, Disability and Survivors Benefits may be available to a railroad worker, his surviving widow and dependent children. These benefits are administered through the Railroad Retirement Board.

1. Description Benefit

There are five types of benefits available through the Retirement Board.

a. Railroad Retirement Benefits

Retirement Benefits are available to individuals who are railroad workers who are at least age 65, and have at least 10 years of railroad service.

A railroad worker may retire with reduced benefits at age 60, depending on his length of service.

b. Disability Benefits

Disabled railroad workers who have at least 10 years of service may qualify for benefits.

c. Survivors Benefits

The following individuals may be eligible to receive survivors benefits.

- A widow who is caring for a child under 18 or disabled.
- A widow when she reaches age 60.
- A widow age 50 who is permanently disabled and unable to work in regular employment.

Resource Development

- An unmarried child under the age of 18 or under 22 if a full-time student.
- An unmarried child over age 18 if he became permanently disabled before age 22 and was dependent on the Worker.

Sickness Benefits

- A railroad worker is off work due to illness, he may be eligible to receive Sickness Benefits. A railroad worker may receive up to 60 percent of his salary.

- Unemployment Benefits

If a railroad worker is laid off, he may be eligible to receive unemployment benefits from the Railroad Retirement Board. In order to be eligible for these benefits, the railroad worker must meet the eligibility criteria similar to that for receiving UCI Benefits. A railroad worker is not eligible to receive both benefits. He can receive only the benefits from the Railroad Retirement Board.

2. Who Must Be Referred

Clients who appear to meet the above criteria.

3. Procedure For Filing A Claim

The office shown below provides service for all counties in West Virginia except for the 12 listed below:

The District **153** Railroad Retirement Board
640 - 4th Avenue, **Room 112**
Huntington, WV 25701
Phone: **304** – 529-5561

OR

P. O. Box 2153
Huntington, WV 25721-2153

Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral and Morgan Counties:

**Altoona, PA District Office
1514 - 11th Avenue
Altoona, PA 16603
Phone: 814 - 946-3601**

OR

**P. O. Box 990
Altoona, PA 16603-0990**

Brooke, Hancock, Marshall, Ohio and Wetzel Counties:

**Pittsburgh, PA District Office
Moorhead Federal Building, Room 1534
1000 Liberty Avenue
Pittsburgh, PA 15222
Phone: 412 – 395-4634**

G. GOVERNMENT SURVIVOR BENEFITS FOR ILLEGITIMATE CHILDREN**1. Description Of Benefit**

Illegitimate children of federal government workers are eligible for benefits after the government worker dies whether or not the child has lived with the government worker and meets the following criteria:

- Be the child of a federal government worker who died on or after **February 24, 1982; and**
- Have proof that he was actually the child of this government worker, such as a birth certificate, court order of support or some other kind of proof; **and**
- Must be under age 18.

If the child is eligible, he will receive monthly benefits.

2. Who Must Be Referred

Clients who appear to meet the above criteria must be referred.

3. Referral Method

The client must contact:

Office of Personnel Management
Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222
Phone: (412) 722-2758

Information may be obtained online at www.opm.gov.

H. DISABILITY AND RETIREMENT BENEFITS

Any person who has been employed may qualify for disability, retirement or pension benefits.

Also the surviving spouse or dependents may qualify for benefits.

I. INCOME PROTECTION INSURANCE

Clients may have insurance which provides a source of income or direct payments during periods of illness or recovery.

J. CHILD SUPPORT

The Department's **Bureau of Child Support Enforcement (BCSE)** provides a structured method for development of **financial and medical** support from absent parents. Eligibility requirements and procedures are found in **Chapter 15 and Chapter 16**.