

SENECA NATION

Disability Services



Guidelines, Policies and Procedures

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i. Mission Statement

Seneca Nation Disability Services will focus on members under 60 years of age with disabilities. Our goal is to make our territories disability-friendly and to ensure members receive a quality life.

ii. Purpose of the Program

To improve the general welfare of the Nation's members with disabilities and reduce the associated cost of health care services by providing a monthly supplemental income payment and other available supportive services to those who meet the eligibility requirements.

iii. Confidentiality

Seneca Nation Disability Services will not disclose any information to outside parties unless prior written permission is given by the applicant/recipient of the Program. All files regarding each applicant/recipient will be kept secure. If found in violation you will be terminated from the program and or committee.

iv. Structure

The program was established by the Disabilities Committee and approved by the SN Council. The program is operated and managed by the Program Director and staff.

Seneca Nation Disability Services works with the SN Disabilities Committee. The members are appointed by SN Council and consist of an elected Chairperson, Co-Chairperson, and Secretary. Any changes to the program are approved by this committee and are presented to the SN Council for final approval.

v. Funding

Seneca Nation Disability Services is solely funded by The Seneca Nation. However, the program may seek additional funding available through outside sources.

The SN Disability payment is protected under the Settlement Act of 1990 and the Distribution of Judgment Funds Act and is not subject to federal, state, or local taxes, nor can it be recognized by any of those governments as income or resources for purposes of benefit eligibility or child support determinations, or otherwise subject in any way to levy, execution, forfeiture, garnishment, lien, encumbrance, or seizure.

vi. Disability Definition

Seneca Nation Disability Services uses the following definitions as a guide to assess the needs of our Seneca Enrolled Members with Disabilities:

“A Seneca Enrolled Member, under age 60, having a physical or mental impairment that substantially limits one or more of the major life activities of the individual; including those who have record of an impairment even if they do not currently have a disability, but are regarded as having a disability.”

“The inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment(s) which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.”

Section 1: Eligibility Criteria

Eligibility for Supplemental Assistance

The Seneca Nation Council has set forth criteria which must be met before application to the program is made. To receive the Disability Supplemental benefit:

1. Applicant must be an Enrolled Seneca.
2. Applicant must be age 18 to 59.
3. Applicant must reside full-time on one of the Seneca Nation Territories
4. Applicant must be approved to receive or already receive a disability award from:

Social Security Administration

- a. Supplemental Security Income (SSI) and/or
- b. Social Security Disability Insurance (SSDI)

Department of Veterans Affairs

- a. Disability Compensation

Railroad Retirement Board

- a. Disability Annuity

5. Any other long-term disability benefit issued from a state, federal, local, or private source
6. Applicant will be ineligible for the program if he/she is or becomes employed. Working over 25 hours per week.

Eligibility for Supportive or Referral Services

Applicants applying for assistance other than the supplemental payment will be assessed on a case-by-case basis through an intake process. Applicants can only utilize this service one time per calendar year.

1. Applicant must be an Enrolled Seneca.
2. Applicant must be under age 60.
3. Applicant must have a documented disability and/or receive a disability benefit.
4. Applicant must provide their deed or bill of sale for small emergency home repair.
5. Applicant must not be in the Waiver Policy status.

Note

A Full-Time Resident is considered someone who resides on-territory for 12 months out of the calendar year.

Eligible Applicants

An applicant is considered eligible when all the criteria have been met and documentation and information given can be verified.

Assistance will be provided to eligible applicants based on need and availability of program resources based on SN council approval. Applicants will also be encouraged to apply for programs and services within and outside the Seneca Nation Territory.

Return to work

If an applicant is employed, and works over 25 hours a week he/she will no longer be eligible for this program. Due to the number of participants in this program it is unfair to those who need this financial assistance. Applicants are required to comply with this provision effective immediately.

Ineligible Applicants

An applicant is considered ineligible when all the criteria have not been met and/or the documentation and/or information given cannot be verified. An applicant may also be considered ineligible if all documentation has not been submitted in a specified time frame as requested by the program. Ineligible applicants have the right to file an appeal.

Section 2: Required Documentation

Forms of Acceptable Original Documentation

Below is a list of documentation that will be accepted in to prove the criteria listed above. Some proofs will satisfy more than one of the criteria:

Proof of Enrollment:

- SN Identification Card
- SN Enrollment Certificate affixed with seal

Proof of Age:

- Driver's License or Non-Driver's Identification Card
- SN Identification Card
- SN Enrollment Certificate

Proof of Residence:

- Utility Bill with applicant's name and service address received within the last 30 days
- Postmarked Envelope received within the last 30 days (cannot be an envelope with an address window)
- Rent Receipt or Rental Agreement with physical address and landlord name/address/phone number within the last 30 days.
- Statement of Residency form (available upon request from SN Disability Services office) or Notarized statement from landlord or person you are residing with, along with one of the above

Proof of Disability Award

- Notice of disability award and proof of income within the last 30 days
- Current statement or letter from issuing agency stating award type

Proof of Employment

- Last 4 consecutive paystubs

Payee/Representative Verification:

- Agency or issuing source document/correspondence
- Notarized statement from payee and applicant
- Photo Identification
- Proof of Residence, if different than the applicant

Direct Deposit

- Must have NOT changed your address in the past 2 years
- Must have completed forms for the Fiscal Department and follow all guidelines
- Must recertify in person for direct deposit every six months
- Must NOT have a voluntary assignment within the Seneca Nation (or other)

Note

Participating in SN Direct deposit is Voluntary. Understanding that funds deposited directly into your bank account can be monitored by outside governmental agencies and may be counted as income.

Section 3: Explanation of Documents

Photo Identification:

This is any government issued identification that contains the applicant's name, date of birth, and photograph.

SN Identification Card:

This card is issued by the SN Clerk's office and is proof that someone is an Enrolled Seneca. This card will have their photo, as well as name, address, tribal enrollment number, date of birth, and signature. This can be used as photo identification, proof of enrollment, and proof of age.

SN Enrollment Certificate:

This Seneca Nation certificate is also issued by the SN Clerk's office and is proof that someone is an Enrolled Seneca. However, this certificate only contains the name, tribal enrollment number, and date of birth. This can be used as proof of enrollment and proof of age only. If this is used at the time of application, photo identification will also be required. This document is the equivalent to a birth certificate. Both documents are not needed when applying.

Utility Bill:

This is used to show where an applicant physically resides. A service such as gas, electric, and satellite cannot be provided to a post office box. If a bill is received at a post office box, it must also show an address where the actual service is being provided. At the time of application, the date of the utility bill must not be more than 30 days old.

Note

Some utility bills do not show a service address. This type of utility bill cannot be used as proof unless the service address can be verified. (Ex. telephone bill, Wi-Fi bill, etc.)

Postmarked Envelope:

An envelope that has been mailed to the applicant's residence may be used as proof of residence as long as the applicant's name, physical address, and postmarked date stamp is on the front. The envelope cannot be one with a window, where the contents show the address, and the postmarked date must not be more than 30 days old.

Rent Receipt:

A rent receipt with the tenant's name and full physical address can be used as proof of residence as long as the landlord's name, address and telephone number are also on the receipt. The receipt must not be dated more than 30 days old.

Statement of Residency:

If the applicant is residing with someone and cannot provide a utility bill, postmarked envelope, or rent receipt, the landlord, family member, or friend may use this form to attest that the applicant does reside with them. It must also be signed in front of a NYS certified notary. The person filling out this form must also provide Proof of Residency.

A statement can also be written by the person the applicant resides with but must include the applicant's name, their relationship to the applicant, the address where they reside, mailing address, if different, and a telephone number where they can be reached. It must also be signed in front of a NYS certified notary.

Original Award Letter:

An applicant who receives a long-term disability benefit will receive an award letter when they have been approved by the issuing agency. This letter will state the type of benefit and amount of the award the recipient can expect to receive each month. This letter should be used at the time of application as long it is not more than thirty (30) days old. If it is more than thirty (30) days old at the time of application, the applicant must request a *Current Award Letter from the issuing agency.

*(see below)

Current Original Award Letter:

Applicants may request a current award letter from the issuing agency. This letter will state the award amount and award type. This letter will be accepted at the time of application or recertification if the Original Award Letter is more than thirty (30) days old.

Program Agreement:

It is important that applicants are informed of their responsibilities, as well as the program's responsibilities, when applying to SN Disability Services. All applicants must read, understand, and agree to the guidelines and policies of the program before their application is accepted and payment is made to them. This agreement is included in the application packet, and must be signed in front of a NYS Certified Notary.

Payees

An applicant sometimes has a person designated to receive their disability benefit. This person is responsible and accountable for the beneficiary's financial affairs. When applying to Seneca Nation Disability Services, the Payee must accompany the applicant at the time of their interview. The Payee's information and signature is required on the application and they must also sign the Program Agreement. A copy of the Payee's identification and proof of residence is also required to be kept on file.

It is the policy of Seneca Nation Disability Services to issue all disability payments in care of the Payee that has been assigned by the issuing agency. A change in Payee made by the issuing agency must be reported immediately.

Seneca Nation Disability Services can at any time request a Payee to provide documentation to show that the Seneca Nation Disability Payment is being utilized for the purposes it is intended for. If there is any indication that there is abuse or lack of responsibility on part of the Payee, the assigned Payee will be removed and another will be assigned, unless the Seneca Nation Disability Services staff approves that the Recipient is capable of receiving payments without one. The issuing agency will also be notified. A Payee that has mismanaged/misused funds of a Seneca Nation Disability Recipient will be subject to legal action.

Note

All documentation must be shown in its original form at the time of application. Copies will not be accepted unless obtained by SN Disability Services from another SN Government/Health department or program, and at the discretion of the Program.

Section 4: Application Procedures

An applicant of SN Disability Services must submit a completed application, notarized Program Agreement, and have all required documentation before eligibility will be considered. The application process is open year-round to any Enrolled Seneca members who meet the eligibility requirements, providing there is adequate funding. The application process will take no more than 60 calendar days, providing the application is complete and the information given is verifiable.

Receipt of Documents

1. An applicant will request an appointment to apply and submit required documentation. At the time of this interview, the SN Disability Services staff will date and initial the application and all submitted documents as received.
2. If the application is complete and all required documentation is submitted, the SN Disability Services staff will make copies of all documentation, and the Program Agreement will be explained, any questions will be answered, with a copy given to the applicant. The applicant will then be entered in the database, and the SN Disability Services staff will have 30 days to review and verify the applicant's information, and make a final eligibility determination.
3. If missing, additional, or different documentation is needed, the applicant will be informed in writing of what is needed and will have 30 calendar days from the initial application date to submit what is required. The SN Disability Services staff will document what has been requested, enter the applicant in the database, and the application will be filed as Incomplete. Documentation submitted past the 30 days will result in a denial of an application. The applicant must then re-apply and the timelines will begin again at this time.
4. Once all required documentation is received, the SN Disability Services staff will then have 30 calendar days to review and verify the applicant's information, and make a final eligibility determination.
5. Direct Deposit if requested must follow all Policy and Procedures of the Fiscal department and also use their documents for the direct deposit and must follow all guidelines.

Note

An applicant is given 30 days to submit any required documentation. Application will not be stamped approved until ALL supporting documents are submitted. An additional 30 days will begin at the time they submit the documentation. This is for review, verification, and determination of eligibility. The entire approval process in this instance could take up to 60 days.

Approved Applications

1. Once an applicant has been determined to meet all criteria, and all information has been verified, the SN Disability Services Director will approve the applicant for payment. The recipient's name, mailing address, tribal enrollment number, date of birth, and date they will turn 60 will be added to a list that is sent to Accounting each month.
2. A letter will be sent to the applicant notifying them that their application has been approved. The letter will also state what month their payments will begin.
3. Approved applications will be filed in the month their benefit begins.
4. If the number of recipients has reached the maximum funding allowed for that month, newly determined eligible applicants will be placed on a waiting list. When there is an opening available, the next eligible applicant will be placed. Due to funding limitations, payments cannot be retroactive.

Denied Applications

1. Any applicant that has been determined to not meet the eligibility criteria will be notified by mail within 10 days of determination. The letter will state the reason(s) for denial.
2. Denied applications will be filed under Ineligible. The applicant may re-apply at any time if their situation changes where they meet the eligibility criteria.
3. Applicants who have been denied have the right to appeal the decision. A request to appeal must be done in writing within 10 business days after the denial letter has been received.

Appeal Process

An ineligible applicant has 10 days from when they receive their determination notification to file an appeal. The 10 days will begin after the determination notification has been received. It will be assumed that it was received 5 days after the date on the letter unless proof can be provided that it was not received within the 5-day period. All appeals must be in writing with detailed reasons why the Ineligible Applicant disagrees with the decision, along with desired action or outcome.

1. Notice that an appeal has been filed, along with reasons, facts, and all documentation will be sent to the Disabilities Committee.
2. A hearing will be scheduled within 30 days.
3. At the hearing, all parties involved will be afforded an opportunity to present their case.
4. Based on all the evidence, the Disabilities Committee will decide at the end of the hearing.
5. The written determination will be mailed to the Applicant within 7 business days.
6. The Committee determination is final and no other recourse can be sought.

Section 5: Eligibility Recertification

A recipient of the SN Disability Services must meet the eligibility criteria the entire time they are receiving services. Therefore, all recipients will be required to submit documentation, in Person, yearly to prove that they still meet all eligibility criteria of the program.

Eligibility Recertification Requirements

At the time of the Eligibility Recertification, SN Disability Services will determine the following:

The recipient continues to receive a long-term disability benefit.

The recipient continues to reside full-time (January through December) on SN Territory.

The recipient has not or will not reach 60 years of age at the time of review.

Six Month in person recertification for Direct Deposit

Eligibility Recertification Ineligibility Reasons

Failure to Submit Required Documentation: If required documentation is not submitted within 30 calendar days of request, this will cause the recipient to be considered ineligible.

No Longer Eligible to Receive a Long-Term Disability Benefit: If the issuing agency determines a recipient is no longer eligible under their rules or criteria, they will also no longer be eligible for the SN Disability benefit.

No Longer Resides on SN Territory or Full-Time on SN Territory: If the recipient no longer resides on territory, they no longer meet the eligibility criteria and the SN Disability Supplemental Payment will no longer be issued.

A recipient who does not reside on-territory for 12 months out of the calendar year, are not at their on-territory residence for more than 30 consecutive days of a calendar month will no longer meet the eligibility criteria and the SN Disability Supplemental Benefit will no longer be issued.

Participant is or will be 60 Years of Age: When a recipient turns 60 years old, they will no longer be eligible to receive the SN Disability benefit. Their last payment will be their month of birth, regardless of the day. The following month they will begin to receive the SN Elder's benefit.

Participants will be ineligible for SN Disability Services if working over 25 hours a week.

Process for Eligibility Recertification

1. At the time of initial approval, all recipients will be assigned a review date of ten months from the date their payments began. At this time, a letter will be sent to each recipient notifying them of their recertification and what they will need to submit. They will have 30 days from the date of notification to submit the requested documentation.
2. If the requested documentation is submitted within the 30 days, the SN Disability Services staff will have 30 days to review and verify documentation, and determine whether or not the recipient is still eligible.
3. If all criteria are met, recipients will continue to receive their monthly payment without interruption. They will be notified in writing of this decision.
4. If they fail to submit the proof before the 30 days, their monthly payment will be terminated immediately. They will then need to re-apply to the program. Any payments not issued because of failure to submit required documentation on time is the fault of the recipient.
5. If it has been determined that the recipient no longer meets the eligibility criteria, his/her monthly payments will cease immediately, and he/she will be notified in writing with the reasons for discontinuance.
6. If it is determined by the Program that payments have been made to the recipient while they did not meet the eligibility criteria before the Eligibility Recertification, the recipient will be required to re-pay any benefits issued to them during that time.
7. Applicant must recertify for the SN Disability Services every six (6) months if direct deposit has been authorized.
8. An Appeal may be filed for Ineligible determinations during the Recertification Process.

Note

Re-applying to the program with necessary documentation does not guarantee payments will resume right away. Another applicant will fill that opening and approvals will go in order of application date. Due to funding limitations, there is a chance that they may be placed on a waiting list until funds are available. There will be no retroactive payments for the time lapse upon receiving the award letter for continuation of receiving the SN supplement payments.

Section 6: Monitoring Eligibility

Recipients of the SN Disability benefit must remain eligible during the entire time they are receiving services. A recipient is required to notify of any changes in their situation. The Program will monitor criteria such as age and deaths; however, it will be the recipient's responsibility to report any changes in their situation that are used to determine eligibility. The SN Disability Services staff will make final determinations of eligibility status.

Documentation to prove eligibility may be requested at any time. The recipient will have 10 days from the notification to submit what is required or payments will be terminated. Re-application to the program will be necessary. It is possible that they will be placed on a waiting list due to limited funding.

Death:

SN Disability Services staff will receive notice from the SN Clerk's office of any deaths that are reported. Any recipients will be removed from the payment list immediately. Notification of a death may also be reported to the program by the deceased's family.

Age:

The SN Disability Services staff will check the database for any recipients that may reach the age of 60 in the months ahead. These recipients must be deleted from the eligibility list and notification to the Accounting Department must be given. Payments will discontinue the month after they turn 60 years of age to allow their SN Elders benefit to begin.

Other Changes:

Recipients are required to notify the program if there are also any changes in their residence, mailing address, disability benefit, or payee information. It will be up to the SN Disability Services Director to decide if these factors will have any effect on the recipient's eligibility status. Failure to notify the program of residence or disability benefit changes within 30 days will result in immediate termination of the SN Disability Supplemental benefit.

Section 7: Transfer to SN Elder's Benefit

As stated in the eligibility criteria, the Seneca Nation Disability Supplemental payment is only available until the age of 59. When a recipient reaches the age of 60, they will be transferred to receive the Seneca Nation Elder's Benefit. The recipient may notify the Program of their upcoming birthday as a courtesy; however, it is not necessary as the Program will also be monitoring this. The recipient will receive their last Disability Payment during the month they turn 60, then their Elder's Benefit will begin the following month. All questions or concerns about their Elder's Benefit should be directed to the SN Clerk's Office.

Section 8: Penalties

Since it is the Recipient's and Payee's responsibility to follow all guidelines, policies and procedures of the Program, non-compliance of these rules will result in a penalty which will affect eligibility and payment.

Reasons for Ineligibility

Reasons for ineligibility include, but are not limited to, the following:

1. Turn age 60
2. Move off SN Territory
3. Employed and working over 25 hours per week
4. No Longer Eligible to Receive a long-term disability benefit or no longer considered disabled by reviewing issuing agency
5. Non-compliance with Program rules

Immediate Termination

Termination of benefits may occur at any time due to non-compliance of the Program's policies and procedures. It is the responsibility of the recipient to submit what is required to return them to eligible status. Due to funding limitations, terminations may cause a recipient to lose their place on the payment distribution list. Should this occur when they return to eligible status, they will be placed on a waiting list according to their new eligibility date until an opening is available. Payments missed for any length of time cannot be recovered.

Since it is the recipient's responsibility to notify the Program of any changes in their situation, changes must be reported and proof must be submitted within 30 days. Failure to notify the Program of their ineligibility status within 30 days will result in an obligation to re-pay any benefit they were not entitled to receive past the 30 days.

Repayment Methods

In the event a recipient and or Payee has received funds they were not entitled to, methods of re-payment include, but are not limited to, the following:

1. Voluntary repayment of entire overage out-of-pocket, immediately.
2. Payment plan with an agreed amount and time frame to be repaid, or if not, SN Disability Services we will pursue legal action.
3. If working for the Seneca Nation, a payment plan with a weekly wage deduction from paycheck until repaid. If you are not employed with Seneca Nation this department will take legal action. Per Council Resolution CN: R-05-10-03-33 Qualified Annuity recipient resolution.
4. An involuntary deduction from any other benefit they are entitled to as a member of the Seneca Nation if none of the above options are agreed to (i.e., Annuity payment).

5. If the participant has a payee, it is the payee's legal responsibility for repayment and the method of repayment.
6. If a recipient and or Payee has not followed the program guidelines, policies, and procedures, SN Disability Services reserves the right to deny future applications and payments to a member should they ever receive benefits under false pretenses or non-compliance of Program rules.

Section 9: Committee Review and Appeals

The Program is responsible for determining and monitoring eligibility of each application. For cases where eligibility is questionable, or if an applicant appeals an eligibility determination, the Disabilities Committee will review and determine whether or not an applicant or participant should be considered eligible, with the type of penalty, if applicable.

Process for Committee Review

1. The Program will present each case to the Disabilities Committee at a closed Special Committee Meeting with only the Committee Members and SN Disability Services staff in attendance.
2. The SN Disability Services staff member will only present the evidence and facts to the committee. Names of the applicant or recipient will not be given.
3. Based on the evidence and facts presented, a determination of eligibility will be made, with a recommendation of penalty if applicable.
4. Notification of the Committee's decision and penalty, if applicable, will be sent to the Applicant/Recipient by the SN Disability Services staff.
5. Waiver Policy guidelines will also be for consideration. Persons who have made an application to any long-term disability agency, made application and have been denied or have been approved and terminated at a review may submit an application for a Waiver to waive current eligibility policy under these special circumstances;
 - The applicant has made a disability claim to long term disability agency and has not yet received a determination after 90 days.
 - The applicant has been denied a long-term disability benefit and has appealed the determination.
 - The applicant was eligible for long term disability benefits but were terminated after a review of their disability status and the reviewer's determination had been appealed.
 - While policy could be waived with an approval under special circumstances, the program criteria/regulations required documentation and verification as set forth in the supplemental disability payment program" as approved by SN Council on May 10, 2008 and June 9, 2018 cannot be waived.
6. All Committee determinations are final.