

How Can I Prepare to File for Disability?

Disability Benefits



Dear ALRP:

I am currently employed at Humongous Bank in San Francisco as a teller. My health has been in decline recently and I have been finding it more and more difficult to work full time. My doctor has told me that I need to take a leave of absence, but I'm worried that I'll be denied disability coverage and lose my job. If I file for disability, what can I do to protect myself?

- Fatigued

Dear Fatigued:

Anyone living with an HIV or AIDS diagnosis knows that the symptoms associated with the disease and treatment can range from manageable to debilitating. It seems self-explanatory that symptoms and side effects can interfere with your ability to work effectively, but when applying for disability you need to be more specific. As an applicant, you have to demonstrate how your disability is directly affecting your ability to complete the specific tasks which comprise your job.

Disability applications often require you to think about the symptoms and conditions resulting from your HIV/AIDS diagnosis in a new light. When asked to describe how we are feeling, most of us are accustomed to minimizing the extent of medical complications. Talking about your symptoms might feel like you are being dramatic or complaining. However, for your application, it is important to articulate the severity of symptoms when you experience them at their *worst*. Also, the details of physical ailments are easy to forget or downplay when it comes time to talk to your doctor or fill out an application. The reality is that it is uncomfortable to disclose the details of one's disease to strangers.

The following is an effective example of how to describe your symptoms and conditions in a disability declaration.

Sample Declaration

My chronic AIDS-related fatigue is both severe and debilitating. I sleep nine to ten hours at night with two naps of two hours each day. I take naps each day after walking my dog and having breakfast. I must often cut my daily activities short because I am too exhausted to continue. My doctor has said that my fatigue may stem from my body's attempt to fight off infection or the side effects of my medications. As a result, I am unable to stay awake for more than a few hours at a time, which greatly limits my functionality and my ability to maintain my position as a teller at Big Bank. One time, I feel asleep during my lunch break and after waking was unable to concentrate enough to continue working for the remainder of the day.

As you can see, detailing your symptoms can be a time-consuming and unpleasant process. Nonetheless, having a record of how HIV negatively affects your quality of life will be invaluable going forward once you file for disability.

This Legal Q&A Guide was last revised in August 2011. It is intended to provide general legal information to people living with HIV/AIDS in California. However, because laws change frequently ALRP cannot ensure the complete accuracy of the information included. Please call ALRP at (415) 701-1100 to consult with an ALRP attorney about your legal rights in your particular situation.