



SOCIAL SECURITY DISABILITY & YOU:

WHAT YOU NEED TO KNOW ON THE ROAD TO BENEFITS



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INTRODUCTION

When you are disabled, it can be incredibly overwhelming trying to manage and treat your condition while going about your daily life. In fact, you may find that life as you knew it has changed dramatically, especially if new limitations prevent you from working. Naturally, you may be worried about how you can possibly provide for yourself and your family, as well as afford the ongoing treatment you need.

It's easy to feel lost, confused, helpless and misunderstood. Fortunately, the Social Security Administration established its Social Security Disability program to help individuals with disabilities. Although benefits are available, the program can be highly complex and intimidating, especially for someone who has never applied before. That's why we created this Social Security Disability Guide to help you navigate through all stages of the process.

As partners of a Social Security Disability law firm, we understand what you are going through, and want to help answer any questions you may have about applying for and obtaining benefits. We hope this guide is an insightful and educational tool to help you feel empowered on your journey to benefits.

ABOUT THE AUTHORS



Samantha J. Ball

Partner Samantha J. Ball knew she wanted to become a lawyer at a young age, and as a strong connector and problem solver, she helps ensure everyone's voice is heard. Since joining Disability Attorneys of Michigan in 2005, Samantha has helped change the lives of many people through providing skilled and compassionate representation.

Attorney Ball received her law degree from Wayne State University Law School in 2005 and was admitted to the Michigan State Bar. She earned a Bachelor of Arts in political science from Wayne State University in 2001.



Adam G. Banton

Partner Adam G. Banton's first-hand experience watching a family member struggle to receive benefits after a health setback motivates him to help clients every day. Adam has been making a positive impact on clients' lives since he joined the firm in 2009. He empathizes with clients and is dedicated to making a difference during very difficult times in their lives.

Attorney Banton received his law degree from Wayne State Law School in 2009 and was admitted to the Michigan State Bar that same year. He earned his bachelor's degree in psychology from the University of Michigan in 2006.

DISCLAIMER

The intention of this guide is to help provide insights and tips to help educate you about the Social Security Disability process. Please be advised that the information in this guide does not constitute legal advice.

DETERMINING IF YOU ARE DISABLED

Nearly 50 million Americans live with disabilities, which are medical conditions that affect a person's mental and physical health. These conditions can limit a person's ability to carry out everyday activities such as household chores, participating in family events, enjoying life, and earning a living.

You may have experienced physical and mental limitations from a condition that you were born with, or one that developed as a result of injuries or illness. You also may have already visited with a doctor who determined you are disabled.

While a doctor's word and medical evidence are important in determining eligibility, before we even look at your medical conditions, you must be found eligible to apply for one of the programs under the Social Security Disability Act.

**BUT WHAT BENEFITS EXIST,
AND WHICH PROGRAM IS APPROPRIATE FOR YOU?
LET'S TAKE A CLOSER LOOK.**

**DID YOU
KNOW?**

**3 OUT OF 10 ADULTS IN THEIR TWENTIES WILL
BECOME DISABLED BEFORE THEY TURN 67.**

TYPES OF SOCIAL SECURITY DISABILITY BENEFITS

The Social Security Disability program is comprised of two main types of benefits: **Social Security Disability (SSD)** and **Supplemental Security Income (SSI)**. Both programs have the same medical criteria for eligibility – having a condition(s) that will last for at least a year, or is terminal, and prevents you from carrying out Substantial Gainful Activity (SGA).

The medical eligibility criteria for both benefits are the same and will be discussed in more detail later.

For now, let's dive into the non-medical eligibility criteria, which is very different for each program.

SOCIAL SECURITY DISABILITY BENEFITS OVERVIEW

Non-medical eligibility for Social Security Disability (SSD) is dependent upon whether you have contributed enough FICA (Federal Income Contributions Act) taxes, which fund the Social Security Disability Trust Fund. This gets a little complicated as the Social Security Administration (SSA) determines this based on work credits.

In general, a worker can earn up to four work credits each year. The number of work credits you need to be eligible for SSD is determined by age.

For example, if you become disabled before 24, you must have earned 6 work credits in 1.5 years. If you are between ages 24-30, you must have earned 8-18 work credits in 2-4.5 years. If you are between 31-42, you must have earned 20 work credits in five years.



If you have earned enough work credits you may apply for this benefit. Keep in mind, once you stop working, you are no longer earning credits and your eligibility for this benefit will expire if you are not paying fica taxes through working and are not on disability. Don't delay in applying.

SUPPLEMENTAL SECURITY INCOME OVERVIEW

Supplemental Security Income (SSI) payments are funded through general U.S. Treasury funds rather than by specific tax contributions from employees and employers. The SSI program was designed to help disabled Americans who do not have enough work history and have limited income and resources. Therefore, this program helps ensure that those who do not have the work credits to be eligible for SSD have an opportunity to receive the assistance they need. In some cases, individuals will apply for both SSD and SSI.

If your income / assets meet the financial threshold for SSI and you do not qualify for another benefit that is higher than SSI, then you may apply for SSI payments.

***READ ON TO
PAGE 34 TO
LEARN MORE
ABOUT SSI
BENEFITS.***



THE 5-STEP DISABILITY DETERMINATION PROCESS

Once it is determined you are eligible for a disability program, the SSA will look at the severity of your medical conditions and the impact they have on your ability to work. To do this, the SSA uses a 5-Step Process to determine if your medical condition(s) disable you under their rules. It is a process they follow to determine if your condition(s), symptom(s), or side effect(s) to treatment are severe enough to keep you from working.

Answering these questions may help you see the bigger picture and understand if you should apply for benefits.

01. ARE YOU CURRENTLY WORKING?

Your conditions must prevent you from carrying out Substantial Gainful Activity (SGA). Simply put, this means that your income cannot exceed the fixed monthly limit, which is \$1,310 a month for 2021. This amount increases each year there is a federal cost of living adjustment. If you are

currently working and your gross income exceeds the monthly limit, you are not considered disabled.

Keep in mind that due to Cost of Living Adjustments (COLA) the maximum monthly limit can change periodically. Essentially, the Social Security Administration considers if the cost of living has changed and uses information based on the Consumer Price Index. This is to ensure the limits on income are fair. The Cost of Living Adjustments are also applied to benefit amounts if you are awarded Social Security disability benefits.

It's important to keep up-to-date on changes. If income was the reason why you didn't qualify for Social Security disability benefits in the past, your situation may have changed.

02. DO YOU HAVE A SEVERE MEDICAL CONDITION?

Social Security considers any physical and/or mental impairment that has lasted or is expected to last 12 months or more and impact your ability to work to be a severe impairment. If you have a severe impairment, then Social Security will evaluate the severity of your conditions under the last 3 steps of the Sequential Analysis.

**DID YOU
KNOW?**

**NEARLY 50 MILLION AMERICANS
LIVE WITH A DISABILITY, BUT ONLY 9
MILLION RECEIVE BENEFITS.**

03. IS YOUR MEDICAL CONDITION ON THE LIST OF IMPAIRMENTS?

The Social Security Administration has a Blue Book of Impairments, which lists conditions that may be considered a disability if you meet all of the particular requirements listed for that condition.

The adult listings are divided by type of condition, such as:

- Musculoskeletal System
(*Fibromyalgia, Paralysis, Osteoporosis*)
- Special Senses and Speech
(*Blindness, Speech Loss, Hearing Impairments*)
- Respiratory Disorders
(*Cystic Fibrosis, Asthma, Sleep Apnea*)
- Cardiovascular System
(*Congenital Heart Disease, Recurrent Arrhythmia, Aneurysm*)
- Digestive System
(*Crohn's Disease, Colitis, Kidney Failure*)
- Genitourinary Disorders
(*Diabetic Nephropathy, Kidney Disease, End Stage Renal Disease*)
- Hematological Disorders
(*Chronic Anemia, Multiple Myeloma, Sickle Cell Disease*)
- Skin Disorders
(*Burns, Shingles, Dermatomyositis*)
- Endocrine Disorders
(*Diabetes, Thyroid Gland Disorders, Pancreatitis*)
- Congenital Disorders that Affect Multiple Body Systems
(*Non-Mosaic Down Syndrome*)

- Neurological Disorders
(*Multiple Sclerosis, Cerebral Palsy, Epilepsy*)
- Mental Disorders
(*Schizophrenia, Bipolar Disorder, Depression*)
- Cancer
(*Brain Cancer, Leukemia, Lung Cancer*)
- Immune System Disorders
(*Lupus, HIV, AIDS*)

Can't find your condition in the Blue Book of Impairments or don't meet all of the particular requirements of a listed condition? This doesn't mean you can't go forward with the process. Social Security will review your condition and decide if you are still considered disabled under Step 4 and Step 5 of the 5-Step Process.

04. CAN YOU DO THE WORK YOU DID BEFORE?

Social Security looks only at work you did in the past 15 years to determine what they call your "Past Relevant Work" (PRW). If your condition does not prevent you from performing your PRW on a regular and continuing basis, you are not considered disabled. However, if you are unable to perform your PRW, you move on to Step 5 of the 5-Step Process.

05. CAN YOU DO ANY OTHER TYPE OF WORK?

Finally, the SSA must determine if there are other jobs in the national economy that you could do. Social Security asks if you cannot do your past relevant work or you have no past relevant work, then could you do some other work in the national economy? The evaluation of your ability to perform other work is impacted by your age, education and prior work. If your symptoms or side effects to medication prevent you from learning a new job or doing some other type of work full-time, you are likely considered disabled.

THE SOCIAL SECURITY DISABILITY PROCESS

01

THE INITIAL DISABILITY APPLICATION

Applying for Social Security Disability can be a complex and time-consuming process, that starts with an initial application online. Common reasons for denials are errors in paperwork and incomplete forms, which could draw out the process even more. With your future on the line, delays in the process can be devastating.

You're not expected to be an expert on applying for disability. You've likely never been through the process before, and the information you need to gather can be overwhelming, especially since you are suffering from the physical and emotional pain of your disability.

You will need a detailed list of your medical providers, prescriptions and more, which is why it can be incredibly helpful to partner with an experienced Social Security Disability attorney to help you with your entire initial application and improve your chances of success.

Let's take a look at the four main ways to apply for Social Security Disability Benefits:

- 1) Apply Online
- 2) Call the Social Security Administration at 1-800-772-1213
- 3) Visit Your local Social Security Office
- 4) Turn to an Experienced SSD Lawyer to Fill Out Your Application and walk you through the process

**DID YOU
KNOW?**

**ON AVERAGE, IT TAKES
3-6 MONTHS TO RECEIVE
A DECISION ON YOUR
INITIAL APPLICATION.
30% OF CLAIMS ARE
APPROVED ON THE
INITIAL APPLICATION.**

WHAT INFORMATION DO YOU NEED TO APPLY?

In order to apply, you will need a number of important documents and information at the ready to fully complete your application. As discussed, applications must be filled out correctly and completely; therefore, you'll want to prepare all of this information before you start.

- 1) Proof of Your Age (Social Security Number & Birth Certificate)
- 2) Full Names, Addresses and Phone Numbers of All Medical Providers
- 3) List of All Prescriptions & Dosages
- 4) Overview of Where You Worked & Type of Work You Completed
- 5) Your Latest W-2 Form or Your Federal Tax Return if Self-Employed

If you have minor children, you will need their Social Security numbers and birth certificates. Social Security will also require information about current and prior marriages, including marriage certificates and divorce decrees.

Are There Any Other Forms I Will Need to Fill Out?

In addition to the initial application, you will need to fill out the Adult Disability Report. In order for the Disability Determination Services Office to request additional medical records to be reviewed, you should also fill out the Authorization to Disclose Information to the Social Security Administration form SSA-827.

THE DISABILITY APPLICATION INTERVIEW

After submitting your initial application, a Social Security claims representative will contact you in order to schedule an in-person or phone interview. *Note that if you are applying online or if a skilled Social Security disability attorney is completing the application for you, you likely will not be contacted for an in-person or phone interview, unless you are filing for Supplemental Security Income (SSI). At this time, all SSI applications must be done directly with SSA after the online application has been completed.*

Preparing your work history and medical history for the interview makes the process go much smoother. The interview will typically last about an hour.

What to Expect in Your Interview?

The claims representative will ask questions regarding your work and medical history, such as where you have worked in the past 15 years, what your main tasks were on each job and what doctors you have seen in the past year. Also be prepared for the representative to ask about your marital status, children and military service.

WHAT INFORMATION SHOULD YOU HAVE AT THE READY?

Work History

- Company Names & Addresses
- Supervisor Names & Phone Numbers
- Job Titles & Descriptions of Tasks and Skills for All Roles
- Employment Dates

Medical History

- Names, Addresses & Phone Numbers of All Medical Physicians
- Dates for Treatments

HOW IS YOUR APPLICATION REVIEWED?

Members of a local Social Security field office review your application to ensure that basic requirements are met, including age and employment information. After review, your application is sent to the Disability Determination Services (DDS) office in your state. Members of the DDS team will request, obtain and review your medical evidence to make a



decision. A skilled Social Security disability attorney can help to ensure that all evidence is obtained and received by DDS. An attorney can also obtain opinion statements from treating physicians, something DDS will not do. If the DDS decides that you are disabled, the SSA will finalize paperwork and determine your benefits amount. If after reviewing the evidence DDS does not consider you to be disabled, you have the opportunity to appeal this decision by requesting a Reconsideration.

05

WHAT HAPPENS IF MY APPLICATION IS DENIED?

***IF YOUR APPLICATION IS DENIED,
THIS IS NOT THE END OF YOUR JOURNEY.***

Unfortunately, roughly 70% of claims are denied after the initial application. Fortunately, you have a right to appeal the decision to secure benefits.

If you received a denial on your initial application, you must file a Request for Reconsideration. This request allows the DDS office a second look at your paperwork. During reconsideration, new evidence can be submitted and additional information may be requested by their office. Unfortunately, roughly 85-90% of claims are again denied at the reconsideration stage, but once again you have a right to appeal the decision. This time your request will be for a hearing with an Administrative Law Judge. This appeal is submitted online or by a written appeal within 60 days of your reconsideration being denied.

Unfortunately, by nature, the process can be daunting and confusing. It's easy to become overwhelmed, upset and frustrated with the process.

As an applicant, you likely have a serious disability and you're worried about your health and providing for your family. The stakes are even higher in the appeals process as waiting for a hearing can take up to two years.

This is not your fault. Your burdens are too much to bear, and you don't want to go through this alone. If you haven't hired a skilled Social Security disability attorney for the initial application, it is critical to have one for the appeals process. At this stage, you are preparing to present your case before a Judge and you should not go in front of a Judge without a skilled lawyer by your side.

A skilled Social Security disability lawyer can handle the entire appeals process for you, including:

- Securing Additional Evidence for Your Case
- Requesting & Submitting Medical Records
- Helping You Prepare for Your Case
- Cross-Examining Medical & Vocational Experts
- Preparing Legal Memoranda
- Presenting Opening & Closing Arguments at Hearing
- Answering Your Questions and Concerns Along the Way

DENIED



HEARING WITH AN ADMINISTRATIVE LAW JUDGE

The hearing offers you an opportunity to present testimony and medical evidence to support your case. As mentioned above, it is important to have an experienced and competent Social Security disability lawyer represent you at this stage. You likely haven't been through this before, and it's only natural that the idea of a hearing before the judge can be stressful, even scary. As your future is on the line and waiting for a disability hearing is a long-drawn out process, this is your one chance to get it right, or face starting the process all over again.

DID YOU KNOW?

THE NATIONAL AVERAGE DISABILITY HEARING WAIT TIME IS 491 DAYS, OVER 16 MONTHS.

Your lawyer knows what is at stake for you and your family and is here to help. He or she will know what to expect, and will help you prepare for the hearing, ensuring you feel confident and prepared. An experienced Social Security disability lawyer will secure critical evidence for your case, including medical records, and prepare thorough and powerful arguments to help you win your case.

WHAT TO EXPECT AT YOUR DISABILITY HEARING?

You may be overwhelmed with the idea of a hearing, but your attorney is there for you. It is important you feel prepared and as comfortable as you can to make it through the hearing. He or she will be there by your side at the hearing and provide skilled arguments to stand up for you and your case.



YET, KNOWING WHAT TO EXPECT CAN BE HALF THE BATTLE.

Your attorney will explain to you that an ALJ hearing typically takes place at a hearing room inside an SSA office. The hearing rooms do not look like the typical courtrooms you see in movies and TV shows, as they are smaller and more private. When necessary, the SSA may even ask you to participate in your hearing via telephone or video. Whether in person or not, your hearing will typically last 30-45 minutes.

Let's take a closer look into what happens at a hearing.



01

THE JUDGE ASKS QUESTIONS ABOUT YOUR MEDICAL CONDITION / WORK HISTORY

When you walk in with your attorney, you will see the judge, along with a hearing monitor and vocational expert. On occasion, a medical expert may be called to testify as well. The judge will speak to your attorney about proceedings before the hearing begins. From there, the judge will ask you

questions about your work history, medical condition, and limitations. Your attorney knows what types of questions a judge will ask, and should practice answering the questions with you before the hearing. This way you will feel comfortable and adequately prepared.

Always remember that in your answers, it is important to be honest and concise, while answering the question fully. You will want to be as specific as possible when a judge asks questions such as how long you can sit for before being in pain.

02

YOUR ATTORNEY WILL SPEAK ON YOUR BEHALF, ASK QUESTIONS TO SUPPORT YOUR CASE

After this, the judge will allow time for your attorney to speak and ask more questions to help present your case. Your attorney will be thoroughly prepared to make intelligent remarks and ask the right questions to support your case.

03

MEDICAL/VOCATIONAL EXPERTS WILL BE QUESTIONED BY THE JUDGE

From there, the judge will question vocational experts and/or medical experts. These experts are present to help the Judge determine if you are disabled based on the evidence. Vocational experts will help the Judge understand the work you performed in the past and whether or not we could expect someone with similar

04

YOUR ATTORNEY WILL CROSS-EXAMINE THE MEDICAL / VOCATIONAL EXPERTS

Your attorney will cross-examine the experts to support your case. He or she will present information and question the experts to help persuade the ALJ to grant you disability benefits. This is a critical step in the hearing process.

limitations to perform the same past work or any other work in the national economy. The Vocational Expert is not the decision maker, the Judge is, but they will help the Judge understand what limitations would render someone like you (a hypothetical person) unable to work. A skilled Social Security attorney will ensure you get the answers from the expert needed to be successful in the claim.

Medical experts will help the Judge at Step 3 of the sequential analysis by explaining your conditions and if they meet or equal a listed impairment in the Blue Book described earlier.

HELPFUL TIPS FOR YOUR HEARING

Remember, during the time that the medical or vocational experts are speaking, be respectful and do not try to speak out. Although you may not agree with what is being said, keep in mind that your attorney will have time to cross-examine them.

HOW LONG WILL IT TAKE TO RECEIVE A DECISION?

After the hearing is over, it typically takes 60-90 days to receive the ALJ's decision.



CONS OF A VIDEO HEARING THAT COULD NEGATIVELY IMPACT YOUR CLAIM

The ALJ cannot fully evaluate you and may miss certain actions and physical attributes that demonstrate your disability. In addition, it's difficult to make a strong impression for your case through a camera, and it is likely issues with technology can occur, resulting in delays in speech and communication difficulties. Overall, the video hearing can feel less personable and limiting.

THE APPEALS COUNCIL

If after receiving the ALJ's decision you and your lawyer believe that the ALJ made an error, you have the right to appeal the decision, based on the ground that legal errors were made. A skilled lawyer has experience representing clients at hearings, and is well versed in the law and proceedings. Your attorney will help identify legal issues that the ALJ made, which is critical to have in order to make an appeal.

HOW LONG DO YOU HAVE TO SUBMIT AN APPEAL?

There is a strict deadline to the appeals process as you must ask for an appeal typically within 60 days of receiving the ALJ's decision. Make sure to request one on time. If you don't, you may lose your right for an appeal. It is always important to read your decision thoroughly to make sure you know exactly when your appeal deadline is as there are circumstances that may shorten that deadline.

Your lawyer should be on top of your case, requesting an appeal as soon as possible. He or she should also submit new evidence if available.



SHOULD I HAVE A VIDEO HEARING INSTEAD?

Due to the increasing backlog in SSD cases, the SSA may offer you the chance to have a video hearing in order to expedite the process. Although this may sound helpful, your hearing is incredibly important and you want the best possible chances at winning your benefits. The best way to support your case is to have a live hearing whenever possible.

During a video hearing, you and your attorney would go to an SSA office and speak to an Administrative Law Judge (ALJ or Judge) remotely through a live video feed on a secured private line. A video hearing can be a disadvantage because the ALJ is only seeing you through a screen, and not in person.

WHAT ACTIONS CAN THE APPEALS COUNCIL TAKE?



The request will be sent to the Appeals Council. Members of the Appeals Council are Administrative Law Judges. The Appeals Council can take one of the following three actions.

Let's take a closer look.

01 DENY YOUR REQUEST FOR REVIEW

The Appeals Council has the right to completely deny your request for review.



02 REMAND THE CASE

If the Appeals Council finds that the ALJ made an error in the decision, such as failing to consider new evidence, the Appeals Council may send your case back to the hearing level for further consideration. This may include a new hearing.

03

OVERTURN THE ALJ'S DECISION

In the case that the ALJ was found to have made egregious mistakes, the Appeals Council may overturn the ALJ's decision and award your disability benefits.



DID YOU KNOW?

IT CAN TAKE APPROXIMATELY ONE YEAR TO RECEIVE A DECISION FROM THE APPEALS COUNCIL. AROUND 1% OF CLAIMS ARE APPROVED AT THIS STAGE, WHILE AROUND 10% ARE REMANDED FOR A NEW HEARING.

FEDERAL COURT

If your request for review is denied by the Appeals Council, next course of action is to file a civil action in Federal Court.

Typically, only a very small number of claims ever reach the federal court. Filing a lawsuit in federal court can be expensive and stricter rules of evidence apply. That's why it's important to discuss your next steps with your lawyer to make the best decision.



WHAT HAPPENS IF YOU DO NOT FILE WITHIN 60 DAYS?



Remember, you only have 60 days from when you receive the Appeals Council's decision to file a civil action. If you do not file within this time frame, you will be forced to start the entire application process over again from the beginning.

To do so, your attorney will file a complaint in Federal District Court, which will outline the reasons why you are appealing the SSA's decision to deny benefits. At this stage, there is opposing council that represents the SSA. The SSA's lawyer will file a response, detailing why they believe your case was properly denied by the ALJ and the Appeals Council.

Both lawyers will exchange written briefs, which contain information supporting each side's case. Your lawyer may be called to present an oral argument in front of the judge. Otherwise, the majority of supporting arguments are presented in writing.

It's important to know that no new evidence will be reviewed at this stage. Your lawyer's carefully written complaint, opening and reply brief, and oral argument are the only items the judge will review.

WHAT CAN HAPPEN TO YOUR CLAIM AT THIS LEVEL?



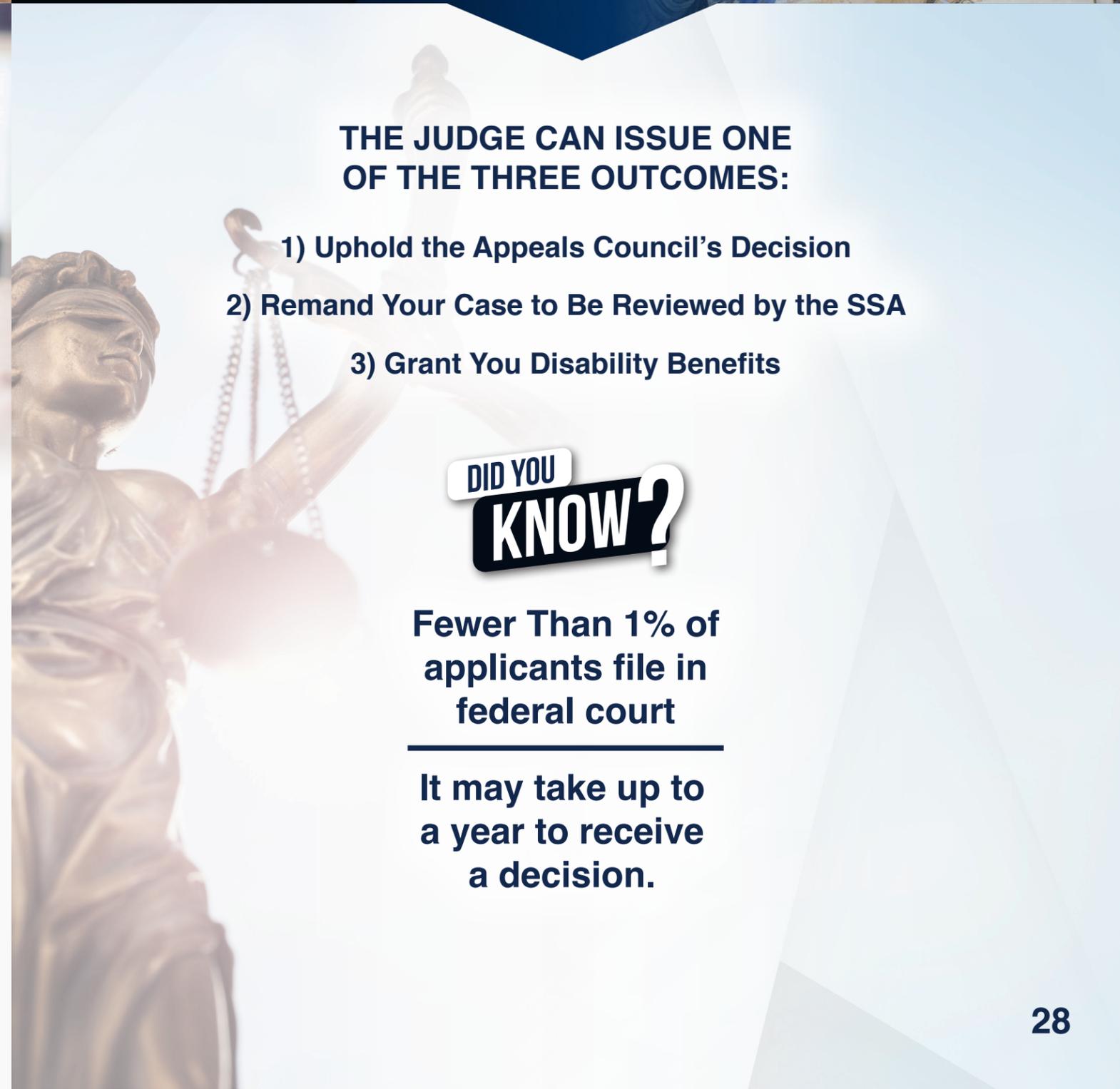
THE JUDGE CAN ISSUE ONE OF THE THREE OUTCOMES:

- 1) Uphold the Appeals Council's Decision
- 2) Remand Your Case to Be Reviewed by the SSA
- 3) Grant You Disability Benefits

DID YOU KNOW?

Fewer Than 1% of applicants file in federal court

It may take up to a year to receive a decision.



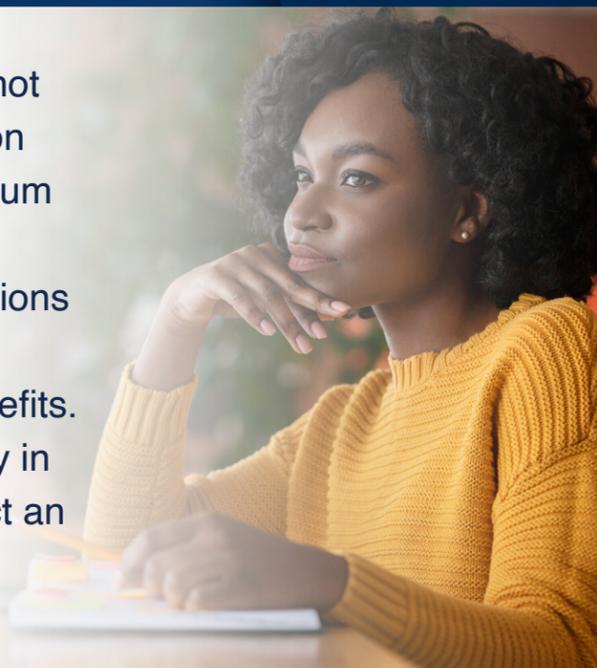
Social Security Disability FAQs

Below you will find answers to frequently asked questions about the SSD program.

01

HOW DO I KNOW IF MY CONDITION QUALIFIES FOR SSD?

The Social Security Administration (SSA) does not consider you to be disabled unless your condition has or will prevent you from working for a minimum of 12 months or is considered to be terminal. Remember, no matter how disabling your conditions are, you must have worked long enough and recently enough to be insured or eligible for benefits. The SSA lists a number of conditions that qualify in the Blue Book of Listings, but it is best to contact an attorney to learn if your condition qualifies.



02

HOW LONG DO I HAVE TO BE OUT OF WORK BEFORE I CAN APPLY FOR SSD?

Applicants for Social Security Disability (SSD) benefits are required to prove to the Social Security Administration (SSA) that their “disability has lasted or is expected to last for at least one year or to result in death.” Many applicants mistakenly believe they must be out of work for a period of six months to one year before applying for SSD. However, applicants should apply for SSD as soon as they are diagnosed with a serious disability that is at least expected to last 12 months and prevents you from working OR meets the Blue Book of Listings.

03

WHAT ARE SOCIAL SECURITY DISABILITY WORK CREDITS?

Social Security Disability is funded through FICA taxes that employees pay, which is why work history is an important factor in determining eligibility for SSD benefits. Typically, workers earn up to four work credits each year based on their earnings. The rules regarding work credits differ when you are younger, but generally, you need to earn a total of 40 work credits. 20 of the credits must be earned within the last 10 years, ending in the year you became disabled.

To determine whether or not you have enough work credits to qualify, you can contact the SSA directly at 800-772-1213. Alternatively, you can create a “My Social Security Account” at www.ssa.gov. Once you have created an account, you will have access to your annual earnings statement, which will outline your earnings history and your retirement and disability benefit amounts.



04

WHAT ARE COMPASSIONATE ALLOWANCES?

The Social Security Administration’s Compassionate Allowances program helps quickly identify disability applicants who have extremely severe medical conditions in an effort to reduce wait times. The current list includes more than 200 conditions, ranging from cancers, neurological disorders, immune system disorders and more. Although the goal of the Compassionate Allowances program is to reduce wait times in terms of how quickly the SSA determines if an applicant is disabled, the applications process can still be lengthy and complicated.

05

HOW MUCH WILL MY MONTHLY CHECK BE?

The Social Security Disability benefit amount you receive depends on your average indexed monthly earnings prior to becoming disabled. For 2021, the average monthly amount is \$1,277, while the maximum amount you can receive is \$3,148.



06

WHAT IS COLA AND HOW DOES IT AFFECT MY BENEFITS?

Each year, the SSA reviews the Consumer Price Index, which essentially is a change in the price of goods and services. If this number increased by a certain amount, you will automatically receive a Cost of Living Adjustment (COLA).

If there is one, SSA announces the COLA each year in October. As a Social Security Disability benefits recipient, you will receive this increase in benefits in January of the new year. For 2021, the COLA was 1.3%.



07

WILL I GET BACK PAY BENEFITS FOR SSD?

There may be back pay benefits that are due to you from the time you applied for disability to the time you were approved for benefits. In SSD cases, the furthest back your back pay can go is 12 months prior to your application date. Keep in mind, there is a five-month waiting period that all SSD applicants must go through. For example, if your claim was approved with an onset date falling within five months after the application date, you are not entitled to back pay due to the five-month waiting period. Similarly, in order to receive the full 12 months prior to your application date, an individual must be found disabled 17 months prior to their application. Your disability attorney will be able to look at your specific case and give you details on when you will be entitled to benefits and how much back pay you should anticipate.

08

CAN FAMILY MEMBERS RECEIVE SSD BENEFITS?

Under certain conditions, a spouse, ex-spouse, minor children (including stepchildren), disabled adult children and grandchildren may be entitled to receive a benefit off of your work record. Keep in mind, you must have a work record substantial enough for there to be a claim for these benefits. Also, your benefit will not be reduced by these claims. To know more about who and what circumstances would allow these family members to collect benefits off of your work record, contact a disability attorney.



09

WHAT HEALTHCARE WILL I BE ELIGIBLE TO RECEIVE?

Recipients of SSD benefits will become eligible for Medicare Insurance after 24 full months of disability benefits.



10

WHAT ARE CONTINUING DISABILITY REVIEWS?

The Social Security Administration conducts periodic reviews of those receiving benefits, called a Continuing Disability Review (CDR). As long as you are continuing to see your doctors for medical treatments, your condition has not improved, and you are not working, then the SSA will likely continue your benefits. These reviews are typically only conducted every three or every seven years, depending on the severity of your condition and age.

SUPPLEMENTAL SECURITY INCOME FAQs

BELOW YOU WILL FIND ANSWERS TO FREQUENTLY ASKED QUESTIONS ABOUT THE SSI PROGRAM.

01

WHO CAN QUALIFY TO RECEIVE SSI?

The program is available to children and adults who are disabled or blind. The program is also available to those 65-years-old or older. But there is more to know about the criteria to be considered eligible. Let's take a closer look.

02

ARE THERE INCOME LIMITS TO BE ELIGIBLE

To be eligible, applicants cannot earn more than the monthly federal benefit rate, which is \$794 per month for individuals and \$1,191 for couples in 2021. But what determines counted versus uncounted income? This can get a bit complicated.

03

WHAT DOES THE SSA COUNT AS INCOME?

There are a number of things that the SSA considers as income. These include earnings from a job, child support or alimony payments, inheritances, pensions, proceeds from life insurance policies and Veteran's

benefits. It's important to keep in mind that the SSA will also consider some of the income of those you live with, such as a spouse or parent, when finalizing your benefit amount. These are referred to as deemed resources.

04

WHAT TYPES OF INCOME DOES THE SSA NOT CONSIDER?

The SSA does not factor in several sources as income when determining eligibility, such as medical care, income tax refunds, proceeds from a loan or food stamps.

05

HOW MUCH WILL I RECEIVE?

Those who are eligible can receive up to the maximum monthly rate for that year in benefits (\$794 for 2021). However, this standard benefit rate will be reduced by your countable income. This means that the SSA subtracts your countable income from the maximum benefit rate to calculate your monthly payment.

06

ARE THERE LIMITS TO HOW MUCH I CAN HAVE IN RESOURCES?

In addition to monthly income limits, there are also asset limits to consider in order to be eligible for SSI benefits. The asset limit is \$2,000 for individuals and \$3,000 for couples. Determining resources can be a little overwhelming, which is why it's helpful to speak with a skilled disability attorney.

07

WHAT ARE CONSIDERED RESOURCES?

The SSA considers resources to be items such as cash, stock investments, bonds, bank accounts, life insurance, second homes, and additional vehicles.

08

WHAT ARE NOT CONSIDERED RESOURCES?

The SSA does not count various resources when considering if you meet the resource limits. These include your home, so long as you live in the home, life insurance policies with combined values of \$1,500 or less, household items, and one vehicle which is used to transport the SSI beneficiary.

09

WHEN WILL I RECEIVE BENEFITS?

Once approved, SSI payments start as early as the first month after applying. However, a decision can take months, which means backpay for SSI can be from as early as the first month after application through the month of the decision, with monthly payments thereafter.

10

WHAT HEALTHCARE WILL YOU BE ELIGIBLE TO RECEIVE?

In most states, including Michigan, those who are eligible for SSI are automatically eligible for Medicaid. Medicaid helps cover hospital stays, doctor appointments, prescription drug costs and more.

11

IS THERE A STATE SUPPLEMENT?

In addition to your monthly payment, in certain states, you may also receive a state supplement payment. Michigan is one of the states that offer a state supplement payment.

12

ARE THERE DEPENDENT BENEFITS OFFERED THROUGH SSI?

SSI benefits only apply to the individual receiving them. Therefore, there are no dependent benefits for spouses or children.

13

WHERE SHOULD I START TO APPLY?

Applying for SSI benefits can be complicated and confusing. The online application will need to be completed before SSA will discuss your income and assets for SSI. There are many rules about income and asset limits to consider, and you may not know where to start. That's why it is helpful to partner with a skilled SSI lawyer to answer all of your questions and guide you through every step.

DID YOU KNOW?

Approximately 8.1 million people received SSI benefits in December of 2018.

86% of recipients were eligible due to blindness or other disabilities.

58% of SSI recipients are 18-64-years-old. 28% are 65-years-old or older and 14% are under 18-years-old.

WHAT TO AVOID WHEN APPLYING FOR DISABILITY BENEFITS

We want to ensure that you have the best possible chances of being approved for benefits. You don't want to risk your future by making mistakes that could hurt your chances of receiving benefits.

But, what exactly should you avoid when applying for benefits?

The good news is there are a number of common mistakes you can avoid, helping improve the chances your application will be approved.



01

DON'T START THE PROCESS WITHOUT A LAWYER

You've likely never been through the process before, and it doesn't help that the application process can be incredibly complicated and daunting. You are overwhelmed with the stress of your situation, and it's easy to feel helpless and confused.

That's where a lawyer comes in.

You certainly can file the application on your own, but an experienced disability lawyer knows the system and the laws inside and out. He or she will know how to fill out your application, request medical records, find evidence, and represent you at every stage in the process.

Essentially, your future depends on receiving the benefits you deserve, and your skilled attorney will work tirelessly to help you obtain benefits.

02

DON'T SEND INCOMPLETE OR INACCURATE FORMS

In a rush to complete the application, and with the stress of your situation, you may think it's fine to keep a section blank. But if you don't fill out a form completely, either by leaving sections blank or accidentally providing incorrect information, your case will likely be denied.

Remember, intentionally providing false information, such as listing conditions you do not have, inaccurately listing dependents or including a false work history only hurts your case and credibility.

If your case is denied, you will need to start the time-consuming process all over again, which can be incredibly frustrating and upsetting. To avoid errors, contact an experienced SSD attorney.

He or she can guide you through the process, help you accurately fill out the paperwork and ensure everything is correct. Your attorney will help retrieve records and ensure all information, such as the names, addresses and phone numbers of all medical providers, complete medical records and

more are included. Having an experienced SSD lawyer work with you can also help improve the chances your initial application will be approved and avoid unnecessary delays.

03

DON'T STOP SEEKING MEDICAL TREATMENT

At all stages of the process, whether you are applying for benefits or waiting for a decision, don't stop going to your doctors and physicians for medical appointments and treatments.

You may think stopping treatment will help you receive benefits, but not only will it derail your case, your health and future will be at risk.

First and foremost, your health is incredibly important, which is why you must continue receiving treatment. In addition, documents of your medical records, treatments, medications and dosages are critical for your case. If you have lapses in treatment, the Social Security Administration may decide that your condition does not qualify for benefits. You should continue seeing your doctor and follow his or her instructions for your treatment at all times during the process. Doctor's orders!

04

DON'T ONLY REPORT SOME OF YOUR CONDITIONS

When applying for benefits, you may be confused about how to report your conditions. You may have multiple, but may think one is more critical to report than another. This decision could significantly hurt your approval

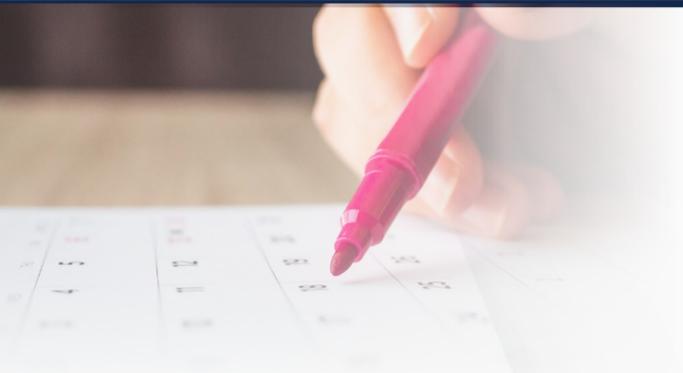
chances. You should make sure to report all of the conditions you have that are affecting your way of life and ability to work. It is important to have medical documentation of all your conditions for the SSA to review.

A skilled SSD attorney can help you with the entire application, including answering any questions you may have, advising you about your conditions and more. He or she will help ensure the application fully depicts all of the conditions you have to help make your case.

Keep in mind, you are not limited solely to physical conditions. Mental conditions could also be negatively affecting your daily life, and you may have co-occurring medical and mental disorders. This means these conditions are occurring at the same time and may be caused by the primary condition.

05

DON'T MISS DEADLINES



The Social Security Disability process has a number of important deadlines to remember. If you miss these deadlines, such as an appeal deadline, you will be forced to start the process over from square one.

With all of your medical appointments and being overwhelmed, it can be easy to lose track. Your skilled attorney is there to manage all deadlines and ensure information is submitted on time to help your case.

In addition to meeting deadlines, your lawyer will help gather all of the necessary evidence for your claim, and in the event of an appeal, he or she will prepare you for what to expect at the hearing. Your attorney will also provide strong legal representation to help you win the benefits you deserve.

06

DON'T OVERSHARE ON SOCIAL MEDIA



Although social media can be a great way to stay connected with friends and family and share important milestones in your life, it's important to remember not to overshare. You shouldn't be sharing updates about your case or your personal situation on social media.

Oversharing confidential information about your claim could potentially hurt your case. Although, we understand social media is often a highlight reel and does not necessarily depict your current level of functioning, others who have access to see this information may misinterpret the information you put out there. To be safe, think twice before posting status updates and pictures that could be damaging to your claim.

07

DON'T DO DRUGS OR BREAK THE LAW



If drinking or drugs is proven to be the main reason for your disabilities or makes your conditions worse, it is likely your claim will be denied. A skilled SSD lawyer can help answer any questions you have about substance abuse.

Similarly, criminal activity or breaking the law can hurt your chances of receiving benefits.

CHOOSING THE RIGHT SOCIAL SECURITY DISABILITY ATTORNEY

As you can see, the Social Security Disability process can be complicated and overwhelming. It is important to hire the right lawyer to help you navigate the entire process and ultimately, help you get the benefits you deserve.

When you begin your search for an SSD lawyer, you may not know where to start. You've likely never been through this before, and that's okay.

Here are the top factors to look for when searching for the right SSD lawyer and firm for you.

01

EXPERIENCED LAWYERS

You will want to speak with a lawyer who is well versed and extremely knowledgeable about Social Security Disability law. He or she should also have experience representing clients and helping them win benefits. These seasoned lawyers can apply their first-hand experience and all of the skills they have gained to best help you through the process.

02

REPUTABLE & ESTABLISHED FIRM

In addition to an experienced lawyer, the reputation of the firm they work for is also critically important. You will want to look for a firm that is established and has years of experience helping clients like you. The firm should have a solid reputation. You can check to see if reviews are available on Google or the firm's website to learn what past clients had to say about their experiences.

03

FOCUS ON SOCIAL SECURITY DISABILITY

Not all law firms specialize in Social Security Disability. Some firms may practice many different areas of law, and have a few lawyers dedicated to SSD. However, it can be a great advantage to you to seek out a firm that only focuses on Social Security Disability law.

When SSD is what lawyers dedicate their practice to day-in and day-out, they are incredibly knowledgeable on the subject and are equipped to help you on your journey to benefits. In addition, all staff, including receptionists, paralegals and more know SSD, and are uniquely skilled to help answer your questions, which can facilitate the process and make it run smoothly.

04

LOCATED NEAR YOU

You may find many Social Security Disability lawyers in your search, but you will want one that is in your local area. It is important to have a lawyer that is accessible to you and can assist you with local resources. A firm's familiarity with the various offices you will be working with and local resources will help you and your case to be better prepared.



05

FREE LEGAL CONSULTATIONS

Look for a firm that offers free consultations. In this way, you can speak to a lawyer about your case to help you understand if you have a case and what course of action you should take. He or she can help answer any of your questions and explain the process, to help ensure you have the information you need to make a decision about how to move forward.

45

06

EDUCATIONAL RESOURCES

You will want to know that a firm is a thought leader in the Social Security Disability space and is dedicated to providing helpful resources for you. Look to see if a firm includes valuable resources, such as FAQs, guides, infographics and videos on their website.

By keeping these important factors in mind, you can help ensure you find the right lawyer for your case.



HOW WE CAN HELP

We know how unfair, intimidating and complex the Social Security Disability process can be. We know how your life has completely changed as a result of your disabilities. We understand how stressed and overwhelmed you are feeling. It may seem like you have nowhere to turn.

Our compassionate and experienced team is dedicated to helping people like you who need someone on their side to help them during one of the most difficult times in their lives.

In 1999, our firm was established with the mission of providing best-in-class, compassionate service to those with disabilities. In our more than 20 years of experience, we have proudly helped thousands of people throughout Michigan. Our clients have a profound effect on us, and what drives us is making a difference in their lives.

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WE ARE HERE FOR YOU. AND WE WILL FIGHT FOR YOU.

We are here to listen to your story and work with you every step of the way to help you win disability benefits.

Our understanding, experienced and compassionate attorneys and staff will ensure you are heard and provide you with the personalized attention you deserve.

Our practice is solely dedicated to disability law, which gives you a distinct advantage. We know the ins and outs of disability law and the SSD and SSI process, and will apply our vast knowledge and experience to your case.

Every member of our team, from our attorneys to our paralegals and office managers, are here to help answer your questions, streamline the process and help ensure you are cared for at all times. Let us put our experience to work for you.

DON'T WAIT. GET THE BENEFITS YOU DESERVE.

Our highly skilled attorneys are ready to help you on your journey to receiving benefits. Do you have questions about your situation? Give us a call today at 800-949-2900, for a free consultation. We would be happy to speak with you, answer your questions and help you on the path to benefits.

To learn more, please visit our website,
damichigan.com,
and check out our attorney bios,
client reviews and valuable resources.





Law Offices of Ball, Banton & Johnson, P.C.

DISABILITY

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