



HOW TO APPEAL A SOCIAL SECURITY DISABILITY DENIAL

More than half of all disability claims are denied, yet many people make the mistake of not appealing. Unless you clearly know you don't have a case, definitely appeal.

The Appeals Process

1. The first step is to request an appeal on the decision. You can do this by mail to your local SSA office.
2. Wait for the reconsideration.
3. If you are also denied on this level, appeal again until you get to the hearing level.
4. Gather all new information on your disability, and ask witnesses to testify.
5. Present your case to the administrative law judge at the hearing.

If Denied at the Hearing Level

You may appeal further to the Appeal's Council. Make sure at all times to file necessary documents on time.

TESTIFYING AT A SOCIAL SECURITY DISABILITY HEARING

Once you appeal an SSD claim, eventually you will be called to a hearing. The hearing is generally your best opportunity of having your claim approved, and your testimony will be key to your success.

Here Are Some Suggestions:

- **Be Honest:** Tell the truth about how you feel. The judge will have your medical records. Don't exaggerate, but don't minimize either.
- **Answer the Question Asked:** Don't go off on tangents; stay focused and listen. Straying from focus can only confuse matters, and will not help your case.
- **Be Specific and Use Your Own Words:** Avoid saying "about," "some" or "often." Tell the judge how you feel, but avoid technical language.
- **If You Don't Know the Answer:** It is okay if you don't remember everything. Just say so.
- **Refer to the Judge as "Your Honor":** Respect is important in any legal proceeding.

Keep in mind that the hearing is not adversarial in nature. That said, you will still need to provide the administrative law judge with a strong case that your impairment is sufficient to qualify you.



YOUR DOCTOR'S OPINION IN A SOCIAL SECURITY DISABILITY CASE

The Social Security Administration (SSA) looks to many different sources for information in its process of determining whether or not a claimant is disabled, but the greatest evidentiary value is found in the opinion of the treating doctor.

Factors the SSA Will Consider

Among the considerations that are relevant:

- The doctor must be properly licensed and any opinion rendered must be within his or her discipline.
- A treating doctor's opinion is given more weight by the SSA than the opinion of a doctor who only provides a diagnostic examination.
- The frequency of treatments and the time period the treatments have continued are factors. The SSA looks to see a lengthy, well-documented treatment history.
- The opinion of a certified specialist is given even greater weight.

Your Doctor's Opinion and Your Limitations

Your medical records and treatment history documenting your impairments are only important to the SSA as they limit your ability to be gainfully employed. It is important for your doctor to not only speak of your condition, but also to explain your physical and/or mental limitations.

