

Edited Content Extracted from: sections 310–317.docx

PART III. BENEFITS (Third Chunk)

SUB-PART C: DISABILITY INSURANCE (Continuation)

Section 310. Review of Disability and Examination

1. Continuing disability reviews will be conducted to determine if the disability continues. The frequency of these reviews depends on the nature and severity of the claimant's medical condition and whether it is likely to improve.
2. If improvement is expected, the first review will occur 12 months after the date of onset of disability.
3. If improvement is possible but cannot be predicted, the claimant's medical condition will be reviewed once every three years or earlier if specified by a Medical Examiner.
4. If improvement is not expected, the claimant's medical condition will be reviewed once every seven years or earlier if specified by a Medical Examiner.
5. 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 the Administrator so requires, 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

1. To become eligible for disability benefits, a person must file an application no sooner than sixty (60) days from the date they claim such disability commenced. Applications submitted within sixty (60) days of the commencement of the disability will not be considered. This waiting period shall not affect the claimant's right, if eligible, to receive benefits retroactive to the date of the onset of the disability or based on the month after the termination date of employment, whichever occurs later.
2. Any person applying for disability benefits must provide:
 - a. A birth certificate or other proof of age;
 - b. A certification by their employer as to the date such person stopped working due to the disability; and
 - c. 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 occurs later. [Source 41 PNC § 711, § 712(d), & SSA By-Laws]

Section 312. Application Approval

1. Any complete application for disability benefits containing all the necessary supporting documents as required by law or these policies shall be approved or disapproved not more than sixty (60) days after the date of the application. The sixty (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

1. 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 six (6) months while the formal disability determination is made. The presumptive payment is designed to allow a needy individual to meet his or her basic living expenses during the time it takes to process his or her application. If it is found that the individual is not disabled, he or she is not required to refund the payments. [Source 41 PNC § 711 and § 712(d) & U.S. SSA]

Section 314. Duration of Benefits

1. Disability benefits shall 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, regardless of whether such employment is actually available to the person. [Source 41 PNC § 754]

2. The Administration may, in its discretion, re-determine whether a person receiving disability benefits has resumed, or is capable and fit to resume, substantial gainful employment if there is a report of earning for that beneficiary.

Section 315. Reapplication

1. Once a person who has received disability benefits returns to work, they must reapply for disability benefits should they once again become disabled. There shall be no waiting period, however, for a person applying for disability benefits based on a disability for which such person has previously received benefits, provided such prior benefits were received within the three (3) year period preceding the application. [Source 41 PNC § 754]

Section 316. Death of Claimant

1. Any retroactive disability benefit payment approved following the death of a claimant shall be payable to the deceased eligible survivors. The benefit thus payable shall 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

1. Any claimant or guardian of a claimant found by the Administration to have completed a claim for disability benefits knowing such claim to be false shall be reported to the Office of the Attorney General for prosecution under 17 PNC [attempted] § 1903 or any other offense deemed appropriate. [Source 41 PNC § 711, § 712(d), § 724, & SSA By-Laws]