

Using PASS to Achieve an Employment Goal

PASS is an acronym which stands for Plan to Achieve Self-Support and it's a work incentive provision within Social Security's disability benefits program. PASS allows a person with a disability to set aside income and/or resources for a specified period of time in order to pay for items or services needed to achieve an employment goal. Under an approved Plan to Achieve Self-Support, an individual may set aside income and/or resources to pay for education or training, job coaching or other support services, transportation, job-related items, equipment needed to start a business, or just about anything else needed to achieve an occupational goal.

Income and/or resources set aside in a PASS are not counted when determining eligibility for Supplemental Security Income (SSI) or when determining the amount amount of SSI payment an eligible individual is due. This means that a person whose income or resources are too high to qualify for SSI may develop a PASS to set aside the excess income and/or resources for use in their work goal, thus establishing initial SSI eligibility. For someone who has already been found eligible for SSI, a PASS may be used to set aside income or resources that would normally cause ineligibility or reduced benefit payments.

While the PASS work incentive is not widely known in the disability community, this provision was actually included as part of the original SSI statute over 40 years ago. The legislative history shows that Congress expressed a "desire to provide every opportunity and encouragement to the blind and disabled to return to gainful employment." Congress intended that the PASS provision "be liberally construed if necessary to accomplish these objectives." Several characteristics of the PASS work incentive make it an unusually effective tool for individuals who want to work and decrease their dependency on Social Secu-

These characteristics include the following:

- PASS reflects individual choice. Individuals choose their own work goal and develop their own plan for achieving that goal.
- PASS is self-financed. Individuals use their own funds to pursue the plan. The receipt of, or an increase in SSI benefits up to the amount of the Federal Benefit Rate (FBR), and any applicable state supplement, replaces some or all of the funds that the individual uses for the PASS.



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- PASS is largely self-directed. Individuals decide what goods and services are needed to reach the work goal.
- PASS is highly individualized. Each PASS is custom designed to meet the needs of a unique individual.

PASS offers a unique opportunity for individuals with disabilities to achieve vocational goals, increase their available income, reduce their dependence on benefits, and improve their quality of life. While PASS is not a work incentive that every beneficiary is eligible for or could benefit from, it provides incredible advantages for individuals who truly want a successful career that leads to economic self-sufficiency.

QUESTION:

What is Social Security looking for when they are reviewing a PASS? What are the requirements I need to meet to get my PASS approved?

ANSWER

There are 5 main areas that PASS Specialists are concerned with when they are reviewing your plan to determine whether or not to approve it.

1. First and foremost, your PASS must specify and clearly describe a single occupational goal and your goal must also be “feasible.” This means that you must have a reasonable chance of performing the work associated with the occupational goal, taking into account your disabling condition(s) and the limitations imposed by it, your age (in some cases), and your strengths and abilities.
2. For Social Security to approve a PASS, the plan must be expected to result in a level of earnings that will significantly decrease your dependence on public benefits. If you are already eligible for SSI, the occupational goal has to be expected to generate earnings sufficient to substantially reduce your SSI cash benefit. If you are getting SSDI benefits, your occupational goal must be expected to generate earnings which demonstrate your ability to engage in Substantial Gainful Activity (SGA). Engaging in SGA would eventually cause your SSDI cash payments to stop.
3. Your plan for achieving your employment goal must also be “viable”. By this, Social Security means that your plan is realistic, taking into account your education and training needs, any assistive technology required, and the interval steps necessary to actually secure employment or start a business. These steps, or “milestones,” which demonstrate your progress towards achieving the goal, should be described sufficiently so that completion of the steps can be readily discernible and, if appropriate, measurable.
4. For a PASS to be approved, you must also have some form of countable income and/or resources to set aside in a PASS account. These funds have to be in cash, or readily convertible to cash; you can’t fund a PASS with real property or possessions such as jewelry. You also cannot fund a PASS with income or resources that don’t count in the SSI program. For example, you can’t use Food Stamps

(SNAP) to fund a PASS because these benefits are completely disregarded by the SSI program. Finally, you can't fund your PASS with your SSI cash payment. You must have some other form of income or resources besides SSI for a PASS to work.

5. Finally, you must need some sort of items or services in order to achieve your employment goal for a PASS to be approved. If you don't need anything to be paid for in order to achieve your goal, there is no need for the PASS and it will not be approved.

QUESTION:

ANSWER

What kind of person would be a good candidate for a PASS?

To qualify for a PASS, you must meet the following criteria:

- Be under age 65, or be previously entitled to an SSI benefit based on blindness or disability the month prior to reaching age 65;
- Meet Social Security's definition of disability or blindness;
- Meet all SSI eligibility criteria with the exception of the income and resources test; and
- Have some form of countable income resources to set aside in the PASS.

Not everyone who is eligible for a PASS is actually a good candidate for using this work incentive. Like all Social Security work incentives, PASS is not intended to be a "one size fits all" solution to every problem or to meet the employment support needs of every beneficiary.

A likely PASS candidate has one or more of the following characteristics:

- Eligible for or already receiving rehabilitation services from a State Vocational Rehabilitation (VR) agency, a state agency for the blind, other public agency (e.g., Department of Veterans Affairs), Employment Network, or a private agency (e.g., United Cerebral Palsy, Goodwill Industries, etc.);
- Enrolled in school or other training program, or interested in obtaining post-secondary education or occupational skill training of some type;
- Currently working, seeking employment, or interested in pursuing employment or self-employment;
- Interested in reducing dependency on public benefits and becoming financially independent;

Unlikely PASS candidates would include those who:

- In need of services/items in order to achieve a desired work or self-employment goal; or
- Would otherwise have initial SSI eligibility denied or continued eligibility suspended or terminated solely due to excess income/re-
- Already secured the needed items and services under a previous PASS and have not tried to seek employment in the work goal for which they obtained the required items or services that they identified as being sufficient to make them employable;
- Are ineligible for SSI benefits for any reason other than excess income or resources;
- Are under age 15 or over 65 (with some exceptions);
- Do not have any income or resources to set aside in the PASS and do not expect to have any, or are unwilling to use set aside funds strictly for the PASS;
- Do not require any additional items or services to become employed or self-employed; or are not interested in working or decreasing dependency on public benefits.

QUESTION:

What kinds of expenses could be paid for by using PASS?

ANSWER

The PASS must show how the money set aside will be spent to achieve your work goal. A listing must include planned expenditures on a monthly basis and how they are connected to the work goal. Expenses must be reasonable and cost estimates for items/services included in the PASS must show how the estimate was calculated. When possible, providers of services paid for through PASS should be indicated.

Some examples of possible PASS expenditures include:

- Equipment, supplies, operating capital and inventory required to start a business;
- Supported employment services including job development and job coaching;
- Costs associated with educational or vocational training, i.e., tuition, books, fees, tutoring, counseling, etc.;
- Additional costs incurred for room and board away from principal residence required to attend educational, employment, trade or business activities;
- Dues and publications for academic or professional purposes;
- Attendant care;

- Child care;
- Equipment or tools either specific to the individual's condition or designed for general use; e.g. similar to what persons without disabilities would use for work;
- Uniforms, specialized clothing, safety equipment;
- Least costly alternatives for transportation, including:
 - Public transportation and common carriers,
 - Hire of private or commercial carriers,
 - Assistance with purchase of a private vehicle;
- Operational access modifications to buildings or vehicles to accommodate disability; and
- Licenses, certifications, and permits necessary for employment.

There are certain types of expenses that are not permitted by the PASS provisions.

No expense can be allowed that:

- Is not purchased by you;
- Is for items or services that you can readily obtain from the providing agency for free;
- Is for items or services for which you will be promptly reimbursed;
- Is for items or services purchased in connection with a prior PASS (with some exceptions); or
- Reflects an outstanding debt unrelated to the current PASS, though there are some exceptions.

There are many additional items or services which potentially could be paid for using PASS funds. If the expense is something you really need to achieve your occupational goal, include it in your plan and explain why it is necessary. It is possible the expense will be approved!

QUESTION:

I am getting SSDI benefits, not SSI. Can I still use PASS to help achieve my employment goal?

ANSWER

Since PASS is considered to be an SSI work incentive, lots of people think that individuals who receive SSDI can't use the PASS work incentive. In fact, nothing could be further from the truth!

SSDI benefits are viewed by the SSI program as a form of unearned income. Since many SSDI beneficiaries receive more than the current SSI Federal Benefit Rate in monthly payments, they often have too much countable unearned income to qualify for SSI. By setting the SSDI payment aside under an approved PASS, the SSI program essentially disregards this income when determining eligibility for SSI. If your PASS is approved, your SSDI payment continues and is set aside in the PASS account to pay for the items or services you need to achieve your oc-

cupational goal. In return, you will receive SSI cash payments during the life of the PASS. This SSI is intended to pay for your basic food and shelter needs.

If you get SSDI payments and want to pursue a PASS, keep in mind that you must meet all other SSI eligibility criteria. This means that countable resources must be under allowable limits (\$2,000 for an individual and \$3,000 for a couple) and all other requirements must be met. It's important to know that SSI also counts some of the income and resources of ineligible spouses and ineligible parents (for SSI recipients under 18). SSDI beneficiaries who are married or under age 18 may have a problem qualifying for SSI because of the other income SSA will count when determining PASS eligibility.

There is one problem that some SSDI beneficiaries face when trying to use a PASS. To get your PASS approved, you must demonstrate to Social Security that you can live on the income available for living expenses after the PASS begins. Many beneficiaries misunderstand how PASS funds work and think that the PASS will provide additional money for living expenses. Instead, money set aside in the PASS must be used for approved expenses to meet the vocational goal and can't be used to pay for living expenses. Under an approved PASS, the highest amount of SSI that can be awarded is the current Federal Benefit Rate (\$733 in 2015). If you get a high SSDI monthly payment and you set this payment aside in the PASS account to pay for PASS expenses, all you will have to live on from SSI is a maximum of \$733 each month. This can make using a PASS impossible for some beneficiaries!

QUESTION:

Are there any limits to how much I can put in my PASS or how long my PASS can last?

ANSWER

Yes, there are limits. In terms of how much you can set aside in your PASS, it all depends on how much you have in income and/or resources. For example, if you get SSI and a small insurance settlement payment of \$300 each month, all you have to fund your PASS is the \$300 insurance payment. Your SSI check will be increased once your PASS is approved and you start setting aside this monthly income, but your monthly PASS deposit will still be only \$300. Your plan can only include expenditures which match the amount of income or resources you are setting aside under your plan! All you have to spend it what you set aside in your PASS account.

In terms of time limits, the PASS regulations do not actually include any specific number of years that plans may not extend beyond. SSA PASS Specialists will determine the length of your PASS based on your needs and circumstances. In the overwhelming majority of cases, a PASS would not be likely to extend much beyond 4 years.

QUESTION: What happens if I am approved for PASS but I end up not being able to achieve my employment goal?

ANSWER

You will not be penalized if you didn't reach your work goal at the end of your PASS if you:

- Followed their PASS steps to reach your work goal as established/revised;
- Spent the set aside income and/or resources as outlined in the PASS;
- Kept records of the expenses including receipts; and
- Actively sought employment at the end of the PASS.

If you are temporarily unable to participate in your plan, Social Security typically will suspend your PASS. This could happen if you became ill or experienced some other problem that prevented you from moving forward on PASS activities. A PASS may be suspended for up to 12 consecutive months. The key is to communicate with your PASS Specialist whenever you are having difficulty achieving the milestones you included in your PASS.

QUESTION: How does someone go about developing a Plan to Achieve Self-Support?

ANSWER

You begin by getting a copy of the required PASS form which is available on SSA's website here: <http://www.socialsecurity.gov/forms/ssa-545.html>. All plans are required to be submitted on this form.

When you have completed your PASS form you submit it to a Social Security PASS Specialist for review and approval. The way PASS Specialists are assigned varies by SSA Regional Office. You can find contact information for the PASS Specialists in your area by going to: <http://www.socialsecurity.gov/disabilityresearch/wi/passcadre.htm>

Your PASS form doesn't need to be perfect when you submit your plan. Your assigned PASS Specialist will work with you to revise you plan as needed and is available to answer any questions you may have.

QUESTION: PASS sounds pretty complicated. where can I get help with developing my plan?

ANSWER

Social Security encourages beneficiaries to get help in developing a PASS. Assistance in developing a PASS may be provided by a Social Security PASS Specialist, a vocational rehabilitation counselor, other professionals providing benefits counseling, or anyone else.

A great source of help with developing a PASS is your local Work Incentives Planning and Assistance (WIPA) project. WIPA projects are organi-

zations in your community authorized by Social Security to provide free benefits counseling to beneficiaries of Social Security disability programs to help them make informed choices about work. WIPA projects can help you determine whether work is right for you and how work may affect your benefits. Once you begin working, WIPA projects can also provide information and support to help you become more financially independent. WIPA projects are staffed by Community Work Incentive Coordinators (CWICs) who provide in-depth counseling about working, earning more money, and how working may affect any benefits you receive. CWICs are required to complete a lengthy training and certification process to gain the knowledge and skill needed to provide you with high quality work incentives planning and assistance services. You can locate the WIPA provider that serves your county by going to Social security's website here: <http://www.chooseworkttw.net/findhelp/>

QUESTION: Where can I get more detailed information about PASS?

ANSWER

There are lots of sources of in depth information about the PASS program available on the internet.

Here are some recommended websites:

- <http://www.passplan.org/>
- <http://www.passonline.org/>
- <http://www.socialsecurity.gov/disabilityresearch/wi/pass.htm>
- <http://www.edi.cornell.edu/s-PPBriefs.cfm> (scroll down to find the paper on PASS)



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