



The Role of the Medical Expert in a Social Security Disability Hearing

Written On April 12, 2010 By Bob Kraft

It is not uncommon for a judge in a Social Security Disability case to invite a medical expert to testify at the hearing. Unlike civil litigation, the administrative appeals in Social Security claims do not offer the attorney an opportunity to depose a medical expert prior to the hearing. The testimony of the medical expert is heard for the first time at the hearing. The attorney must decide the approach to take with the particular medical expert given the individual facts of the case.

The important thing that claimants seeking disability benefits should keep in mind when their case involves a medical expert is that the expert's opinion is just that – an opinion. Any Social Security Disability claim file contains a number of opinions that are express or implied in the medical records. But it is the judge who has the final responsibility to assign appropriate weight to the various competing opinions in the case when rendering a decision.

One way medical experts can be beneficial at a hearing is when there is a lot of new medical evidence requiring an updated medical opinion. The medical expert can review the entire file and give an opinion that a claimant either meets, or equals in severity, a listed impairment. Additionally, the medical expert can offer an opinion on the symptoms that might be related to the diagnosed impairments in the particular case. This testimony can provide the judge sufficient basis to pay the claim. Last week we had at least two claimants who were found to be disabled on this basis.

Kraft & Associates
2777 Stemmons Freeway
Suite 1300
Dallas, Texas 75207
Toll Free: (800) 989-9999
FAX: (214) 637-2118
E-mail: info@kraftlaw.com