

## **Question: Do title II beneficiaries who are dually entitled get two TWPs?**

CWICs sometimes encounter beneficiaries who are “dually entitled” to title II benefits. In SSA parlance, a dually entitled person gets title II benefits off of two work records simultaneously. This generally happens when someone has insured status on their own work record, but is also entitled to draw a benefit off of either a deceased spouse as a DWB, or a retired, deceased or disabled parent as a CDB. In the past, SSA used to just combine the two payments into one check each month. SSA now remits two separate checks to people who are dually entitled.

By federal law, SSA has to pay a beneficiary all of the benefit due to them off of their OWN work record first. If a higher payment would be due under another work record, SSA pays the full SSDI amount first and adds the rest up to the higher benefit amount from the other work record.

***EXAMPLE:** Jerry gets \$800 per month in CDB payments and starts to work part-time. Over a few years he establishes insured status on his own work record, leading to entitlement of SSDI of \$300 per month. Once this happens, SSA will pay Jerry \$300 each month in SSDI and then add \$500 each month in CDB payments to bring the total up to the higher of the two payments which is \$800 per month. Jerry will get two separate checks each month.*

What many CWICs may not know is that each of these periods of entitlement off of the two different work records carries its OWN set of title II work incentives.

A dually entitled person has TWO separate and distinct Trial Work Periods. In some cases, the TWPs will run completely concurrently, while in other cases, they will overlap, but not be completely the same. It all depends on when the various periods of entitlement began and when the TWP level work was performed. If a dually entitled person engages in SGA, it is even possible to have payments from one work record cease before the payment from the other work record.

Here is the POMS citation which explains this situation:

### **DI 13010.035 The Trial Work Period**

#### **H. TWP in simultaneous entitlement to DIB, DWB, or CDB benefits**

A beneficiary is entitled to one TWP during a period of entitlement. When a beneficiary is simultaneously entitled to two or more Title II disability benefits, he or she is entitled to a separate TWP on each entitlement. If we credit TWP service months on one record before the

claimant became entitled on another record, the TWP months cannot be charged to the subsequent record.

Consequently, the beneficiary could be in a separate work incentive status (e.g., a TWP on one record and Extended Period of Eligibility (EPE) on another) if the entitlement dates differ, and he or she worked between entitlement dates; or, we could find different total service months used on different entitlements.

The Disability Control File (DCF) presents summary information for dual-entitlement claims, and claims with multiple TWPs. Find the summary information for a particular claim on the Entitlement Summary (ESUM) Screen (see CDR 002.006). Use eWork on all entitlements; the eWork system propagates the earnings information onto the VERN screen onto the DCF.

**NOTE:** For Medicare Qualified Government Employees (MQGE): If an MQGE becomes insured for disability benefits, he or she is subject to the same disability evaluation and reviews as a beneficiary who is entitled to disability based on insured status. For more information on MQGE disability claims, see POMS DI 11035.001.

So, how do you know when a person is dually entitled? One indication is that they would get two separate checks – at least in most cases. The problem with this whole thing is that the BPQY does not show BOTH work records – you generally have to request two BPQYs to get all the info you need to counsel a dually entitled beneficiary. Here is some information directly from SSA OESP on this issue:

We have recently become aware of a systems limitation for Benefits Planning Query requests for individuals who receive a title II disability benefit on more than one worker's earnings history. Previously, these individuals received only one payment, but then the SSA separated the payment records based on the Social Security Number of the individual who worked and paid Social Security taxes on which the entitlement was based. Many of you noticed the change at that time. The issue that has come to our notice is that a BPQY must be requested for each Social Security number under which the beneficiary is paid. We are in the process of investigating systems solutions, but until further notice, please do the following:

1. When interviewing beneficiaries, check to see how many payments they receive under the title II program.
2. If beneficiaries receive more than one payment under the Title II program such as an SSDI payment and a CDB payment, request a BPQY for each SSN with the appropriate beneficiary identification code (BIC). The BIC is the letter that appears after the claim number on the Medicare card. A worker receiving benefits on his or her own work always has a BIC of (the letter) A; a child or CDB beneficiary a BIC of C, followed by a number indicating the child's position in the family, C1, C2, etc. Please complete the requisite 2 releases for each record. This will insure that the local SSA office is aware that two queries are needed in order for the CWIC to have appropriate verification.
3. When you review the Benefits Planning Queries, pay special attention to the Trial Work Period information. In some situations, the TWP months used may correctly differ on the two

records. This may require special diligence when counseling these beneficiaries on the impact of future work. This would only occur if the person was entitled to one benefit, used TWP months, and then became entitled on another work record as well. If you have one of these situations, and aren't sure what to advise the beneficiary, contact your Technical Liaison for assistance.