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Relationship of PASS to Section 301 Benefits

Note: This document is a summary of POMS SI 00870.010 - Related Work Incentive Policies

The section 301 provision allows continuation of disability or blindness benefit payments to certain individuals whose disability or blindness medically ceases while he/she is participating in an appropriate program of vocational rehabilitation (VR) services, employment services, or other support services. See POMS [DI 14505.000](#).

Effective March 1, 2006, a PASS qualifies as an appropriate program for the purpose of section 301 determinations. A PASS qualifies because it is a program of employment or other support services carried out with an agency of the Federal government (SSA), under an individualized written employment plan similar to an Individualized Plan for Employment (IPE) used by State VR agencies.

NOTE: This policy applies to new section 301 determinations made on or after March 1, 2006. This policy also applies to cases pending in the administrative review process (including appeals and cases remanded from Federal court.) SSA will not reopen final section 301 determinations made prior to March 1, 2006 that were correct under the policy then in use.

Eligibility for Section 301 Benefits Based on Participation in a PASS

Eligibility for section 301 payments will apply if:

- the individual is participating in a PASS that was approved before the date of disability or blindness cessation, and
- the individual started participating in the PASS before the date his/her disability or blindness ceased, and
- participation continues beyond the two grace months after disability or blindness cessation, and
- SSA has determined that the individual's completion of the plan, or continuation in the plan for a specified period of time, will increase the likelihood that he/she will not return to the disability or blindness benefit rolls.

Participation in Plan

For the purpose of section 301 benefits, the individual is determined to be participating in a program if he/she is taking part in the activities and services outlined in the plan. See [DI 14505.010B](#).

For continued eligibility for 301 benefits, SSA considers that an individual is participating in a program even during temporary interruptions or suspensions of the plan. For an interruption or suspension to be considered temporary, the individual must resume taking part in the activities and services outlined in his/her plan no more than three full calendar months after the last day of the month the interruption or suspension occurred. See [DI 14505.010D](#).

Work Incentive Provisions and Section 301 Payments

SGA, the TWP, and EPE do not apply to individuals who receive section 301 payments under the title II disability programs (SSDI, CDB, and DWB). For title XVI cases, SSI income and eligibility provisions continue to apply, i.e., income counting, resource limits, IRWE, BWE, and the SEIE.

A PASS may be amended while the individual is receiving section 301 payments; however, SSA cannot approve a new PASS after it has been determined that the individual is no longer disabled or blind. See [SI 00870.010C.3](#) for instructions on advising ODO of a change in an individual's PASS.

Termination of Section 301 Payments

Section 301 payments will be terminated effective with the month after the earliest of the following:

- The month the individual completes the plan; or
- The month the individual stops participating in the plan for any reason; or
- The month ODO determines that the individual's continued participation in the plan will no longer increase the likelihood that he/she will remain off the rolls.

Procedures for Handling Section 301 and PASS

The FO will identify beneficiaries with participation in a program of VR, employment, or other support services (including a PASS) when conducting a medical CDR or age-18 redetermination personal contact. The FO will record information about the program on the form SSA-454-BK or SSA-3368-BK as appropriate ([DI 14510.003A](#)).

The FO completes Part I, Section A of the SSA-4290-F4 (Development of Participation in a Vocational Rehabilitation or Similar Program) with information about the individual and the program before sending the case to DDS ([DI 14510.003C.](#)) The file must contain a copy of the approved PASS application (SSA-545), any supplemental forms including amendments, and the PASS approval notice before it is forwarded to DDS. The FO will ask the PASS specialist to provide a copy of this material (via fax) if it is not already in file. The FO may use the following website to identify the servicing PASS cadre:

<http://www.socialsecurity.gov/disabilityresearch/wi/passcadre.htm>

It is important that the PASS specialist enter remarks on the SSR to identify approved PASS cases and the servicing PASS cadre. Enter the following information on the SSR Remarks field for every approved PASS case:

- PASS approval date (mm/dd/yy),
- PASS specialist's phone number (including extension).

Once the case is at DDS, they will contact the PASS specialist by telephone or mail to complete Part II, Section C of the SSA-4290-F4 ([DI 14510.003C.](#)) The PASS specialist will be asked whether the individual is receiving VR services, employment services or other support services under an individualized written employment plan similar to an IPE (i.e., a PASS). The PASS specialist will also be asked:

- for the date the PASS was approved,
- the date the individual began participating in the PASS,
- whether the individual is taking part in the activities and services outlined in the plan,
- what the employment goal is,
- a description of the education, work skills, and/or work experience the individual will acquire through the PASS, and
- the expected end date of the PASS.

If the DDS determines that disability/blindness has medically ceased, the case will be forwarded to ODO to make a section 301 determination ([DI 14510.003D.](#))

ODO will review the SSA-4290-F4 and the PASS to determine if completion or continuation of the plan for a specified period of time will increase the likelihood that the individual will be permanently removed from the disability/blindness rolls ([DI 14510.020.](#)) The PASS specialist may be contacted by the ODO examiner if further documentation of the plan is required.

Section 301 payments terminate if the individual completes the PASS, the individual stops participating in the PASS, or ODO determines that the individual's continued participation in the plan will no longer increase the likelihood that he/she will remain off the rolls. Therefore, the PASS specialist should advise ODO by fax immediately if:

- the PASS employment goal has been changed, or
- the PASS end date has been changed, or
- the individual begins working at the SGA level (see [DI 14510.007.](#)), or
- the individual stops participating in his/her plan, or

- the individual completes his/her plan.

NOTE: It is not necessary to advise ODO of temporary interruptions or suspensions of a PASS. See [DI 14505.010D](#) for the definition of temporary interruptions.