

APPLYING FOR **SOCIAL SECURITY DISABILITY BENEFITS**



CONTENTS

| | |
|----|--|
| 1 | DECIDING WHETHER TO APPLY |
| | Are you working? |
| | Are you capable of working? |
| | Do you have a severe medical impairment? |
| | Will your impairment last 12 months or result in death? |
| | In summary |
| 7 | GETTING STARTED WITH THE APPLICATION PROCESS |
| | Applying in person |
| | Applying by phone |
| | Applying through the SSA website |
| 9 | INFORMATION TO GATHER BEFORE BEGINNING YOUR APPLICATION |
| 12 | 10 TIPS FOR COMPLETING THE DISABILITY REPORT |
| | What Happens to Your Completed Application |
| 16 | SUBMITTING YOUR MEDICAL RECORDS |
| 18 | WHEN IS THE BEST TIME TO APPLY |
| 21 | HOW LONG WILL YOU HAVE TO WAIT FOR A DECISION |

DECIDING WHETHER TO APPLY



Before applying, you may want to self-assess your likelihood of qualifying for benefits by answering the following questions. These questions won't tell you for certain that you will qualify. But they should give you an idea of whether an application is worth the effort or whether you want to get your case evaluated by an attorney first.

ARE YOU WORKING?

Working could disqualify you from receiving Social Security disability benefits. **You will not be approved for benefits if you are engaged in “substantial gainful activity.”** “Gainful” activity is any type of work usually done for pay or profit.

“Substantial” work involves significant physical or mental activities. Your work may not be substantial if **(1)** you are unable to do ordinary or simple tasks satisfactorily without more-than-usual help or **(2)** your work involves minimal duties that make little or no demands on you and are of little or no use to your employer.



Even though you are working, you are not engaged in “substantial gainful activity” and could be eligible for benefits if:

- ☐ You are on paid sick leave from your job due to a disability which otherwise qualifies for benefits.
- ☐ You are working part-time and making less than the Social Security Administration’s (SSA) cutoff earnings limit, which is currently about \$1,000/month.

The work you are doing must be consistent with your claimed disability; otherwise your part-time employment will prevent an award of benefits.

ARE YOU CAPABLE OF WORKING?

As a general rule, being able to work disqualifies you from receiving Social Security disability benefits. **But there are exceptions; the ability to work is not always fatal to a claim.**



Your impairment might qualify under the Listing of Impairments, a list of medical conditions that SSA considers disabling, even if the claimant is able to work. For example, if a claimant's leg has been amputated and he isn't able to walk with a prosthesis, he will be disabled regardless of whether he is capable of working.

Or you may be an older worker (over the age of 50) with limited education or work skills. In this case, SSA will examine the jobs you have held in the last 15 years to determine if you are physically and mentally capable of performing any “past relevant work” (defined by SSA as jobs for pay or profit that you held long enough to learn).

If SSA determines you cannot perform past relevant work, **it will next examine whether you can adjust to other jobs that exist in significant numbers.** SSA will consider your remaining work capacity, age, education, and work experience in making this determination. The older you are, the more likely you are to be found unable to adapt to other jobs.

The ability to work is not always fatal to a claim.



DO YOU HAVE A SEVERE MEDICAL IMPAIRMENT?

SSA does not award disability benefits to those with slight or no impairments. **This is a low hurdle, for virtually any reduction in your capacity to perform work will satisfy this requirement.**

SSA will consider the combined effect of all your impairments, including non-severe impairments, when assessing your overall condition.

Furthermore, if SSA is unable to determine clearly the effect of an impairment on your ability to perform basic work activities, it will decide the severity hurdle in your favor.

Your impairment must be recognized by the medical community. Your doctors may provide differing diagnoses, but so long as medical signs or laboratory findings show an abnormality, SSA will find that you have a medically-determinable impairment.

WILL YOUR IMPAIRMENT LAST 12 MONTHS OR RESULT IN DEATH?

Unless an impairment is expected to kill you, it must have lasted or be expected to last for a continuous period of 12 months.

If your impairment waxes and wanes or has short periods of remission, but flares up often enough that it prevents you from holding a job, then you should meet this requirement.

Your impairment does not have to be at the same level of severity all the time.

If your impairment lasted over 12 months but then improved, you could be entitled to benefits for a temporary period.





IN SUMMARY

If you are working full-time, you should not apply for disability. If you are working part-time or on sick leave, **you may want to have a knowledgeable attorney take a closer look at your case.**

Being able to work weakens your case, but you could still qualify on the basis of your medical condition or a combination of your age, functional limitations, and lack of education and work skills. If you meet the other requirements, but are still able to work, you may want to contact a disability attorney for a consultation before you apply.

So long as you have a medical abnormality that is not trivial, concerns about the severity requirement should not keep you from applying.

If your impairment or medical condition will last less than a year, you should not apply for disability. **If your condition comes and goes, you may want to consult a disability attorney for an evaluation before you apply.**

GETTING STARTED WITH THE APPLICATION PROCESS



SSA offers three ways for you to apply for disability benefits: in person, by telephone, or through the SSA's website.

APPLYING IN PERSON



If you want to apply for disability benefits in person, **first call SSA at 800-772-1213 to schedule an appointment.** If you show up at a field office without an appointment, you may have to wait a long time or come back another day. The person answering the 800 number will schedule your appointment, give you directions, and tell you what papers you need to bring.

APPLYING BY PHONE



If you choose to apply by phone, call the same number, 800-772-1213. You will be given a date and approximate time to expect a phone call from someone at SSA. **The caller will take your application over the phone and then mail it to you for your signature.**

APPLYING THROUGH THE SSA WEBSITE



To apply online, **go to www.socialsecurity.gov/applyfordisability/adult.htm.** The online application forms are available 7 days a week from early morning to late at night. You can start your application as soon as you are ready without waiting for an appointment. If you are unable to complete the forms in one sitting, you can save your work and return another time. Be sure to make a note of the numbers you are given so that you can access your application when you return to the website.

INFORMATION TO GATHER BEFORE BEGINNING YOUR APPLICATION



Regardless of whether you apply online, over the phone, or in person, the process will go more smoothly if you have the information you need to complete the forms at your fingertips.

You will need to complete both a Disability Benefits Application and an Adult Disability Report. In addition to these forms, you'll need to sign a release form for your medical records and provide an original or certified copy of your birth certificate and, if you were born outside the U.S., proof of U.S. citizenship or legal residency.



TO COMPLETE THE DISABILITY BENEFITS APPLICATION, YOU WILL NEED:

- ☐ Your Social Security number.
- ☐ The account number of the bank account into which you want your benefits deposited and the bank's 9 digit routing number.
- ☐ Dates of your marriages and divorces.
- ☐ Names and dates of birth of your minor children and spouse.
- ☐ Your latest W-2 form or your federal income tax return if you were self-employed.
- ☐ Information about any workers' compensation claim you have made, including the date of injury, claim number, and proof of payments.
- ☐ Name, address, and phone number of a contact person.

TO COMPLETE THE DISABILITY REPORT, YOU WILL NEED:

- ❑ The name, address, and phone number of a friend or relative who knows about your condition and can help with your claim.
- ❑ A list of up to 5 jobs and the dates you held them in the past 15 years.
- ❑ The names, addresses, and phone numbers of the health care providers who treated you and the dates of your first and last visit and next appointment.
- ❑ The names of the medications you are taking and who prescribed them.
- ❑ The names and dates of the medical tests you have undergone and who ordered them.



10 TIPS FOR COMPLETING THE DISABILITY REPORT



The Disability Report asks about the following 6 areas:

1) Your illness and injuries and how they affect you; 2) Your work history for the past 15 years; 3) The doctors, therapists, hospitals, and clinics that have treated you; 4) Your medications; 5) Medical tests you have undergone; 6) Your education and training.

SSA will make its initial decision on your claim based on the information you provide. Therefore, it is important to fill out the Disability Report as completely and accurately as possible.

1 Make sure you give SSA all the information it asks for in a straightforward way. Be truthful. **Do not exaggerate or minimize your disability.**

3 Your application should include as much detail as possible about your disability. It is better to provide too much information than too little.

4 Use the “remarks” section at the end if you run out of room.

2 Answer all the questions; do not leave any blank. **Missing information could delay a decision on your claim.**

5 The most important question on the Disability Report asks how your condition limits your ability to work. Keep it simple and be truthful, but if you are under 50 your answer should explain why you cannot (1) do any job you had in the past 15 years and (2) why you cannot do an easy sit-down job now.



6 Describe all illnesses, injuries, or conditions that affect your ability to work. Explain every way in which these hinder you from working.

7 Do not fall into the common trap of explaining only why you cannot do your current or most recent job – “I can’t lift 50 pounds.” To win disability you need to explain why – considering your age, education, and work experience – you cannot do any jobs existing in “significant numbers.”

8 Do not assume the person reading your application knows anything about how you feel just because you have a certain type of injury or illness. It’s not your diagnosis that makes you disabled. Although your diagnosis is important, **it’s your pain and other symptoms and their effect on your ability to work that matter most.**

9 Double check for errors. Make sure you have provided your correct name, Social Security number, address, and phone number.



10

Provide a complete medical history of treatment for your disabling impairment(s). Include names, addresses, and telephone numbers of all doctors, clinics, and hospitals where you were treated, along with the approximate dates of treatment. The disability examiner assigned to your case will request your medical records based on this information. **You want to make it as easy as possible for the examiner to get all your records.**



WHAT HAPPENS TO YOUR COMPLETED APPLICATION

Once your application is completed, SSA determines whether you meet the non-medical requirements for disability benefits (i.e., whether you have worked long enough and recently enough to be insured for benefits). Then SSA will forward your application to the agency in your state that makes disability determinations. At the state agency, your case will be assigned to a disability examiner who may send you additional forms to complete or ask you to undergo a medical examination or further tests. When all the necessary evidence is collected, medical and vocational experts at the state agency will review your file and decide whether you meet SSA's criteria for disability.

SUBMITTING YOUR MEDICAL RECORDS



If you have any medical records in your possession when you apply, you should bring them with you to your appointment. If you apply online or over the phone, you'll be given instructions on how to mail them to SSA. The disability examiner assigned to your case will contact your health care providers for any medical records you have not submitted using the information you provided on your Disability Report.

However, you may want to take the initiative and provide all your medical records yourself. Doctors and hospitals are not always prompt about furnishing medical records, which could delay the decision on your claim. Occasionally, a health care provider will not send in the records or will even make a mistake and send in the wrong patient's records.

If you decide to gather your medical records yourself, **start from at least a year before you developed the injury or condition that disables you.** After you collect them, highlight or mark your name and Social Security number on each record. Make two complete copies (one for you to keep and one for the application). Send your records to your disability examiner. If you get further treatment or undergo more tests, get these records and send them in as well.



WHEN IS THE BEST TIME TO APPLY?



Applying for Social Security disability benefits too early can be a mistake. Waiting too long also creates problems, but both problems can usually be overcome.



Some claimants believe they should apply for benefits while they are working so they can get a jump on the lengthy disability evaluation process before they stop working. This is not a good idea because SSA will deny your claim simply because you are still working. SSA won't even look at your medical issues. **If your earnings average more than \$1,000 per month (after SSA subtracts out-of-pocket medical expenses), you will get a denial letter within days of applying.**

Some claimants apply for disability benefits on the day they stop working. This approach causes disability examiners to wonder how you knew you wouldn't be able to work for the next 12 months. Unless your case is one of an obvious disability, SSA will put it on the back burner to see if you end up disabled for an entire year.

On the flip side, if you wait more than about 17 months after you become disabled to apply, you will not receive all of your back benefits. Social Security disability only pays benefits for 12 months before the date of application.

When is the best time?
Applying for disability benefits
6 to 9 months after you stop
working increases the
possibility that your claim will
be successful at the initial or
reconsideration steps.



HOW LONG WILL YOU HAVE TO WAIT FOR A DECISION



As a general rule, you should expect to wait 3 to 5 months for an initial decision on your claim. The wait could be longer if problems occur in gathering your medical records or other evidence necessary to make a decision.

If your claim is denied, do not be discouraged. **You have the right to appeal and you should take it. Giving up after the first denial is the biggest mistake Social Security disability claimants make.**

Although about two-thirds of all initial applications for Social Security disability benefits are denied, the majority of claimants who appeal until they have a hearing are awarded benefits. ■

I hope you have found this advice helpful. More information can be found at my website:

