



A COMPLETE GUIDE TO

SOCIAL SECURITY CLAIMS



Many of us start out as young adults believing that we are invincible. Over time, we begin to realize just how wrong we were. If we are lucky, we maintain our health until old age — but many Americans are not so fortunate.

According to the Centers for Disease Control and Prevention (CDC), 26% — or 1 in 4 — Americans have some type of disability. Having a disability can affect all areas of your life, from where you live to your access to healthcare. It can also have a serious impact on your financial stability, particularly if you are unable to work due to a medical or mental health condition.

For individuals who cannot work because of a disability, there are some options. Long-term disability insurance provides monthly payments for a set period of time; these benefits are based on a portion of your salary. Not all Americans have this type of insurance, however, as it is typically offered through an employer or purchased individually.

On the other hand, the federal government also provides benefits to Americans with disabilities through the Social Security Administration. Both Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) offer monthly payments to people who cannot work due to medical or mental health impairment. The main difference between the two programs is that SSI is needs-based, while you must earn a certain number of credits by working and paying taxes to be eligible for SSDI.

Understanding the options available to you as a person with a disability is critical as you work to find your new normal. Whether you are interested in filing for one or all three types of benefits, a skilled disability benefits attorney can help you put together a strong application, supported by evidence, to increase your chances of approval. This guide is focused on an overview of the benefits available and the process needed to apply for those benefits through the Social Security Administration.

TABLE OF CONTENTS



- 1** What Are Social Security Disability Benefits?
- 2** Social Security Disability Insurance
- 3** Supplemental Security Income
- 4** Applying For Social Security Disability Benefits
- 5** Common Pitfalls In Social Security Disability Claims
 - a. Failing To Fully Explain How Your Condition Has Affected You
 - b. Failure To Properly Document Your Claim
 - c. Not Listing All Of Your Impairments
 - d. Exaggerating The Impact Of Your Disabilities
 - e. Missing An Appeal Deadline
 - f. Failing To Accurately Describe Your Limitations
- 6** Appealing A Denial Of Social Security Disability Benefits

WHAT ARE SOCIAL SECURITY DISABILITY BENEFITS?



The Social Security Administration (SSA) offers two related — but distinct — types of disability benefits: Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI). While you must prove disability to qualify for either type of benefit, the primary difference between these two types of benefits is that SSDI is a type of insurance.

This means that you must pay into the system in order to be eligible to receive benefits under SSDI. On the other hand, SSI benefits are needs-based. To qualify, you must meet certain financial criteria in addition to proving a disability.

Many people who are eligible for SSI benefits may also be entitled to SSDI benefits. SSDI recipients whose income and resources are limited may be able to receive SSI as well.



SOCIAL SECURITY DISABILITY INSURANCE



SSDI is a disability benefits program administered by the SSA. To qualify, an applicant must meet the SSA's definition of disability and be unable to work for a year or more due to that disability. In addition, he or she must have paid into the Social Security system to be eligible.

For purposes of SSDI, a person is disabled if they:

1. Is not currently working at substantial levels;
2. Has a "severe" (more than a slight abnormality) impairment or combination of impairments;
3. Due to their health, cannot do the work that they did before;
4. Cannot adjust to other work because of their medical condition(s); and
5. Their disability has lasted or is expected to last for at least one year or to result in death.

The SSA uses a five-step sequential evaluation to analyze if an applicant is disabled. Each step of the process requires an analysis of the claimant's situation. Depending on the determination, the individual will either be denied benefits, proceed to the next step, or be granted benefits.

The SSA looks at a person's work credits to determine if they are eligible for SSDI. A person must have worked for enough time and recently enough to qualify. An individual can earn up to four (4) credits per year and must accumulate a particular number of credits to receive SSDI. Generally, you need 40 credits to qualify, 20 of which must have been earned in the past 10 years; younger workers may qualify with fewer credits.

SSDI benefits are funded through payroll taxes. If a person is approved for this type of benefit, then they will receive monthly benefits.

SUPPLEMENTAL SECURITY INCOME



In contrast to SSDI, SSI is a needs-based program. To be eligible, a person must have limited income and assets. In addition, he or she must be disabled, blind, or aged 65 or older. Blind or disabled children may also qualify for this program.

There are strict resource limits for SSI eligibility — \$2,000 or less for individuals or children, and \$3,000 for couples. Resources include things that you own, such as bank accounts, vehicles, cash, and anything that could be converted to cash. There are exceptions for your primary residence and one vehicle.

The SSA also imposes an income limit for SSI, which changes annually. The SSA does not count all types of income or your spouse's income, but it still remains a low amount. For 2019, monthly income must not exceed \$771 for an individual or child or \$1,157 for a couple.

Applicants for SSI must also prove that they are disabled. The SSA uses the same five-step sequential evaluation process for SSI applicants as they do for SSDI applicants. However, individuals who are seeking SSI do not have to prove that they have earned a certain number of credits — instead, they have to prove that their income and assets do not exceed the threshold.

SSI is funded by the general fund of the U.S. Treasury, and is paid for by income, corporate and other taxes. Individuals who qualify for SSI will also likely be eligible for other benefits, such as Medicaid and food assistance. SSI benefits are paid on the first of the month and may be supplemental by the state in which the recipient resides.

WHO QUALIFIES FOR SOCIAL SECURITY DISABILITY BENEFITS?



While SSDI and SSI share a common definition of “disability” and use the same five-step sequential evaluation process, there are significant differences in determining eligibility for each type of benefit. Understanding the distinction between the two types of benefits can help you decide whether to apply for SSDI, SSI, or both.



SOCIAL SECURITY DISABILITY INSURANCE



Because the SSDI program is a form of insurance, a person must have worked and paid Social Security taxes to be eligible for this type of benefit. A person can earn a maximum of four “credits” per year. In 2019, one credit is equal to \$1,360.

An older person typically needs 40 credits to qualify for SSDI, with 20 of those credits earned in the 10 years prior to becoming disabled. However, if you are younger, then you will need fewer credits. For example, if you become disabled before the age of 24, you may be eligible for SSDI if you have earned 6 credits in the 3 years prior to becoming disabled.

To determine if you qualify as “disabled” for purposes of SSDI, the SSA uses a five-step sequential analysis:

1. Are you working?

- Although you can still work and receive benefits, if you make over “substantial gainful activity” (\$1,220 per month before taxes in 2019), then you may not be eligible for SSDI. The SSA will also look to see if you are working more than 20 hours per week and if you are given any accommodations so that you can do your job.

2. Is your medical condition “severe”?

- To be severe, a disability must limit your ability to work and complete basic work activities, such as sitting, standing, and remembering for 12 months or more. Importantly, this does not mean that you have to wait to apply until after the 12 months have passed. Instead, the condition must be expected to last for 12 months or longer.

SOCIAL SECURITY DISABILITY INSURANCE



3. Does your medical condition meet or medically equal a listing?

- The SSA has a Listing of Impairments that describes, for each major body system, impairments that are considered severe enough to prevent a person from doing any gainful activity. Here, the SSA reviews medical evidence to determine if your condition meets or equals a listing. If not, then it moves to step 4.

4. Can you do the work you did before?

- The SSA will look to see if you can do the work you previously performed. If you can perform this work, then you will not be considered disabled. If you cannot perform your past work, then Social security will move to step 5.



SOCIAL SECURITY DISABILITY INSURANCE



5. Can you do any other type of work?

- The SSA will examine whether you can perform any work in the national economy, considering your age, education, past work experience, and any transferable skills you may have. This is known as a Residual Functional Capacity (RFC) assessment. If you can perform another type of work, then you are not considered disabled.
 - The RFC will take into account the claimant's own description of their symptoms and how they impact their ability to work, descriptions, observations, and conclusions of treating medical professionals, and other pertinent medical and non-medical evidence.
 - The RFC will then categorize the type of work that a claimant can do:
 - *Sedentary*: Lifting no more than 10 pounds at a time and occasionally lifting or carrying articles like docket files, ledgers, and small tools, occasional walking and standing are also necessary.
 - *Light*: Lifting no more than 20 pounds at a time with frequent lifting or carrying of objects weighing up to 10 pounds. An individual in the "light" category of work must be able to do a substantial amount of the following: walking, standing, and sitting.
 - *Medium*: Lifting no more than 50 pounds at a time with frequent lifting or carrying of objects weighing up to 25 pounds.
 - *Heavy*: Lifting no more than 100 pounds at a time with frequent lifting or carrying of objects weighing up to 50 pounds.
- If a person cannot do any work — even sedentary work — then they are considered disabled.

SOCIAL SECURITY DISABILITY INSURANCE



- If you are aged 50 or older, a different set of guidelines, known as the Medical Vocational Guidelines or GRID rules are used.
 - The GRID rules acknowledge that — as a general matter — it is more difficult for individuals over the age of 50 to adjust to new work environments if they also face significant medical impairments. For older applications aged 55 to 59, you may be found to be disabled even if the analysis determines that you can perform “light” work.
 - These rules are generally considered to be favorable to older applicants. However, they are complicated and have many exceptions.

Based on these questions, if the SSA determines that you are disabled, then you may be granted SSDI benefits.

The SSA does not start paying benefits immediately after a person becomes disabled. Instead, there is a five (5) month waiting period, so that you will receive SSDI payments starting the sixth month of disability.

If a person receiving SSDI passes away, leaving a widow or survivors, those individuals may then be able to receive their benefits. People eligible for survivors benefits include:

- A widow or widower age 60 or older (age 50 or older if disabled);
- A surviving divorced spouse, under certain circumstances;
- A widow or widower at any age who is caring for the deceased’s child who is under age 16 or disabled and receiving benefits on their record;
- An unmarried child of the deceased who is:
 - Younger than age 18 (or up to age 19 if he or she is a full-time student in an elementary or secondary school); or
 - Age 18 or older with a disability that began before age 22.

SUPPLEMENTAL SECURITY INCOME



Who is eligible to receive SSI (Supplemental Security Income)?

- A person who is 65 and older;
- Blind; or
- Disabled.

Because SSI is a needs-based program, you also must have limited resources and income in order to be eligible. The SSA defines income as “any item an individual receives in cash or in-kind that can be used to meet his or her need for food or shelter.” This could mean:

- Earned income: wages
- Unearned income: money that you did not earn, such as cash from friends and family, or Social Security pensions
- In-kind income: food or shelter that you get for free or for less than its fair market value (such as a family member allowing you to live rent-free in their house)
- Deemed income: income from another person or persons (such as your spouse or family that you live with) that may be used to compute your benefit amount

In-kind income is “food or shelter you get for free or less than its fair market value.”

Certain types of income are excluded from SSI calculations. This includes:

- The value of food stamps
- The first \$20 of most income received in a month
- The first \$65 of earnings and one-half of over \$65 received in a month.

SUPPLEMENTAL SECURITY INCOME



In addition, the SSA considers an individual's resources when making a determination about SSI benefits. This includes an evaluation of limited resources, which are defined as anything that can be converted to cash, such as personal property, stocks, bank accounts, and bonds.

A person may have a maximum of \$2,000 in "countable resources" and a couple may have a maximum of \$3,000 of "countable resources" to be eligible for SSI. Some resources do not count in this determination, including your home, one vehicle, burial spaces for you and your immediate family, personal effects like wedding rings, and life insurance policies (face value of \$1,500 or less).

Children may also be eligible for SSI benefits if they are considered disabled and have limited resources and income. A child can qualify from birth to age 18 if they are not married or considered the head of the household. In addition, a person under the age of 22 may qualify if SSA determines that he or she is "regularly attending school."

To be considered disabled, a child must:

- Have a physical or mental condition(s) that very seriously limits his or her activities; and
- The condition(s) must have lasted, or be expected to last, at least 1 year or result in death.

If the child is unmarried, under the age of 18, and living with their parents, the parents' income may be "deemed" to the child. For SSI purposes, \$3,000 worth of income and resources are not considered countable if two parents are living in the home. If one parent is living in the home, \$2,000 of income and resources is not considered countable for the child.

SUPPLEMENTAL SECURITY INCOME



The SSA uses a three-step analysis to decide if a child qualifies for SSI:

- 1.** If the child is working over a specific amount (known as the substantial gainful activity, or SGA), then he or she does not qualify for SSI. If the child is not working but he or she is in the care of parent(s) or guardian(s) whose finances exceed the income or resource limit for SSI, then the child will not qualify for SSI.
- 2.** Next, SSA will evaluate whether the child has a “medically determinable” severe impairment that is expected to last continuously for twelve months or more or result in death.
- 3.** Finally, SSA will then determine if the severe impairment meets, equals, or functionally equals a medical listing for a child. This last prong considers whether the child has marked or extreme limitations in several areas of age-appropriate functioning.

The amount of SSI benefits rises annually with a cost of living (COLA). Starting in January 2020, an individual can receive a maximum of \$783 per month, while a couple can receive a maximum of \$1,175 per month.



APPLYING FOR SOCIAL SECURITY DISABILITY BENEFITS



An individual can apply for SSI online, through their local Social Security office or by phone. A disability benefits attorney can also work with an applicant to help them file a claim for benefits. Each person who applies has the right to notice of the SSA's decision, as well as the right to file an appeal.

To file for benefits online (SSI or SSDI), you will need the following information:

- Date and Place of Birth
- Information on any marriages or divorces including spouse's name and social security number, beginning and end date of marriage, and place of marriage
The names and dates of birth of a child under 18 and unmarried, or up to age 19 if the children are still in secondary school full time, children who became disabled before age 22
- Information on U.S. Military Service
- Employment Information for the past 2 years
- Banking Information
- Alternate Contacts
- Medical conditions and treatment providers (doctors, hospitals, etc.)
- Miscellaneous medical records (such as worker compensation or prison records)
- Employment in the last 15 years and duties in that employment
- Education and any job training you received

You can apply for SSDI benefits in person at any local Social Security office, over the telephone (1-800-772-1213), or online at [SSA.gov](https://www.ssa.gov). If you choose to call, you will be asked some basic questions, then the operator will schedule you for a telephone interview within a few weeks.

APPLYING FOR SOCIAL SECURITY DISABILITY BENEFITS



Before the interview, the SSA will send a checklist as well as a medical and job worksheet. You do not have to return these documents to the SSA. As you prepare for your interview, these tips may be helpful:

- Remember that this is just the initial interview. No one can be expected to adequately explain their life in detail in a simple interview, which means that you should not hesitate to change your responses if it helps you to explain yourself accurately.
- Be complete, but don't tell your "life story."
- You will be asked what illnesses, injuries or conditions limit your ability to work. Be sure to tell Social Security every physical or mental problem which you have that has contributed — even slightly — to your inability to work.
- You will be asked the date you became unable to work "because of your medical condition." If you are unsure of this date, please call your attorney to discuss, because this question is particularly important.
- Be sure to include the names, addresses, and other contact information of every doctor's office, hospital, and clinic where you have been seen for any problems which have contributed to your inability to work. You do not have to volunteer (at least not at this point) the names of any doctor(s) who have performed "adverse" or unhelpful examinations, such as Workers' Compensation/ Personal Injury independent medical examinations (IMEs).
- Be sure to tell Social Security of any side effects you have from medicine.
- Be honest about your educational level. I have found that some clients overstate their educational level out of embarrassment, but you should be truthful.
- Do not make a plea for sympathy because you may be having financial difficulty.

APPLYING FOR SOCIAL SECURITY DISABILITY BENEFITS



You can also choose to file for benefits online. If you file via the SSA website, these tips will make the process easier:

- Once you begin the application, you cannot use the back button to go back. Instead, use the prior page button located on the bottom of the page. If you need guidance, the SSA provides a two-page guideline for completing the “Disability Report-Appeal” online.
- The report doesn’t have to be completed in one sitting. The SSA provides a
- Reentry Number — be sure to write it down. When the report is completed, you will see a full summary of the information that you entered. After making any necessary changes, make sure that you print or save a copy of this summary for your records.
- If you need more room for all of your answers, you can add it to the remarks section. If you still don’t have enough room in the remarks section, you can write the information on a separate sheet of paper and send it to SSA at the address provided once you submit the report.
- If you have a disability benefits attorney, provide a copy of the entire report to them before submitting it to the SSA. CAUTION: Sometimes the report is accidentally submitted without selecting the submission button.

Finally, you can choose to complete paper forms, applying in-person at a local Social Security office.

COMMON PITFALLS IN SOCIAL SECURITY DISABILITY CLAIMS



The process of applying for Social Security disability benefits can be challenging, with numerous forms to fill out and mountains of documentation to gather to support your claim. Along the way, it isn't surprising that many people fail to meet the high standards set by the SSA. The following are some of the most common pitfalls seen in these types of cases — many of which may be addressed by working with an experienced disability benefits attorney.



COMMON PITFALLS IN SOCIAL SECURITY DISABILITY CLAIMS



Failing to Fully Explain How Your Condition Has Affected You

There are many reasons why a claim for Social Security disability benefits may be denied. One of the most common reasons is that an applicant fails to complete an application fully (if applying in paper or online). This can result in a rejection based on an incomplete form.

More importantly, when filing for benefits, you will need to explain in detail how your medical condition has impacted your life. For SSDI benefits, it is particularly important that you talk about how your disability has affected your ability to perform your job. You should also emphasize how your daily activities have changed as a result of your medical condition.

For example, it is not enough to state, "Since my diagnosis with lupus, I have a hard time working and doing things around the house." Instead, you need to provide specific details of how your condition impacts you. A better description may be as follows:

"Since my diagnosis with lupus, I have experienced extreme fatigue that makes it impossible for me to concentrate at work. Because my job requires attention to detail, I have made critical errors due to my fatigue and associated memory issues. I often need to rest during the day because of my fatigue. Joint pain from my lupus makes it difficult for me to stand, walk, carry objects over 10 pounds, stand from a sitting position, or go up and downstairs. The medication that I use to treat my lupus causes a number of side effects, such as nausea and diarrhea, that force me to stay close to a bathroom at all times. These medications also suppress my immune system, putting me at risk of infection if I come into contact with the general public."

The difference between these two descriptions can mean approval and denial of benefits. When medical evidence is added to back up the story that you tell about how your medical condition affects you, it can make for a strong application for benefits.

COMMON PITFALLS IN SOCIAL SECURITY DISABILITY CLAIMS

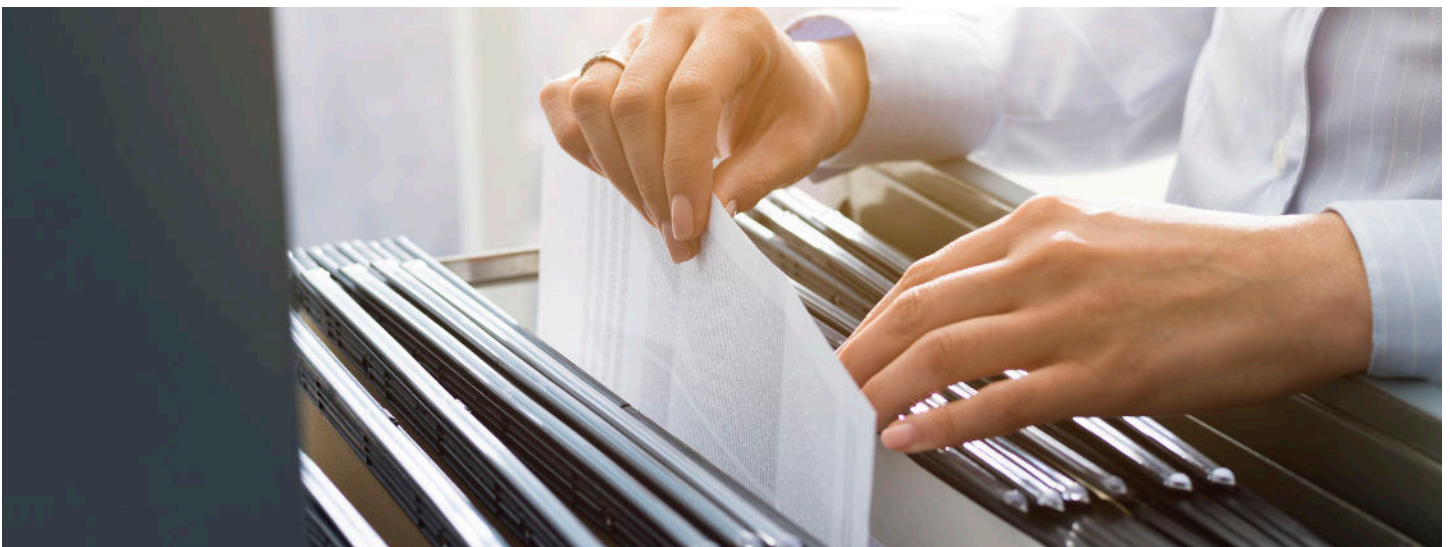


Failure to Properly Document Your Claim

Whether you are applying for SSI or SSDI, you will need to demonstrate that you have a disability as defined by the SSA. To do so, you will have to do more than simply tell your story of how a medical condition affects your life. You will have to submit evidence of (1) a diagnosis and (2) how that diagnosis impacts your ability to work.

If you do not properly document your condition and include the appropriate evidence with your application, then the SSA may deny your claim. When applying for benefits, you need to include all of your medical records. This includes notes from doctor visits, physician notes, test results, documentation about limitations and restrictions, therapy and treatment plans, surgical notes, prescription records (along with notes on any side effects), how your condition has progressed, and information on how you are affected by symptoms of your medical condition.

Medical evidence is critical in proving both your diagnosis and how it has negatively impacted your life. Remember that whether you apply for SSDI or SSI, the five-step sequential evaluation will be used to analyze your claim. It is important that you make sure that you — or your disability benefits attorney — provide evidence so that you can be deemed disabled by the SSA.



COMMON PITFALLS IN SOCIAL SECURITY DISABILITY CLAIMS



Not Listing All of Your Impairments

Many people with disabilities have more than one medical or mental health condition. Our bodies are complex and interconnected, after all — so it isn't unusual that we have more than one thing “wrong” with us at a time. In some cases, one condition is the direct result of another, such as depression that may result from being severely limited by a physical disability.

Yet when applying for benefits, many people will only list the condition that affects them the most. For example, you may choose to list “Rheumatoid Arthritis” because that is the issue that you believe is specifically limiting your ability to work. Yet doing so may lead to a denial, because that condition in and of itself may not be severe enough for you to be considered disabled.

When completing your application for benefits, it is important to list all of the illnesses, injuries or conditions that limit your ability to work — not just what you think is the most obvious or important. The SSA must consider every one of your impairments individually and in combination with each other. Listing each condition can benefit you, even if it does not seem to be disabling as other issues.

For example, you may struggle with very severe rheumatoid arthritis, and also have some vision issues that cause headaches if you look at a screen or focus on details for too long. It's possible that the RA will be found to limit you to routine desk work, which would result in a denial. But, adding the moderate vision issues into the overall picture, would then eliminate most of those desk jobs.

COMMON PITFALLS IN SOCIAL SECURITY DISABILITY CLAIMS



Exaggerating the Impact of Your Disabilities

While most people underestimate how their conditions affect their lives, and may even look to downplay the extent of their disability, others may be tempted to talk up their disability in an attempt to be awarded Social Security benefits. We understand why a person would want to do this — if you are unable to work due to a disability, you are likely experiencing financial distress and are relying on these benefits as a form of income. Yet when you are untruthful about your symptoms or how your condition affects you, it may lead to a denial of your claim.

Each SSDI or SSI application must be supported by evidence in the form of medical records, test results, letters from treating physicians and other documentation. This evidence will support your application, as well as the story that you tell about how your condition affects your life. However, if you exaggerate or even lie about your symptoms or the impact on your life, the same evidence may be used to discredit you.

The SSA processes over 2 million applications for benefits each year. Their evaluators have handled thousands of cases, and are familiar with a vast array of medical conditions. Keep this in mind when filing your application, and remember to always be honest when describing your condition and how it affects you.

COMMON PITFALLS IN SOCIAL SECURITY DISABILITY CLAIMS



Missing an Appeal Deadline

If your application is denied, then you have the right to file an appeal, as described below. There are strict deadlines for filing appeals with the SSA — you have 60 days from the date of the decision to appeal to the next level. If you miss the deadline, then you will be required to start the process from the beginning.

One way to avoid the possibility of missing a deadline is to work with a disability benefits attorney. Not only will you stand a better chance of being approved for benefits initially, but your lawyer will make sure that your appeals are filed on a timely basis if your application is denied.



COMMON PITFALLS IN SOCIAL SECURITY DISABILITY CLAIMS



Failing to Accurately Describe Your Limitations

One of the most challenging parts of being approved for SSDI benefits is the analysis of whether you can do any other type of work (step 5 of the sequential analysis). If you can do another type of work — including light-duty or sedentary work — then you will not qualify for benefits unless you are over 50 and other specialized rules apply to you.

Sedentary work includes jobs that are mostly seated but may involve standing and walking for 2 hours or less each day. A sedentary job may also require lifting no more than 10 pounds and occasionally carrying light objects.

During the five-step sequential evaluation process, the SSA will prepare a Residual Functional Capacity (RFC) assessment. This is a detailed summary of the specific functional limitations that the SSA has determined to impair your ability to work. If the RFC finds that you are able to perform sedentary work, then you will not be found disabled (unless you are over the age of 50 and meet certain other criteria).

For this reason, it is important to be able to prove that you cannot do sedentary work. Test results, letters from your treating physician about your limitations and treatment plans may all be submitted as evidence in support of your application. These documents can demonstrate that you are subject to limitations, such as an inability to lift 10 pounds occasionally or to sit 6 out of 8 hours. Alternatively, you may find that non-exertional problems eliminate these kinds of jobs. For example, being unable to remain focused on job tasks for reasonable lengths of time, or an illness that would cause you to be frequently absent from your work.

APPEALING A DENIAL OF SOCIAL SECURITY DISABILITY BENEFITS



Even if you have a strong case for benefits, your application for SSDI or SSI may still be denied.

The rate of approval for these applications is relatively low, at 26.3% for all beneficiaries in 2015. If your application is denied, there are four levels of appeal; generally, all appeals must be filed within 60 days of the date of the decision.

First, you can request a reconsideration of the denial. A reconsideration is a complete review of your original application, completed by a person who did not participate in the first determination. The SSA will examine all evidence submitted as part of the initial application, as well as any new evidence.

You can file a request for reconsideration online, using the appropriate link for a denial based on medical or non-medical reasons. For example, if your denial was based on a non-medical reason, such as your income, then you would choose the link to file a request for non-medical reconsideration. After filing this request, you can log into your account to check the status of your request for reconsideration.

Second, if your request for reconsideration is denied, you can ask for a hearing by an Administrative Law Judge (ALJ). This hearing will be conducted by an impartial ALJ who did not take part in either the original determination or the reconsideration of your claim. It will typically be held within 75 miles of your home.

As with the request for reconsideration, you can file a request for a hearing with an ALJ online. Simply click the link for the type of denial (medical or non-medical) that best fits your case. From there, you will be able to monitor the status of your hearing.

At a hearing before an ALJ, a vocational expert will be asked to categorize your past relevant work. This will include both a level of exertion, a skill level (unskilled, semi-skilled, or skilled), and a Specific Vocational Preparation number (from the Dictionary of Occupational Titles).

A vocational expert is an expert witness qualified by the SSA. These experts are paid by the SSA but are considered impartial. During the hearing, they will provide an opinion on whether you can do your past work or other work after reviewing the exhibits from the case and your past work history.

APPEALING A DENIAL OF SOCIAL SECURITY DISABILITY BENEFITS



At the hearing, the ALJ will ask the vocational expert hypothetical questions about what jobs in the national economy a person of your age, education, and skill level could perform. Then the ALJ will continue adding to the hypothetical with limitations (such as “cannot lift objects over 10 pounds”). The vocational expert will answer and explain whether there are any jobs in the national economy for this hypothetical individual.

During this hearing, a disability benefits attorney can further question the vocational expert using evidence about your functional limitations. The goal is to get the expert to testify that you are unable to perform your past work or any jobs in the national economy. If he or she does that, then the ALJ may rule in your favor and find you to be disabled.

Third, if the hearing decision is unfavorable, you can request a review by the Appeals Council. The Appeals Council will look at all requests for review, but it may deny a request if it believes that the decision of the ALJ to deny the claim or dismiss the case was supported and in line with Social Security law and regulations.

If the Appeals Council decides to review your case, it will either make a determine itself or will send it to an ALJ for further review. You can file a request for an Appeals Council Review online. The Appeals Council is based in Falls Church, Virginia.

Fourth, if the Appeals Council declines to review your case or denies your claim, you can file a civil lawsuit in federal court. This is the last level of review. Unlike other types of appeals, there is a fee to file a lawsuit in federal court.

There are a number of rules that must be followed when filing a lawsuit regarding Social Security disability benefits, such as where the lawsuit can be filed, how to serve the paperwork on the SSA, and the time limits for filing the lawsuit. A skilled disability benefits attorney can work with you to help you decide if a lawsuit is the best course of action, and if so, to file the claim.

APPEALING A DENIAL OF SOCIAL SECURITY DISABILITY BENEFITS



Social Security disability benefits are an important lifeline for millions of Americans, offering financial stability when you are unable to work. Many individuals find the application process overwhelming, requiring you to fill out stacks of forms, adhere to strict rules, and submit mountains of paperwork to document your claim. Too often, a failure to understand how the system works leads to a denial of an otherwise valid claim.

A skilled Social Security disability benefits lawyer can advocate for you throughout the process, from the initial application to a final resolution. With the help of an attorney, you can avoid the most common pitfalls to achieve a favorable resolution of your claim.





A COMPLETE GUIDE TO SOCIAL SECURITY CLAIMS