
Overview of the Social Security Disability Claims Process

There are 2 types of claims an applicant can apply for; **SSDI & SSI**. It's recommended they file for both @ the **IA** (*initial application*). The **SSA** office will be able to inform you which or if both benefits to pursue are applicable.

- **SSDI** is the insurance benefit you pay into while you work; FICA payroll taxes for Social Security & Medicare. You must earn **40 credits*** to be considered fully insured & eligible for SSDI should you become disabled prior to retirement eligibility. The amount payable by this benefit varies based off an individual's certified earnings records.
- **SSI** is the lower income, individual based benefit typically allotted to individuals who aren't fully insured (none/not enough work credits) and **disabled children**. Current maximum payable benefit is \$710; previously \$698.

The same standards of determining disability apply to both benefits, medical & non-medical. Occasionally an individual may meet the medical rules but it could take additional time to determine whether or not they meet the non-medical (typically checking resources, income & offsets). SSA will usually contact a claimant under these circumstances. It's always encouraged to contact SSA directly should you have specific questions, concerns or if you would like to request information.

Clients are advised to apply for benefits prior to representation via www.ssa.gov or by simply contacting their local SSA office and setting up an appointment to apply in person or by phone. Under certain circumstances, we will assist with an **IA** if they are unable to do either. Unfortunately, due to the time consumption and amount of information needed (personal, work history, past & current medical etc...) for the **IA** we cannot offer all prospective clients this service if not deemed necessary but we will not decline if they are unable to file online or with their local office.

The estimated time frames for the claims process are as follows:

- Initial Decision **90 - 120** days from date of the application.
- Reconsideration **90 - 120** days from the date the appeal is filed.
- Request for a Hearing **approx. 12 months** from the date the appeal is filed & the hearing scheduled.
- Hearing Decision **approx 30 - 90 days** from the date of the hearing
- Appeals Council **approx 12 - 18 months** from the date an Unfavorable Hearing decision is appealed.

These time frames are not exact and can be sooner or take longer under certain circumstances such as a medical hold (extension for disability determination) based upon conditions & treatment. Due to the volume of claims, it's not unusual for a claimant to be denied but that should not discourage them from pursuing a disability claim, in fact, most go through the denial & appeal processes despite their disabling conditions. Many claimants have to proceed to a hearing for fair consideration of their claim.

Overview of the Social Security Disability Claims Process

A claimant has **60 days** from the date of the initial and reconsideration denials to file an appeal. They allot an additional **5 days** from that date for mailing purposes but it is best to always file within the 60 day time frame. New clients w/ denials needing filed are priority as SSA will not accept our representation forms until an appeal is filed. If an appeal isn't filed within that time frame "**Good Cause**" must be shown/proven in order to continue w/ the claim, otherwise, a new application will need filed. A claimant also has **60 days** from the date of an Unfavorable Decision after a hearing to file an appeal w/ the Appeals Council, again, Good Cause would need shown if outside of the time frame.

A question frequently asked is "Can I work and still be eligible for SSDI/SSI?" This answer is "Yes," however, there are certain stipulations. It's typically advised, if you have to do something to survive (as we understand) try to keep earnings under \$1000 monthly; as it should not adversely affect your benefits should you be awarded. It's also advised to work part time in as light duty and accommodating position as possible. If you are able to work fulltime in a medium – heavy setting; pursuing disability should be reconsidered.

On the other hand, if you try to go back to work fulltime but aren't able to do so and/or it's for a short period of time and you discontinue due to your conditions it can be classified as an **UWA/FWA** (unsuccessful/failed work attempt). There is also a **TWP** (trial work period) which is slightly more complicated and requires a detailed explanation.

Commonly used Terms & Forms:

- **FA**; *Fee Agreement*
- **IA**; *Initial Application*
- **DLI**; *Date last insured for full disability benefits (only applicable to SSDI claims)*
- **AOD**; *Alleged onset date/date of disability onset*
- **ALJ**; *Administrative Law Judge*
- **ODAR**; *Office of Disability Adjudication & Review (where file goes awaiting a hrg)*
- **SGA**; *Substantial Gainful Activity (your earnings)*
- **1695**; *Authorization of Direct Pay to Representative*
- **1696**; *Appointment of Representative Form*
- **827**; *Authorization to Disclose Info to SSA (typically for PHI)*
- **3441**; *Appeal Packet (info used to file recon & req 4 hrg appeals)*

Should a claimant be awarded at any time during the process the standard attorney's fee is **25%** of the backpay and no greater than **\$6000**; SSA determines the amount of fee payable to the representative. It takes **approx 30 – 90 days** for calculation of backpay and monthly benefits and to receive the first monthly payment and/or backpay. The backpay, dependent upon the amount, is typically issued in increments. If a claimant has received other income such as Workers Comp, Unemployment, Short or Long term disability payments these amounts can offset the amount of backpay and monthly payments. A fully insured individual, per the SSA rules & regulations, can receive up to 80% of their earned income via disability. Also, if a claimant receiving SSDI has dependent children they are eligible for an additional monthly cash benefit per dependent known as auxiliary benefits.