

# **DISABILITY RIGHTS OF SOUTH DAKOTA**

Protection and Advocacy for Beneficiaries of Social Security Program (PABSS)

FY 2019

## **GOAL AND OBJECTIVES**

**GOAL:** Provide assistance and individual representation services as authorized by the terms of the grant announcement and Terms and Conditions document accompanying the grant application to beneficiaries within the state who are entitled to SSDI (Title II) (including disabled Widow(er) or a Childhood Disability Beneficiary) and/or eligible for SSI (Title XVI) benefits based on disability or blindness to meet three specified purposes: 1) to provide information and advice about obtaining vocational rehabilitation and employment services including providing dispute resolution services for beneficiary complaints about Employment Network (EN) services; 2) to provide advocacy or other services that a beneficiary needs to secure, maintain, or regain gainful employment; and, 3) to protect the rights of beneficiaries that have representative payees.

**Objective 1:** Investigate and review any complaint of improper or inadequate services provided to a beneficiary with a disability by an EN, service provider, employer or other entity, except SSA, involved in the beneficiary's return to work effort.

**Objective 2:** Provide information and referral to Social Security beneficiaries with disabilities about work incentives and employment, including information on the types of services and assistance that may be available to help beneficiaries to secure, maintain, or regain gainful employment.

**Objective 3:** Advocate, identify and correct deficiencies in entities providing vocational rehabilitation services, employment services and other support services to beneficiaries with disabilities, including reporting to the program manager and SSA Project Officers on identified deficiencies related to ENs and other concerns related to the Ticket to Work and Self-Sufficiency Program.

**Objective 4:** Provide consultation to and legal representation on behalf of beneficiaries with disabilities when necessary to protect the rights of such beneficiaries to services and assistance available to help beneficiaries to secure, maintain, or regain gainful employment. To the extent possible, alternative dispute resolution procedures will be used.

**Objective 5:** Assist beneficiaries who have representative payees to understand their rights, and inappropriateness of payee assignment. Report suspected misuse of benefits or other abuses to SSA and other proper Federal, State and local authorities. Provide support, referral and other services to beneficiaries who have abusive or fraudulent representative payees, or for whom health and safety issues arise. This may include helping beneficiaries find alternative representative payees.

**Objective 6:** Provide information and technical assistance on work incentives to governmental agencies, employment networks and other service providers, and advocacy organizations.

**Objective 7:** Assist beneficiaries with disabilities in disputes before SSA involving work-related program decisions and benefits overpayments that may be a barrier to securing, maintaining or regaining employment. Examples of permissible activity include:

- Helping a beneficiary pursue the waiver or reconsideration of an overpayment due to excess earnings – up to and including any fact-finding hearing at SSA’s Office of Hearings and Appeals;
- Accompanying beneficiaries to local SSA field offices;
- Explaining the appeal process to beneficiaries and assisting in filling out necessary paperwork;
- Pursuing appeals of continuing disability review determinations based on substantial gainful activity;
- Giving advice to assure complete consideration of potential subsidies, impairment related work expenses and plans for achieving self-support; and,
- Referring beneficiaries to other entities for support.

**Objective 8:** Provide systemic advocacy, including administrative or legislative advocacy; and litigation, including but not limited to, class actions. It also includes pursuing administrative advocacy or litigation on behalf of an individual client who may or may not be PABSS eligible, but who seeks a change in a policy that affects PABSS eligible clients who wish to obtain, maintain or increase work activity. Systemic advocacy will seek to improve employment outcomes for PABSS eligible beneficiaries within the community.