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Title 22@ Social Security

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Division 1@ Employment Development Department

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Subdivision 1@ Director of Employment Development

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Division 1@ Unemployment and Disability Compensation

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Part 2@ Disability Compensation

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Chapter 2@ Disability Benefits

2705.1-1 Payment of Disability Benefits Due Mentally

Article 4@ Filing, Determination and Payment of Disability Benefit Claims

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Section 2705.1-1@ Payment of Disability Benefits Due Mentally Incapacitated Individuals

(a)

If a claim for disability benefits is not filed by an otherwise eligible individual because he or she is mentally unable to make a claim, the claim may be filed by a spouse, domestic partner, or other legally authorized representative of the individual. The claim shall comply with Section 2706-1 or 2706-3 of these regulations. The representative shall submit a certificate executed by the physician or practitioner attending the individual certifying that the individual is mentally unable to make a claim for disability benefits, and certifying the type of practice of the physician or practitioner, and the state licensing the practice. The representative shall also execute and submit a declaration under penalty of perjury which states that the declarant has been informed by such physician or practitioner that the individual is mentally unable to make a claim for disability benefits, and one of the following: (1) That the declarant is the legally authorized representative of the individual. (2) That the declarant is the spouse or domestic partner of the individual, and that there is no other legally authorized representative of the individual.

(1)

That the declarant is the legally authorized representative of the individual.

(2)

That the declarant is the spouse or domestic partner of the individual, and that there is no other legally authorized representative of the individual.

(b)

The department shall prescribe a form for the declaration and certificate required by subdivision (a).