

We make it happen by putting you first.

SOCIAL SECURITY NEWSLETTER

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

THE DISABILITY DETERMINATION PROCESS

Initial Application

To be awarded disability benefits, you first have to assert your right to them. You assert your right by filing an application with the Social Security Administration. You can make this application in several ways:

- In person at your local Social Security office;
- Over the phone toll-free at 1-800-772-1213; or
- On the internet at www.ssa.gov

Once you have filed an application, Social Security will turn your application over to your state's division of Disability Determination Services (DDS). This is an organization designed specifically for the purposes of determining whether or not a person is disabled for purposes of receiving government benefits. You will go through a process of filling out questionnaires about your medical condition and how it affects you on a daily basis. DDS may send you to appointments with physicians and/or psychologists for further evaluation of your condition. They will also gather your medical records and may talk to your friends or family about your limitations. Once they have gathered and evaluated all of this information, a decision will be made as to whether or not you are disabled. If you are approved, your benefits will be started. If you are denied you will be

notified and you must appeal to continue your claim.

Reconsideration

If your initial application is denied, you must file an appeal with the Social Security Administration. This appeal is known as a Request for Reconsideration. You cannot skip this step and go directly to a hearing. You must go through this process in order to have your claim properly heard. Once you file this appeal, your claim goes through the same evaluation process it went through during the initial application. However, a different set of evaluators makes the decision. Only about 10% of all disability applications at this level of appeal are actually approved. If you are denied you must file the next appeal.

Hearing

If your claim has been denied at the reconsideration stage, you now have the opportunity to request a hearing before an administrative law judge. The judge will evaluate all the medical evidence in your file and make a new decision in your case. You will have the opportunity to tell the judge in person about the limitations your condition causes and how these limitations affect you on a daily basis. The judge may ask expert medical and vocational witnesses to testify about your limitations. You will

also have the opportunity to have witnesses testify on your behalf if necessary. The judge will normally issue his decision in writing. Many cases that are denied in the earlier stages are approved at the hearing level.

Appeals Council and Beyond

If your claim is denied by the administrative law judge, your case is NOT over. You have the opportunity to appeal your case to the Social Security Administration's Appeals Council. Although you will not be entitled to a hearing, you can ask in writing that the Appeal's Council approve your case or give you a new hearing based on the fact that the administrative law judge made a legal or blatant mistake. If the Appeals Council denies your case, you have the option to sue the Social Security Administration in federal court for a reversal of the denial or a new hearing. You may also have the option of filing a new claim while you await your appeal. ■

Training for Your Group or Office

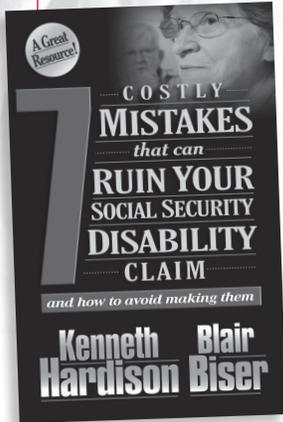
We are available to conduct workshops or short training meetings, tailored to the needs of your office staff. **There is no charge for this.** Please call our office to make arrangements for in-service training, or talks to groups and organization on any area of Social Security Disability Law.

**1-800-
LAWYER-NC**

Call or visit www.asklawyernc.com and enter your questions. You will get answers by an attorney the same day, confidentially and with no obligation.

www.lawyernc.com

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.