

# SOCIAL SECURITY & YOU

FROM THE OFFICE OF ATTORNEY WILLIAM CRAWFORTH

SUMMER 2021

## Message From Attorney Crawford

### STILL STANDING...AND PRACTICING

I published the first issue of Social Security & You in Spring of 1993. Some years I've published more issues than others. The most recent issue was dated Spring 2019: over 2 years ago. The world was a much different place then. Especially for me.

In the spring of 2019, my wife of 38 years was battling cancer. Salivary duct carcinoma, to be exact. An extremely rare cancer. Only 3 out of 1 million people get it.

She was largely symptom free, at that point, and had been since the fall of 2018. That would change in June of 2019 when we learned my wife only had months to live. 14 months, as it turned out, as she passed away last August.

Although my wife was fighting what turned out to be a losing battle, she was still fairly active in March of 2020. We had a trip planned to Florida. She was going to the gym, yoga & Pilates. She was shopping. All of that changed in just a few days in mid-March when the COVID-19 pandemic hit the U.S. The Social Security Administration acted swiftly, closing both its field and hearing offices on March 17th. While there were some cancelled hearings at the beginning, SSA began to offer telephone hearings. These were

optional. If a telephone hearing was not desired, Claimants were told they could wait for the Office of Hearings Operations to re-open for in person hearings. Like a lot of people, I thought by last fall things would settle down and in person hearings would resume. That did not turn out to be the case.

In addition to telephone hearings, video hearings are now being offered. Not on the ubiquitous Zoom platform, but rather on Microsoft Team.

Personally, I have had pretty good luck with the telephone hearings. I have recommended my clients go forward with a remote hearing based on the type of case and the particular judge.

As for the cases where we elected to wait for the OHO to reopen, we are still waiting over a year later. I've had a judge tell me, off the record, that he believes in person hearings will resume this fall. That's just a guess and remains to be seen.

Cases other than disability, such as overpayment and cases involving accounting, have been suspended, for the time being.

State agencies, such as Michigan's Disability Determination Service, were a little slower to adapt to working remotely, but eventually government cellphones were given to staff so communication could still be facilitated while case workers worked

from home.

As for my wife, we were terrified at the prospect of her contracting the virus and dying in a hospital COVID-19 ward, on a ventilator, by herself. She stopped doing the things that kept her going. She quarantined herself at home. I began going to the grocery store at 6:00 a.m. and sanitizing the groceries before bringing them in the house.

I persuaded her try a visit to Meijer's one day, with mask and gloves. She did not feel safe and we never did that again. In fact, the only place she went down the stretch was the University of Michigan Medical Center.

In mid-July, we elected to stop treating at Michigan Medicine and my wife went into hospice care through Arbor Hospice. This, too, had challenges. I sanitized everywhere the hospice nurses went & touched. They were careful too.

It was with the assistance of hospice that we achieved our goal: my wife of 40 years passed away in mid-August, in our bed, peacefully, the way we wanted her to go.

As for me, I continue to practice Social Security law and expect to do so for the foreseeable future. If you, or someone you know, has a question about Social Security, and especially if Social Security disability or SSI has been denied, please give me a call.

## **SOCIAL SECURITY BEGINS VIDEO HEARINGS ON MICROSOFT TEAMS PLATFORM**

As mentioned in Attorney Crawford's column, Message From Attorney Crawford, in addition to telephone hearings in response to the COVID 19 pandemic, Microsoft Teams hearings have been offered since late 2020.

This is an option; not a requirement. Claimants may opt to have a telephone hearing or wait for the OHO to reopen.

Vocational witnesses and medical experts will still testify remotely, by phone.

Claimants and representatives may be together, in the same room, or remote as well.

## **ABLE ACT REACHES SIXTH ANNIVERSARY**

On 12-19-20 the sixth anniversary of the ABLE Act was celebrated. ABLE is an acronym for Achieving a Better Life Experience. The ABLE Act allows people with disabilities to create tax free savings & investment accounts.

Prior to the ABLE Act it was difficult, if not impossible for people with disabilities to save money because many programs designed to benefit them, such as SSI, Medicaid & state assistance, are need based.

As of the 3rd quarter of 2020, over 75,000 people with disabilities had opened an ABLE account with an average amount of over \$6,000. The money can be used for disability related expenses not otherwise covered.

## **SS TRUSTEES SAY COMBINED TRUST FUND PROJECTION REMAINS THE SAME**

By the time this issue of SS&Y is published a more current projection may have been released but as of April 2020 the annual report was the same as 2019. The combined asset reserves of the Old-Age and Survivors Insurance (OASI) and Disability (DI) Trust Funds are scheduled to be depleted in 2035 with 79 percent benefits payable at that time.

The OASI Trust Fund is projected to become depleted in 2034, the same as last year's estimate with 75% benefits payable at that time. The DI Trust Fund was estimated to be depleted in 2065, extended 13 year's from the 2019 estimate of 2052 with 92% of benefits still payable.

## **COLA FOR 2020 & 2021**

The Cost of Living Adjustment (COLA) for 2020 for persons drawing Social Security disability & retirement benefits was a 1.6% increase. This meant an increase for the average Title II DIB recipient of \$20 per month. The average recipient received \$1,258 in 2020. SSI recipients received \$783 per month.

COLA for 2021 was an increase of 1.3%. The average recipient is receiving \$1,277 in 2021. SSI benefits are \$794 this year.

## **STOP THE WAIT ACT STILL PENDING BEFORE CONGRESS**

As most know, there is a five-month waiting period from the month a disability Claimant is deemed to be disabled until benefits actually begin. In addition, its 30 months until Medicare begins.

Both waiting periods would be

eliminated the provisions of the Stop The Wait Act become law.

## **SOCIAL SECURITY SCAMS GETTING MORE SOPHISTICATED**

Coinciding with the COVID 19 pandemic, scammers are preying on the fears and insecurities of the population and, as usual, the elderly and disabled are prime targets.

The Office of the Inspector General has received reports of scammers creating fake versions of federal IDs and texting or emailing pictures of these IDs to convince people of their authenticity.

As always, the Social Security Administration is emphasizing they will NEVER:

- Text or email an employee's official government ID.
- Suspend your Social Security number.
- Threaten you with arrest or legal action unless you immediately pay a fine or fee.
- Require payment by gift card, wire transfer, internet currency or mailing cash.
- Promise a benefit increase or other assistance in exchange for payment.
- Send official letters or reports containing your personal information via email.

Social Security only sends text messages to persons who have opted in for that type of communication and only in limited situations, such as:

- When you have subscribed to receive updates and notifications by text.
- As part of enhanced security when accessing your personal My Social Security account.

If Social Security thinks you owe them money they will send you a letter via U.S. mail with payment options and appeal rights.

## **INABILITY TO COMMUNICATE IN ENGLISH NO LONGER A CONSIDERATION IN DISABILITY DETERMINATIONS**

As forecast in the Spring 2019 issue of SS&Y, the Social Security Administration has, in fact, removed inability to communicate in English from the disability evaluation process. Per the news release, dated 2-24-20, the ability to communicate in English does “not reflect work in the modern economy”.

SSA is still required to take education into account when making disability decisions but not the ability to communicate in English.

## **STUDIES, STUDIES, STUDIES**

You know you’ve missed it. And I know you’ve missed it. Here is a compilation of the results of studies released over the last 2 years.

A study published in 2019 by the National Institutes of Health confirmed that the fruit, pomegranate, has antiaging benefits, namely it retards loss of muscle mass. Previous research has shown that the antioxidants in pomegranates can inhibit cell proliferation and invasion and promote cell death. And another study reported that drinking 8 ounces of pomegranate juice daily significantly delayed the time it took for PSA levels to double.

According to a study at Australian National University eating fast food (defined as highly processed food) can cause irreversible damage by middle age by elevating blood glucose levels.

Just thinking about coffee, without

drinking a drop, can give a person that feeling of energy and productivity you get by drinking that first cup in the a.m. according to a study performed at the University of Toronto’s Rotman School of Management. While a lot is known about the physiological effects of coffee, less is known about the psychological effects. So just think about that cup of coffee and skip the drive thru lane at Starbucks or McDonalds.

Research from the Washington University of St. Louis School of Medicine reveals women’s brains appear to be about 3 years younger, metabolically, than men’s brains of the same chronological age. According to the study, time wears differently on women’s and men’s brains. Brains tend to shrink w/ age but men’s diminish faster.

A British study concludes doing crossword puzzles or Sudoku regularly increases mental acuity in adults over 50 years of age.

1 in 7 cardiovascular deaths could be caused by not eating enough fruit, according to a Tufts University study. The same study concluded another 1 in 12 deaths could be caused by not eating enough vegetables.

Have glaucoma? Try mindful meditation. A study published in The Journal of Glaucoma showed meditating for an hour a day saw their eye pressure decrease by 25% in just 3 weeks.

The journal, Stroke, reported 50% of stroke survivors have a sleep disorder, despite only 2% of stroke victims actually getting tested for sleep issues. The usual reason is obstructive sleep apnea.

A study conducted by the Keck School of Medicine at the University

of Southern California shows an experimental drug developed by pharmaceutical giant, Eli Lilly, shows promise for those battling Alzheimer’s disease. The 18 month study found that patients who took donanemab had a 32% slower rate of decline than patients who took the placebo.

At least partly due to the COVID-19 pandemic, life expectancy in the U.S. dropped to 77.8 years through June 2020, according to the National Center for Health Statistics. In 2019 the life expectancy was 78.8 years. In addition to the virus, researchers cite an increase in drug overdoses as a case for the decline.

A study published in the Journal of the American Medical Association reports that seniors, above age 65 who were pre-diabetic, were only 8% more likely to develop diabetes in the next 6 years than those who were not pre-diabetic.

Researchers at Goethe University in Frankfurt, Germany have concluded that fluctuations in a person’s heart rate is an excellent predictor for depression. Measuring the heart rate for 24 hours is 90% accurate in diagnosing depression.

As more and more states legalize cannabis, at least medically, the risk of interactions with other medications increases. Research done at Penn State University shows potentially dangerous side-effects are possible for cannabis with drugs taken for heart rhythm medications, blood clotting medicines, prescription pain drugs, phenobarbital and other sedatives, anti-depressants and prescription sleep aids.

A new study done at Brigham and Women’s Hospital and the VA Boston Healthcare System found that the risk of dying from any cause, after age 75,

was lower by 25% for those taking statins for lowering cholesterol.

Another JAMA published study from research done at the Cleveland Clinic have found an increase in stress cardiomyopathy (known as broken heart syndrome) have increased from 1.7% of patients before the COVID-19 pandemic to 7.8% between March 1, 2020 & April 30, 2020.

A report by the Governors Highway Safety Association found a sharp increase in pedestrian deaths in 2019. The 6,590 reported deaths were the most since 1982. Possible causes were higher fuel prices, more people walking for exercise and the one Attorney Crawford favors, distractions for both drives and walkers using their cell-phones.