



Policy: Disability Supplemental Income	Approval Date: 5/10/23 Date Revised: 7/15/22
Section:	Responsible Official: Revenue Allocation Plan Administrator or his/her designee
References: General Welfare Assistance Guide Part X; Social Security Administration Bluebook Listing of Impairments Part A and Part B	Policy Type: Departmental

Purpose: To establish guidelines in identifying Tribal Citizens who qualify for assistance due to a disability.

I. POLICY

- A. It is the policy of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (“Tribe”) to provide extra assistance to those Tribal Citizens who are determined to be mentally or physically disabled as defined under this Policy and applicable Tribal law.

II. SCOPE

- A. This policy applies to all Tribal Citizens, and intends to provide assistance to those Tribal Citizens meeting the qualifications, to overcome barriers that were created prior to the opportunities to obtain assistance through the Tribe.

III. AUTHORITY

- A. Under the Direction of the Senior Director of Operations and the General Welfare Ordinance, The Revenue Allocation Plan Administrator or his/her designee is responsible for the management and enforcement of this policy.

IV. DEFINITIONS

- A. Minor – enrolled Tribal Citizen that is under the age of eighteen (18).
- B. Adult – enrolled Tribal Citizen that is over the age of eighteen (18).
- C. Assistance – any program benefits or payments accrued or paid under any General Welfare Program adopted by the Tribe in accordance with applicable program guidelines.
- D. Revenue Allocation Plan Administrator – the person or entity designated herein as responsible for the administration of the program and for ensuring compliance with the policy which may be referred to as Administrator.
- E. Disability – as used for purposes of programs covered by this ordinance shall refer to the inability of an individual to care for themselves due to physical or mental limitations in accordance with tribal law and this policy.

V. PROCEDURE

A. Disability Factors

1. In order to receive Disability Supplemental Income, a Tribal Citizen must be considered disabled.
 - a) In order to be considered a Tribal Citizen who is disabled, a Tribal Citizen must have an impairment *and* that impairment must affect the Tribal Citizen's ability to work
 - b) The Tribal Citizen applying for Disability Supplemental Income is responsible for proving, to the satisfaction of the Administrator, that he or she meets the Disability Factors
2. A Tribal Citizen has an impairment if the Administrator determines that he or she has submitted documentation verifying the following:
 - a) A medical condition that is listed in and meets the requirements of Part A or Part B of the Social Security Administration Bluebook Listing of Impairments (attached to this policy as Appendix A and Appendix B), or a medical condition that medically equals one of the listings; and
 - b) The medical condition has lasted or is expected to last at least one year, or is expected to result in death
 - c) That impairment affects the Tribal Citizen's ability to work when the Tribal Citizen is:
 - i. Unable to do any substantial work-related physical and/or mental activities due to the medical condition; *and*
 - ii. Unable to be employed for at least six months' time.

B. Review Process for Adult Tribal Citizens

1. In determining whether or not an adult Tribal Citizen meets the above criteria, the Administrator will document the following:
 - a) The Tribal Citizen's alleged impairment(s), and a detailed description of the alleged impairment(s) including their history;
 - b) The diagnosis and prognosis of the alleged impairment(s);
 - c) A statement about what the Tribal Citizen can still do despite his or her impairment(s) and whether the Tribal Citizen has one or more impairment-related limitations or restrictions in the following abilities:
 - i. The ability to perform physical demands of work activities, such as sitting, standing, walking, lifting, carrying, pushing, pulling, or other physical functions (including manipulative or postural functions, such as reaching, handling, stopping, or crouching);
 - ii. The ability to perform mental demands of work activities, such as understanding; remembering; maintaining concentration, persistence, or pace; carrying out instructions; or responding appropriately to supervision, co-workers, or work pressures in a work setting;
 - iii. The ability to perform other demands of work, such as seeing, hearing, or using other senses; and
 - iv. The ability to adapt to environmental conditions, such as temperature extremes or fumes.
 - d) The Tribal Citizen 's current work activity, if any;
 - e) Whether the Tribal Citizen's doctor has provided a note stating the impairment(s) meet or medically equals a listing in Part A of the Social Security Administration Bluebook Listing of Impairments;
 - f) Whether the Tribal Citizen's medical condition has lasted or is expected to last at least one year or is expected to result in death;
 - g) The Tribal Citizen's ability to perform his or her past relevant work;
 - h) The Tribal Citizen's ability to do other work based on age, education, and work experience; and
 - i) Whether the Tribal Citizen's ability to work or be employed will be affected for at least six months' time.

C. Review Process for Minor Tribal Citizen

1. In determining whether or not a minor Tribal Citizen meets the above criteria, the Administrator will document the submission of documentation verifying the following:
 - a) The minor Tribal Citizen's alleged impairment(s), and a detailed description of the alleged impairment(s) including their history;
 - b) The diagnosis and prognosis of the alleged impairment(s);
 - c) A statement about the minor Tribal Citizen's impairment-related limitations and restrictions (as compared to children his or her age who do not have impairments) in:
 - i. Acquiring and using information;
 - ii. Attending and completing tasks;
 - iii. Interacting and relating with others;
 - iv. Moving about and manipulating objects;
 - v. Caring for yourself; and
 - vi. Health and physical well-being.
 - d) The minor Tribal Citizen's current work activity, if any; and
 - e) Whether the minor Tribal Citizen's doctor has provided a note stating the impairment(s) meet or medically equals a listing in Part A and B of the Social Security Administration Bluebook Listing of Impairments; and
 - f) Whether the minor Tribal Citizen's medical condition has lasted or is expected to last at least one year or is expected to result in death.

D. Documentation

1. Acceptable documentation to verify disability and be considered impaired must, at a minimum, include documentation set forth below in D(1)(c), but may also include:
 - a) Evidence of existence of impairment:
 - i. Medical records;
 - ii. Laboratory reports and other tests (e.g., X-rays); and/or
 - iii. Letter from doctor or qualified medical provider stating that the Tribal Citizen meets the criteria set out in Part A or B of the Social Security Administration Bluebook Listing of Impairments.
 - Evidence of work activity:
 - i. Workers' compensation information, including settlement agreement, date of injury, claim number, and proof of other disability award payment amounts;
 - ii. Letter from employer or previous employer;
 - iii. Job description;
 - iv. Past relevant work and job descriptions of same; and/or
 - v. A personal statement acceptable to the Administrator related to work activity.
 - b) Any other relevant evidence related to the factors considered by the Administrator.

E. Determination

1. After receipt of documentation and completion of review, if the Administrator is satisfied that the Tribal Citizen has submitted documentation verifying a disability under this Policy, then the Administrator will provide a written Notice of Eligibility.
2. If the Administrator is not satisfied that the Tribal Citizen has provided sufficient documentation, the Administrator will provide a written Notice of Ineligibility including the reasons why the Tribal Citizen is not eligible for Disability Supplemental Income.

F. Ongoing Notification Requirement

1. A Tribal Citizen who is receiving supplemental income through this program must notify the Administrator if any change occurs in their health, employment, or otherwise, that might affect one of the Disability Factors described in Section A.
2. A Tribal Citizen who fails to notify the Administrator about a change will not be eligible to continue receiving income under this program. The Tribe reserves the right to recover funds improperly received.

G. Supplemental Income for Minors

1. Any supplemental income received under this program for the care of a disabled minor will be capped at \$1,000.00 per month.
2. The minor's parent or guardian must account for all expenses, and those expenses must be limited to those expressly related to the minor's health, education, homecare, and transportation needs.
3. If the minor's parent or guardian cannot provide an accounting of use of funds for the previous thirty (30) days upon request of the Administrator, the Administrator may remove the Tribal Citizen from the program and take action to collect on unaccounted for funds from the minor's guardian.

H. Recertification

1. If the Participant's disability is not permanent, they will be required to re-submit information indicating that their Disability is ongoing every thirty-six (36) months in order to remain in the program.
2. The requirements outlined in Sections A through E of this Procedure apply to re-certifications.

I. Confidentiality of Records

1. The Tribe will maintain records regarding sensitive Tribal and Tribal Citizen matters, including health records, from third party disclosures to the fullest extent permitted by law.

J. Appeals

1. Any determinations of assistance under this Policy are appealable pursuant to Part X of the Gun Lake General Welfare Program Guide.