

Paralegal  **Course Outlines**

TITLE: Public Benefits
(PARA 346)

OBJECTIVES: To learn the regulations and administration of the government programs for Supplemental Security Income, workers compensation, reemployment insurance, and Social Security and Disability Insurance.

CREDITS: 3 semester credit hours.

INSTRUCTION: Lecture; small group work and exercises to apply rules and regulations.

EVALUATION: Tests; projects

OUTLINE:

Time

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| I. | Supplemental Security Income (SSI) | 14 hours |
| A. | Introduction | |
| | 1. Definitions and purposes | |
| | 2. History | |
| | 3. Sources of law | |
| | 4. Financing | |
| | 5. Administration | |
| | 6. Relationship to Social Security Insurance Programs | |
| | 7. SSI and Medical Assistance | |
| | 8. SSI and Food Stamps | |
| B. | Eligibility requirements | |
| | 1. Financial eligibility requirements | |
| | 2. Non-financial requirements | |
| | 3. Application for other benefits | |
| | 4. Categories of entitlement | |
| C. | Eligibility Limitations | |
| | 1. Refusal of vocational rehabilitation | |
| | 2. Public institution | |
| D. | Eligibility criteria: Income | |
| | 1. Definition | |
| | 2. Types of income | |
| | 3. Income exclusions | |
| E. | Eligibility criteria: Resources | |
| 1. | Definition | |

2. Types of resources
 3. Resource limits
 4. Resource exclusions
 5. Joint bank account
 6. Conditional SSI benefits
 7. Transferring of non-excluded resources
 - F. SSI Benefit Amount
 1. Computation
 2. Resident in institution
 3. Reductions due to living arrangements
 4. Date of application
 - G. Emergency SSI Benefits
 1. Advance payment
 2. Immediate payment
 3. Presumptive eligibility
 - H. Appeals
 1. Initial Determinations
 2. Time limits
 3. Appeals levels
 - I. Overpayments
 1. General information
 2. Overpayment issues
 3. Waiver standards
 4. Appeals
 5. Recovery of overpayments
- II. Workers' Compensation 6 hours
- A. Overview of legislation
 1. Administered by state in North Dakota and private insurers in Minnesota
 2. Goal of legislation
 3. Sources of law
 - B. Coverage for Claims
 1. All injuries arising out of and in the course of employment
 2. Relationship between work and injury
 3. Case examples
 - C. Who is an employee?
 1. Employee vs. independent contractor
 2. Volunteers as employees
 - D. Jurisdiction of the claim
 - E. Prohibition of lawsuits against employer where premiums are paid
 1. Exception for third party claims
 - F. Injury and Medical Causation
 1. Causal link between the work activity and the

- disability
 - 2. Special causal link problems
 - 3. Apportionment laws
 - 4. Medical issues
 - G. Compensation benefits
 - 1. Wage rate in effect on date of injury
 - 2. Temporary total disability benefits
 - 3. Temporary partial disability benefits
 - 4. Medical benefits
 - 5. Permanent impairment benefits
 - 6. Permanent total disability benefits
 - 7. Economic recovery compensation benefits in Minnesota
 - 8. Rehabilitation benefits
 - H. Practical considerations
 - 1. Initial interview
 - 2. Claim petition
 - 3. Burden of proof
 - 4. Hearing procedure
 - 5. Rules of evidence
 - 6. Notices to discontinue
 - 7. Rehab and medical disputes
 - 8. Statute of limitations

III. Reemployment Insurance 6 hours

- A. General Overview
- B. Funding for programs
- C. Resource materials
 - 1. Minnesota and North Dakota statutes
 - 2. North Dakota Administrative Code
 - 3. Digest system
 - 4. AmJur, ALR, and other materials
- D. Statutory definitions
- E. Eligibility for benefits
 - 1. Work registration
 - 2. Claim for benefits
 - 3. Able and available, and seeking work
 - 4. Waiting period
- F. Employee vs. independent contractor
- G. Disqualification from benefits
 - 1. Statutory citations
 - 2. Voluntary quit without good cause attributable to the employer
 - 3. Misconduct and gross misconduct
 - 4. Refusal to accept suitable work
- H. Practice and procedure
 - 1. Initial interview

2. Hearing preparation
3. Hearing procedure
4. Appeals procedure
5. Claim forms and other notices

IV. Social Security

9 hours

- A. Overview of Retirement, Survivors
Disability Health Insurance
 1. Sources of law
 2. Structure of Social Security Administration
 3. Eligibility
 - a. Quarters of coverage
 - b. Insured status
- B. Benefits to Worker's Family
 1. Spouse's benefits
 2. Divorced spouse's benefits
 3. Child's benefits
 4. Widow/Widower's benefits
 5. Parent's benefits
- C. Computation of benefits
 1. Earnings record
 2. Earned income limits
- D. Application
- E. Social Security Disability
 1. Definitions
 2. Sequential evaluation of disability
 3. Vocational/Medical Experts
 4. Representation

V. Administrative Advocacy

10 hours

- A. Intro to Administrative Law
- B. Federal and State Administrative Codes
- C. Administrative appeal process
 - a. paralegal role
 - b. authorized practice of law
 - c. interviewing
 - d. fact gathering and investigation
 - e. grounds for appeal
 - f. steps in appeal process
 - g. sample case
 - h. opening statements
 - i. direct examination
 - j. cross examination
 - k. closing arguments and letter briefs