



Disability Dispatch

Your Source for Social Security News
from the Law Office of Cathy L. Brackin

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Collecting Unemployment While Waiting for Social Security Disability

A frequently asked question is whether a person may collect unemployment while pursuing a Social Security Disability claim. Unfortunately, this is a complicated issue.

Suppose you have been terminated from your employment but you have some medical conditions that limit your ability to work. To qualify for unemployment in New

Jersey you must be physically and mentally capable of working. You must be actively seeking work, which is defined as making contact with three potential employers each week. Is there some type of work you could do consistent with your limitations? If you cannot honestly answer "yes," then you should not be applying for unemployment. Consider applying for New Jersey State Temporary Disability.

Keep in mind that State Disability runs for only 26 weeks, and there are no extensions.

According to Social Security Administration policy, the receipt of unemployment benefits does not preclude the receipt of Social Security Disability benefits. The receipt of unemployment is only one factor that must be considered in determining *see COLLECTING, page 2*



Tips for Parents of Special Needs Students

"It's the most wonderful time of the year!"

Remember that old Staples commercial with the dad skipping down the aisle buying school supplies? If you're the parent of a child with learning disabilities you may not share that enthusiasm.

I reached out to special education teachers **Vanessa Jenkins** and **Beth Newman Pullaro** for their advice on how parents can partner with their child's teacher. Here are their tips, plus a few of my own:

1 ABOUT TWO WEEKS into the school year, call and touch base with the teacher to see how things are going. This may seem to go without saying, but make sure the teacher knows if your child has an IEP.

2 BE SURE THAT the IEP is being followed. For example, is the student getting preferential seating, copies of notes, etc.?

3 ENSURE THAT YOUR CHILD is involved with non-handicapped peers. This may include homeroom, lunch, nonacademic subjects (music, computers, etc.) or after-school activities. Don't underestimate your child's potential.

4 COMMUNICATION IS CRUCIAL. Ask the teacher for the best way to contact her. It's usually difficult to reach teachers by phone during the school day. Some prefer email; others will take calls before or after school.

5 ATTEND ALL MEETINGS regarding your child's educational plan. Take and read the Parent Handbook. The information is updated periodically.

6 SCHEDULE A CONFERENCE if needed. There's no need to wait for the regular conference time.

7 ALLOW YOUR CHILD to complete homework with minimal assistance. If the student is struggling with the assignment or taking a very long time, let the teacher know.

8 GET INVOLVED in the parent/teacher organization. If you feel that school is important, your child will see that it's important.

The parent is the child's first teacher and can be the child's best advocate. Partner with the school to get the most out of your child's education. Here's wishing your child a positive school experience this year. ✨

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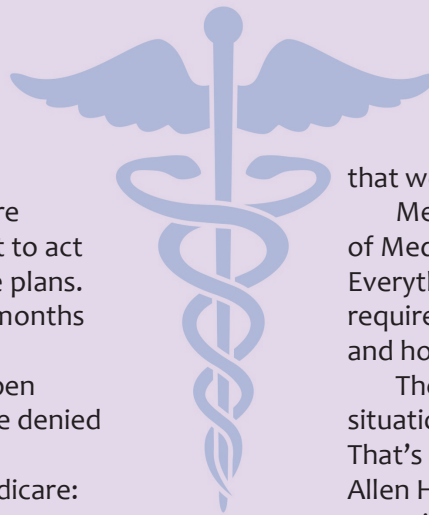
Medicare Supplements

Social Security Disability recipients are entitled to Medicare after a 24-month waiting period. Unfortunately Medicare covers only a portion of health care costs. Private insurance companies sell health insurance to cover these gaps.

I spoke to **Allen Heffler** of "My Medicare Advisor" who explained that it is important to act quickly if you decide you want one of these plans. The deadline for open enrollment is three months from the date you receive Medicare Part B.

Enrollment is guaranteed during the open enrollment period. Thereafter you could be denied coverage for health reasons.

There are two ways to supplement Medicare: one way is a Medicare Supplement Plan (plus



a Part D prescription plan); the other is a Medicare Advantage Plan.

Medicare Supplement Plans, also called Medigap plans, pick up where Medicare leaves off. It pays for all or most of the items that would otherwise be your responsibility.

Medicare Advantage Plans take the place of Medicare, rather than just supplementing it. Everything is covered. It is an HMO with referrals required. You must use their network of providers and hospitals, and small co-pays are required.

There are numerous plans and each individual's situation is different. The choice can be confusing. That's where "My Medicare Advisor" can help. Call Allen Heffler at **(215) 658-1776** for a free analysis of your situation. ❀



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COLLECTING, continued

whether a person is disabled. It can certainly call the claimant's credibility into question.

Despite the agency's policy, some judges do not like the "double dip" and will only find a person to be disabled the day after the unemployment ends. That was a satisfactory resolution back when unemployment lasted only six months. Now that unemployment can run up to 99 weeks, a Social Security hearing might take place before unemployment runs out.

I need to be able to explain why the claimant's position is not inconsistent. There are certain cases where I can successfully argue that although a claimant is able to perform some type of work, he is "disabled" for Social Security purposes. The argument is more persuasive if the claimant is over the age of 50.

There are no clear-cut answers to the unemployment/disability dilemma. To be sure, the receipt of unemployment can weaken your Social Security case. ❀