

Question: What is the difference between Dual Entitlement and Simultaneous Entitlement in the Title 2 Program?

CWICs occasionally encounter beneficiaries who are entitled to benefits off of more than one work record. This could occur in several different situations. One example would be a person who receives a Childhood Disability Benefit (CDB), and then becomes entitled to SSDI off of his own work record. Another example may be a widow who is entitled to benefits off of the record of two different husbands who are deceased. We will look at the definition of each term and the implications for doing work incentive counseling for these beneficiaries.

It is important to understand that when we are looking at dual or simultaneous entitlement, this is a concept that only applies to the Title 2 program, not Title 16 (SSI). Someone who is entitled to both a Title 2 benefit and a Title 16 benefit is known as a “Concurrent Beneficiary.” Remember that Title 16 benefits are not coming off of a work record, but rather out of the General Treasury of the United States.

What, then, is the difference between dual and simultaneous entitlement? Dual entitlement exists when a person is entitled to **different types of benefits** on two or more records. In contrast, simultaneous entitlement occurs when a person is entitled to **the same type of benefit** on two or more records. Therefore, if a person is entitled to SSDI off of their own work record and CDB off of the record of a parent, that person has dual entitlement. If a person is entitled to CDB off of the record of both a mother and a father, that person has simultaneous entitlement.

There are important implications for these different types of entitlement. There are several basic rules that SSA follows when issuing payments for beneficiaries who are dually entitled. First, a person’s total benefits can **never exceed the highest single benefit** to which the person is entitled. Also, SSA must pay an individual any benefit due to them on **their own record first**. For each separate entitlement, the beneficiary gets a separate set of work incentives (TWP, EPE, cessation, EPMC, EXR). If the first record, for example, SSDI, is the higher of the two, then there will be no payment on the second record, which is known as technical entitlement. Since there is no payment on the second record, then there is only one record where the work incentives are used.

For example, John is receiving \$900/month of SSDI. His wife passes away. He contacts SSA and files a claim for DWB. SSA determines his DWB payment would be \$700/month. Since the SSDI amount (\$900/month) is MORE THAN the DWB

(\$700/month), John would continue receiving SSDI of \$900/month only. He would have technical entitlement on the DWB record. However, if payment off of the DWB record would be \$1100/month, John would continue to receive \$900.00 in SSDI and also receive a payment of \$200.00 in DWB.

Some implications for benefits counseling are that it is necessary to obtain two separate BPQYs, one for each work record. Check with your local SSA office to see how many releases of information forms they require. If the periods of entitlement started at the same time, or if the beneficiary did not use any work incentives on the first record before becoming entitled on the second, then use of the work incentives will occur on both records at the same time. However, if some work incentives have been used on one record prior to entitlement on the other, then it is possible for the beneficiary to be using them at different times. For example, if Joe was entitled to CDB and used his Trial Work Period in 2010 and then became entitled to SSDI in 2011, he still has a Trial Work Period to use on his SSDI payment. This may involve keeping track of work incentives separately.

When a beneficiary has simultaneous entitlement, he/she will only receive payment off of the higher of the two records. The other record is considered technical entitlement only. Therefore, there will only be one set of work incentives being used. Keep in mind, however, that sometimes the amounts of the Title 2 benefits can change, depending on who else starts or stops being entitled under that work record. If the change results in the payment being switched to the other record, there is a new set of work incentives available on that record.

Dual and simultaneous entitlement can be complicated, so it is important to understand your role as a CWIC. You need to understand the general concepts involved and be able to explain them to beneficiaries. You need to know when it is necessary to get more than one BPQY for each entitlement, and to recognize when the work incentives apply or do not apply. It is **not** your role to estimate check amounts or determine eligibility. The POMS citations that cover this topic are found in RS 00615.000-00615.801. Your VCU TA Liaison is available to help you to sort through this information as needed.