

basis and in the approximate time frames specified in the employment plan. These activities may include employment, if agreed to in the employment plan. At the end of the initial 24-month period, you must successfully complete the 24-month progress review, as described in §411.195. If you worked in one or more months during the initial 24-month period at the level of work applicable to the work requirement for the first 12-month progress review period, each such month of work may be used to reduce by one month the number of months of work referred to in §411.195(a)(2) and §411.195(a)(3) for purposes of meeting the requirements of those sections regarding a goal of three months of work during the first 12-month progress review period.

(2) During your first 12-month progress review period, you must work (as defined in §411.185) for at least three of these 12 months. The three months do not need to be consecutive. If you worked one or more months during the initial 24-month period at the level of work applicable to the work requirement for the first 12-month progress review period, each such month of work may be used to reduce by one month the number of months of work required for the first 12-month progress review period.

(3) During your second 12-month progress review period, and in later 12-month progress review periods, you must work (as defined in §411.185) for at least six of these 12 months. The six months do not need to be consecutive.

**§411.185 How much do I need to earn to be considered to be working?**

For the purpose of determining if you are meeting the timely progress requirements for continued ticket use, we will consider you to be working in each month in which you have earnings at the following levels:

*(a) For title II disability beneficiaries:*

(1) During your first and second 12-month progress review periods, we will consider you to be working in a month in which you have earnings from employment or self-employment at the SGA level for non-blind beneficiaries, as defined in §§404.1572 through 404.1576 of this chapter. For a month in which you are in a trial work period (see

§404.1592 of this chapter), or if you are statutorily blind as defined in §404.1581 of this chapter, we will consider the following as fulfilling this requirement—

(i) Gross earnings from employment, before any deductions for impairment related work expenses under §404.1576 of this chapter, that are more than the SGA threshold amount for non-blind beneficiaries in §404.1574(b)(2) of this chapter; or

(ii) Net earnings from self-employment (as defined in §416.1110(b) of this chapter), before any deductions for impairment related work expenses under §404.1576 of this chapter, that are more than the SGA threshold amount for non-blind beneficiaries in §404.1574(b)(2) of this chapter.

NOTE TO PARAGRAPH (A)(1): If you worked in one or more months during the initial 24-month period at the level of work described in paragraph (a)(1) of this section, those months of work may be used to meet certain requirements of the 24-month progress review as explained in §411.180(c)(1) and the work requirements for the first 12-month progress review period as explained in §411.180(c)(2).

(2) During your third 12-month progress review period, and during later 12-month progress review periods, we will consider you to be working in a month for which Social Security disability benefits are not payable to you because of your work or earnings.

*(b) For title XVI beneficiaries:*

(1) During your first and second 12-month progress review periods, we will consider you to be working in a month in which you have—

(i) Gross earnings from employment, before any SSI income exclusions, that are more than the SGA threshold amount for non-blind beneficiaries in §404.1574(b)(2) of this chapter; or

(ii) Net earnings from self-employment (as defined in §416.1110(b) of this chapter), before any SSI income exclusions, that are more than the SGA threshold amount for non-blind beneficiaries in §404.1574(b)(2) of this chapter.

*Example to paragraph (b)(1):* If you earn \$750 in January 2001, but exclude \$200 of this income in a Plan for Achieving Self-Support (see §§416.1180–416.1182 of this chapter), you

## §411.190

## 20 CFR Ch. III (4–1–04 Edition)

would still be considered to be working in that month.

NOTE TO PARAGRAPH (B)(1): If you worked in one or more months during the initial 24-month period at the level of work described in paragraph (b)(1) of this section, those months of work may be used to meet certain requirements of the 24-month progress review as explained in §411.180(c)(1) and the work requirements for the first 12-month progress review period as explained in §411.180(c)(2).

(2) During your third 12-month progress review period, and during any later 12-month progress review periods, we will consider you to be working in a month in which you have earnings from employment or self-employment that are sufficient to preclude the payment of Federal SSI cash benefits for a month.

(c) *For concurrent title II and title XVI beneficiaries:*

(1) During your first and second 12-month progress review periods, we will consider you to be working in a month in which you have earnings from employment or self-employment at the SGA level for non-blind beneficiaries as defined in §§ 404.1572 through 404.1576 of this chapter. For a month in which you are in a trial work period (see §404.1592 of this chapter), or if you are statutorily blind as defined in §404.1581 of this chapter, we will consider the following as fulfilling this requirement—

(i) Gross earnings from employment, before any SSI income exclusions or deductions for impairment related work expenses under §404.1576 of this chapter, that are more than the SGA threshold amount for non-blind beneficiaries in §404.1574(b)(2) of this chapter; or

(ii) Net earnings from self-employment (as defined in §416.1110(b) of this chapter), before any SSI income exclusions or deductions for impairment related work expenses under §404.1576 of this chapter, that are more than the SGA threshold amount for non-blind beneficiaries in §404.1574(b)(2) of this chapter.

NOTE TO PARAGRAPH (C)(1): If you worked in one or more months during the initial 24-month period at the level of work described in paragraph (c)(1) of this section, those months of work may be used to meet certain requirements of the 24-month progress review as explained in §411.180(c)(1) and the

work requirements for the first 12-month progress review period as explained in §411.180(c)(2).

(2) During your third 12-month progress review period, and during later 12-month progress review periods, we will consider you to be working in a month in which you have earnings from employment or self-employment sufficient to preclude the payment of Social Security disability benefits and Federal SSI cash benefits for a month.

### §411.190 How is it determined if I am meeting the timely progress guidelines?

(a) *During the initial 24-month period.*

(1) *General.* During the initial 24-month period after you assign your ticket, you must be actively participating in your employment plan, as defined in §411.180(c)(1). Active participation in your employment plan will be presumed unless you or your EN or State VR agency tell the program manager (PM) that you are not actively participating. (See §411.115(k) for a definition of the PM.) If you or your EN or State VR agency report to the PM that you are temporarily unable to participate or are not actively participating in your employment plan during the initial 24-month period after you assign your ticket, the PM will give you the choice of placing your ticket in inactive status or resuming active participation in your employment plan.

(2) *Inactive status.* If you choose to place the ticket in inactive status, your ticket will be placed in inactive status beginning with the first day of the month following the month in which you make your request. You are not considered to be using a ticket during months in which your ticket is in inactive status. Therefore, you will be subject to continuing disability reviews during those months. The months in which your ticket is in inactive status do not count toward the time limitations for making timely progress toward self-supporting employment. You may not place your ticket in inactive status after the initial 24-month period.

(i) To place a ticket in inactive status, you must submit a written request to the PM asking that your ticket be placed in inactive status. The request