

GOVERNMENT BENEFITS RESEARCH GUIDE

This guide is intended to serve as a starting point for legal research relating to Supplemental Security Income (SSI), Medicaid, and Food Stamps. SSI, Medicaid, and Food Stamps are three government benefits that assist primarily low-income and/or disabled individuals. SSI is a needs-based financial assistance program. Medicaid is a health-insurance and long-term care benefit primarily for financially needy persons who meet certain eligibility criteria and, in some cases, for certain medically needy individuals. Food Stamps is a need-based benefit that assists food purchases.

For the most part, SSI is governed by federal law and administered by a federal agency. Medicaid is primarily governed by a mixture of federal and state laws and administered by federal, state, and local governments. The Food Stamp program is, for the most part, governed by federal laws but often administered on a state level. Despite the significant role state and local laws and agencies play in the authorization and administration of these benefits, this guide, in the interest of brevity, will focus solely on federal law and agencies. It will also provide information on relevant secondary sources and primary law.

I. Secondary Resources

Secondary resources often offer an explanation of a legal topic and provide citations to primary law. This section of the guide will identify legal encyclopedias, monographs, periodicals, current awareness services, Web-sites, law blogs, and Congressional Research Service reports relating to SSI, Medicaid, and Food Stamps.

Legal Encyclopedias

American Jurisprudence and *Corpus Juris Secundum* are legal encyclopedias. The *American Jurisprudence* topics, “Social Security” and “Welfare,” and the *Corpus Juris Secundum* topic, “Social Security and Public Welfare,” cover SSI, Medicaid, and Food Stamps. Both encyclopedias are available in print at the NYU Law Library and on Westlaw. Use [Julius](#), NYU Law School library’s catalog, to locate the appropriate call numbers for these legal encyclopedias.

Monographs

Treatises, handbooks, and other types of monographs focusing on SSI, Medicaid, and Food Stamps are listed below:

SSI

- Frank, B. *Bloch On Social Security Disability* (West, 2007).^W
- Frank, B. *Disability Determination: The Administrative Process and the Role of Medical Personnel* (Greenwood Press, 1992).^L
- Kubitschek, C. *Social Security Disability: Law and Procedure in Federal Court* (West, 2008).
- McCormick, H. *Social Security Claims and Procedures* (West, 1998-).^L

^W The letter “W” in superscript (^W) in this guide indicates that a title is available on Westlaw.

- Matthews, J. and Matthews, D. [*Social Security, Medicare & Government Pensions: Get the Most Out of Your Retirement and Medical Benefits*](#) (Nolo, 2006).^R
- National Organization of Social Security Claimants' Representatives. *Social Security Practice Guide* (Matthew Bender, 1984-).^{LX}
- Peters, J. *Social Security Disability Claims* (West, 1990-).^W
- Ruskell, R. *Social Security Disability Claims Handbook* (West, 2007).^W
- Samuels, B. *Social Security Disability Claims: Practice and Procedure* (West, 1994-).^W
- *Social Security Law and Practice* (West, 1983-).^W
- Tomkiel, S. [*Social Security Benefits Handbook*](#) (Sphinx Pub., 2004).^R

Medicaid

- Gosfield, A. *Medicare and Medicaid Fraud and Abuse* (West, 2007).^W
- McCormick, H. *Medicare and Medicaid Claims and Procedures* (West, 2005-).^{W, L}
- *Medicare and Medicaid Guide* (CCH, 1993-).^L

Multiple Government Benefits

- Wenzler, D., Cutler, D., and Prentoulis, C. (eds.) [*Public Benefits Resource Center Manual: A Guide to Government Benefit Programs for Families and Individuals in New York City*](#) (Community Service Society of New York, 2001-).^{L, R}
- Frolik, L. and Kaplan, R. *Elder Law in a Nutshell* (West, 2006).^L

Periodicals and Current Awareness Services

Articles on SSI, Medicaid, and Food Stamps appear in legal periodicals and current awareness services that are not subject-specific. Indexes such as the [Index to Legal Periodicals](#)^R or full-text databases, such as Westlaw's JLR database, can be used to locate relevant articles. Some periodicals, such as those listed below, frequently offer articles relating to government benefits and may be useful for targeted searches on legal developments involving SSI, Medicaid, and Food Stamps:

- *Mental and Physical Disability Law Reporter*.^{W, L}
- *Current Social Security News*.^W
- *Medicare and Medicaid Benefits*.
- *Disability Compliance Bulletin*.^{LX}

Web-sites

Many Web-sites, such as those listed below, offer detailed and substantive information on SSI, Medicaid, and Food Stamps:

^L The letter "L" in superscript (^L) in this guide indicates that a title is available in print at the NYU Law School library. Use [Julius](#), NYU Law School library's catalog, to locate the appropriate call number for the title.

^R The letter "R" in superscript (^R) in this guide indicates that a title or resource is available online but access is restricted to NYU faculty and students.

^{LX} The letters "LX" in superscript (^{LX}) indicates that a title is available on Lexis.

American Association of Retired Persons

The [American Association of Retired Persons Web-site](#) offers short summaries and reports on the SSI and Medicaid programs.

Economic Success Clearinghouse Web-pages

The [Economic Success Clearinghouse Web-pages](#) on the Finance Project Web-site posts documents relating to policies and strategies aimed at assisting low-income persons. There are materials on SSI and Food Stamps.

Empire Justice Center

The Empire Justice Center is a NY law firm and advocacy group that is “focused on changing the ‘systems’ within which poor and low income families live.” (Center Web-site) Resources on the [Empire Justice Center’s Web-site](#) are largely organized by issue. Materials relating to SSI are largely found under the category, “Disability Benefits” and materials relating to Food Stamps under the category, “Public Benefits.” The Web-site also includes an Online Resource Center (registration required to access some materials) that offers a number of practice-oriented materials.

Food Research Action Center

The Food Research Action Center aims to end U.S. hunger and under-nutrition. The [Food Research Action Center Web-site](#) offers news and publications on government food programs, including the Food Stamp program.

GovBenefits Web-site

The [GovBenefits Web-site](#) provides basic information on federal and state benefit programs, including SSI, Medicaid, and Food Stamps. It also posts a questionnaire that will inform users of benefits for which they may be eligible.

National Center for Children in Poverty

The National Center for Children in Poverty (NCCP) is dedicated to improving the welfare of children. The [NCCP Web-site](#) offers reports and other publications on benefits, particularly as they relate to issues affecting children. The Web-site also offers a “50-State Policy Wizard” that will create tables of information on various benefits including Food Stamps for various states and geographical regions.

National Center for Law and Economic Justice

The National Center for Law and Economic Justice (NCLEJ) advocates for economic justice for low-income individuals. The [NCLEJ Web-site](#) describes examples of the Center’s advocacy efforts in the areas of disability rights, Food Stamps, and the fair administration of public benefits.

Sargent Shriver National Center on Poverty Law

Through communications and policy development, the Sargent Shriver National Center on Poverty Law (Shriver Center) advocates for low-income people. The [Shriver Center Web-site](#) offers *Poverty Law News*, a free online newsletter, and a Poverty Law Library that includes documents covering SSI and food programs.

Law Blogs

Lawyers frequently use law blogs--that is, blogs focusing on legal topics--to market their practices. In the course of demonstrating their expertise in a subject area, the authors of these law blogs often report on legal developments in the law blog's area of focus. Law blogs that focus on SSI include [New York Disability Law Blog](#), [Social Security Disability Blog](#), and [My Disability Blog](#). Additional law blogs on SSI, Medicaid, and Food Stamps can be found by using a law blog search engine such as those offered on the [Blawg.com Web-site](#) or on [Justia's Web-site](#), or by using a general-purpose blog search engine such as the one offered on [Technorati's Web-site](#).

Congressional Research Service Reports

The Congressional Research Service is an agency within the Library of Congress that performs research for members of Congress. Listed below is a sampling of online CRS reports relating to government benefits. While many CRS reports are not available to the public, some of them can be found online at: [CRS Reports Web-site](#), [Open CRS Web-site](#) and [University of Maryland School of Law Library Web-site](#).

SSI

- Fernandes, A. et al. [Child Welfare: Social Security and Supplemental Security Income \(SSI\) Benefits for Children in Foster Care](#) (CRS, 2007).
- Szymendera, S. [Primer on Disability Benefits: Social Security Disability Insurance \(SSDI\) and Supplemental Security Income \(SSI\)](#) (CRS, 2006 updated).
- Szymendera, S. [Supplemental Security Income: Accounts Not Counted As Resources](#) (CRS, 2006).

Medicaid

- Herz, E. [Coverage of the TANF Population Under Medicaid and SCHIP](#) (CRS, 2006).
- Herz, E. [Medicaid: A Primer](#) (CRS, 2005).
- Grady, A. [State Medicaid Program Administration: A Brief Overview](#) (CRS, 2005).

Food Stamps

- Richardson, J. [Food Stamps and Nutrition Programs in 2002 Farm Bill](#) (CRS, 2006 updated).
- Vialet, J. [Food Stamp Benefits for Legal Immigrants in P.L. 105-185](#) (CRS, 1998).

II. Primary Law

Primary law is a term used to describe laws (including statutes, regulations, judicial decisions and administrative decisions) governing a particular topic or issue. This section of the guide will identify *select* citations of primary law governing SSI, Medicaid and Food Stamps.

Statutory Materials

Federal statutory law governing SSI, Medicaid, and Food Stamps is codified in the *U.S. Code*. Relevant *U.S. Code* citations include:

- 42 U.S.C. § 1381 *et seq.* (SSI)
- 42 U.S.C. § 1396 *et seq.* (Medicaid)
- 7 U.S.C. § 2011 *et seq.* (Food Stamps)

Individual federal statutes relating to SSI and Food Stamps include the *Social Security Act* and the *Food Stamp Act*. The [Social Security Act](#), as amended, is posted on the Social Security Administration (SSA) Web-site with a number of finding tools to locate particular provisions. The SSA Web-site also offers a number of [legislative history materials](#) relating to the Social Security Act. The U.S. Dept. of Agriculture Web-site also offers a [summary](#) of significant legislative developments with regard to Food Stamps.

Regulations

Federal regulations concerning SSI, Medicaid, and Food Stamps are codified in the *Code of Federal Regulations* (CFR). Relevant CFR citations include:

- 20 C.F.R. Pt. 416 (SSI)
- 20 C.F.R. Pts. 430 to 498 (Medicaid)
- 7 C.F.R. Pts. 271 to 285 (Food Stamps)

The SSA Web-site posts [SSI regulations](#) and the Centers for Medicare and Medicaid Web-site (CMS) offers [Medicaid regulations](#).

Judicial Opinions

Judicial opinions relating to SSI, Medicaid, and Food Stamps can be located with online indexes and databases and/or print digests, among other means. Digests arrange summaries of judicial opinions by topic and key number. Key numbers can be located by the digest's index or by the outline at the beginning of the topic. Alternatively, Westlaw can be used to locate key numbers. For more information on finding judicial opinions, consult [Cite Checker's Guide: Cases](#).

Administrative Decisions

Social Security Rulings and Acquiescence Rulings are administrative decisions relating to disputes concerning benefits administered by the SSA (including SSI). Social Security Rulings and Acquiescence Rulings decisions are available from [SSA Web-site](#) (1960-) and Westlaw and Lexis. These decisions are also published in the *Federal Register*.

In New York State, recipients and applicants can appeal many actions relating to Medicaid and Food Stamps to the Office of Administrative Hearings, New York State Office of Temporary and Disability Assistance, by requesting a "fair hearing." Through its Online Resource Center, the [Empire Justice Center](#) offers access to many fair hearings decisions.

III. Federal Agencies

This section of the guide describes federal agencies responsible for administering SSI, Medicaid, and Food Stamps. It also describes some of the resources available on the various agency Web-sites.

Social Security Administration

The SSA is the federal agency principally responsible for administering SSI, among other government benefits. The SSA Web-site offers a [Web-page](#) that provides links to information, laws, and publications relating to SSI posted on its Web-site. In addition, the SSA Web-site offers select agency policies and procedures, including [HALLEX](#), a manual that guides SSA appeals and [POMS, Program Operations Manual System](#), a manual that instructs processing of Social Security benefits. The SSA Web-site also posts [information and materials](#) relating to appeals of eligibility decisions.

Centers for Medicare and Medicaid Services

CMS, an office within the Department of Health and Human Services, administers federal aspects of the Medicaid program. Among other things, CMS issues regulations and interpretative guidelines and monitors compliance. The [CMS Web-site](#) offers extensive materials and information on Medicaid. The Web-site also posts select internal agency [policies and procedures](#).

Department of Agriculture

The Department of Agriculture administers federal aspects of various nutrition assistance programs, including the Food Stamp program. Links on the [Department of Agriculture Web-site](#) include a [Web-page](#) dedicated to Food Stamps. This Web-page offers information on applying for benefits, eligibility requirements, FAQs, and more.

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