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SOCIAL SECURITY NEWSLETTER

This is a newsletter of interest to professionals who provide services to potential Social Security Disability and SSI Claimants.

Disability Benefit Fairness Act of 2009

The five month waiting period between the time a claimant is awarded Social Security benefits to the time he/ she is awarded funds is under the microscope in Washington. North Carolina Congressman Mike McIntyre introduced the Disability Benefit Fairness Act of 2009 to Congress earlier this year. The official wording on the bill is as follows:

To amend Title II of the Social Security Act to eliminate the 5-month waiting period for entitlement to disability benefits and to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions.

The bill is currently in a 41 person committee for review. Committees act like “mini congresses.” If the bill is deemed favorable after review, it will then move to review by the full U.S. Congress. If deemed unfavorable by the committee, then the bill will not progress any further. If you would like to write your Congress person concerning your interest in this bill or would like to provide your patients with an example, please contact us at 1-800-LAWYER-NC and we will mail you a sample letter. We will continue to monitor this bill closely and provide updated information through our newsletter and also our blog at www.north-carolina-lawyer-blog.com.

Credibility Is Key in a Social Security Claim

A claimant’s credibility as a medical patient and as a witness can make or break their Social Security disability claim. Their credibility is built upon many things including their age, education, work history, medical history, criminal history, family history and many other variables. However, a cornerstone of credibility, particularly in the hearing room, is consistency of their statements. Often, a Social Security claimant’s case can rest on whether or not the Administrative Law Judge believes that the claimant’s limitations are as bad as he or she reports. Consistency in recorded statements to Social Security personnel, doctors, employers, friends, family and the Administrative Law Judge builds a strong foundation for the credibility of their complaints. However, inconsistencies in the claimant’s statements can allow an Administrative Law Judge to attack the credibility of their complaints and therefore deny their claim and make winning an appeal more difficult. **Bottom line: Claimants should tell everyone the same facts.**

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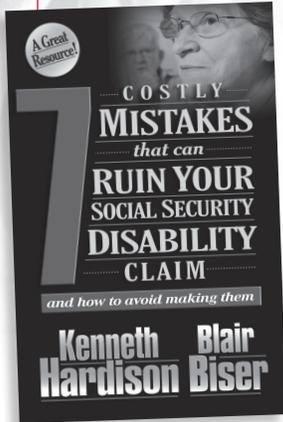
Disability Insurance Benefits (DIB) vs. Supplemental Security Income (SSI)

	DIB	SSI
What Is Considered a Disability?	Physical or Mental Impairment that last 12 months or more that prevents you from working a full-time job	Same as DIB
Credit Requirements	Must have paid in enough taxes in to Social Security recently to be eligible	No credit requirements
Financial Limitations	If you are working part time, you cannot earn over the level for substantial gainful activity (2008: \$940/month)	Household income and assets must be low enough to qualify
How Much Can I Get?	Depends on how much you have paid into Social Security	Currently, \$637 maximum per month, but this decreases dollar for dollar with any income you have
Any Health Insurance Included?	Medicare: Eligible 2 years after you start receiving benefits	Medicaid: Eligible as soon as you are declared disabled
Can My Children Get Benefits?	Yes. Children are entitled to a dependent's benefit. But there is a family maximum.	Not as a result of your disability. Children must have a disability of their own.
Who are these Benefits For?	<ul style="list-style-type: none"> Anyone who has paid in enough to be insured Anyone who may be eligible on a spouse or parent's work record 	<ul style="list-style-type: none"> Adults of Retirement Age Disabled Adults Under Retirement Age Minor Children

Training for Your Group or Office

We are available to conduct workshops or short training meetings, tailored to the needs of your office staff. **There is no charge for this.** Please call our office to make arrangements for in-service training, or talks to groups and organization on any area of Social Security Disability Law.

Social Security Disability Book For FREE



Blair Biser and Ken Hardison have written a new book to help guide Social Security claimants through the landmine of traps they face with filing Social Security Disability claims. *7 Costly Mistakes That Can Ruin Your Social Security Disability Claim and How to Avoid Making Them* is written in plain English without the legal mumbo jumbo. This book will help you learn what you should and should not do when pursuing a Social Security Disability claim.

If you or your office would like some free copies for your staff, patients or clients, please call 1-800-600-7969 and we will get you as many copies as you need.



**Do you
know
someone
who is
disabled?**

The law defines disability as the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period not less than 12 months. To meet this definition, you must have a severe impairment, which makes you unable to do your previous work or any other substantial gainful activity which exists in the national economy.