

CAN I GET SOCIAL SECURITY DISABILITY AND WORKERS COMPENSATION BENEFITS?

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Yes. It's just that simple.

The issue becomes how much of each you can get. The law provides that an individual can not receive in benefits more than 80% of what they were earning before they became disabled. In other words, your workers compensation benefits and Social Security disability benefits combined cannot be more than 80% of what you were earning before you were injured. For example, if you were earning \$1,000.00 per month before you were injured, the combined amount of workers compensation and Social Security disability benefits cannot exceed \$800.00 per month.

Why is this so? The law was changed because of a perception that some injured people were reaping a windfall when they stopped working. In some cases, they were making more money after stopping work than they had been making while working. This was viewed as an incentive not to work and harmful to the economy. As a result, the law was changed.

In most cases, workers compensation benefits are not 80% of what you made. Even if they were, it would still be beneficial to pursue Social Security. In workers compensation, your prior employer or the insurance company is always trying to reduce or end your benefits. By contrast, although reevaluations do take place in disability claims every few years, you do not face such dangers in the Social Security disability context.

Another reason why you should pursue Social Security disability if you are on workers compensation has to do with health insurance. In many cases, Social Security disability can provide health care benefits that you would never receive from workers compensation.

Finally, your workers compensation benefits will eventually stop. At that point, starting a Social Security disability application could take a long time. You would have been much better off pursuing your disability claim while you were still receiving income from workers compensation.

In the end, there is no reason not to pursue Social Security disability benefits if you are not working and are receiving workers compensation benefits. Such cases can be complicated so it is important to consult with an attorney who really know Social Security disability in order to maximize your benefits.