

**A Must
Read!**

SSD

ULTIMATE GUIDE

**TO WINNING YOUR SOCIAL
SECURITY DISABILITY CLAIM**



Stu Johnson
Samantha Ball

**The Ultimate Guide To
Winning Your Social Security
Disability Claim**

Stu Johnson

Samantha Ball

Social Security Disability Lawyers

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**The Ultimate Guide to Winning Your
Social Security Disability Claim**

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About the Authors



Attorney **Stu Johnson** has practiced law since 1991. A graduate of Detroit College of Law, Stu has spent over 20 years building a highly respected practice concentrating in Social Security Disability and Veterans Disability Law. He founded the Disability Attorneys of Michigan and now works with a group of passionate attorneys representing disabled Michiganders at the hearing offices across the state. While growing up, Stu was a caregiver for his grandmother who suffered from dementia and also had the opportunity to visit his mother's special education classroom. After graduating from law school, he jumped at the chance to specialize in disability law and has represented disabled adults and children in their fight for Social Security benefits since that time.



Attorney **Samantha Ball** has practiced strictly Social Security Disability law since graduating from Wayne State University Law School in 2005. Samantha's personal experiences with disabled family members allowed her to see firsthand how difficult it can be to navigate through the disability process. Her passion for helping people plan for their futures during difficult times has inspired her to assist in the growth of one of the largest disability firms in the State of Michigan. Focusing her practice area exclusively in the field of disability law has allowed her to hone her expertise and employ compassionate representation of her clients.

Why We Wrote This Book

In our combined 30 years of practicing Disability law we understand how overwhelming it can be for individuals who have become disabled to navigate the Social Security Disability benefits process. In many cases, they are still going through medical treatment while trying to figure out which forms to fill out and what documentation to submit to the government for their claim!

If you or a family member has become disabled—either through illness or accident— we want you to have the information you need to begin dealing with the Social Security Administration and know what questions to ask a lawyer if you decide to hire someone to represent you.

So, you are probably asking yourself why we are giving this book to Michigan residents for free. I'll tell you why...

Most attorneys require you to make an appointment, during which you will get some of the information we are providing here. We believe that you should be able to have this information right now, and without any pressure. The hiring of an attorney to represent you is an extremely important step that should not be taken lightly, and should be done with no pressure on you. Having some basic information about the claims process can put you at ease when you go to hire an attorney. Also, this method of talking to you saves time. Writing this book gives us a chance to tell you what you need to know so that you can make an informed decision about what steps to take with your case. If you were to call us, we may not be able to answer all of your questions at that time, so rather than cut you short on the phone, we decided to provide you with this book. We don't

accept every case and we may not accept yours, but we still want you to be better educated about the Social Security process so that you don't fall victim to red tape and big government agencies.

Important Disclaimer

We Are Not Allowed to Give Legal Advice in this Book!

Even though we may know many of the arguments that Social Security may make in your claim, we are not allowed to give legal advice in this book. We can offer suggestions and identify certain pitfalls and traps, but please do NOT take anything in this book to be legal advice.

Are You Represented?

We do not want to interfere with any legal relationship you might have now. If you are already represented by a lawyer, this book may raise certain questions for you. Please discuss these questions with your lawyer.

Are You Disabled?

Has your doctor told you that you are disabled and can no longer work? You may have already reviewed your short-term or long-term disability insurance plans offered through your employer or gone out to the Social Security Administration website and investigated the process of filing for Social Security Disability. What you likely discovered was that there are different definitions of Disability, depending on the resource. While many private insurance carriers use a 6-month rule to define disability, the Social Security Administration (SSA) has different criteria.

If you have already applied for Social Security Disability and have been denied, it does not necessarily mean that you are not disabled. The SSA application process is complicated and can easily “trip-up” applicants who are applying for Disability. Over the last 10 years, on average only 28% of initial claims have been approved!

Defining Disability

Generally speaking, a disability is defined as a physical or mental condition that limits an individual’s ability to work, perform activities of daily living or enjoy everyday activities. Disabling conditions may impact people of any age, and may result from birth defects, illnesses or injuries. The SSA states that a 20-year old worker has about a 30% chance of becoming disabled before he or she reaches retirement age. As we age, the likelihood of us becoming disabled increases.

The range of conditions considered disabling varies widely and the degree of disability is a factor in determining whether the SSA

considers an individual to be disabled. For example, one person with multiple sclerosis may be able to work at a regular job with minimal impact from the disease, while another may not be able to work at all. Likewise, the person who is able to work may reach a point when the disease progresses and he or she is unable to work which would then render him or her truly disabled.

The Social Security Administration does not consider you to be disabled unless your condition will prevent you from working for a minimum of 12 months or is considered to be terminal. The SSA does not pay claims for partial disability, and in order to qualify you must have worked long enough and recently enough to be insured for benefits. In addition, you must have a condition that the SSA considers disabling and prove to them at the time you apply that you are totally disabled. It should also be noted that the SSA may terminate disability payments at any time if they believe you no longer qualify as disabled under their guidelines.

The 5-Step Process

The Social Security Administration has a five step process that they follow to determine if you are disabled and eligible for disability payments through the SSA. The determination of disability is made at the state level by an examiner and the Disability Determination Services department (DDS), which includes a medical team that reviews each case file.

Here are the five steps they follow:

Step 1

Are you working? If you are engaged in “Substantial Gainful Activity” (SGA) – meaning you are working and earning (gross income, before taxes) more than \$1090 per month in 2015 (\$1,820

if you are blind), then you are not eligible for Social Security Disability payments. *Note that the SGA amount is reviewed and may change each year.*

Many people are frustrated that they cannot be found disabled while they are still working, even when they have serious illness such as Cancer, MS, Diabetes, Lupus, etc. This is unfortunate, but there is no way around this foundational SSA requirement.

Step 2

Is your condition considered severe by the SSA? The condition must interfere with your ability to do your job to be considered severe. If it does, then the claim passes to Step 3.

Step 3

Is your impairment listed (or equal in severity to an impairment listed) in the SSA's lists of disabling conditions? The SSA maintains two lists of conditions it considers disabling—one list for children and one for adults. The adult list breaks conditions into fourteen high level categories by body system, including musculoskeletal, special senses and speech, respiratory, cardiovascular, digestive, genitourinary, hemic and lymphatic, skin and subcutaneous tissue, endocrine, multiple body, neurological, mental, neoplastic, and immunologic.

If your condition is not listed, then the Disability Determination Services department (DDS) will determine whether it is equal to one of the disabling conditions on the list.

Step 4

If your condition or impairments are severe but do not meet or equal one of the 14 SS listings, then the SSA asks: Are you able to do

the same work you have done in the past? If the DDS department believes you are able to do the same work that you have done in the past, they will deny your claim.

Step 5

If you cannot do the same work that you did in the past, the SSA asks: Are you able to do any other type of work? The DDS department will review your medical condition, age, skills, experience and educational background to determine if they believe you are capable of doing other types of work. If so, they will deny your claim.

It does NOT matter to the SSA that you can no longer perform the work you used to do if they believe that you can perform other jobs that theoretically exist in the national economy. It also does NOT matter to the SSA that there is NO real employer ready, willing, and able to offer you this theoretical job!

NOTE: Your claim may be denied if you do not cooperate with the Social Security Administration, including failing to return paperwork, attend hearings or submit to a doctor's examination by a physician of their choosing, called a Consultative Examination. They may also deny claims if the impairment is due to alcohol use or drug addiction.

How to Apply

There are two primary types of Disability claims: Social Security Disability Insurance (SSDI/DIB) and Supplemental Security Income (SSI). SSDI is the traditional disability insurance, with monthly benefits based upon income taxes (FICA) paid during the years you worked. Typically monthly amounts range from about \$1,200 to \$2,100/per month. To qualify you must have worked for approximately five out of the last 10 years and paid income taxes (FICA) during that time. SSI is the disability plan available for disabled claimants who have never worked, or do not have enough FICA taxed income over the last 10 years. SSI is also based upon financial need/resources. The maximum monthly amount for SSI is currently \$733.00 per month.

The application decision process takes an average of three to five months, so you will want to apply for Social Security Disability as soon as you are told you will be totally disabled for at least 12 months or that your condition is terminal. There are four ways to apply:

1. Apply online at <http://ssa.gov/applyfordisability>
2. Call the SSA at 1-800-772-1213
3. Visit a local SSA office. Locations may be found online at <http://ssa.gov/locator>.
4. Have an attorney or other third party representative prepare and submit an online application on your behalf.

Your initial application will be reviewed to determine if you meet the minimum requirements from Steps 1 & 2 as described earlier and all paperwork has been properly completed. If your application passes these tests, it will be forwarded to the Disability

Determination Services department for review by a medical board/Disability Examiner for Steps 3-5.

ONLINE APPLICATIONS: In recent years an increasing number of claimants have begun filing online applications, either by themselves, or with the assistance of a lawyer. At this time SSA only accepts SSDI applications online, and SSI applications must still be filed manually with SSA. If you opt to file online you want to make sure that your application has been processed properly by calling and confirming this with Social Security. If you enlist the help of an attorney for an online application, they can enter all the necessary information for you online, including the detailed lists of medical providers, medications, prior work history, etc. Once filed, SSA will send you a copy to review, sign and return confirming that everything in the form is accurate. This will also confirm that SSA has received your application and is processing it.

What you Need to Apply

Because the process can be time consuming and so many applications are initially denied, you want to make certain that your application is as complete as possible. The Social Security Administration has worksheets available online to help you compose your thoughts and gather the necessary information needed for your application. (These are forms for your use, not to be filed with the SSA; the regular application must still be completed.)

If your initial application is denied in Michigan the next step is to request a hearing. The wait for a hearing can be 12 – 18 months. This translates to thousands of dollars in missed benefits and potential financial hardship for your family. One of the primary

reasons applications are denied is the failure to provide SSA with a complete list of medical providers since you stopped working, and thus, a lack of supporting medical documentation. Do not set yourself up to fail by submitting an incomplete application. The SSA requires that some original documents be submitted with your application for benefits. You may take them to the local SSA office or if you are represented have your attorney submit these documents. The SSA will copy the documents and return the originals to you. The types of original documents required are:

- Proof of age (i.e., birth certificate) and Social Security Number (SSN).
- List of employers and the type of work you did (account for the last 15 years).
- W-2 forms for the last 10 years or tax returns, if you were self-employed.
- Names, addresses and phone numbers for all doctors, hospitals, therapists, clinics, etc. that you have visited and the dates of all visits since the year before you stopped working or became too sick to continue full time employment.
- Complete medical records, including laboratory and test results, if you have them. If you do not, the SSA will order them once they process your application.
- List of all medications you are currently taking and the dosage of each.

If your family members are also applying, you will need proof of age and Social Security Numbers for each individual and a marriage certificate if your spouse is applying.

In addition to completing the Application for Benefits, you also need to complete the Adult Disability Report (Form SSA-3368).

You may also wish to complete and submit the Authorization to Disclose Information to the Social Security Administration (Form SSA-827) so the DDS department will be able to request additional medical records, if needed. The information you provide will all be reviewed by the Disability Determination Services department and discussed at your disability application interview.

The Disability Application Interview for Applications Taken by Phone or In Person

After you have submitted your request to apply, a Social Security Claims Representative will contact you to schedule an interview to complete a disability application interview. This interview may take place by phone or at your local Social Security office. If you have prepared ahead of time, the interview should last about one hour.

To prepare for the interview, you should have detailed information regarding your work history and medical disability records at your fingertips. The SSA should send you a worksheet to collect the information for the interview, but if they do not, you should prepare anyway. Organize the data so you may find the answers quickly.

The Claims Representative may ask questions similar to the following:

- What companies have you worked for over the past 15 years? Have company names and addresses, job titles, employment dates, supervisor names and phone numbers available.
- What tasks were required in each job? Have a job description for each position. This description should list the types of tasks and skills required for each job.

- What doctors have you seen during the last 12 months for treatment of your disability? Again, you will want to have physician names, addresses, phone numbers, and treatment dates handy.
- Are you receiving workers' compensation payments or any other type of disability benefits? You must disclose any payments from long-term disability, short-term disability, workers' compensation or other types of related payments. The Social Security Administration may reduce any Social Security Disability benefits based on other types of income.

The Claims Representative may also ask questions about your marital status, number of children and military service. Once the interview is completed, the information obtained will be forwarded to a Disability Examiner for review.

Note: If you are filing your SSDI application online, or if you have an attorney submit the online application for you, then you should NOT need a phone application interview.

Initial Application Appeals

On average over the ten years between 1999 and 2009, only 28% of Social Security Disability claims were approved on initial application.

For most individuals, the initial application process can be overwhelming. Since you are not experienced with dealing with the SSA on a regular basis, it is likely that your initial application may fall into the 72% that are not initially approved.

If your initial disability application is not approved, there are three levels of appeals in the State of Michigan that you may go through. The first level is a Request for Hearing by Administrative Law Judge (HA501). This initial appeal may be submitted online by completing the Appeal Request Internet Form and the Appeal Disability Report (Form SSA-3441). Alternately, you may call or visit your local SSA office and tell them you wish to appeal a disability ruling. ***You must submit your appeal no later than 60 days after the date of denial of your initial claim.***

If you were receiving SSD or SSDI benefits and the SSA terminated those benefits after a Continuing Disability Review (CDR), then you have only 10 days to appeal if you wish to continue your benefits. Otherwise, you have 60 days after the date of the CDR decision to file an appeal. An appeal of a CDR is called a Request for Reconsideration. The Request for Reconsideration will be assigned to a different examiner and medical team for review. It is important to note that additional medical information to support the claim should be provided in the Appeal Disability Report mentioned above. If your case is again denied, then you may appeal this denial and file a Request for Hearing (HA501).

Disability Hearing

The Disability Hearing will take place before an Administrative Law Judge (ALJ). The judge will preside over the hearing and a hearing monitor will record all testimony. In this hearing, you (or your representative) will have the opportunity to present evidence and witnesses who will testify under oath about your condition; you will also be able to question the expert witnesses the SSA has testifying about your case.

If you plan to represent yourself at the hearing, it is important to know what to expect so you may prepare. The SSA may have medical experts who will testify about your medical conditions and make an opinion about the level of severity. They may also have a vocational expert who will testify about how your limitations will affect your ability to perform jobs.

Here are some of the common types of questions you may be asked at the hearing. Note that many of these questions will be open-ended, allowing you to answer in your own words. You will need to be careful to answer only the question asked and state only facts or things you know to be true. If you do not know an answer, say so.

- Why can't you work?
- Your job requires that you be able to lift 50 pounds. Are you able to lift that much weight? If not, can you lift 25 lbs? 30 lbs?
- What activities do you do in a typical day?
- What medications are you taking?
- Do you have any side effects from these medications?
- Do you have memory or concentration issues?
- How long can you stand? Sit?
- Are additional surgeries, physical therapies or treatments planned?

When you are asked why you are unable to work, do not restate your case file. The judge has the file in front of them. Tell the ALJ specifically why you are unable to perform your duties. For example, if you drove a truck and because of a back injury are now unable to turn your head quickly or fully depress the clutch or brake pedal without pain, you will want to provide this level of detail and how it has prevented you from doing your job.

One of the most important pieces of advice we can give you is to be honest about your condition. Your credibility can make or break the case. The ALJ who presides over your hearing will likely have significant experience hearing disability cases. If you exaggerate your symptoms or your inability to perform certain tasks, he or she will probably be able to tell. This will kill your case.

While you do have the right to ask for the judge to review your case documentation without a “live” hearing, we do not recommend it.

Live Hearings and Video Hearings

In recent years the SSA has begun scheduling more and more video hearings. These are hearings in which the Claimant is present at the hearing location, along with the Clerk and perhaps a Vocational Expert, but the Administrative Law Judge appears by video.

In a video hearing the Administrative Law Judge will appear on a large video screen and you should be able to see and hear the Judge and he or she should be able to see and hear you as well. If you are uncomfortable with the idea of having a video hearing, then you have a right to disagree to the proposed video hearing and can request that your hearing be conducted in person. If SSA proposes to schedule a video hearing in your case, they will notify you in writing and you should be given an opportunity to object. Keep in

mind that in some areas of the State of Michigan if you opt for the live hearing, it may take your case a little longer to be scheduled for hearing, as the SSA Hearing office will need to set your case to be heard along with other live hearings and with a judge willing to travel from his office to the hearing site.

An attorney can advise you as to the pros and cons of a live hearing versus a video hearing. However, the choice is ultimately yours.

What Evidence Do You Need?

In a Social Security Disability Hearing, the burden of proving that you are disabled is on you. The more relevant documentation you have, the better your chances of winning.

Medical records from “acceptable medical sources” (as defined by the SSA) will provide the basis for the majority of evidence required. The preference is for documentation provided by the physician(s) who are currently treating your condition. If the records are unclear, the DDS department may require additional tests or a consultative examination be performed to clarify medical findings.

In addition to your application, there are some standard pieces of evidence that may be needed, depending on your situation. This key information will be used by the DDS department in determining whether or not your claim is approved.

These pieces of evidence are:

The Listings

The SSA maintains lists of conditions it considers to be disabling. These listings are sometimes referred to as The Blue Book. You should review this list and locate your condition. Carefully read the description to verify that your condition does indeed meet all criteria listed. If it does not, you will need to prove that your condition is equal in severity to one considered disabling by the SSA. This can be challenging and you may wish to ask an attorney to help you.

There are two lists, one for children and one for adults. We will refer to the adult listing in this book, though the steps work the same if you are applying for disability on behalf of your child. The conditions on the list are broken into categories, as follows:

- 1.0 Musculoskeletal System
- 2.0 Special Senses and Speech
- 3.0 Respiratory System
- 4.0 Cardiovascular System
- 5.0 Digestive System
- 6.0 Genitourinary Impairments
- 7.0 Hematological Disorders
- 8.0 Skin Disorders
- 9.0 Endocrine Disorders
- 10.0 Impairments that affect Multiple Body Systems
- 11.0 Neurological
- 12.0 Mental Disorders
- 13.0 Malignant Neoplastic Diseases
- 14.0 Immune System Disorders

Within each of these categories, the conditions are broken down further into more detail. For example, within category 1.00 – Musculoskeletal System – there are eight sub-categories:

- 1.01 Category of Impairments, Musculoskeletal
- 1.02 Major dysfunction of a joint(s) due to any cause
- 1.03 Reconstructive surgery or surgical arthrodesis of a major weight-bearing joint
- 1.04 Disorders of the spine
- 1.05 Amputation (due to any cause)
- 1.06 Fracture of the femur, tibia, pelvis or one or more of the tarsal bones
- 1.07 Fracture of an upper extremity
- 1.08 Soft tissue injury (e.g., burns)

Within each of these groups is an even more detailed explanation of symptoms that define each as a disabling condition. As you locate your condition and read through the details, compare this to what your doctor has told you about your condition.

The listings are available online and are updated periodically, as new conditions are added and old ones re-evaluated. Refer to the online version for the most current information. These listings may be found at:

Adult: <http://www.ssa.gov/disability/professionals/bluebook/AdultListings.htm>

Child: <http://www.ssa.gov/disability/professionals/bluebook/ChildhoodListings.htm>

Residual Functional Capacity

If you have a condition that is not described in the Listing of Impairments, or if your symptoms differ from those listed, it does

not mean you will automatically be denied benefits. What it does mean is that you will have to prove that your condition is such that you should be considered disabled.

The Disability Determination Services department will review your Residual Functional Capacity (RFC) to determine what you are still able to do even with your impairment. This includes a review to see how your medical condition affects: your ability to do work related tasks such as sitting or standing for periods of time; lifting various levels of weight; reaching, or handling large or small objects; climbing stairs or kneeling; and your ability to see, hear and speak. The DDS department will also look to see if you respond appropriately to supervisors and coworkers, can maintain concentration at work, cope with changes in your work situation, understand and carry out instructions, and whether you have environmental restrictions (in other words, can you tolerate heat, noise, etc.).

In cases where there is a question about whether your condition meets the exact criteria as defined in the medical listings, you will want to have a third-party medical provider complete the Function Report Adult-Third Party (Form SSA-3380). You should then submit this form with your application.

An attorney may also be able to provide you with special forms to take to your doctor or psychiatrist that address the physical and/or mental limitations and the specific criteria that the SSA will be using to decide whether you have the residual functional capacity to perform any full time work. Typically these forms are designed to allow the medical provider to quickly list your specific diagnosis, and to check off the limitations that you have and which SSA considers relevant for a finding of disability.

The Grids (aka Medical-Vocational Guidelines)

If the DDS department does not consider you disabled based on the severity of your condition alone, (i.e., that you meet one of the SS listings) they will review your Residual Functional Capacity (RFC) and your Vocational Profile to determine whether you are truly disabled, could do other work or are able to engage in Substantial Gainful Activity (SGA).

The DDS department uses tables (or grids) as guidelines to determine your “Vocational Profile” and capacity to continue to work with your condition. The SSA has found that age, education and work experience all affect your capacity to work and to learn new skills. They consider that if you are over the age of 50, you will have difficulty adjusting to work other than the types you have done over the past 15 years and even more so if you are over 55. If you are under age 50, the DDS department generally assumes you will be able to adjust to other work even if you are no longer able to perform the work that you used to do.

Remember, they do not have to show that there is a real employer offering you such a job; just that the job theoretically exists and that they believe you could perform that job! An attorney should be aware of the Medical Vocational Guidelines, and how they impact your case, as well as the classification of your prior work, and whether you have directly transferable skills from that work to other types of jobs in the national economy.

The Medical-Vocational Guidelines look closely at what tasks you are able to perform given your medical impairment, your age, education and types of work you have performed in the past

(transferable skills) to determine your capacity for other work. The guidelines divide work into sedentary, light, medium and heavy physical characteristics within the grid. The ALJ will determine if your residual functional capacity ability is sedentary (mostly work performed sitting down), light (work which involves standing most of the day with lifting 10 pounds or more), or medium or heavy, (work performed standing and with increased requirement or ability for lifting 25 to 50 or more pounds).

Here is an example directly from the Social Security Administration's website:

A person with the following Vocational Profile would be found disabled according to our tables of Medical-Vocational Guidelines:

Capacity for work:

- Can lift no more than 20 pounds for up to 1/3 of an 8-hour workday, and
- Can lift up to 10 pounds for 2/3 of an 8-hour workday, and
- Can stand and/or walk for about 6 or more hours in an 8-hour workday and
- Has no other limitations

Age: 57

Education: High School Graduate

Work Experience: No skills that can be transferred to work he is physically able to do.

However, if this individual had skills that could be used for work that is within his capacity and that exists in significant numbers in the national economy, we would find him not disabled.

It is important to note that when making a disability decision, the

SSA does not consider the likelihood that the individual will find a job—only that they would be able to do the work if they did find one.

Medical Records and the Electronic File

It is most important that you continue to obtain necessary medical care and treatment, and that you try and follow your doctor's recommendations throughout the SSA process. Even if an Administrative Law Judge wants to approve your case, their hands will be tied if there are no ongoing medical records to show continued disability.

You will want to make sure that the SSA is made aware of all your relevant medical providers. You will need to update the SSA with the names of any additional providers whenever you receive medical care or treatment from new doctors, clinics or hospitals. It is also important that you provide them with any prescriptions for canes, walkers, etc.

If you are at the Hearing phase of your disability case, then you will want to make sure that you obtain those records for the SSA. If you have an attorney they will request and then submit your records, particularly at the hearing phase.

In determining whether you are disabled, the SSA is always concerned with what is stated in your medical records. It is the strongest evidence you can have in any disability case!

Objective Medical findings, including test results from X-rays, MRI's, CT scans, EMG studies, etc. are most important and will carry great weight with the SSA. During the Initial and

Reconsideration stages SSA will order those records as long as you or your attorney have notified them of the providers. At the hearing phase it is you or your attorney's responsibility to provide copies of all subsequent medical care, test results, prescriptions for canes or walkers, etc. to the SSA for consideration. Remember, SSA will NOT request your medical records at the Hearing level.

The SSA has an electronic file set up with your name and SS number and all of your documentation is located in that electronic file. If you do not want the responsibility of requesting and submitting your own medical records at the Hearing level, an attorney should be able to both obtain your medical records and submit them electronically directly to SSA to be placed in your electronic file. If you are not being represented by an attorney, then you will most likely need to mail or fax your records to the SSA for review and for placement into your SS file.

A Word on Drug and Alcohol Use, and Smoking

If drug and alcohol use shows up in your medical records it can create unnecessary problems for you. Typically the SSA is very concerned when your medical records show ongoing drug or alcohol use and/or continued smoking. If the SSA sees use of these substances in your records, it may well cause them to turn your case down, particularly if they feel that the use of these substances in any way aggravates your medical conditions.

In our experience, the SSA views drugs, alcohol and smoking negatively; It seems that drinking alcohol and/or smoking potentially make heart patients' conditions worse or at least keep their conditions from improving, cause longer healing times following fractures and surgeries, worsen COPD , and increase

depression and anxiety in those applying for disability based on mental impairments. Because it can be damaging in so many different kinds of cases it is important that anyone who has had the use or abuse of these substances in their past work hard to overcome these issues and ensure that they do not show up in ongoing or future medical records which the SSA will be reviewing. As an additional practical matter, we have found that judges do not want to award disability money to someone who they believe is going to turn around and use that money to obtain drugs, alcohol, or cigarettes.

The ALJ Decision

Once your case has been heard, the ALJ will make a ruling. The ruling will generally come after the hearing in the form of a written notice. There are four potential rulings that may be handed down:

1. **Favorable Decision:** The ALJ rules in your favor in your disability case and agrees to disability payments backdated to your claim date. *[Note that there is a one-year limitation on back payments, so if your initial claim was 15 months ago, for example, you may only be able to recover 12 months of disability pay.]*
2. **Partially Favorable Decision:** The ALJ rules in your favor BUT disagrees on the date of disability. This ruling may impact the benefits you are entitled to receive. If you are not currently represented by an attorney, I recommend that you speak with one to better understand this ruling and its impact on the benefits payable to you.
3. **Unfavorable Decision:** This is a flat denial of your claim. You may choose to appeal to the Appeals Council if you receive an Unfavorable Decision. While you are not

required to be represented, I would recommend that you consult an attorney if you receive this ruling.

- 4. Dismissal:** If you fail to appear at the hearing (without just cause) or if you do not present new information at the hearing to justify your claim, it may be dismissed by the judge. The Dismissal may also be appealed to the Appeals Council.

You may choose to appeal any decision within 60 days to the Appeals Council. Note that while you can appeal, it is not always wise to do so. For example, if you appeal a Partially Favorable Decision without substantial reasons for doing so, the Appeals Council could overturn the ALJ's decision and come back with an unfavorable ruling. Likewise, the Appeals Council could remand the case back to the ALJ for a second hearing. At this point, if you are represented, you should rely on your attorney's experience and best judgment. If you are not represented, you may wish to consult with an experienced Social Security Disability attorney.

Appeals Council or New Application

If you do appeal the ruling from your Disability Hearing, the appeal will be heard by the Appeals Council. This group is comprised of several Administrative Law Judges who will review the transcript from the Disability Hearing along with any additional evidence you submit and decide whether to grant, deny or dismiss your Request for a Review. If the Council chooses to grant the review, they may uphold the original decision, overturn it or send the case back to the lower level for another hearing. In our experience, it is taking approximately a year to obtain a decision from the Appeals Council and far more cases are denied than are ever won at this appellate level.

Thus, instead of filing an Appeal to the Appeals council, many people opt to just start the entire SS process again by filing a new application. The SSA does not permit you to file both an Appeals Council appeal as well as a new application at the same time.

The pros and cons on this issue are best addressed with your attorney, and the new application may not be a viable option for all Claimants.

Federal Court

Again, if you are unhappy with the outcome at the Appeals Council level, you have the option of appealing the case by filing an action in federal district court. This must be filed within 60 days of the date of the decision of the Appeals Council. At the federal court level, you are required to be represented by an attorney.

If the U.S. District Court does not find in your favor, you have the option of going to the next level by appealing the decision to the U.S. Circuit Court of Appeals.

Related Benefit Options

There are several other benefits that may come into play when you file for Social Security Disability. These depend upon your financial situation and whether you are married, have children, or have a spouse who is disabled.

Supplemental Security Income (SSI)

Supplemental Security Income (SSI) is a program designed to provide financial assistance to those with a very low income, few assets and are age 65 or over, blind or disabled.

In order to be eligible to receive these benefits, your household income must be very low (the number varies by state) and the value of your total assets (not including your house or car) must not exceed \$2,000 if you are single and \$3,000 if you are married.

SSI also requires that you meet the same proof of disability needed to receive regular Social Security Disability benefits.

SSI is also available to children who have medical conditions that Social Security deems serious enough to be considered disabilities. For purposes of determining how much a child is due each month, part of the income of the parent or parents is deemed to be the child's income.

Survivors Benefits

If you worked and earned sufficient work credits, your spouse and children may be eligible for Survivors Benefits should you die. Benefits may also extend to a surviving spouse (if the marriage lasted longer than 10 years) and to dependent parents (over age 62 and receiving financial support from you). Additional rules apply if the surviving spouse or children are also disabled.

In general, Survivors Benefits are payable as follows:

1. A widow or widower may be eligible for full benefits at retirement age. If he or she is disabled, benefits may begin as early as age 50.
2. Your widow or widower may receive full benefits prior to retirement age if he/she is caring for your child who is under age 16 or disabled.
3. Your unmarried surviving children may receive benefits up to age 18.

4. If you provided more than 50% support to your parents (age 62+), they would be considered your dependents and would also be eligible for benefits.

Wounded Warriors

Military service members who are disabled may be eligible for Social Security Disability benefits and SSI benefits over and above those benefits offered by the Veterans Administration (VA). The application process is separate from that of the VA. An expedited process is available to warriors wounded after October 1, 2001 as well as anyone who is currently 100 percent disabled through the VA.

Family Maximum Amount

The maximum amount that a family may receive is generally between 150-180% of the basic benefit rate. If the total disability amount for qualifying family members (spouse, children or dependent parents) exceeds that level, benefits will be reduced proportionally.

Do You Need a Lawyer?

The Social Security Administration does not require you to be represented unless your appeal reaches the fourth stage (federal court). At that time, you will be required to have an attorney represent you. But the bigger question is should you have a lawyer?

Pros and Cons of Hiring a Disability Lawyer

Reasons to Hire a Lawyer

- An experienced Disability lawyer may handle hundreds of

claims each year. He or she will know what must be done to improve your chances of having your application approved the first time through. As mentioned earlier in the book, on average over the last 10 years, only 28% of all initial claims were approved.

- If your initial claim is denied, the timeline before you potentially receive benefits is extended significantly – in some cases it is 12-18 months before a hearing is scheduled for your appeal. You want your initial application to have the best chance of approval.
- The process of applying for Disability can be confusing. The lawyer will understand the process and will be able to guide you through it.
- An experienced Disability attorney can complete your online application for you.
- An experienced Disability attorney can provide you with helpful forms to take to your treating doctors to help prove you are disabled.
- An experienced Disability attorney can obtain and electronically submit your medical records directly into your electronic SS file.
- The Disability Application and the Appeals Process are time consuming. An attorney can cut the amount of time you have to spend on your claim by telling you which tasks are necessary and when.
- The government loves forms. An attorney will know which forms must be completed and when.
- The attorney will know what to expect at the Disability Hearing and can help prepare you for it.

- Your attorney will have access to medical or vocational expert resources if they are needed.
- Your attorney may be aware of other resources available to you that could help your case, based on your disability.
- If you receive income from other sources like Workers' Compensation, a lawyer can explain if and when there might be offsets to the disability amount paid to you.
- Your lawyer may find cause to expedite your hearing.
- While you will pay a fee to hire an attorney, that fee is set by the SSA so you don't have to worry about "being taken to the cleaners."

Most Disability attorneys offer a free initial consultation. The attorney can review your situation and let you know up front whether or not they believe you have a case. That way you won't waste your time pursuing a claim that will likely be denied.

Reasons Not to Hire a Lawyer

- Money is the primary reason most people choose to represent themselves. They simply do not want to pay the lawyer's fee. Note that attorney fees are set by the SSA and cannot be charged until the agency says so.
- A good portion of the information required for the initial application must be provided by the disabled party. This includes information on employment history and medical providers, including contact information, history of treatment, etc. Some people assume since they have to do all this work, they might as well file the initial Disability claim themselves. (Note as discussed herein, that recent changes in the SSA procedures mean that SSA now allows

attorneys or other third parties to actually complete the online application for you)

- Lawyers are just in it for the money, right? Sadly, over the years the profession has gotten some bad press. In reality, most of the lawyers we know are hardworking men and women who got into the practice because they wanted to help people. If you decide to hire an attorney to handle your claim, we recommend you talk to at least two or three before hiring one. If you are uncomfortable with any lawyer you meet, do not hire him or her to represent you.

Choosing a Social Security Disability Lawyer

If you decide to hire a Disability attorney to handle your claim, you will want to speak with several law firms before you hire one. The three main questions you want answered about the attorney are:

1. What is the experience level? (Has the lawyer represented numerous disabled people with similar cases?)
2. How will your case be handled? Will you be able to get status updates?
3. Are you comfortable with the law firm and the lawyer overseeing your case? Not every Disability firm or lawyer will be right for your case. You need to be comfortable communicating with the firm you choose to represent you; if you are uncomfortable, the relationship will likely not be a good one.

Here are some basic questions I recommend you ask each lawyer you interview. These questions address the three major points just described. Compare answers from each of the lawyers before making your decision:

1. How long have you practiced Social Security Disability law?
2. How many disabled clients do you represent each year?
3. How many disability cases have you handled for those with my specific disability?
4. Why did you become a Disability attorney?
5. Explain the process a disability case follows in your office. How long does it take on average?
6. As a client, what are your expectations of me?
7. Who in your office (attorneys and other staff) will handle my disability case? What experience do these individuals have?
8. Tell me about your client services policies.
9. How will you keep me updated on the status of my case?
10. If I call your office, will someone be available to talk to me?
11. If my case must be appealed, who will handle the hearing?

As in all relationships, good communication is necessary and that goes for both sides. In order to build a solid attorney-client relationship, communication must be honest and open. Once you hire a lawyer, if you have questions or concerns, always talk to him or her about them so your concerns may be addressed accordingly.

Reasons to File Your Application as Quickly as Possible

In the Social Security world time can be money. Waiting to file an application could cost you approximately \$700.00 or more of benefits for each month the application is not filed. Thus, you

could lose thousands of dollars in back benefits if you delay in filing your application. This is because the SSA can only go back one year prior to the filing of your application in order to compute back SSDI benefits, and can only go back to the actual filing date for the computation of back SSI benefits.

For example, even if you became too sick to work in January 2012, if you do not file your application until January 2014, then the furthest that SS could go back to compute back benefits on a successful claim is one year prior to the filing date. Even if you stopped working and had strong medical records as of January 2012, the SSA can only go back to January 2013 when computing your lump sum back benefits, because they can only go back one year prior to the filing of the application. By waiting to file your application you are limiting the time in which SS could calculate your back benefits. In the SSI scenario, if you file the application in 2014 then back benefits can only be computed as of that 2014 date, regardless of when you actually became disabled.

So the sooner your initial application is filed the better.

How Long Does It Take?

The Disability application process can be time consuming, so you want to file your application as soon as your doctor has told you that you will be disabled for at least 12 months or that your condition is terminal.

Once you complete the application and provide the Social Security Administration the originals of all required documentation, you can expect to receive a decision within 3-5 months. If your application is approved, you are eligible to begin receiving benefits in the sixth full month after you became disabled.

If your initial application is denied, you have 60 days to file a Request for a Hearing by the Administrative Law Judge (HA-501-U5) as quickly as possible and include all additional documentation required. Recent Hearing Office calculations for Michigan (as of March 2015) show it is taking approximately 380 days to process each request for a hearing, so the faster you file the appeal, the better off you will be.

If you appeal the ruling of the ALJ (HA-520-U5) and it goes to the Appeals Council, you can expect the case to be reviewed in approximately 12 months based on 2013 averages.

How to Get a Quicker Disability Decision?

Timeliness and completeness of your initial application are both very important. It is equally important that you promptly respond to any request by the Social Security Administration or the Disability Determination Services department to provide additional information. You will also want to make certain that if a hearing is scheduled, you attend it on the date, at the time and the location specified. Be certain to update your contact information with the SSA if you move or change phone numbers.

The SSA does have several initiatives in place that may help expedite certain types of claims. The first is referred to as Compassionate Allowances. This typically applies when a condition is known to be fully disabling or terminal. This includes diseases like Atrophic Lateral Sclerosis (ALS) or pancreatic cancer. The Social Security website has a complete alphabetized listing of all the Compassionate allowances. Remember: just because you have a Compassionate allowance condition does NOT mean an automatic win, but it does mean that SSA is supposed to expedite

the handling of your claim.

The second is referred to as Quick Disability Determinations. This refers to a computer screening model that identifies cases that are highly likely to be approved and fast tracks them. As of 2010, this model only handled the most extreme disabling conditions (the SSA is improving the model as funds permit). Decisions in cases using the model were typically made in around 12 days.

Lastly, If you are currently receiving VA benefits due to 100 percent un-employability, the SSA has recently decided to expedite these cases. You should submit your DD214 form and your VA disability award letter in order to apprise the SSA of your status.

A Social Security Disability lawyer may be able to find a way to expedite your claim. This depends upon your specific situation.

Approved or Denied?

Unfortunately, over the past ten years, 53% of all Disability claims, on average, were denied. Only 28% of initial Disability claims were approved. On appeal, an average of 3% of claims were approved at the reconsideration level and an additional 13% approved at the hearing level.

It is important to note that the Social Security Administration will automatically deny claims in certain situations, including:

- An insufficient number of work credits (this is the primary non-medical reason for denials)
- Incomplete application and supporting documentation
- Applicant is able to perform his or her usual work

- Applicant is able to perform another type of work
- The impairment is not considered severe
- Disability is not expected to last at least 12 months or be terminal
- Impairment is due to drug or alcohol abuse
- The applicant fails to cooperate with the SSA or follow prescribed medical treatment

The Social Security Administration (SSA) will also deny your claim if you have returned to Substantial Gainful Activity (SGA) before your case is decided. We encourage you to review the SSA's guidelines regarding disability to ensure you meet them before you file your application. If you are not truly disabled when you file the application, you are taking time and resources away from those who are legitimately disabled and waiting for a decision on their case.

How Can We Help?

Having a Social Security Disability lawyer on your side can improve your chances of having your application approved the first time through, potentially saving you months of financial hardship while your application slowly makes its way through the appeals process.

If your application is denied, an experienced lawyer can guide you through the appeals process, search for options to expedite your claim and represent your interests. The lawyer will also be up-to-date on the most recent changes in the process or legal rulings regarding disability claims. He or she may also be able to find additional resources to help you and your family during this time.

In our practice, we've found that many people are frustrated, scared, intimidated and unsure of what to do. Sometimes people find it hard just to ask for help. Others may have already been intimidated by the federal government or others they've been dealing with. We've found that once we talk with people about their claim and the legal process, they feel much better and more at ease with the whole process. After talking with us, they understand what's fair, and they feel good about doing the right thing.

Take advantage of the free consultations offered by almost all Social Security Disability lawyers we know. *What do you have to lose?* You may find out that hiring a lawyer to represent you is a sound decision—one that allows you more time for your family and reduces the stress you could feel trying to navigate the process on your own.

In our practice, we offer disabled individuals the opportunity to talk with us at *no charge, and with no pressure!* We'll talk about your claim, discuss your legal rights and answer your questions..

We will also file your SSDI Application for you online, so that you do not have to go through the stressful steps of getting your claim started and wondering if our application has been filled out properly or if SS has received it.

While we have tried to answer many questions about Social Security Disability in this book, you may have others that we did not address. Feel free to call while this is still fresh in your mind. Waiting any longer may just cause more stress or put you at greater risk. ***Remember, the law is filled with tricky time limitations and notice deadlines!*** We would be happy to get you the information that may ease your mind.

Why are we willing to do all this? We want you to see for yourself that there are lawyers out there who are honest, competent, and willing to work hard for your best interests. You may be wondering how we earn our money, and whether you will ever have to pay an hourly fee. Well, you should understand that we only get paid when we collect money for our clients. ***It's true... We only get paid if you get paid.***

Client's Bill of Rights

At Disability Attorneys of Michigan we believe we can promise our clients quality service with personal attention. We believe that as our Social Security client you are entitled to the:

1. Right to talk to your attorney the same day you call.
2. Right to be updated regularly and in a timely manner as to the progress of your case.
3. Right to our respect.
4. Right to expect competence from our firm and all who work here.
5. Right to know the truth about your case.
6. Right to prompt attention from us.
7. Right to have your legal rights and options explained in plain English without legal mumbo jumbo.
8. Right to a fair written fee agreement with our firm.
9. Right to a fair fee for the work we do.
10. Right to make the ultimate decision on your case.

If you think this approach is fair, and you want to take advantage of the free consultation, with no obligation, just give us a call. We will personally set time aside for us to talk. Thanks again for requesting

this free book. We look forward to hearing your comments on the information provided here.

FAQs

Here are the answers to some questions I hear frequently:

Q: How long will it take after I submit my application to find out if I am approved?

A: It usually takes 3-6 months to process an initial application.

Q: What are the chances my application will be approved?

A: Only 28% of initial applications (on average) are approved. If your claim is denied, you have 60 days to appeal the decision.

Q: What can I do to improve my chances of approval?

A: Make certain you read and understand the SSA's guidelines and that you qualify as disabled based on those rules. You can also improve your chances of approval if your initial application is complete and all documentation proving your disability is in order.

Q: If I'm approved for disability, when will I get my first payment?

A: SSDI payments normally begin in the sixth month following the date of disability. This may be delayed if your application was not sent in early or was not approved the first time through. SSI payments normally begin the first full month after application.

Q: Will I get a monthly check?

A: The Social Security Administration now requires all benefit payments be delivered electronically. You may set up a direct deposit to your bank account. If you do not have a bank account,

the SSA will issue you a debit card.

Q: How much will my monthly payment be?

A: The SSDI payment amount depends upon your average indexed monthly earnings prior to becoming disabled. There are adjustments for low wage earners and family maximum levels that may change from year-to-year. Your payment may also be lowered or “offset” based on whether you receive other types of disability benefits (i.e., Workers’ Compensation). The average monthly benefit amount in 2010 was \$1,067.80.

Q: Once I’m approved, does that mean I get benefits forever?

A: No. The SSA reviews cases on a regular basis. If medical improvement was expected at the time you filed your initial claim, your case will probably be reviewed within 18 months. If medical improvement was not anticipated, the SSA will review your case in around 7 years. Other life changes (i.e., eligibility for pension and/or other retirement benefits) may also impact Disability payments.

Q: What is the “Ticket to Work” I heard about?

A: The SSA encourages disabled individuals to learn new skills and return to the workforce whenever possible. The Ticket to Work is a program offering training and education. You can learn more about it online at ssa.gov/work/aboutticket.html.

Q: What happens if my benefits are terminated?

A: If you receive notification of termination of Disability benefits, you have 10 days to file an appeal.

Q: Will my family continue to receive my disability benefits when I die?

A: No. Your family may be eligible for Survivors Benefits or other

assistance. Your spouse or a representative would need to contact the SSA to report your death and file for new benefits based on your specific situation.

Glossary of Legal Terms

Acceptable Medical Sources: Primary medical documentation and records should come from the treating physician(s), hospital, rehabilitation center, laboratories, etc. to be considered as proof of your disability.

Administrative Law Judge (ALJ): Judge who presides over a Disability Hearing, should an initial application be denied.

Adult: For the purposes of determining whether the claimant has a disabling condition, medical listings assume a person is an adult at the age of 18.

Appeal: A Claimant (person filing for Disability) always has the right to appeal (or try to change) the decision of the Social Security Administration when a decision is made that affects benefits.

Beneficiary: Anyone who receives Social Security benefits.

Benefits: Retirement, Disability, Dependents, Survivors and Medicare are the five (5) categories within the Social Security system under which you may receive benefits.

Blue Book: Another name for the SSA's listings of disabling medical conditions. There are two versions – one covers adult conditions and the other lists conditions that impact children.

Child: May include biological children or any other child who can inherit the Claimant's personal property under State law or who meets certain specific requirements under the Social Security Act.

Claimant: The person filing for Social Security benefits.

COLA (Cost of Living Adjustment): Social Security benefits and

Supplemental Security Income (SSI) payments are increased each year to keep up with inflation.

Compassionate Allowances: In certain cases where the claimant's condition is severe and is generally always considered disabling, the approval process may be expedited.

Consultative Examination: If there are questions about a Claimant's medical records, the SSA may require the Claimant to submit to a medical examination by a physician of their choosing. Failure to do so can result in a denial of the claim.

Delayed Retirement Credits: Social Security benefits are increased (by a certain percentage depending on a person's date of birth) if retirement is delayed beyond full retirement age. Increases based on delaying retirement no longer apply when people reach age 70, even if they continue to delay taking benefits.

Direct Deposit: The standard way to receive Social Security benefits.

Disability: A physical or mental condition that limits an individual's ability to work, perform or enjoy everyday activities. The Social Security Administration does not consider an individual to be disabled unless the condition is expected to last for more than 12 months or is expected to be terminal.

Disability Benefits: These benefits are received if the Claimant is: under FRA (full retirement age), has enough Social Security credits, and has a severe medical impairment that prevents him or her from doing substantial work for more than a year, or if he or she is expected to die from the impairment.

Disability Determination Services (DDS) Department: A medical review board in each state that makes the decision on whether or not an individual is disabled on behalf of the SSA.

Disability Insurance: One of three components in the Social Security program. People become eligible for disability benefits when they cannot do the work they did before becoming disabled and the work they did do cannot be adjusted to accommodate their disabilities. The number of work credits needed to qualify for benefits depends on one's age at the time he or she becomes disabled.

Disabling Condition: A medical condition that results in disability. Documents: Forms often requested and submitted by individuals who are applying for benefits. Documents usually include: birth certificates, marriage certificates, W2 forms, tax returns, and deeds. Normally only originals or certified copies are accepted.

Documents: Forms often requested and submitted by individuals who are applying for benefits. Documents usually include: birth certificates, marriage certificates, W2 forms, tax returns, and deeds. Normally only originals or certified copies are accepted.

Early Retirement: A person can start getting Social Security retirement benefits as early as age 62, but the benefit amount will be less than what he or she would have gotten at full retirement age. If one takes retirement benefits early, his or her benefit will be permanently reduced, based on the number of months checks were received before reaching full retirement age.

Earnings Record: A chronological history of the amount earned each year during a working lifetime. The credits earned remain on Social Security records even when a person changes jobs or has no earnings.

Family Benefits: The following people may be eligible to receive benefits on a Claimant's record:

- Spouse if aged 62 or older (unless caring for an entitled child under the age of 16)

- Children, if unmarried and under the age of 18 (or under 19 and still in school)
- Disabled children over the age of 18
- An ex-spouse (in some circumstances)

Family Maximum: The maximum amount of benefits payable to an entire family on any one worker's record.

Full Retirement Age: The age at which a person may first become entitled to unreduced retirement benefits. Beginning with year 2000 for workers and spouses born 1938 or later and widows/widowers born 1940 or later, the retirement age increases gradually from age 65 until it reaches age 67 in the year 2022. This increase affects the amount of the reduction for persons who begin receiving reduced benefits.

Grids (also called Medical-Vocational Guidelines): When the disability is not severe enough to generate automatic approval of the claim, the Grids are used by the SSA to help determine whether an individual should be considered disabled. Age, education and skills are considered.

Impairment: The overall effect of the illness, disease or condition on the individual's ability to function. Impairment may be total or partial.

Listings: Medical lists of conditions the SSA considers to be disabling. (Also called The Blue Book).

Lump Sum Death Payment: A one-time payment of \$255 paid in addition to any monthly survivors' insurance benefits that are due. This benefit is paid to widows/widowers or minor children.

Maximum Earnings: The maximum earnings counted for any calendar year when computing Social Security benefits.

Medical-Vocational Guidelines (also called the Grids): When the

disability is not severe enough to generate automatic approval of the claim, the Grids are used by the SSA to help determine whether an individual should be considered disabled. Age, education and skills are considered.

Primary Insurance Amount (PIA): is the benefit (before rounding down to next lower whole dollar) a person would receive if he/she elects to begin receiving benefits.

Representative Payee: If an individual receives Social Security benefits or Supplemental Security Income and becomes unable to handle his or her own financial affairs, a relative, friend, or an interested party is appointed to handle all Social Security matters.

Residual Functional Capacity (RFC): An evaluation of the work skills the Claimant is still able to do.

Residual Functional Capacity (RFC): An evaluation of the work skills the Claimant is still able to do.

Retirement Age – Full Benefits: Full retirement age was 65 for many years. However, beginning with the year 2000 (for workers and spouses born 1938 or later, or widow and widowers born 1940 or later), the retirement age increases gradually from age 65 until it reaches age 67 in the year 2022.

Retirement Age – Minimum: The minimum age for retirement is age 62 for workers, and age 60 for widows or widowers. An individual can choose a reduced benefit anytime before he or she reaches full retirement age.

Retroactive Benefits (Back Pay): Monthly benefits that a Claimant may be entitled to before the month the application is actually filed if he or she meets the entitlement requirements.

Social Security: While an individual works, he or she pays taxes into the Social Security system. When the individual retires or becomes disabled, the Claimant, his or her spouse and dependent

children receive monthly benefits based on the Claimant's reported earnings. The system also allows survivors to collect benefits if the Claimant dies.

Spouse: The person to whom an individual is legally married to at the time the Claimant applies for benefits.

Substantial Gainful Activity (SGA): The ability to earn wages.

Supplemental Security Income (SSI): A Federal supplemental income program which helps the aging, blind, and disabled, who have little or no income.

Survivor Benefits: If a Claimant dies, benefits will be paid to:

- The Claimant's spouse age 60 or older (50 or older if a disability rather than death occurs) or at any age if the spouse is caring for a child under the age of 16
- Children age 18 or younger (19 or younger if still in school)
- Parents, if Claimant provided at least half of their financial support.

Wage Earner: A person who earns Social Security credits while working for wages or self-employment income.

Wages: All payment for services performed for an employer. The cash value of all compensation paid to an employee in any form other than cash is also considered wages (unless the form of payment is specifically not covered under the Social Security Act).

Work Credits: To be eligible for Social Security Disability payments, a disabled individual must have earned sufficient work credits to qualify. These credits are earned based on the number of years worked and the recentness of that work.

Learn More | Get in Touch

If you'd like to learn more, please check out our website for more Disability FAQs and free consumer guides.

Website: www.DAMichigan.com

Questions or comments? We would love to hear from you. Write us:

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Or you may call our toll free number **(800) 949-2900**

Thank you again for reading our book. We hope you found this information helpful. If you have a friend or relative you think might enjoy a copy of the book, just provide us with their name and mailing address and we'll make certain they receive a copy of their own!

Are you disabled and overwhelmed by the complicated process of applying for disability benefits? Only 28% of initial Social Security Disability claims are approved. This book explains the application process, ways to avoid “gotchas” that will lead to an immediate denial of your application, and the pros and cons of hiring a lawyer to represent your interests.

The Ultimate Guide to Winning Your Social Security Disability Claim is written in plain English, without complicated legal language, so you will understand the process from initial application through the appeals process.

ABOUT THE AUTHORS



Stu Johnson has spent over 20 years building a highly respected practice concentrating in Social Security Disability and Veterans Disability Law. Growing up, Stu was a caregiver for his grandmother, and also had the opportunity to visit his mother’s special education classroom. After

graduating law school, he founded the Disability Attorneys of Michigan and now works with a group of passionate attorneys representing disabled Michiganders across the state.



Samantha Ball has spent the last 10 years practicing exclusively in the field of Social Security Disability law because of her passion for helping people plan for their futures when life takes an unexected turn. After witnessing friends and family members suffer through debilitating injuries and conditions, she

saw firsthand how difficult it was for them to navigate through the disability process, inspiring her focus in disability law.

