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and tomorrow

# Disability Benefits for Wounded Warriors

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## Introduction

Military service members can receive expedited processing of disability claims from Social Security. Benefits available through us are different from those available through the Department of Veterans Affairs and require a separate application.

The expedited process is used for military service members whose disability occurred while on active military duty on or after October 1, 2001, regardless of where the disability occurs.

## What types of benefits can I receive?

We pay disability benefits through two programs. The Social Security Disability Insurance (SSDI) program pays benefits to you and certain members of your family if you are “insured.” This means that you worked long enough and paid Social Security taxes. The Supplemental Security Income (SSI) program makes payments based on financial need.

The rest of this booklet is about the SSDI. Other helpful publications also are available online at ***[www.ssa.gov/woundedwarriors](http://www.ssa.gov/woundedwarriors)***.

## What is Social Security's definition of disability?

By law, we have a very strict definition of disability:

- You must be unable to do substantial work because of your medical condition(s).
- Your medical condition(s) must have lasted, or be expected to last, at least one year or to result in death.

While some programs give money to people with partial disability or short-term disability, we do not.

## Can I receive benefits for a past disability if my health has improved?

That depends. If we find that you meet our disability criteria and your application was filed within a specified timeframe, we will consider whether you qualify for a closed period of disability. A closed period of disability specifically requires:

- The medical evidence to establish that you were unable to engage in substantial work for a continuous period of 12 months. By the time the disability decision is made, your condition had improved to the point where we find you no longer have a qualifying disability.
- You must file an application within 14 months after the disability ended.

- A five-month waiting period before your first monthly benefit can be paid if you meet the requirements for disability benefits. You can receive **up to 12 months of retroactive benefits** from the date you file an application with us.

*Example:* You file an application for Social Security disability benefits in December 2021. After reviewing your claim, we find that your disability started on April 15, 2020, and that your condition improved to the point that you no longer had a qualifying disability as of September 2021. We refer to this as a closed period of disability.

Your five-month waiting period begins May 2020, the first full month you have a disability. The months in your waiting period are May, June, July, August, and September. Thus, the first month for which you are entitled to disability benefits is October 2020.

You could receive benefits for October 2020 until September 2021, the month your disability ended. Based on the application you filed in December 2021, you would receive 10 months of retroactive benefits for December 2020 through September 2021.

## How does military pay affect eligibility for disability benefits?

Active duty status and receipt of military pay don't necessarily prevent payment of SSDI benefits. Receipt of military payments should never stop you from applying for disability benefits. If you're receiving treatment at a military medical facility and working in a designated therapy program or on limited duty, we will evaluate your work activity to determine your eligibility for benefits.

You can't receive SSDI benefits if you engage in substantial work for pay or profit. We count the actual work activity and not the amount of pay you receive, or your military duty status.

## How do I apply?

You may apply for disability benefits at any time while in the military or after discharge. You may do so whether you are still hospitalized, in a rehabilitation program, or undergoing out-patient treatment in a military or civilian medical facility. You may apply online at [www.ssa.gov/applyfordisability](http://www.ssa.gov/applyfordisability), in person at the nearest Social Security office, by mail, or by telephone.

You may call **1-800-772-1213** to schedule an appointment. If you are deaf or hard of hearing, you may call our TTY number, **1-800-325-0778**. We also have a "disability starter kit" available online to help you complete your application.



## What information do I need?

To apply for benefits, you or your representative must provide information and documentation about your age, employment, proof of citizenship, and information regarding all impairments and related treatment. We will make every reasonable effort to help you get the necessary medical evidence.

**Important:** You should file the application for disability benefits as soon as possible with any documents readily available. Don't delay filing, even if you don't have all the documents mentioned below:

- Original or certified copy of your birth certificate or proof of U.S. citizenship or legal residency if foreign born.
- Form DD 214, if discharged from military service.
- W-2 form or income tax return from last year.
- Proof of military pay or workers' compensation.
- Social Security numbers of your spouse and minor children.
- Account number for checking or savings account, if you have one.
- Name, address, and phone number of a contact person, in case you are unavailable.
- Medical records that you have or that you can easily obtain from all military and civilian sources.

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## How does Social Security make the determination?

Your claim is sent to a state Disability Determination Services (DDS) office. The state DDS will make the disability determination. The state has medical and vocational experts who will contact your doctors and other places where you received treatment to get your medical records. The state agency may ask you to have an examination or medical test. You won't have to pay the costs of any additional exams or tests you are asked to take. If the state does request an examination, make sure you keep the appointment.

## How long does it take?

The length of time it takes to receive a determination on your disability claim can vary, depending on several factors, but primarily on:

- The nature of your disability.
- How quickly we obtain medical evidence from your doctor or other medical sources.
- Whether it is necessary to send you for a medical examination to obtain evidence to support your claim.

## What can I do to speed up the determination?

You can speed up the determination on your application for benefits by being prepared. We can take prompt action on your claim if you do all of these:

- Let us know right away that your disability occurred while on active military duty.
- Give us all information available for all the doctors you have seen and the addresses of any treatment facilities where your records are kept.
- Notify us if your address changes while we are working on your claim.
- Inform us about any changes in doctors, hospitals, or outpatient clinics where you are receiving treatment.

After we receive your application for SSDI benefits, we'll identify it as a military service member claim and expedite its processing, both at Social Security and the DDS.

## Can my family get benefits?

Certain members of your family may qualify for benefits based on your work. They include:

- Your spouse, if they are age 62 or older.
- Your spouse, if they are caring for a child of yours who is younger than age 16 or has a disability.

- Your unmarried child, including an adopted child or, in some cases, a stepchild or grandchild. The child must be younger than age 18 or younger than age 19 if in elementary or secondary school full time.
- Your unmarried child, age 18 or older, if they have a disability that started before age 22 (the child's disability also must meet the definition of disability for adults).

**NOTE:** *In some situations, a divorced spouse may qualify for benefits based on your earnings if they were married to you for at least 10 years, are not currently married, and are at least age 62. The money paid to a divorced spouse doesn't reduce your benefit or any benefits due to your current spouse or children.*

## When do I get Medicare coverage?

You will get Medicare coverage automatically after you have received disability benefits for 24 months.

## How does Medicare affect my TRICARE?

For active duty service members and their families who are entitled to Original Medicare Part A (hospital insurance) and Part B (medical insurance), TRICARE

is the primary payer. Medicare serves as a supplement providing secondary coverage.

For military retirees, who are entitled to Medicare Part A and Part B, Medicare is the primary payer and TRICARE provides “wraparound” coverage. TRICARE serves as a supplement, paying the Medicare deductible and patient cost share.

If you are entitled to Medicare Part A based on disability or End-Stage Renal Disease (permanent kidney failure), contact the Department of Defense to find out how this may affect your TRICARE benefits. You may need to be enrolled in Medicare Part B to keep your TRICARE coverage. For general information about TRICARE, please visit [www.tricare.mil](http://www.tricare.mil).

People who are awarded retroactive disability benefits may also become entitled to Medicare Part A before they receive the disability award notice. Effective October 2009, TRICARE beneficiaries who are awarded retroactive benefits based on disability or End-Stage Renal Disease don't have to enroll in Part B for those months in the past. They can keep their TRICARE coverage as long as they enroll in Part B when they are awarded benefits. You should contact the Department of Defense to find out whether you need to enroll in Medicare Part B so you can keep your TRICARE.

The Patient Protection and Affordable Care Act of 2010 provides for a 12-month Medicare Part B special enrollment period for TRICARE beneficiaries who are entitled to Medicare Part A. These are parties who didn't enroll in Medicare Part B during their initial enrollment period. The Department of Defense will notify eligible people about this period.

For more information about TRICARE and recent changes in the law, please visit [\*\*www.ssa.gov/legislation/tricareinfo.html\*\*](http://www.ssa.gov/legislation/tricareinfo.html).

## What if I remain on active duty?

You may receive our disability benefits and remain on active duty. You should contact us immediately if there is a change in your:

- Military Occupational Specialty code (MOS).
- Air Force Specialty Codes (AFSC).
- Navy Enlisted Classification (NEC).

A permanent change of station (PCS) move from one duty station to another is also an indicator that you may be going back to work and should contact us.

Changes in your work status may affect your SSDI benefits. Tell us right away about changes in your work or active duty status.

If you are planning to change your PCS, MOS, AFSC or NEC, you can request a Benefits Planning Query from us. This

query contains information about the status of your disability benefits, work history and current work status, health insurance, scheduled medical reviews, and representative payee data.

You can use the Benefits Planning Query as a tool to help you plan your return to work. Request your query by calling **1-800-772-1213** or visiting your local Social Security office.

## What should I know about working?

We have special rules called work incentives that allow you to test your ability to return to work and still receive monthly SSDI benefits.

You also can get help with the education, training, and rehabilitation you need to work. Later in this publication, you will find a description of the work incentives and other programs that can help you return to the work force. For more information, please see our free pamphlets, *Working While Disabled — How We Can Help* (Publication No. 05-10095) or *The Red Book* (Publication No. 64-030), our guide to employment support programs. You can find them at **[www.ssa.gov/pubs](http://www.ssa.gov/pubs)** and **[www.ssa.gov/redbook](http://www.ssa.gov/redbook)** online; or visit **[www.ssa.gov/work](http://www.ssa.gov/work)**.

## Do I need to report my work activity?

Yes. If you take a job, let us know about it as soon as possible. You should tell us:

- When you start or stop work.
- If there is a change in your job duties, hours of work, or rate of pay.

Even if you are receiving full pay, you may still qualify for disability benefits.

Once you let us know that you are working, you may use your personal *my* Social Security account to report your wages online. It's faster and easier than ever. When you create or sign in to your personal *my* Social Security account, you'll have access to this application on your desktop, laptop, and mobile device. If you don't have an account, creating an account only takes a few minutes.

After you have created your account, you'll have access to many of our services. Simply sign in, go to the Report Wages section, and follow the instructions on the screen. You can print or save a receipt of your wage report. This receipt is for your records and serves as proof that you told us about your current work situation.

If you still need to visit your local Social Security office, you can find it by going to the Office Locator on our website, at [www.ssa.gov/locator](http://www.ssa.gov/locator). Enter your postal ZIP code to get the address, telephone number, and directions to your local



office. Ask our representative to give you a receipt showing that you reported your work activity.

## What happens next?

When we receive notification that you have returned to work, we perform a work Continuing Disability Review (CDR). During this review, we look to see whether you are doing substantial work. For 2022, we consider you to be doing substantial work if your monthly earnings are over \$1,350 (\$2,260 if you are blind).

That amount may change each year. When we conduct a work CDR, we ask you to complete an SSA-821-BK (*Work Activity Report — Employee*). You should complete the form and provide as much detail as possible about your job duties.

Tell us whether you are in a designated work therapy program or whether you are assigned limited duty because of your disability. You may be receiving full military pay, but not performing work duties. Without this information, we can't properly evaluate your work, and your SSDI benefits may be suspended or terminated.

## What are the work incentives?

### **Trial Work Period (TWP)**

The TWP allows you to test your ability to work for at least nine months. The months don't need to be consecutive. During your TWP, you will receive your full SSDI benefits, regardless of how much you earn, as long as you report your work activity, and you continue to have a disabling impairment.

In 2022, a trial work month is any month in which your gross earnings are more than \$970 or if you are self-employed, you earn more than \$970 (after your work expenses). Any month you work in your own business for more than 80 hours, also qualifies as a TWP. The TWP continues until you have worked nine cumulative trial work months within a 60-month period.

### **Extended Period of Eligibility (EPE)**

After the TWP ends, you have 36 months during which you can work and still receive benefits for any month that your earnings are not "substantial."

For 2022, the substantial gainful activity (SGA) level is \$1,350 in gross monthly wages for non-blind (\$2,260 for blind).

During the EPE, your benefits are suspended for any month that you have earnings above the SGA level. However, you'll receive a benefit for any month your earnings fall below the substantial level. You don't need a new application or new disability determination to receive a Social Security disability benefit during the EPE.

More information on work incentives is available at [www.ssa.gov/redbook](http://www.ssa.gov/redbook).

## **Impairment-Related Work Expenses (IRWE)**

We deduct the cost of certain impairment-related items and services that you need to work from your gross earnings when we decide if your work is substantial. Your work expenses may include the costs of any items or services you need to work, even if they are also useful in your daily living. Examples include copayments for prescriptions, counseling services, transportation to and from work (under certain conditions), a personal attendant or job coach, a wheelchair, or any specialized work equipment.

## **Ticket to Work Program**

Our Ticket to Work program offers support to help you return to work. Under the Ticket to Work program, you can receive vocational rehabilitation, training, job referrals, and other employment support services free of charge. These services are provided by Employment Networks and State

Vocational Rehabilitation agencies. These are organizations that have contracts with Social Security to provide employment services and other support to beneficiaries with disabilities.

When you are ready to explore your work options, you can talk directly with us about work, benefits, or our work incentive programs. Just call our Ticket to Work Help Line at **1-866-YOURTICKET (1-866-968-7842)**, Monday through Friday between 8 a.m. and 8 p.m. EST. If you are deaf or hard of hearing, you may call our TTY number, **1-866-833-2967**.

You also can visit the Ticket to Work website at ***choosework.ssa.gov*** for more information.

## Contacting Social Security

There are several ways to contact us, such as online, by phone, and in person. We're here to answer your questions and to serve you. For more than 85 years, Social Security has helped secure today and tomorrow by providing benefits and financial protection for millions of people throughout their life's journey.

### Visit our website

The most convenient way to conduct Social Security business is online at ***www.ssa.gov***. You can accomplish a lot.

- Apply for *Extra Help* with Medicare prescription drug plan costs.

- Apply for most types of benefits.
- Find copies of our publications.
- Get answers to frequently asked questions.

When you create a personal *my* Social Security account, you can do even more.

- Review your *Social Security Statement*.
- Verify your earnings.
- Get estimates of future benefits
- Print a benefit verification letter.
- Change your direct deposit information.
- Request a replacement Medicare card.
- Get a replacement SSA-1099/1042S.
- Request a replacement Social Security card, if you have no changes and your state participates.

Access to your personal *my* Social Security account may be limited for users outside the United States.

## **Call us**

If you cannot use our online services, we can help you by phone when you call your local Social Security office or our National toll-free 800 Number. You can find your local office information by entering your ZIP code on our office locator webpage.

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You can call us at **1-800-772-1213** — or at our TTY number, **1-800-325-0778**, if you're deaf or hard of hearing — between 8:00 a.m. – 7:00 p.m., Monday through Friday. **Wait times to speak to a representative are typically shorter Wednesdays through Fridays or later in the day.** We also offer many automated telephone services, available 24 hours a day, so you do not need to speak with a representative.

If you have documents we need to see, remember that they must be original or copies that are certified by the issuing agency.

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## ***Notes***



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