§ 416.1802  Effects of marriage on eligibility and amount of benefits.

(a) If you have an ineligible spouse—

(1) Counting income. If you apply for or receive SSI benefits, and you are married to someone who is not eligible for SSI benefits and are living in the same household as that person, you may count part of that person’s income as yours. Counting part of that person’s income as yours may reduce the amount of your benefits or even make you ineligible. Section 416.116 discusses how we count income and § 416.1163 explains how we count income for an individual with an ineligible spouse.

(2) Counting resources. If you are married to someone who is not eligible for SSI benefits and are living in the same household as that person, we will count

(c) Definitions. In this subpart—

Eligible spouse means a person—

(1) Who is eligible for SSI,

(2) Whom we consider the spouse of another person who is eligible for SSI, and

(3) Who was living in the same household with that person on

(i) The first day of the month following the date the application is filed (for the initial month of eligibility for payment based on that application);

(ii) The date a request for reinstatement of eligibility is filed (for the month of such request); or

(iii) The first day of the month, for all other months. An individual is considered to be living with an eligible spouse during temporary absences as defined in § 416.1149 and while receiving continued benefits under section 1611(e)(1)(E) or (G) of the Act.

Spouse means a person’s husband or wife under the rules of §§ 416.1806 through 416.1835 of this part. We and us mean the Social Security Administration.

You means a person who has applied for or has been receiving SSI benefits, or a person for whom someone else has applied for or has been receiving SSI benefits.