

UNDERSTANDING THE STEPS IN THE SOCIAL SECURITY DISABILITY PROCESS



JUSTICE FOR ALL

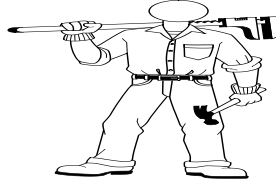
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It is important that you understand the steps involved in the Social Security Disability process.

To be eligible for Social Security and/or SSI Disability benefits:

- You must be unable to work because of medical and/or mental problems and;
- Your disability must be expected to last a continuous period of 12 months or result in death



The Social Security Administration (SSA) determines if you are disabled based on the way your medical conditions affect your functioning. To get disability benefits, they must have all of your medical records. They will assist you in getting these records.

Note: Your doctor should include a letter with the records telling SSA how your condition limits your ability to do work-related activities.

Step 1 Initial Application Level

Visit or call the Social Security District Office in your area. Tell them that you are disabled and you want to complete an application for disability. When they get your application, they will call you to set up an appointment to get additional information. After they get the necessary information, they will send your file to the Disability Determination Section in Nashville for review. Your medical records will be reviewed and you will be notified by mail of the disability decision. This first step may take several months.

Step 2 Reconsideration Level

If you are denied at step one you need to request a reconsideration of your case within **60 days** of receiving the denial letter.

Note: Requesting a reconsideration instead of reapplying is very important to those people applying for SSI because you can only get back benefits based on your initial application date if you continue with each step.

At the reconsideration level SSA will get any new medical evidence and make another decision on whether you are disabled. This can also take a few months. Most claims are denied at this level. **DON'T GIVE UP!**

If you receive a denial at the reconsideration level and would like representation at a hearing, you should contact an attorney immediately.

Step 3 Hearing Level

If your claim is denied at step two you have **60 days** to ask for a hearing. This means you will go in front of a judge. The judge will listen to you tell why you are disabled.

- You can take a witness with you to testify about your disability.
- It usually helps to have an attorney or paralegal represent you at this level. It will be difficult to get representation after this step.

Most private attorneys charge a fee only if you win your case. Social Security will automatically withhold a percentage of your back pay amount for the attorney's fee.

After the judge listens to you and your witnesses, he/she will decide whether you are disabled. You will get a written decision. This could take up to a year.

Note: This is the most important step in the entire process because it is the only chance you have to meet face to face with the person who decides your case.

If you need to go to the next step, the decision at that level will be based on the information from this hearing.

If you are denied at this level you can ask the Appeals Council to review the judge's decision. You have **60 days** to make your request.

Step 4 Appeals Council Level

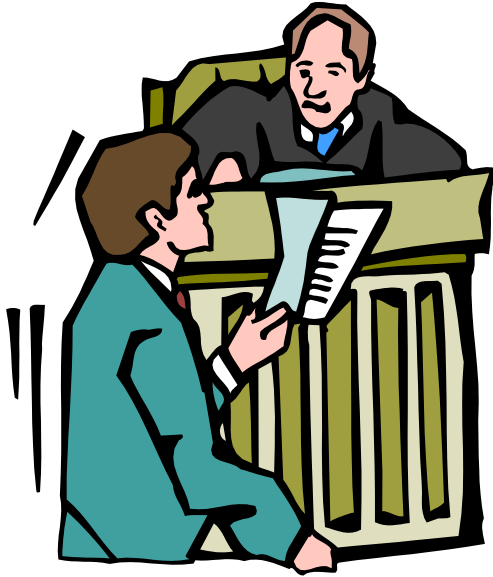
This is a written appeal that is sent to the Appeals Council. You can either mail it yourself or take it to your local Social Security Office and they will send it for you.

This step may take 18-24 months.

If you are denied at this level, the Appeals Council will send you a letter stating that they will not review your case. You have 60 days to go to step five.

Step 5 Federal Court Level

If the Appeals Counsel refuses to review your case, your attorney can file an appeal in Federal court. (You must have an attorney at step 5). The court will review the information from your hearing and the reasons why the Appeals Council turned you down. The court can award you benefits, decide you should not receive benefits or send your case back to the Social Security Administration for an additional hearing.



OFFICE HOURS AND LOCATION

Legal Aid of East Tennessee offices are open from 8:30 A.M. to 5:00 P.M. Monday through Friday.

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This pamphlet is intended for general information only. The circumstances of every case are different and need to be dealt with on a case-by-case basis. This is not a substitute for the advice of a lawyer. Also, the law may change and may be different from county to county.

