

PASS: Plan for Achieving Self Support

PASS is an income and resources exclusion that allows a disabled person to set aside income and/or resources and use them to meet an occupational objective.

A PASS can help an individual establish or maintain SSI eligibility and also can increase or help maintain the individual's SSI payment amount as s/he gains the capacity for self-support.

On SSDI, can I have a PASS?

As an SSDI only beneficiary, a person must apply for SSI eligibility in order to initiate a PASS. A PASS can help an SSDI beneficiary meet the income and resource limits for SSI eligibility.

How Does a PASS Work?

An approved PASS allows a person on SSI to shelter income and/or resources that would otherwise reduce the amount of the SSI check. This income/resource can then be used to help the person meet an occupational goal, moving toward becoming self-supporting. PASS plans can be used for education, training, business development, work expenses, job coaching, transportation, etc.

SSI CASH BENEFITS CANNOT BE SET ASIDE IN A PASS. YOU MUST HAVE OTHER INCOME AND/OR RESOURCES.

The Plan must:

- ❑ Increase the person's self-support/self-reliance and decrease reliance on the Social Security system;
- ❑ Be designed specifically for the individual's goals, abilities and circumstances;
- ❑ Be in writing;
- ❑ Have a specific work goal that the person is capable of performing (unless there is evidence to the contrary, SSA PASS Specialists will presume an occupational goal to be feasible and a PASS to be viable if a VR agency helps develop the plan). This goal must represent an entry level position for that occupation, unless the earnings available at

that level would not cover any IRWE's as well as normal living expenses;

- ❑ Have a specific time frame for reaching the goal;
- ❑ Show what money and other resources received will be used to reach the goal;
- ❑ Show how the money and resources will be used;
- ❑ Show how the money set aside will be kept identifiable from other funds;
- ❑ Be approved by the Social Security Administration;
- ❑ Be reviewed periodically to assure compliance.

Who Can Use A PASS?

Social Security suggests that PASS plans would be appropriate for:

- ❑ Any person who is disabled and does not currently have the capacity for self-support and expresses an interest in rehabilitation;
- ❑ People who are disabled and who are already receiving rehabilitation services from a federal, state or private agency;
- ❑ People who are disabled and who are in school or training programs;
- ❑ Persons who are disabled who would otherwise have eligibility denied or have benefits reduced or terminated due to excess income or resources.

Unlikely candidates are blind/disabled individuals who:

- ❑ Have already completed a PASS and have not tried to seek employment in the work goal for which they obtained the required items or services;
- ❑ Are under age 15
- ❑ Are unwilling to use set aside funds strictly for the PASS
- ❑ Do not require any additional goods or services to become employed.

February 1996 figures suggested that Colorado has the highest PASS use (1.95% of folks on SSI); followed by Vermont (1.8%), South Dakota (1.7%), Wyoming (1.4%) and Oregon (1.2%). Lowest states were Illinois (0.12%), West Virginia (0.11%), New Mexico (0.11%), Oklahoma (0.10%), Pennsylvania (0.1%), and Louisiana (0.07%). After changes were made in the PASS program in April 1996, the number of active PASS drastically declined. As of March 1998, there were just 1,861 PASS in the nation for 3,638,554 persons of working age on SSI (.05%). Clarification of PASS regulations (issued in December 1997) will hopefully increase the number again.

SSA Data 12/04	Alaska	Idaho	Oregon	Washington
Total disabled SSI recipients	10,781	20,993	58,842	111,895
# Working	601	1715	3885	5721
PASS Participants	6	18	20	31
IRWE Participants	4	10	42	93
BWE Participants	6	3	33	46
1619(b) Users	173	470	945	1721

According to Region X's PASS Cadre there were 37 active PASS plans in Region X as of September 2000, with over 40 new PASS plans awaiting consideration.

Who Can Write a PASS?

To qualify to write a PASS, you must:

- 1) Be disabled,
- 2) Meet all SSI eligibility requirements except income or resources, which are being set aside in a PASS account, and
- 3) Have earnings, unearned income, or other financial resources. You cannot write a PASS if SSI is your only source of income.

People who are disabled have a fundamental role in developing their own plans. They can write their own plan or select someone to help them, e.g. parents, vocational counselors, benefits specialists, job coaches, social workers, or employers. **SSA MUST APPROVE THE PASS BEFORE IT CAN GO INTO EFFECT.** A person may only have one PASS per

occupational goal, though a suspended PASS may be resumed. There is no limit to the number of plans a person may have in a lifetime.

How Does a PASS Impact SSI checks or SSI Eligibility?

Income that is sheltered by a PASS plan is no longer considered as part of the Total Countable Income and your SSI check will increase to offset part or all of the PASS amount.

If you are not currently eligible for SSI because you have too much earned or unearned income or other financial resources (or a combination), you can use a PASS to become eligible. Since the amount of income and/or resources set aside in the PASS is no longer considered, if your total countable income thus goes below SGA you will be eligible for SSI. You can apply for SSI and submit a PASS at the same time, if the PASS is needed to establish SSI eligibility.

What Are the Requirements for a successful PASS?

As requested on the PASS form, included at the end of this section, the following list outlines the requirements for a successful PASS:

1. Feasible Occupational goal

SSA must assume that the occupational goal is feasible for the person (if the goal is approved by a VR agency), and that it will generally raise the ability of the person to become more self-supporting. The SSA also requires information regarding the proposed vocational goals, including job title (or if self-employed, the type of business), age of the person, any prior work history, education and training, and type of disability. The PASS must also indicate current earnings and estimated earnings after the PASS is complete.

2. Interval Steps/Milestones

The PASS should include specific time frames/milestones that document a person's progress toward achieving his/her stated PASS goal. These should be criterion-based statements (e.g., begins school/job coaching, hired for job, etc.) that show the steps to goal achievement.

3. Definable Timetable

Specific time frames for meeting vocational goals must be established within the PASS. Provide schedules for meeting the vocational goals, indicating the month and year it is expected to begin and end.

4. Sources to Be Set Aside

Plans must state the sources and amount of income or resources to be set aside (earnings, benefit supports, savings accounts, etc.). The sources and amounts must be adequate to achieve the goals, but cannot be excessive. Separate accounts for PASS monies (checking accounts) provide excellent verification of PASS savings and expenditures.

5. Expenditures

The PASS must state how the money set aside will be spent to achieve the occupational goal. A list of monthly planned expenditures must be included, grouped or categorized with an explanation of their connection to the occupational goal. Expenses must be reasonable to be approved. Cost estimates for goods and services should indicate how the cost was calculated.

6. Organization

The PASS must be in writing, but there is no mandatory format. Forms are available and will probably expedite processing. The plan must be signed by the applicant and the payee, if there is one.

7. Deferred Expenses

Not all expenses may be allowed at the beginning of the PASS. In some cases, approval of certain goods and services may be contingent on the successful completion of milestones that justify the expense.

How Long Can a PASS Last?

As a general rule, PASS plans are written for up to 36 months, or 48 months if the plan involves an educational goal. The PASS Cadre usually reviews plans every 6 months. In some cases, as when a person's disability impedes progress on a plan, the PASS may be extended beyond 36 or 48 months, in 6-month increments. There is currently no limit on the length of a PASS.

What Can Be Paid For Through A PASS?

Any expense necessary to meet a vocational goal can be paid through a PASS – it does not have to be disability related. It does, however, have to clearly relate to the goal and be defensible as the least expensive alternative. It also has to be an expense which the individual otherwise could not afford and would not incur without the PASS.

Examples:

- ❑ Tuition, books, supplies – all fees and costs imposed by or in connection with an educational or occupational training facility.
- ❑ Room and board away from an individual's principal place of residence to attend educational, training, employment, trade or business activities.
- ❑ Attendant Care
- ❑ Job coaching assistance or job development services.
- ❑ Child care
- ❑ Equipment, tools, uniforms and safety equipment
- ❑ Equipment, supplies, operating capital and inventory required to establish and carry on a trade or business (start up costs only)
- ❑ Medical and social services costs
- ❑ Maintenance costs on any of the above
- ❑ Meals consumed during work hours
- ❑ Appropriate attire for job interviews or initial employment
- ❑ Job search or relocation expenses
- ❑ Transportation costs
- ❑ Permits and licenses connected with meeting the occupational objective
- ❑ Extended or follow-along services are allowed if the individual is seeking to increase his/her potential for self-support either by

increasing the hours of work, or by decreasing reliance on ongoing supports.

- Costs for writing the PASS (but not for ongoing monitoring)

Expenses that are not allowable under a PASS include those that:

- are paid for by others, which were in existence prior to initiation of the PASS goal, or
- are not related to the PASS goal, or
- are not defensible as the least expensive, or
- expenses that are related to the PASS goal which can be paid by other agencies or obtained in an alternative manner (i.e., using the university computer), or
- were purchased under a prior PASS unless a satisfactory justification is provided.

You are allowed to have one PASS per occupational objective and one PASS at a time. Data from the CU National Employment Survey (385 agencies in 40 states) indicated that the primary use for PASS plans has been to obtain transportation to and from work – usually specialized transportation, car pooling or reimbursing coworkers, rarely purchasing a vehicle. Twenty percent of the plans were written to finance supported employment services.

How are PASS Plans Processed?

PASS plans should be submitted to your local representative for review. The intent is for the local representative to make sure that all necessary documentation is included in the proposal. Some local reps are really good at this, others don't know what to ask or what documentation to collect.

Once the plan has been reviewed by the local representative, the PASS is forwarded to the PASS Cadre for review. This forwarding is supposed to happen within 24 hours. To avoid delays in processing, fax the plan to the PASS Cadre as well.

Once the PASS Specialist has reviewed the plan, which is supposed to be within 60 days, she will contact the applicant by phone, and most cases. When a decision has been made, she will write to the applicant either approving the plan, asking for more information, or denying the application.

The PASS Specialist will usually, though not always, clarify why additional information is needed. A copy of the letter is also sent to the local office.

The PASS Cadre phone number for Region 10 is 1-888-674-6251. Any questions you have once the PASS has been submitted should be referred to the PASS Specialist, not the local office. The biggest cause for delay is waiting for documentary information from VR, doctors, etc., so **THE BETTER YOU DO AT JUSTIFYING THE PLAN AND ITS EXPENSES, THE QUICKER THE APPLICATION WILL BE APPROVED!**

When Can a PASS Be Changed?

- ❑ When there is a change in the occupational objective
- ❑ When there are changes in the amounts of income or resources needed
- ❑ When there are changes in the planned expenditures needed
- ❑ When there is a change in the scheduled attainment date.

Amendments to a PASS plan have to be approved by the regional specialists.

When Does a PASS End?

- ❑ When the occupational objective is reached
- ❑ When the specified time limit is reached
- ❑ When the individual is no longer in compliance with her/his plan or abandons her/his plan

What Happens to the Money If I Change My Mind?

If you change your mind about the PASS, or go out of compliance and you have money that has been saved for the PASS expenses, it will be subject to overpayment status. In other words, you'll have to give it back. If you have already spent the money for the expenses approved in the plan and you followed the rules about keeping Social Security informed, you will not have to give it back.

PASS vs. IRWE

The decision about whether to claim work expenses as a PASS or an IRWE is properly one that is made by the worker and his/her family, hopefully, with expert advice and assistance from the employment support provider or benefits specialist. Here are some issues to consider:

- ❑ PASS plans must be pre-approved by SSA, while IRWE's are claimed when income is reported and usually need not be pre-approved.
- ❑ Many items that can be used as a PASS expense cannot be claimed as an IRWE. On the other hand, previously existing expenses can be claimed as an IRWE and not as part of a PASS.
- ❑ An IRWE can be claimed only in the month the person works; a PASS can be used to support services needed to prepare for work or seek employment.
- ❑ PASS plans are time limited; IRWE's aren't.
- ❑ Claiming an IRWE does not require an ongoing commitment to a plan. If the person is not strongly committed, the family is not supportive or there has been a history of failure to meet previous obligations, you may want to recommend an IRWE rather than a PASS.
- ❑ All else being equal, a PASS will leave more money in the person's pocket than an IRWE will.

PASS Resources

The PASS Specialists for our region, Vera Brodsky can be reached at the PASS Cadre:

SSI PASS Specialist
SSA Region 10
701 Fifth Avenue, Suite 2900 MS 303C
Seattle, WA 98104-7075
1-888-674-6251 or 1-206-615-2627

There are two attorneys in Denver who have been asked by the PASS Participants Rights Campaign and the Colorado Cross-Disability Coalition to investigate PASS violations. They would like to hear from people who

are in one of the following two situations: (1) people who have submitted or resubmitted their PASS plans since April 1998 and encountered violations and (2) people with ongoing overpayment disputes related to findings of noncompliance within the past 2 years. If you fall into one of these categories and would be interested in participating in an investigation and/or possible lawsuit against the SSA, please contact either of the attorneys listed below.

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There is currently a strong consumer movement addressing the PASS programs, headed by Laura Hershey at 303-733-8717.

David Hammis and Cary Griffin are very knowledgeable about SSA Work Incentives and are Senior Partners with Griffin – Hammis Associates, LLC.

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The University of Alaska's, University Affiliated Project, Center for Human Development Project for Self Employment offers the resource of Ron Broome: 907-561-3030.

