



Compassionate Allowances: One Tool to Fast-Track a Social Security Disability Claim

Applying for Social Security disability benefits can be a difficult and lengthy journey. It generally takes three to five months to obtain an *initial* decision on an application. If the application is denied, the appeals process may take one to three years before the applicant

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exhausts his appeals. Recognizing the financial and health-care burden placed on applicants and the large backlog of cases, in 2007 the Commissioner of the Social Security Administration (SSA) began holding hearings to find a way to make the application process less burdensome for those applicants suffering from certain conditions. The goal was to quickly identify conditions that invariably meet the Social Security Administration's (SSA) definition of disability. The hearings were on rare diseases, cancers, traumatic brain injury (TBI) and stroke, early-onset Alzheimer's disease and related dementias, schizophrenia, cardiovascular disease and multiple organ transplants, and autoimmune diseases.

The hearings occurred over a period of four years. Those providing input included the National Institute of Health, medical science experts and advocacy groups, including the Alzheimer's Association. At the hearing on dementia-related illnesses, the SSA heard from families who described the emotional and financial hardships of loved ones who were disabled by dementia in their late 40s or early 50s, yet had to wait for months for an initial determination.

As a result of those hearings, the SSA compiled a list of conditions that "invariably qualify under the Listing of Impairments based on minimal objective medical information. 'Compassionate

Allowances' allow Social Security to target the most obviously disabled individuals [who are not receiving Social Security retirement benefits] for allowances based on objective medical information that we can obtain quickly."¹ The "Compassionate Allowances List" (CAL) presently contains 227 conditions that may be pulled and moved to the front of the line for evaluation.² The CAL may be found in the Policy Operations Manual (POMS) at DI 23022.660.

In order to satisfy the SSA's definition of disability, applicants must demonstrate that they are unable "to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment(s) which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months." In our practice, we have seen too many young families coping with the devastating effects of young-onset dementia. Many have children in grade school, and little or no resources to address the care needs of the spouse diagnosed with dementia. About 200,000 Americans are diagnosed with a dementia related illness before the age of 65. This is called "early" or more accurately "young-onset dementia."

Fortunately, the list of Compassionate Allowances contains 10 dementia-related illnesses:

- Early-Onset (or Young-Onset)

Alzheimer's disease,

- Creutzfeldt-Jakob Disease,
- Frontotemporal Dementia/Pick's disease-Type A,
- Adult or Juvenile Onset Huntington's Disease,
- the ALS Parkinsonism Dementia Complex,
- Lewy Body Dementia also known as Parkinson's Disease with Dementia,
- Mixed Dementia,
- Primary Progressive Aphasia and
- Progressive Supranuclear Palsy.

Notably, the list does not include vascular dementia as an independent condition, although it is included in the description of "mixed dementia." The CAL also does not include "Normal Pressure Hydrocephalus" or "Wernicke-Korsakoff Syndrome," presumably because these conditions may improve or resolve with treatment. However, one may still qualify for disability benefits based on either of these conditions.

The online POMS Compassionate Allowances List has a link to the POMS for each condition, which provides "Compassionate Allowance Information." The format details alternate names for the condition, a description of the condition, diagnostic testing and physical findings, onset, progression, and treatment. The "Compassionate Allowance Information" also supplies a "Suggested Programmatic Assessment" and "Suggested Medical Evidence of Record" (MER). All of this information provides guidance as to the medical and non-medical evidence the applicant should provide for a successful initial determination.

For Young-Onset Alzheimer's disease there are several elements suggested by the SSA to provide the necessary

medical and functional evidence necessary to meet the SSA's strict definition of disability. These include the physician's clinical evidence and the activities of daily living report by a family member or caregiver. Surprisingly, the SSA has also listed two specific tests that are helpful in supporting the applicant's qualification for disability. These are the Mini-Mental Status Examination (MMSE)³ with a score of 24 or below and the Clinical Dementia Rating (CDR)⁴ with a score of 1 or above. While documentation by an "equivalent test is helpful, it is not required," according to the POMS.

The Social Security Administration has other programs to expedite disability applications. These include the Quick Disability Determination (QDD) program, the Terminal Illness program (TERI) and the Presumptive Disability for SSI program. These may sometimes overlap with the Compassionate Allowances program.

It is important to understand that one does not apply directly for a Compassionate Allowance. Instead, the application is made for disability benefits. The SSA has computer programs designed to identify conditions present on the Compassionate Allowances List or conditions that may qualify for other programs available to expedite the application.

The SSA recommends applying online for disability benefits. One may start an online application, stop and then return to the application at a later date. Based on the applicant's work history, income and asset information, the SSA will determine whether the applicant is financially qualified for Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits.

To learn more about the disability

application process, review the SSA's informative seven-part video series. The program follows a hypothetical applicant from the application, which is denied at the initial determination level, through the appeals process. All of the "actors" are employees of the SSA. These videos are fascinating, and the SSA's process excruciating, but quite thorough. You may find these videos by using a Google search for "Social Security Disability YouTube videos." ^{ATA}

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Notes

1. Compassionate Allowances, Social Security Administration, <https://www.ssa.gov/compassionateallowances/>.
2. Compassionate Allowances Conditions, Social Security Administration, <https://www.ssa.gov/compassionateallowances/conditions.htm>.
3. Mini-Mental State Examination, https://www.uml.edu/docs/Mini%20Mental%20State%20Exam_tcm18-169319.pdf.
4. Clinical Dementia Rating Worksheet, <http://alzheimer.wustl.edu/adrc2/Images/CDRWorksheet.pdf>.