

Edited Content Extracted from: sections 310–317.docx

PART III. BENEFITS (third chunk)

SUB-PART C: DISABILITY INSURANCE (continued)

Section 310: Continuing Disability Reviews

- Disability reviews are conducted to determine if the claimant's disability continues. The frequency of reviews depends on the nature and severity of the claimant's medical condition and whether it is likely to improve.
- If improvement is expected, the first review will be 12 months after the onset of disability.
- If improvement is possible but not certain, the claimant's medical condition will be reviewed once every 3 years or earlier if specified by the Medical Examiner.
- If improvement is not expected, the claimant's medical condition will be reviewed once every 7 years or earlier if specified by the Medical Examiner.
- The Administrator may require any person or child claiming disability benefits to undergo an examination by a physician or physicians designated by the Administration. When required, the cost of such examination shall be paid by the claimant.
- [Source: 41 PNC § 711, § 712(d), § 724, & SSA By-Laws]

Section 311: Application for Disability Benefits

- To be eligible for disability benefits, a person must file an application no sooner than 60 days after the commencement of the disability. Applications submitted within 60 days of the commencement of the disability are not considered. The waiting period does not affect the claimant's right to receive retroactive benefits based on the date of the onset of the disability or the month after the termination date of employment, whichever comes later.
- Any person applying for disability benefits must provide:
 - A birth certificate or other proof of age;
 - A certification by their employer as to the date they stopped working due to the disability; and
 - All medical records pertaining to the person's claimed disability.

Applications must be made within 12 months of the date of the onset of the disability or the month after the termination date of employment, whichever comes later.

•[Source: 41 PNC § 711, § 712(d), & SSA By-Laws]

Section 312: Application Approval

•Any complete application for disability benefits containing all necessary supporting documents as required by law or these policies will be approved or disapproved not more than 60 days after the date of the application. The 60-day period may be extended for disability claims requiring medical evaluation or testing at the discretion of the Administrator.

•[Source: 41 PNC § 711, § 712(d), § 724, & SSA By-Laws]

Section 313: Exceptional Circumstances

•The Administrator may waive the waiting period for application of disability benefits upon making a written determination of special circumstances and urgency. The exception may also include a finding of "presumption of disability". An applicant may be found "presumptively disabled" and receive cash benefits for up to 6 months while the formal disability determination is made. The presumptive payment is designed to allow a needy individual to meet their basic living expenses during the time it takes to process their application. If it is found that the individual is not disabled, they are not required to refund the payments.

•[Source: 41 PNC § 711 and § 712(d) & U.S. SSA]

Section 314: Duration of Benefits

•Disability benefits will be paid up to and including the month immediately preceding the month the person receiving the benefits resumes employment or until it is determined, by the Administrator, based on one or more medical examinations by a designated physician or physicians, that such person is capable and fit to resume substantial gainful employment.

•[Source: 41 PNC § 754]

Section 315: Reapplication

•Once a person who has received disability benefits returns to work, they must reapply for disability benefits should they again become disabled. There will be no waiting period for a person applying for disability benefits based on a disability for which they have previously received benefits, provided such prior benefits were received within the three (3) year period preceding the application.

•Section 316: Death of Claimant

•Any retroactive disability benefit payment approved following the death of a claimant will be payable to the deceased eligible survivors. The benefit thus payable will be computed to commence with the month of the onset of the disability and terminate with the month preceding the person's death.

•[Source: 41 PNC § 711, § 712(d), § 724, & SSA By-Laws]

Section 317: Disability Fraud

- Any claimant or guardian of a claimant found by the Administrator to have completed a claim for disability benefits knowing such claim to be false will be reported to the Office of the Attorney Generals for prosecution under 17 PNC [attempted] § 1903 or any other offense deemed appropriate.

- [Source: 41 PNC § 711, § 712(d), § 724, & SSA By-Laws]