

JUST THE FACTS

A Quick Guide to Social Security Disability

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Social Security Law

Filling out the application properly and obtaining enough medical evidence of your health issue and disabilities is going to be crucial to ensure the best possible outcome.

Generally, there are three levels in applying for disability benefits, the initial application, in most geographic areas Reconsideration Level and Request for Hearing which is in front of a judge.

At the initial application stage, Social Security will try to obtain medical evidence from your doctor. They may send you out to their own doctors for an evaluation.

Reconsideration Level is where Social Security will simply re-review your application to determine if you qualify for benefits. It is important to remember that the Agency will not try to obtain further evidence at this level, and it is up to you to supply additional medical evidence.

Hearing Level is when a Social Security Administrative Law Judge will independently review your case. The Social Security Judge may or may not have expert witness such a vocational expert and or medical experts testify to supply them with additional information to help him or her make a decision in your case.

Most common misunderstanding that people have is that they believe that if their doctor states that they cannot work they should be entitled to Social Security Disability Benefits. This is not true because disability is a legal determination not a medical one. Therefore, submitting cursory statements from your family doctor that you can not work in most case will not be enough to qualify you to received benefits.

There are two programs that provide disability benefits, and they all have their own specific requirements. The SSDI (Social Security Disability) program and the SSI, (Social Security Supplemental) program are both commonly granted, but their prerequisites are different.

Do you qualify for Social Security Disability Insurance?

With SSDI, you are required to have paid into social security for a certain period of time. Generally, you must have worked for 10 years within a certain period. However, this is prorated for younger individuals in their 20s.

It's also very important to note that social security is only going to pay for people who are experiencing total disability, not for partial disability or any kind of disability that may be happening for a short period of time.

Do you qualify for disability to gain access to SSI?

Qualifying for SSI requires that you have specific limitations in our income and resources, and you need to be an American citizen. Some people who are not citizens may apply under very specific circumstances.

Generally, resources for a single adult are limited to \$2,000 and a family is limited to \$3,000. A person may only own one car and this limitation also applies to the family. Meaning the entire family can only have one car. Under certain limitations a person applying for SSI may own a home but must reside in that home.

Lastly you must reside in the United States and not leave the country for more than 29 days at a time.

When applying for Supplemental Social Security Benefits you must be aware, Social Security Administration will reduce the Supplemental Security Income (SSI) benefit if it determines you are receiving financial help with room and board from another person.

The process of obtaining Supplemental Security Income is not simple, and you need to know that you qualify for SSI before you even begin this process. Social Security Administration will require you give them bank account information and other proof that you qualify prior to applying.

The Five-Step evaluation process

Any adult that wants to be able to obtain Social Security Disability is going to have to go through a five-step process that will consider factors such as existing medical condition, work activities, and several other important requirements.

The Social Security Administration defines disability as the inability to engage in any activities that could be gainful to the individual due to medical issues as well as mental or physical impairment. The disability would have to result in eventual death or impairment that lasts no less than 12 months.

In older individuals the Social Security some what relaxes these rules and emphasizes your ability to return to your prior work in which you have done within the last 15 years. Thus, it is very important to accurately describe the physical and metal requirement of each of your jobs over this this period of time in order for SSA and or the Judge to determine if you cannot perform these jobs.

Early representation is essential

Everyone can file their own security disability benefits and exercising that right is very important, the problem with this process is that social security law can be quite difficult to maneuver.

Keep in mind that the Social Security Administration is not going to be very helpful in this process. They expect you to be on top of everything and they are not going to provide specific explanations that go beyond the most basic instructions.

Social Security Administration will attempt to obtain medical evidence from your doctors that you tell them about at initial application level. However, they will not follow up with the physician's office if they do not immediately respond.

The Judge if you are unrepresented, may or may not, give you additionally time to obtain the medical evidence or request the information them self. However, even Social Security Judges are supervised and must issue a

minimum amount of decisions per year so they generally will not give you a lot time to get additional records.

Being able to achieve the best possible results from this kind of evaluation process is not easy, but it can become a much easier process if you hire a professional Disability Attorney.

Social Security Administration has released statistics from 2001 to 2010 stating on the average over those years only 28% of case were approved at initial application level. Only 3% were approved at reconsideration level and 13% were approved at hearing level by the Judges.

Statistically people who were represent by an attorney obtained higher approval rates. Approval rates between law offices vary by amount of experience and simply by type of case they may accept. If a law office just accepts easy cases their approval rate is going to be much higher than that law firm that accepts case that are more difficult

No matter what law firm you choose to hire. You need to hire someone who has vast experience in this field, as this is going to allow you to obtain optimal results when you consider filing a claim. This experience ranges from gathering the required medical evidence, to the process of determining your disability that would assist you in obtaining benefits.

Request a Free Consultation

During your appointment, we will discuss what you expect from your case, as well as all of the details so you can feel confident you will get the best possible outcome for your case. We take great pride in treating each of our clients with the respect and care they deserve. Our staff will treat you with a gentle demeanor, helping to guide you in the right direction. If we feel you won't win your case, you can expect our honest opinion to ensure you don't waste your time. Contact us today to schedule your first appointment. We have offices in Los Angeles County and Orange County, and serve clients throughout Southern California.

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