



## Social Security Disability Onset Dates and Post-Onset Work Activity

Written On August 1, 2009 By [Bob Kraft](#)

Social Security Disability claims involve several dates that can be critical to determining the outcome of a case. In every claim for disability, you must declare an alleged onset date at the time your claim is filed. This date is defined legally, but a claimant filing for benefits can put any date they choose. People who are unrepresented at the initial stage of filing often choose onset dates that must later be changed when a lawyer is hired. In general, when a claimant's lawyer suggests a change to an onset date, they have a good reason. Sometimes the correct date of onset is the difference between winning and losing a case. Sometimes the change in onset date is motivated by what gives the greatest monthly benefit to a claimant. The change in date can be either earlier or later in time. There are several factors to be considered, and your lawyer should discuss the issue with you to ensure the alleged onset date is appropriate to the facts in your case. There are, of course, instances where the onset date does not require any change.

People who are disabled are alleging an inability to work on a regular and continuing basis. But work activity does not always end all at once. Sometimes there are earnings from work after the onset date. Your lawyer must know a lot of detailed information about work activity that happened both before and after the onset of disability. Sometimes it is necessary to contact employers about earnings, sick time, or vacation time. What appear to be earnings on Social Security's detailed earnings records might not represent work activity performed by the claimant.

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

There are several theories that you and your lawyer must discuss when the issue of post onset work activity arises. The first issue is whether the work you did was substantial gainful activity. There also might be a trial work period and possibly a failed work attempt. The duration and amount of earnings limit which theory applies in a given case. Each year the dollar limits governing substantial gainful activity and trial work periods change slightly, so it is best to discuss these issues with your attorney as soon as possible. The sooner these issues are resolved the better.