

GOVERNMENT BENEFITS RESEARCH GUIDE¹

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 low-income persons and, in some cases, for individuals with certain medical conditions. Food stamps are a need-based benefit that assists food purchases.

For the most part, SSI is governed by federal law and administered by a federal agency, the U.S. Social Security Administration. Medicaid is 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 SSI, Medicaid, and food stamps, this guide, in the interest of brevity, will focus solely on federal law and agencies.

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, websites, law blogs, and Congressional Research Service reports focusing on 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

Select monographs, including treatises and handbooks, focusing on SSI, Medicaid, and food stamps are listed below:

SSI

- Frank S. Bloch, *Bloch On Social Security Disability* (West, 2009-).^W
- Frank S. Bloch, *Disability Determination: The Administrative Process and the Role of Medical Personnel* (Greenwood Press, 1992).^L
- Carolyn A. Kubitschek, *Social Security Disability: Law and Procedure in Federal Court* (West, 2008).^W

¹ Prepared by Annmarie Zell, Reference Librarian, NYU Law School Library, in Jan. 2007. The guide was last updated in Jan. 2011.

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

- Harvey L. McCormick, *Social Security Claims and Procedures* (West, 1998).^L
- Joseph L. Matthews & Dorothy Matthews Berman, *Social Security, Medicare & Government Pensions: Get the Most Out of Your Retirement and Medical Benefits* (Nolo, 2010).
- Nat'l. Org. of Social Security Claimants' Representatives, *Social Security Practice Guide* (Matthew Bender, 1984-).^{LX}
- J. Douglas Peters, *Social Security Disability Claims* (West, 1990-).^W
- Richard C. Ruskell, *Social Security Disability Claims Handbook* (West, 2003-).^W
- Barbara Samuels, *Social Security Disability Claims: Practice and Procedure* (West, 1994-).^W
- *Social Security Law and Practice* (West, 1983-).^W
- Stanley A. Tomkiel, [*Social Security Benefits Handbook*](#) (Sphinx Pub., 2004).^R

Medicaid

- Harvey L. McCormick, *Medicare and Medicaid Claims and Procedures* (West, 2005-).^{W, L}
- *Medicare and Medicaid Guide* (CCH, 1993-).^L
- *Medicare and Medicaid Benefits* (CCH, 1990-) (annual)
- Timothy Stoltzfus Jost, et al., *Medicare and Medicaid Fraud and Abuse* (West, 2007-).^W

Multiple Government Benefits

- Lawrence A. Frolik & Richard L. Kaplan, *Elder Law in a Nutshell* (West, 2010).^{W, L}
- Diane Wenzler, et al. (eds.), [*PBRC Manual: A Guide to Government Benefit Programs for Families and Individuals in New York City*](#) (Community Service Society of New York, 2001-).^{L, R}

Periodicals and Current Awareness Services

Articles on SSI, Medicaid, and Food Stamps appear in various legal journals and current awareness services. Indexes such as the [Index to Legal Periodicals](#)^R or full-text databases, such as Westlaw's Journals & Law Reviews (JLR) database, can be used to locate pertinent 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
- *Disability Compliance Bulletin*.^{LX}

^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.

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

^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.

Websites

Many websites, such as those listed below, offer detailed and substantive information on SSI, Medicaid, and food stamps:

American Association of Retired Persons

The website of the [American Association of Retired Persons](#) offers news and reports on the SSI and Medicaid programs.

Benefits.gov

The [Benefits.gov](#) website provides basic information on federal and state benefit programs, including SSI, Medicaid, and food stamps. It also posts a questionnaire that assists users determine their eligibility for various government benefits.

Empire Justice Center

The Empire Justice Center (EJC) provides legal services for low-income persons. It also provides information and support, partly through its rich website, to other community agencies. Materials on the [EJC](#) website are largely organized by issue. Information on SSI can be found under the link, “Disability Benefits” and information on food stamps under the link, “Public Benefits.” The website also includes an “Online Resource Center” (ORC) that offers a number of practice-oriented materials. (Registration and authorization from the EJC is required to access some materials on the ORC.)

Finance Project

The website of the [Finance Project](#) compiles articles and reports on numerous topics affecting low-income persons, including SSI and food stamps. (Follow the links for “Information Resource Center” and “Economic Success Clearinghouse/WIN.”)

Food Research Action Center

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

National Center for Children in Poverty

The National Center for Children in Poverty (NCCP) is dedicated to improving the welfare of children. The website of the [NCCP](#) offers reports and other publications on benefits; oftentimes these materials approach the issues as they relate children. The NCCP website 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 website of the [NCLEJ](#) describes the NCLEJ’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 website of the [Shriver Center](#) offers a “Poverty Law Library” that includes documents covering the 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 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](#) or [Justia](#) websites, or by using a general-purpose blog search engine such as the one offered on the [Technorati](#) website.

Congressional Research Service Reports

The Congressional Research Service (CRS) 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 free online at: [Open CRS](#) website, [UNT Digital Library](#), and [University of Maryland School of Law Library](#) website. Various subscription databases, including Lexis, also offer select CRS reports.

SSI

- Adrienne L. Fernandes et al., [Child Welfare: Social Security and Supplemental Security Income \(SSI\) Benefits for Children in Foster Care](#) (CRS, 2007).
- Scott Szymendera, [Primer on Disability Benefits: Social Security Disability Insurance \(SSDI\) and Supplemental Security Income \(SSI\)](#) (CRS, 2008).
- Scott Szymendera, [Supplemental Security Income: Accounts Not Counted As Resources](#) (CRS, 2008).

Medicaid

- April Grady, [State Medicaid Program Administration: A Brief Overview](#) (CRS, 2008).
- Elicia J. Herz, [Coverage of the TANF Population Under Medicaid and SCHIP](#) (CRS, 2005).
- Elicia J. Herz, [Medicaid: A Primer](#) (CRS, 2010).

Food Stamps

- Joe Richardson, [Food Stamps and Nutrition Programs in 2002 Farm Bill](#) (CRS, 2006 updated).

- Joyce Vialet, [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* primary law citations relating to 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 U.S. Social Security Administration (SSA) website. In addition, the SSA website offers a number of pertinent [legislative history materials](#). The U.S. Dept. of Agriculture website posts the full text of the [Food Stamp Act](#), as well as a [summary](#) of other legislation bearing on the Food Stamp program.

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)
- 42 C.F.R. Pts. 430 to 498 (Medicaid)
- 7 C.F.R. Pts. 271 to 285 (Food stamps)

The SSA website posts [SSI regulations](#). The website of the Department of Agriculture offers a link to [food stamp regulations](#).

Judicial Opinions

Judicial opinions relating to SSI, Medicaid, and food stamps can be located with online indexes and databases and/or print digests. 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 the [SSA](#) website (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.” The [Empire Justice Center’s](#) ORC 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 websites.

Social Security Administration

The SSA is the federal agency principally responsible for administering SSI, among other government benefits. The SSA website offers [links](#) to information, laws, and publications relating to SSI. In particular, the website offers select agency policies and procedures, including [HALLEX](#), a manual that guides SSA appeals and [POMS, Program Operations Manual System](#), a manual that instructs SSA employees on the processing of Social Security benefits. The 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](#) website offers extensive [materials and information](#) on Medicaid, including select internal agency policies, procedures, and manuals.

Department of Agriculture

The Department of Agriculture administers federal aspects of various nutrition assistance programs, including the Food Stamp program. The website of the Department of Agriculture offers information on [applying for benefits](#), [eligibility requirements](#), [FAQs](#), and more.