



RURALFACTS

SGA & TWP

The Social Security Administration (SSA) defines Substantial Gainful Activity (SGA) (20CFR 404.1510) as work that:

- a) involves doing significant and productive physical or mental duties; and
- b) is done (or intended) for pay or profit.

SSA defines *substantial* and *gainful* (20CFR 404.1572) as:

- a) *substantial* work involves doing significant physical or mental activities. Work may be *substantial* even if it is done on a part-time basis or if you do less, or get paid less, or have less responsibility than when you worked before.
- b) *gainful* work is work you do for pay or profit, if it is the kind of work that it is usually done for pay or profit, whether or not a profit is realized.

In general, SSA doesn't consider taking care of yourself, household tasks, hobbies, therapy, school attendance, clubs, and social activities as SGA.

If you are self-employed, SSA will determine if you are working at the SGA level by checking to see:

- a) if you have rendered *services that are significant to the operation of the business and receive substantial income from the business*;
- b) if your *hours, skills, energy output, efficiency, duties, and responsibilities* are comparable to that of similar business owners in the community who don't have a disability;
- c) if your work, while not comparable to that of people without disabilities, has a particular value; or
- d) the amounts that would be paid to an employee to do the work you're doing. (20 CFR404.1575).

WHY SGA IS IMPORTANT

When you apply for SSI (Supplemental Security Income) or SSDI (Social Security Disability Insurance) benefits, if Social Security determines that your work and earnings represent SGA, you will be denied eligibility. However, once you are eligible for SSI, you no longer need to worry about SGA. But if you receive SSDI benefits, SGA applies all the time. If you receive SSDI and consistently work at/over the SGA level, you will likely lose your benefits because Social Security will determine that your work at the SGA level means you no longer fit Social Security's disability eligibility criteria.

FACTORS THAT INFLUENCE SGA

If you have a traditional job, SSA will look at your earnings and compare them with the figures on the other side of this factsheet. SGA amounts are higher for people who are blind, and SGA amounts have increased over the years, so be sure to look in the proper column and row for the SGA amounts that apply to your individual situation.

In addition, to review your earnings, SSA will check to see:

- a) if you are working in a sheltered environment;
- b) if your job lasted less than six months because of our disability, and is therefore considered an "unsuccessful work attempt;"
- c) if you have any Impairment Related Work Expenses; or
- d) if you are receiving a subsidy in your work from your employer or others.

If you are self-employed, SSA will also look for:

- a) any unpaid help you receive from others;
- b) un-incurred business expenses paid by others (e.g., free rent, Vocational Rehabilitation-purchased inventory); and
- c) how your work differs from the work of others in the community doing the same work as you, but who don't have disabilities (e.g. you work sporadically, much slower, with less efficiency, in a special environment, or need much more assistance).

TRIAL WORK PERIOD

You can work and earn over the SGA level during a Trial Work Period month without worrying about losing your SSDI benefits. SSA defines Trial Work Period (TWP) as 9 months in any rolling 5-year period when you try out working by performing *services* while retaining your disability status. The amounts of earnings per month that indicate *services*, and therefore the use of a TWP month, are below (e.g., in 2009, the TWP is \$700/month, or 80 hours/month worked in your business.) At the end of your ninth TWP month, SSA will review your earnings to see if they represent SGA overall.

YEAR	TWP Amount	TWP Self-Employment (“Services”)	SGA Amount (and “Substantial Income” for Self-Employment)	SGA Blind Amount (and “Substantial Income” for Self-Employment)
2009	\$700/month	80 hours/month (net > \$700/mo.)	\$980/month	\$1640/month
2008	\$670/month	80 hours/month (net > \$670/mo.)	\$940/month	\$1570/month
2007	\$640/month	80 hours/month (net > \$640/mo.)	\$900/month	\$1500/month
2006	\$620/month	80 hours/month (net > \$620/mo.)	\$860/month	\$1450/month
2005	\$590/month	80 hours/month (net > \$590/mo.)	\$830/month	\$1380/month
2004	\$580/month	80 hours/month (net > \$580/mo.)	\$810/month	\$1350/month
2003	\$570/month	80 hours/month (net > \$570/mo.)	\$800/month	\$1330/month
2002	\$560/month	80 hours/month (net > \$560/mo.)	\$780/month	\$1300/month
2001	\$530/month	40 hours/month (net > \$530/mo.)	\$740/month	\$1240/month
7/1/1999- 12/31/2000	\$200/month	40 hours/month (net > \$200/mo)	\$700/month	2000-\$1170/mo. 1999-\$1110/mo.
1/1/1990 through 6/30/1999	\$200/month	40 hours/month or net earnings of more than \$200/month	\$500/month	1990-\$780/mo. 1991-\$810/mo. 1992-\$850/mo. 1993-\$880/mo. 1994-\$930/mo. 1995-\$940/mo. 1996-\$960/mo. 1997-\$1000/mo. 1998-\$1050/mo. 1999-\$1110/mo.
1/1/1980 through 12/31/1989	\$75/month	15 hours/month or net earnings of more than \$75/month for all months between 1979 and 1989 for years before 1979, services = net > \$50/mo.	\$300/month	1980-\$417/mo. 1981-\$459/mo. 1982-\$500/mo. 1983-\$550/mo. 1984-\$580/mo. 1985-\$610/mo. 1986-\$650/mo. 1987-\$680/mo. 1988-\$700/mo. 1989-\$740/mo.

Factsheet written by Marsha Katz

© The Rural Institute 2009

Funding for updating this publication comes from the Rural Institute’s contract with the Montana Department of Health and Human Services Medicaid Infrastructure Grant (MIG) funded by the U.S. Centers for Medicare and Medicaid (CMS), contract number 1QACMS300053. Content does not necessarily reflect the position or policy of the MT DPHHS or CMS.

THE RURAL INSTITUTE

52 Corbin Hall

The University of Montana

Missoula, MT 59812

(406) 243-5467 Voice/TT (406)

243-4730 Fax

<http://ruralinstitute.umt.edu>



The University of Montana

RURAL
INSTITUTE

Center for Excellence in Disability
Education, Research and Service