

# Information for Advocates Assisting Clients with SSI Claim Denials

PRACTICE TIP • December 2021

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The Social Security Administration (SSA) published a new Emergency Message, [EM-20168](#), Instructions for Reopening and Reevaluating SSI Claims Denied due to COVID-19 Disaster Assistance, on December 9, 2021. According to the Emergency Message (EM), SSA is now reopening hundreds of thousands of applications for Supplemental Security Income (SSI) benefits that they previously denied from March 2020 to the present because those decisions may have been erroneous. While some cases will be automatically reviewed, other cases will need to be brought to the agency’s attention in order to correct errors related to a person’s receipt of disaster assistance. Advocates assisting clients with denials can take proactive steps to identify potential cases and contact SSA to request a review.

SSA is now reopening cases where they may have denied an SSI claim because the agency initially counted pandemic-related financial assistance. SSA later decided those payments should be excluded as disaster assistance for SSI purposes. For more information on identifying the various sources of pandemic-related disaster assistance and SSA’s treatment of that assistance for SSI purposes, see [EM-20014 REV 4](#) and [EM-21050 REV](#) published on September 30, 2021.

SSA has identified approximately 144,000 individuals who will be mailed an outreach mailer between November 29 and December 23 instructing them to contact SSA so an employee can reevaluate whether they are eligible for SSI, including retroactive benefits. There is no deadline by which individuals who receive an outreach mailer must contact SSA—these cases may remain reopened indefinitely until resolved.

Other SSI denials that do not have special pandemic-related financial assistance coding will not be sent an outreach mailer, but they can still contact SSA to request that their application be reopened and revised, following the guidance in this Emergency Message. This is especially important for those whose claims for SSI were denied for being over the resource limit **because SSA erroneously counted their Economic Impact Payments (EIPs), also known as stimulus payments, as a resource.** These denials may be reopened and revised within one year for any reason, and within two years for “good cause.” All of these denials qualify for a “good cause” reopening under “an error on the face of the evidence” as described in POMS [SI 04070.010 F.4 - 5](#).

There are also other SSI denials from 2020 and 2021 which will not be sent an outreach mailer, but rather will be addressed by SSA employees on an ad hoc basis going forward. These include:

- Denied claims with pending appeals
- Denied claims with pending subsequent applications
- Denied claims with approved subsequent applications

SSA will not be sending a copy of the outreach mailer to any representative who submitted a Form 1696 to enter their appearance on a client’s SSI application that was denied from March 2020 to the present. In addition, SSA will not resume communication with the prior representative without a new authorization from the SSI claimant, including updated representation forms.

## More Information and Resources

- [EM-20014 REV 3](#): Effect of COVID-19 Related Financial Assistance on SSI Income and Resources (published July 23, 2021; in effect until January 23, 2022)
- [EM-21050](#): Special Processing Instructions for Applying Supplemental Security Income (SSI) Income and Resource Exclusions to Pandemic-Related Disaster Assistance (published July 23, 2021; in effect until January 23, 2022)
- [NCLER Practice Tip: Important Change for SSI Recipients and Applicants](#)
- [NCLER Training: Pandemic-Related Disaster Assistance for SSI Recipients](#)

Please contact [ConsultNCLER@acl.hhs.gov](mailto:ConsultNCLER@acl.hhs.gov) for free case consultation assistance. Sign up for our email list and access more resources at [NCLER.acl.gov](https://www.ncler.acl.gov).