

Social Security Disability

The following are common questions about disability:

Am I Disabled?

To receive benefits under the Social Security Disability or SSI program you must have physical or mental health problems (or a combination of problems) severe enough to keep you from working for at least 12 months. The test isn't whether or not you are able to go back to your old job. The test is are you capable of holding any job. By using an extensive set of regulations the Social Security Administration will take into account your medical condition, age, abilities, training and work experience in deciding your case.

What Is The Difference Between Social Security Disability and SSI?

Both programs are administrated by the Federal Government and both require you prove that you are disabled from working. Social Security Disability requires that you become disabled while you were insured. You are insured if you have worked 20 out of the last 40 "quarters"(1/4 of a year). SSI (Supplemental Security Income) has no earning requirement but you and your family must be poor.

How Do I Apply?

You can apply in person at any Social Security office or phone (1-800-772-1213). The Administration will want to know who your medical providers are, what medication you are presently on and your work history for that last 15 years.

What Do I Do If I Have Been Denied Benefits?

Request a hearing. Nationally about two-thirds of all applicants are denied benefits on their initial application. But many of these people ultimately receive benefits when they pursue their claim. Therefore, if you are disabled and have been denied benefits contact your Social Security office and file for a hearing within sixty (60) days of the day you received your denial notice.

What Is A Hearing?

The hearing is where you will have the best chance of winning. Approximately two-thirds of applicants who have been denied ultimately receive benefits at the hearing level. A hearing is conducted by the Office of Hearings and Appeals of the Social Security Administration. An Administrative Law Judge will preside and testimony is taken under oath. The only people present will be the judge and the judge's assistant, you, your attorney, and any witnesses you may want to present. Occasionally the judge may ask a vocational expert to testify about your ability to work. Medical records will be accepted as evidence. The judge and your attorney will ask you about your present medical condition, medical history, your abilities, education, training, work experience and the limitations in your daily life caused by your disability. You and/or attorney may make a closing argument.

Do I Need A Lawyer?

You have the right to have an attorney represent you at all stages of your Social Security case. Statistics have shown that people represented by attorneys are successful more often than people without an attorney.

What Would My Attorney Do?

Every case is different and your attorney's role depends on the particular facts of your case. Some of the things that the office routinely does to give you your best chance of winning the case are as follows:

1. Gather medical and other evidence;
2. Analyze your case under Social Security regulations;
3. Contact your doctors and explain the applicable regulations to obtain report which addresses those regulations;
4. Suggest the Social Security Administration send you to a doctor for a consultative examination;
5. Obtain your Social Security file as soon as it is available;
6. Ask that a prior application for benefits be reopened;
7. Prepare you to testify at your hearing;
8. Prepare any friends or family members who may be crucial witnesses to your case;
9. Cross-examine adverse witnesses to your hearing;
10. Submit a written summary of the evidence and argument to the Administrative Law Judge;
11. If you win make sure that the Social Security Administration correctly calculates your benefits.

How Much Does It Cost To Hire An Attorney?

Our law firm accepts Social Security Disability cases on a contingent fee basis of 25% of past due benefits. That is, there is no fee if you lose although you will be obligated to pay any out of pocket expenses. Such expenses usually involve charges for copying medical records and payments to doctors for medical reports. In most cases out of pocket expenses do not exceed \$50.00. The maximum attorney's fee your past due benefits exceeds \$5,300.00.

Our firm has successfully represented Social Security Disability claimants for over 20 years. Our success rate is well over 90%. We do not charge a fee for an initial consultation and we would be happy to discuss your or a family member's case with you at any time either by phone or by office interview.