



# Understanding Expedited Reinstatement (EXR)

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## **Introduction**

The Ticket to Work and Work Incentives Improvement Act (TWWIIA) of 1999 created an important work incentive called Expedited Reinstatement (EXR). Expedited Reinstatement affords eligible individuals a way to re-establish entitlement for Social Security disability benefits after the agency terminates those benefits due to earned income and work activity. The former beneficiary must have the same or a related disability as the earlier entitlement, and again be unable to perform Substantial Gainful Activity (SGA). EXR permits individuals to receive provisional payments while Social Security is processing the reinstatement request.

Prior to January 1, 2001, once Social Security terminated a Title II disability or Supplemental Security Income (SSI) record, the only way someone could receive payments again was to submit an entirely new application for benefits. This is often a lengthy process requiring a new medical determination of disability. With the enactment of the EXR provisions, eligible individuals whom Social Security terminated because of work received a valuable alternative to re-application.

## **Expedited Reinstatement (EXR) Basics**

- EXR is available to former Social Security disability beneficiaries including those who received Social Security Disability Insurance (SSDI), Childhood Disability Benefits (CDB), or Disabled Widow(er)'s Benefits (DWB). It's also available to people who received SSI payments based on disability or blindness.
- Social Security must have terminated the individual's prior entitlement due to work activity, not medical recovery or any other reason. For Title II disability beneficiaries, this means Social Security determined the individual to have engaged in SGA. For SSI recipients it means that countable earned income was sufficient to cause the loss of cash benefits as well as 1619(b) extended Medicaid coverage.

- The individual must be unable to perform SGA due to their medical condition. Individuals “become unable” to perform SGA if, in the month of their EXR request, their work is SGA, but they stop performing SGA by the day they file their request. To meet the requirement of having become unable to perform SGA, they must also not perform SGA in the month following the EXR request.
- The individual has a current medical impairment(s) that is the “same as or related” to the original impairment(s)
- The EXR provision allows an individual to receive up to six months of provisional (temporary) cash benefits while Social Security conducts a medical review to determine whether the agency can reinstate the individual to benefits. The individual may also be eligible for Medicare or SSI-related Medicaid coverage during the provisional benefit period.
- Social Security will pay provisional benefits and reinstate Medicare (if needed), beginning with the month the individual files the request for reinstatement if the individual doesn’t perform substantial gainful activity in that month. Social Security will pay provisional benefits and reinstate Medicare (if needed) beginning with the month after the individual files a request for reinstatement if the individual performs SGA in the month.
- To receive EXR benefits under any of the Social Security disability programs, the beneficiary must request the benefits within 60 months of when Social Security terminated the prior benefit, unless Social Security can substantiate a good cause. Thus, if a person’s disability causes the reduction or cessation of work more than five years after Social Security terminates the record, EXR won’t be available, and the beneficiary must file a new application for benefits.

## **When EXR Applies**

### **Title II Disability Beneficiaries (SSDI/CDB/DWB)**

To expedite the reinstatement of benefits, Social must have terminated the earlier record due to work activity. That means they used their Trial Work Period (TWP) and Extended Period of Eligibility (EPE), engaged in SGA, used the Cessation Month/Grace Period, and have a terminated Social Security record.

Beneficiaries who are still in their EPE don’t need to request EXR, as Social Security hasn’t fully terminated them from benefits. Beneficiaries reinstated during the EPE don’t have to prove their disability again, unless it’s time for a regularly scheduled Continuing Disability Review (CDR). For Social Security to reinstate their benefits during the EPE, beneficiaries simply need to submit documentation that their countable wages have fallen below SGA or their employment has ended.

Individuals who are using their Extended Period of Medicare Coverage (EPMC) to maintain Medicare eligibility after their Title II disability entitlement terminated due to work activity are common requesters of Expedited Reinstatement when their employment income decreases below SGA or stops. Since individuals using EPMC must continue to be disabled, a denial of EXR for medical improvement will also terminate Medicare based on EPMC. Former beneficiaries should consider this risk when requesting EXR.

## SSI Recipients

To be eligible for EXR, SSI recipients must earn wages more than the applicable 1619(b) threshold amount long enough that Social Security terminates the SSI record. For this to occur, an individual must not be eligible for SSI payments or Medicaid under 1619(b) within the 12-month suspension period. Like Social Security Disability beneficiaries in their EPE, individuals who received SSI or 1619(b) within the prior 12 months are still SSI eligible and don't need to request EXR. They simply need to show Social Security that their income has dropped for reinstatement. Because it is uncommon for an SSI beneficiary to terminate from SSI and 1619(b) due to excess earnings, you will not see EXR used often to reinstate SSI benefits.

## Requesting EXR vs. Reapplying for Benefits

Social Security's Program Operations Manual System (POMS) specifically states that EXR and reapplication are mutually exclusive. CWICs may need to help some individuals understand how EXR and reapplication differ. CWICs may also need to help individuals explain some of their unique needs to Social Security when seeking information about which to request. This is an important decision that requires consideration and weight of the following factors.

### Medical Disability Determinations during EXR and Reapplication

Each state has a subcontracted agency called the Disability Determination Service (DDS) that makes disability decisions for Social Security. There is a difference between the way these agencies look at initial applications for disability benefits and the way they make decisions about EXR.

- **Initial Application Medical Disability Determination:** DDS uses "the Sequential Evaluation Process" for determining whether a claimant meets the definition of disability. This process can be lengthy and involves a more stringent eligibility threshold than EXR. To qualify, an individual does not have to establish the same or a similar impairment that provided the basis for past eligibility. **DI 22001.001 Sequential Evaluation of Title II and Title XVI Adult Disability Claims** (<https://secure.ssa.gov/poms.nsf/lnx/0422001001>). **EXR Medical Disability Determination: When determining eligibility for EXR, DDS will establish if the individual's current impairment(s) is the same as or related to the impairment(s) from the terminated entitlement. If it is, DDS will also determine if that impairment has both medically improved and the individual can now engage in SGA. If both are true, DDS will**

find that the individual is not eligible for EXR. DDS uses the disability determination process that it uses with Continuing Disability Reviews (CDRs). **[DI 28005.005 Overview of Development in the Continuing Disability Review \(CDR\) Sequential Evaluation Process](https://secure.ssa.gov/poms.nsf/lnx/0428005005)** (<https://secure.ssa.gov/poms.nsf/lnx/0428005005>)

## Provisional Payments under EXR

Many individuals prefer to request EXR instead of reapplying, because EXR permits provisional payments, whereas reapplication doesn't. An EXR applicant may receive up to six months of provisional payments while the DDS reviews their medical records. If the DDS ultimately denies the EXR application, Social Security normally doesn't issue an overpayment and seek collection of any provisional payments made. With the initial application, no benefits are payable until Social Security makes the final decision. This is a significant advantage of the EXR provisions as it usually provides much-needed financial support within a much shorter time frame.

## Health Insurance Considerations

During the time that Social Security makes provisional EXR payments, SSDI, CDB, and DWB beneficiaries can receive Medicare, while SSI recipients in almost all states will receive SSI-related Medicaid health insurance coverage. If Social Security's EXR final decision is favorable, the health coverage will continue with the payments. If Social Security denies the EXR application, the health insurance will stop with the cash payment and the individual will need to explore eligibility for other types of public or private health insurance. Initial applicants will not have access to SSI-related Medicaid or Medicare based on Title II disability while their applications are pending.

There is one significant risk certain beneficiaries may incur when they apply for EXR. This risk is related to Medicare coverage. Under the Social Security disability program, a person may receive Medicare through the Extended Period of Medicare Coverage (EPMC). On-going eligibility for EPMC requires that the individual continue to meet Social Security's definition of disability. If an individual applies for EXR, and Social Security finds a medical improvement, the beneficiary is no longer disabled under Social Security law. That means their Medicare based on disability stops as well. If the person reapplies for benefits, instead of requesting EXR, neither a denial nor approval will affect Medicare entitlement under the EPMC.

## How Social Security Determines Provisional Payments under EXR

For Title II beneficiaries, Social Security bases the provisional payment amount on the applicable percentage of the worker's Primary Insurance Amount (the worker's highest benefit), and is often like what the person was receiving before termination. For people who receive benefits based on their own work (SSDI), Social Security may re-compute the benefits to a higher amount if earnings of the prior termination are higher than the earnings used to

calculate the initial benefit. Cost of living adjustments (COLAs) between the last period of entitlement and the EXR request increase the provisional benefit amount.

Social Security bases the SSI benefit on financial need. It bases provisional benefit amounts on the individual's countable income and the current FBR. Social Security doesn't make state supplemental payments during the provisional benefit period. This includes the COLA increases in SSI Federal Benefit Rates, for SSI beneficiaries.

### **The Difference in Benefit Amounts between Re-application and Reinstatement**

Many factors could affect the amount of the reinstated payments. Social Security personnel are best equipped to estimate the differences and assist the beneficiary in understanding which option will yield a higher payment. Because of a special disability Primary Insurance Amount (PIA) guarantee, however, an SSDI beneficiary would never receive a lower benefit than the benefit they received before Social Security terminated the first period of disability. Here is an example of how this works:

#### **Example of the difference in benefit amounts between re-application and reinstatement:**

Yanna received \$900 a month in SSDI before they returned to work. Social Security terminated their benefit record four years ago. They had a relapse of clinical depression and are deciding whether to reapply or request Expedited Reinstatement. Yanna checked with Social Security and found out that the benefit amount would be higher under the Expedited Reinstatement provisions, because they can access all the COLAs since Social Security terminated their prior benefits.

For Yanna, there are several advantages to reinstatement instead of reapplication. First, Social Security would add the COLAs to their previous benefit, and their benefit would thus be higher. Second, Yanna is feeling a lot of stress about the process of re-entitlement (a new disability determination). They want Social Security to use the EXR standard (Medical Improvement Review Standard-MIRS) when deciding if they meet the disability requirements. They also want to receive provisional payments. Yanna requests EXR.

### **Family Maximum**

When Social Security employees calculate benefits, they must consider the Family Maximum. This is a cap that limits how much the various family members of a worker may receive in total. Social Security pays their benefits first, and then the remainder of the Family Maximum, Social Security divides among the entitled family members.

Workers receiving SSDI always receive their benefits without consideration of the Family Maximum. CDB and DWB beneficiaries, however, might receive a lower benefit because of the cap. For months of provisional benefits, individuals receive the former benefit without a reduction due to the family maximum. Once Social Security has approved the reinstatement,

the family maximum could affect CDB or DWB payments, as well as the payments of other family members on the record. This could result in overpayments.

## **Retroactivity**

Both with EXR and initial application, Social Security can pay retroactive Social Security disability benefits as much as 12 months prior to the date of application or request. If the agency denies an EXR request, the EXR request can then serve as a protective filing for a new initial claim. However, if Social Security denies an initial claim, it doesn't protect EXR filing. This could be an important consideration if more than 12 months' retroactivity is possible under both filing options.

SSI doesn't have the same type of retroactivity built into it as Social Security Disability benefits do. In fact, the furthest an SSI request for EXR can go back is the date Social Security first knew of the request. Whether an applicant is making a request for EXR or a new application for SSI, there is a short waiting period. The month in which individuals inform Social Security that they want to apply is the eligibility month. Payments aren't possible until the next month. The benefit amount and work incentives would be the same with EXR or reapplication.

## **EXR and Work Incentives**

### **The Initial Reinstatement Period (IRP)**

EXR allows the individual to obtain another Trial Work Period (TWP) and Extended Period of Eligibility (EPE), but not immediately. The individual must receive 24 months of EXR payments before Social Security entitles them to another TWP. These 24 months don't have to be consecutive. If someone who requests EXR goes back to work above the SGA level, the 24-month clock stops ticking until they again stop performing SGA and Social Security entitles them to another EXR payment. Once the individual has received 24 months of EXR payments, the Initial Reinstatement Period ends. They then receive a new TWP and EPE, and all the other work incentives Social Security confers on initial applicants for Social Security disability benefits.

### **Medicare Coverage and EXR**

If former Title II disability beneficiaries who were previously eligible for Medicare request EXR, they will receive Medicare beginning with the first month of provisional payments and throughout the Initial Reinstatement Period. Even if Social Security suspends payments due to SGA and the 24-month clock stops ticking, Medicare coverage continues if the beneficiary remains in the Initial Reinstatement Period. Once the individual has received 24 months of payments and the Initial Reinstatement Period ends, their Medicare eligibility will continue through entitlement to Title II disability benefits. If the beneficiary returns to work at SGA and the Social Title II disability benefit terminates again, Medicare eligibility can continue through a new Extended Period of Medicare Coverage (EPMC).

## **Supplemental Security Income Beneficiaries (SSI)**

If the individual receives SSI, and not Title II disability benefits, then the beneficiary can use SSI work incentives immediately after reinstatement. Once someone receives SSI through EXR, their Initial Reinstatement Period lasts until they receive benefits (cash payment or 1619(b) Medicaid) for 24 months before again requesting EXR. If the entitlement ends before the 24 months have passed, the beneficiary would have to reapply to get SSI payments again.

## **Frequently Asked Questions about EXR**

**If a beneficiary requests EXR or re-applies for benefits and then returns to work at a substantial level shortly thereafter, how will this affect the EXR request or the status of the application?**

If the individual plans to return to work shortly after making the EXR request or filing for re-application, then there are special considerations. Work above SGA shortly after applying, either for SSI or Social Security disability benefits, may cause Social Security to reopen and deny the application. EXR would permit provisional payment for the few months that the individual is below SGA. Social Security would suspend the payments for months above SGA, but there would be no overpayment.

**What happens to provisional payments if the person owes Medicare premiums?**

If a Social Security disability recipient owes back Medicare premiums, Social Security will deduct the premiums from provisional benefits.

**Will existing overpayments affect provisional benefits?**

Social Security won't withhold overpayments from provisional benefits without the written consent of the individual. Once the agency reinstates the benefits, however, overpayment recovery follows normal rules.

**If beneficiaries had family members receiving benefits before Social Security terminated the benefits, will Social Security owe the family members provisional payments?**

Individuals who receive Social Security Disability Insurance based on their own work may have children or a spouse who previously received benefits on their record. These family members would receive benefits again once Social Security makes the reinstatement decision. They won't be eligible for provisional payments.

**What happens to individuals who are eligible for both Social Security disability and SSI?**

An SSI recipient must apply for any other benefit for which they are possibly eligible. If an SSI recipient meets the requirements to request EXR for a Title II benefit, they must pursue the EXR request. If a current SSI recipient could file either an EXR request or initial claim for the same

Title II benefit, they must file for the benefit with the most retroactivity. For more details see **SSA - POMS: DI 13050.020 - Filing Considerations - Expedited Reinstatement Versus Initial Claim** (<https://secure.ssa.gov/poms.nsf/lnx/0413050020#b3>).

### **Are there differences in EXR if the individual is blind?**

EXR applies to blind individuals the same way it applies to other beneficiaries, with some exceptions. For blind people over age 55, a special provision may let them come in and out of payment status, depending on earnings, without having to reapply. For those individuals, EXR isn't possible. Also, when considering reapplication or EXR for blind individuals, remember that there are some differences in the work incentives. For Social Security disability beneficiaries, the financial limit that Social Security uses to consider work as substantial is significantly higher. SSI recipients can make additional deductions when considering gross income to determine what income is countable. These work incentives apply immediately if Social Security reinstates the person. Under reapplication, the limit for substantial work only applies after the Trial Work Period is complete.

### **If someone reapplied and Social Security denied them, may the person request EXR?**

As stated earlier, it's more difficult for a person to meet the medical disability standard for reapplication than the medical standard for EXR. A person could choose to reapply, and then Social Security could deny them. If that happens, they may request Expedited Reinstatement. The EXR request date won't be retroactive to the application date.

### **If Social Security denies EXR, may former beneficiaries reapply?**

Yes, and the EXR request date will protect retroactivity for the individual's application date.

## **Resources**

- **POMS DI 28057.000 - Expedited Reinstatement Sub Chapter Table of Contents** (<https://secure.ssa.gov/apps10/poms.nsf/lnx/0428057000>).

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