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Can I Work Part-Time at My Business and Still Receive Disability Benefits?

The Social Security Administration allows self-employed people to continue working at their business while receiving disability benefits under certain conditions.

Claimants are given a Trial Work Period (TWP) that lasts for nine months where one can engage in substantial gainful activity within a 5-year period and still obtain disability benefits. To determine if you are receiving SGA, certain factors are analyzed such as:

1. The amount of your monthly earnings
2. The value of the work performed
3. The number of hours spent working each month for the business.

The SSA conducts a Continuing Disability Review to find out if you still qualify for benefits after the TWP has ended. If you are considered medically disabled based on the results of the Continuing Disability Review, you are entitled to an Extended Period of Eligibility.

The Three Tests to Determine Substantial Gainful Activity

According to Social Security regulations, a self-employed person who conducts activities that are useful to the operation of the business and have economic value isn't eligible to receive disability benefits, even if it is part-time or they earn less money than before. The three tests used to determine substantial gainful activity (SGA) are:

1. The Significant Services and Substantial Income Test: This evaluates the type of services you provide to the business and how much income you earn.
2. The Comparability Test: This is used if you're not earning a substantial income. You are ineligible if your work is comparable to an unimpaired individual who operates a similar business in the community.
3. The Worth of Work Test: This measures the value of the work you perform for the business. Your work is considered a significant gainful activity if its value exceeds the earnings guidelines when compared to the cost of hiring a new employee.

Why is it Important for Lay Witnesses to Corroborate My Testimony at the Hearing?

If co-workers, friends, and relatives observed how the impairment has affected your ability to complete basic activities, their testimony may strengthen your case. When the lay witnesses can compare how you functioned before and after the disability started, it gives the judge some perspective on the severity of the limitations.

Your attorney may ask the lay witnesses how often they observe you and if your testimony is consistent with the observations they've made. The lay witnesses can explain the type of symptoms and limitations you exhibit. They can also describe how the medical condition has hindered your ability to perform specific work-related tasks and other functions such as sitting, lifting, or walking.

Your case is important to us. If we can't help you, we'll do our best to refer you to someone who can.

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