Credit for the Elderly or the Disabled

Use Schedule R to figure the credit for the elderly or the disabled. If you want, the IRS will figure the credit for you in most cases. For more details, see the Form 1040 instructions on page 24.

Additional Information. Get Pub. 524, Credit for the Elderly or the Disabled, for more details.

What Is Permanent and Total Disability?
If you were under age 65 at the end of 1994, you must be permanently and totally disabled to take the credit. A person is permanently and totally disabled if both of the following apply:
1. He or she cannot engage in any substantial gainful activity because of a physical or mental condition, and
2. A physician determines that the condition has lasted or can be expected to last continuously for at least a year or can lead to death.

Example 1. Sue retired on disability as a sales clerk. She now works as a full-time babysitter at the minimum wage. Although Mary’s illness is terminal and she works part-time, the work is done at her employer’s convenience. Mary is considered engaged in a substantial gainful activity and cannot take the credit.

Example 2. Mary, the president of XYZ Corporation, retired on disability because of her terminal illness. On her doctor’s advice, she works part-time as a manager and is paid more than the minimum wage. Her employer sets her days and hours. Although Mary’s illness is terminal and she works part-time, the work is done at her employer’s convenience. Mary is considered engaged in a substantial gainful activity and cannot take the credit.

Example 3. John, who retired on disability, took a job with a former employer on a trial basis. The purpose of the job was to see if John could do the work. The trial period lasted for some time during which John was paid at a rate equal to the minimum wage. But because of John’s disability, he was given only light duties of a nonproductive, make-work nature. Unless the activity is both substantial and gainful, John is not engaged in a substantial gainful activity. The activity was gainful because John was paid at a rate at or above the minimum wage. However, the activity was not substantial because the duties were of a nonproductive, make-work nature. More facts are needed to establish John’s ability to engage in a substantial gainful activity.

Disability Income
Generally, disability income is the total amount you were paid under your employer’s accident and health plan or pension plan that is included in your income as nontaxable income. It includes any payments or benefits you received from your employer’s accident and health plan or pension plan, including payments made by your employer, spouse, or employer’s retirement program.

Income Limits for Credit for the Elderly or the Disabled

<table>
<thead>
<tr>
<th>If you are</th>
<th>You generally cannot take the credit if:</th>
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<tbody>
<tr>
<td>Single, Head of household, or Qualifying widow(er)</td>
<td>The amount on Form 1040, line 32, is $17,500 or more; or you received $5,000 or more of nontaxable social security or other nontaxable pensions</td>
</tr>
<tr>
<td>Married filing a joint return and only one spouse is eligible for the credit</td>
<td>The amount on Form 1040, line 32, is $20,000 or more; or you received $5,000 or more of nontaxable social security or other nontaxable pensions</td>
</tr>
<tr>
<td>Married filing a joint return and both spouses are eligible for the credit</td>
<td>The amount on Form 1040, line 32, is $25,000 or more; or you received $7,500 or more of nontaxable social security or other nontaxable pensions</td>
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<tr>
<td>Married filing a separate return and you lived apart from your spouse for all of 1994</td>
<td>The amount on Form 1040, line 32, is $12,500 or more; or you received $3,750 or more of nontaxable social security or other nontaxable pensions</td>
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</tbody>
</table>
Part II. Statement of Permanent and Total Disability

If you checked box 2, 4, 5, 6, or 9 in Part I and you did not file a physician’s statement for 1983 or an earlier year, or you filed a statement for tax years after 1983 and your physician signed on line A of the statement, you must have your physician complete a statement certifying that:

- You were permanently and totally disabled on the date you retired, or
- If you retired before 1977, you were permanently and totally disabled on January 1, 1976, or January 1, 1977.

You must attach this statement to Form 1040. You may use the physician’s statement in Part II for this purpose. Your physician should show on the statement if the disability has lasted or can be expected to last continuously for at least a year, or if there is no reasonable probability that the disability will ever improve.

If you file a joint return and you checked box 5 in Part I, you and your spouse must each file a statement. If both you and your spouse use the statement in Part II, attach a separate Schedule R for your spouse with only Part II filled in. Keep copies of these statements with your tax records.

If you filed a physician’s statement for 1983 or an earlier year, or you filed a statement for tax years after 1983 and your physician signed on line B of the statement, you do not have to attach another statement for 1994. But you must check the box on line 2 in Part II to certify that (1) you filed a physician’s statement in an earlier year, (2) you were permanently and totally disabled during 1994, and (3) you were unable to engage in any substantial gainful activity during 1994 because of your physical or mental condition. If you checked box 4, 5, or 6 in Part I, write in the space above the box on line 2 in Part II the name(s) of the spouse(s) for whom the box is checked.

If the Department of Veterans Affairs (VA) certifies that you are permanently and totally disabled, you can file VA Form 21-0172 instead of the physician’s statement. VA Form 21-0172 must be signed by a person authorized by the VA to do so. You can get this form from your local VA regional office.

Part III. Figure Your Credit

Line 11

If you checked box 2, 4, 5, 6, or 9 in Part I, complete line 11 as follows:

- If you checked box 6, add $5,000 to the amount of disability income you reported on Form 1040 for the spouse who was under age 65. Enter the total on line 11.
- If you checked box 2, 4, or 9, enter on line 11 the total amount of disability income you reported on Form 1040.
- If you checked box 5, enter on line 11 the total amount of disability income for both you and your spouse that you reported on Form 1040.

Example 1. Bill, age 63, retired on permanent and total disability in 1994. He received $4,000 of taxable disability insurance income reported on Form 1040, line 7. He filed a joint return with his wife who was age 67 in 1994. On line 11, Bill enters $9,000 ($5,000 plus the $4,000 of disability income reported on Form 1040).

Example 2. John checked box 2 in Part I and enters $5,000 on line 10. He received $3,000 of taxable disability income, which he enters on line 11. John also enters $3,000 on line 12 (the smaller of line 10 or line 11). The largest amount he can use to figure the credit is $3,000.

Lines 13a through 18

The amount on which you figure your credit may be reduced if you received certain types of nontaxable pensions and annuities. The amount may also be reduced if your adjusted gross income is over a certain amount, depending on which box you checked in Part I.

Line 13a. Enter any social security benefits (before deduction of Medicare premiums) you (and your spouse if filing a joint return) received for 1994 that are not taxable. Also, enter any tier 1 railroad retirement benefits treated as social security that are not taxable.

If any of your social security or equivalent railroad retirement benefits are taxable, the amount to enter on this line is generally the difference between the amounts entered on Form 1040, line 20a and line 20b.

Note: If your social security or equivalent railroad retirement benefits are reduced because of workers’ compensation benefits, treat the workers’ compensation benefits as social security benefits when completing Schedule R, line 13a.

Line 13b. Enter the total of the following types of income that you (and your spouse if filing a joint return) received for 1994:

- Veterans’ pensions (but not military disability pensions).
- Any other pension, annuity, or disability benefit that is excluded from income under any provision of Federal law other than the Internal Revenue Code.

Do not include amounts that are treated as a return of your cost of a pension or annuity.