Get Paid When You Can’t Work

When cancer prevents you from earning a living as you once did, disability insurance and government aid can replace lost wages.

December 13, 2021 By Joanna Fawzy Morales, Esq

Even if you are eligible for unpaid medical leave from work, such as that provided for under the Family and Medical Leave Act, you may not be able to afford it. You need income. You might start by using your sick time and vacation time; some companies may even allow coworkers to donate their leave hours to you.

Disability insurance is another option. Find out whether your employer provides private disability insurance. Indeed, you may already have it: Many people forget that they signed up for the coverage when they started their job. If you have it, consider applying.

You can also apply for federal and, if available, short-term state disability programs. If you’re eligible, you may receive these benefits even if you’re also getting private disability benefits. The Social Security Administration (SSA) administers two federal long-term disability programs—Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI). SSA requires that your disability has lasted, or is expected to last, for at least one year or to result in death and that it renders you unable to do your current job or to adjust to a new one.

With SSDI, you qualify for benefits if you are “insured,” meaning that you have worked long enough recently, and have paid Social Security taxes. The maximum monthly benefit from SSDI for someone who is not blind is $3,245 per month in 2021. There is a full five-month waiting period.

With SSI, you qualify for benefits if you have a low income and few assets and are age 65 or over or if you have a disability. The 2021 federal amount for most people receiving SSI is $841 per month. Most states add a supplemental payment. You become eligible for benefits the first full month after your disability began. It’s possible to receive both SSDI and SSI at the same time.

It is common for the SSA disability benefits application process to take a long time. One way to speed it up is to see whether you qualify for the Compassionate Allowances program (www.ssa.gov/compassionateallowances). If your cancer diagnosis is on the list—about 60 are—be sure to include that in your application.

Appealing SSA Disability Denials

Most applications for SSA disability benefits are initially denied. It’s important to appeal. Work with your health care team to provide information about your medical condition during the appeals process, which may involve the following steps:

1. Request for Reconsideration
   A review of your claim by someone who did not take part in the first decision. Some states skip this step.

2. Administrative Law Judge Hearing
   An in-person or online hearing during which a judge will ask about your medical condition and ability to work. It can be helpful—but not required—to have an attorney at this stage. Attorneys’ fees are limited by law.

3. Review by Appeals Council

4. Federal Court Review
   If the Appeals Council decides not to review your case or rules against you, you may file a lawsuit in federal district court.

Joanna Fawzy Morales, Esq., is CEO of the nonprofit Triage Cancer which provides free education on the practical and legal issues that arise after a cancer diagnosis.

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