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SSDI Recipients Beware of Facebook

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If you are a recipient of Social Security Disability Insurance (SSDI) or are applying for SSDI and use social media: beware.

Social Security Disability Insurance has been part of the Social Security Program since 1956. Disability benefit applicants must be divided into two types of people by law—those whose disabilities prevent them from engaging in substantial gainful activity and a much smaller percentage who might be able to work a little, but are afraid of admitting it to Social Security or are malingerers.

The Trump Administration is considering reviewing the social media accounts of recipients and applicants to see evidence of their ability to work. Dancing, exercising, participating in athletic activities, maybe even standing or walking can be suspicious.

The folly of this type of review is that many people who use wheelchairs can stand—or even walk. Many people who exercise are too disabled to work and can't sustain physical activity for any length of time. Most people don't post pictures of themselves alone, forlorn and inactive. They post pictures of happy times and physical accomplishments. A photo of a disabled individual holding an award for participating in an athletic event is hardly evidence of the ability to work, but certainly could become cause for scrutiny of SSDI eligibility.

In 1977, at a meeting with Rep. Mario Biaggi of the Bronx, NY, we discussed using Social Security benefits to keep people working. The congressman was concerned about the “all-or-nothing” approach to SSDI eligibility, i.e., if you're too disabled to work, you get disability benefits; if you're not, you get nothing.

Perhaps, just a personal care attendant would make some people with disabilities able to work—someone who gets you up in the morning and assists at night might be all that is necessary to render an unemployable person employable. But Social Security money cannot be used to provide this support, despite the fact that not working would cost taxpayers far more than providing support to this individual so that they could work.

Instead of thinking of innovative ways of reducing the Social Security Disability Insurance responsibility placed on taxpayers, the Trump Administration is attempting to catch people with disabilities cheating. To be clear, no one endorses malingering.

There is no lobby supporting people who fake their disabilities to get benefits. Disability activists, however, are concerned that overzealousness could lead to inappropriate and unjust denials of SSDI.

The “gotcha” approach being considered is mean-spirited and will probably be implemented in a random manner, because how can claims examiners be trained to review Facebook entries to make disability determinations in a uniform way? One Social Security employee's impression will undoubtedly differ from his co-workers'. Disability benefits will be denied, appeals file, and benefits restored.

Pres. Ronald Reagan instituted a policy of reviewing the eligibility of disability insurance recipients. Between 1981 and 1984, 316,000 had lost benefits. By 1987, 200,000 (63 percent) had been restored and 21,000 had died.

United Spinal will monitor Administration attempts to implement such a rule to ensure fairness. We will keep you posted.