

PROMISE Guide to Section 301

Section 301 refers to a rule that allows an individual to continue receiving benefits even if SSA finds the individual has medically recovered during a continuing disability review (CDR) or age-18 redetermination. Specifically, if the individual is participating in vocational rehabilitation (VR), the Ticket to Work, has a PASS plan, has an IEP (*only* if 18-21 years old), or is participating in another program where:

1. Participation began *before* the medical cessation and
2. The program is expected to increase the likelihood of *permanent removal* from SSI or DI.

The PROMISE project counts as an approved program for Section 301: See POMS DI 14505.010, Section B.6.a. However, participation in PROMISE must have begun before the *first* medical cessation decision. That is, the individual must have been randomized into the PROMISE program services/treatment group before the first CDR/age-18 redetermination decision.¹

The CDR Process

To increase the chances of receiving Section 301 protection timely, individuals are encouraged to do the following:

1. For childhood CDRs
 - a. Fully cooperate with all SSA field office and DDS requests for information
 - b. Fill out all required forms completely, including SSA-454, SSA-827; SSA-3881; and SSA-3375-3379. It is important to complete Section 8 of the SSA-454.
 - c. Additionally, include **SSA-4290, being sure to fill out Part II, Section C** for the PROMISE project
 - i. Note that question 1 requires a check box AND a date.
 - ii. Fill out any other relevant sections: If the youth has an IPE through VR, fill out Section B.
 - d. Include a copy of the PROMISE random assignment letter (to document date of enrollment in PROMISE).
 - e. Include a copy of any PROMISE employment plans that were developed or other documentation of services (should not be necessary, but is useful). Be mindful of the dates: These should indicate that services started before the medical cessation.

¹ If family members of PROMISE youth have a CDR or age-18 redetermination, they may also be eligible for Section 301 protection. However, at this time, only the youth enrolled in PROMISE will qualify by virtue of PROMISE participation.

2. For age-18 redeterminations
 - a. Fully cooperate with all SSA field office and DDS requests for information
 - b. Fill out all required forms completely, including SSA-3368, SSA-827, and others if necessary. It is important to complete Section 10 of the SSA-3368.
 - c. Additionally, include **SSA-4290, being sure to fill out Part II, Section C** for the PROMISE project
 - i. Note that question 1 requires a check box AND a date.
 - ii. Fill out any other relevant sections: If the youth has an IPE through VR, fill out Section B; if the youth has an IEP, fill out Section D.
 - d. Include a copy of the PROMISE random assignment letter (to document date of enrollment in PROMISE).
 - e. Include a copy of any PROMISE employment plans that were developed or other documentation of services (should not be necessary, but is useful). Be mindful of the dates: These should indicate that services started before the medical cessation.

CDR Cessation

If the CDR decision is a continuance, no further development is needed. Section 301 status is only determined if there is a cessation. That means that if the youth is ceased, the DDS notice will still say that benefits may stop. *It should also say* that the case is being sent for further development of Section 301 eligibility. This may take some time and there may be additional documentation requested (and maybe even confirmation of what was originally included, especially if more than 3 months has passed). Benefits should continue during this time as long as they continue to meet all the non-medical requirements.

If the youth (a) does not provide the PROMISE information during the CDR/age-18 redetermination, (b) does not see the notice about the case being sent for further development on the cessation notice, or (c) receives a notice that benefits are stopping because of the medical decision, contact the field office right away with this information.

Section 301 provides *temporary* benefits while the individual is participating in a program designed to lead to a permanent removal from SSI. At the end of program participation, Section 301 protection stops and benefits are terminated.

Appealing the CDR Decision

If the individual thinks he or she should be eligible for SSI because they disagree with the medical decision that they no longer have a qualifying disability, they have the right to appeal that decision within **60 days**.

- If an individual requests statutory benefit continuation (SBC) within **10 days** of a cessation, they will continue to receive benefits during the appeal process. The individual will receive SBC in lieu of Section 301 benefits.

- If the result of the appeal is a continuation, SSI payments will continue as long as the child continues to meet all the non-medical requirements.
- If the result of the appeal is a cessation, the individual can request a reconsideration with SBC. If the reconsideration is denied, they can request a hearing with SBC. If there is a final cessation decision, the SBC payments *can* be treated as an overpayment.
- HOWEVER, SSA may waive this potential overpayment: See POMS SI 02260.007.
- IMPORTANT: An appeal does not automatically result in SBC; an individual needs to specifically request SBC. There are different timelines for SBC and appeal requests, as noted above.

Unresolved Issues

Resolve any issue by contacting the local field office. Contact the SSA PROMISE staff only if the issue cannot be resolved by contacting the field office. Before doing so, though, be sure to confirm eligibility by comparing the date of the medical decision to the date of PROMISE participation and whether all the forms were completely filled out. Be aware that the age-18 redetermination is not just a medical decision. SSA also reviews non-medical eligibility criteria during an age-18 redetermination (income, assets, etc.); if benefits are ceased for one of those reasons, Section 301 does not apply. To be eligible for Section 301, or continue to be eligible for Section 301, an individual must meet all non-medical eligibility for SSI.

When contacting PROMISE staff, please forward the following information:

1. A summary of the issue (including location, dates, etc. of problematic contacts) and
2. Copies of forms and documents sent to the field office or DDS.

Information should be sent either through Government-to-Government Services Online or in an encrypted, password protected email. Do not use the individual's name or SSN as the name of the file.