**Section 113.40 Blind**

a) To be eligible for assistance as a blind person, an individual must be determined blind as currently defined by the Social Security Administration (SSA). (See 20 CFR 416, Subpart I, April 1, 1984.)

b) If an individual is receiving Supplemental Security Income (SSI) or primary Social Security (OASDI) benefits, the Department shall accept the Social Security Administration's (SSA) determination of blindness. The Department will make the determination of blindness when the client has been denied SSI on the basis of too much income. The Department uses the same criteria for blindness as is used under SSI. (See 20 CFR 416, Subpart I, April 1, 1984.)

c) Determination Process

1) If an individual receiving assistance is determined currently "not blind" by SSA under the SSI or primary OASDI programs, the Department shall accept SSA's determination of blindness and cancel the case, no matter which agency made the original determination of eligibility.

2) If the individual appeals the SSA determination of blindness to SSA, and continues to receive SSI and/or OASDI, assistance shall be continued or reinstated through the level of a determination by an Administrative Law Judge (ALJ) subject to the time limits of subsection (c)(3) of this Section.

3) If the client notifies the Department of his appeal to SSA within 10 days after the date of the Department notice, assistance will be continued with no break. If the client notifies the Department of his appeal to SSA within 11 through 65 days after the date of the Department notice, assistance will be reinstated back to the original date of cancellation. If the client notifies the Department of his appeal to SSA more than 65 days after the date of the Department notice, assistance will be provided prospectively only, unless the client actually appealed to SSA within 65 days from the date of the Department notice, in which case assistance will be reinstated back to the original date of cancellation.

4) If an Administrative Law Judge finds the individual "not blind", the Department shall accept that finding as final. The individual shall not have the right to appeal the determination of blindness to the Department at any time during this process.

d) Redetermination of blindness is a condition of continuing eligibility for individuals who are not applying for or receiving SSI or OASDI benefits.

e) When appropriate, the Department shall pay for a medical examination to determine blindness.

(Source: Amended at 22 Ill. Reg. 13642, effective July 15, 1998)