**Disability Referral Letter #1 w/ Tip Sheet and Discount for Client and 3 Referrals**

Dear \_\_\_\_:

I’m writing to you today to thank you for choosing me as your lawyer. I want you to know that I value our relationship highly. To express my appreciation for the confidence you have placed in me, I would like to offer you these gifts:

1. A copy of my Tip Sheet for Social Security disability applicants: ***How to Complete the Function Report***, which I hope will be useful to you or someone you know;
2. A free consultation and discount on any legal services I provide; and
3. A free consultation and discount on my services to three friends or family members of your choice.

**Why I Prepared the Tip Sheet**

When you apply for Social Security disability benefits or request the Social Security Administration (SSA) to reconsider your claim after it has been denied, the SSA may ask you to complete a Function Report – Adult (Form SSA-3373-BK). This questionnaire asks you to describe how your medical condition limits your ability to work, what you do during a typical day, and your ability to perform activities such as sitting, standing, walking, and lifting. Completing the questionnaire completely and correctly could mean the difference between winning benefits and being denied.

Applicants, quite understandably, feel apprehensive and overwhelmed by the prospect of filling out this 10-page form. The questions, despite simple wording, are actually full of tricks and traps. And the instructions that come with the form offer little help.

It’s very important that each applicant answer the questions himself or herself. (In fact, “Answer the questions yourself” is my number one tip). Virtually everyone will be able to do a good job by following my Tip Sheet. It guides you through the most important questions on the form ensuring that you avoid costly mistakes.

**A Legal Services Coupon for You**

I have also enclosed a Legal Services Coupon. This coupon entitles you to a FREE \_\_\_\_-minute consultation off any new matter (a $$ value) *and* $\_\_\_ off of any legal services I provide. You can use this coupon for help with any legal matter handled by my firm. To redeem your coupon, just call my assistant, \_\_\_\_, to schedule an appointment, and bring the Coupon with you when you come to see me.

**Referral Discount Cards for a Friend or Family Member**

In addition to the Tip Sheet and the Coupon for you, I have enclosed three Referral Discount Cards. Each card is good for a FREE \_\_\_\_\_ -minute consultation with me and $\_\_\_ off the cost of any legal services I provide. Please give the cards to friends or family members of your choice. They will thank you for saving them money and, perhaps just as importantly, the time and stress of searching for a lawyer they can trust.

To redeem the Discount Cards, your friends or family members simply have to call the number on the card. My assistant, \_\_\_\_, will help them schedule an appointment with me.

**In Closing**

Finally, I thank you, in advance, for your help in handing out the Referral Discount cards. Referrals from trusted clients are a big part of the way I grow my law practice.

Best regards,

[Signature]

P.S. If you would like additional copies of my Tip Sheet to give to you family, friends or colleagues, along with the Referral Discount Cards, please call me. I will be happy to send them to you.

P.P.S. Be sure to put your name on the Discount Cards before you hand them out, so I will know whom to thank for the referrals.

[Side 1]

**Legal Services Coupon**

**For my valued clients**

**[Attorney]**

**[Address]**

**[Phone, email]**

This coupon entitles you to a **FREE \_\_-MINUTE CONSULTATION** with me and a **$\_\_\_** **DISCOUNT ON MY LEGAL SERVICES**.

The next time you have a legal question or need the help of an attorney, please call me. I appreciate the trust you have shown in me in the past, and I look forward to another opportunity to earn your trust in the future.

I handle Social Security disability cases on a contingent fee basis. My fee is deducted from the disability benefits I obtain for you. You pay nothing up front. I charge **NO FEE** unless I win your case.

I can help you with these legal matters:

-- [Describe practice areas]

***Expires: [date]***

[Side 2]

To get your **FREE CONSULTATION** (a [$$] value) and your **$\_\_\_ DISCOUNT ON LEGAL SERVICES**, just call my office (###-###-####). My assistant, \_\_\_\_\_\_, will help you schedule an appointment. Bring sure to tell \_\_\_\_\_ that you have a Legal Services Coupon and bring the coupon with you when you come.

***Expires: [date]***

[Side 1]

**Referral Discount Card**

**[Attorney]**

**[Address]**

**[Phone, email]**

Congratulations! You have been referred to me by one of my valued clients.

This card entitles you to a **FREE \_\_\_\_-MINUTE CONSULTATION** with me. During this meeting, I will explain your options and answer your questions. If you decide to enlist my help, this card entitles you to a **$\_\_\_** **DISCOUNT ON MY FEE**.

I handle Social Security disability cases on a contingent fee basis. My fee is deducted from the disability benefits I obtain for you. You pay nothing up front. I charge **NO FEE** unless I win your case.

***Expires: [date]***

[Side 2]

To get your **FREE CONSULTATION** and your **$\_\_\_ DISCOUNT ON MY FEE**, just call my office (###-###-####) and tell my assistant, \_\_\_\_\_, who referred you. She will help you schedule a time to meet with me. Bring sure to bring this card with you to the consultation.

Your Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Referred by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Expires: [date]***

[Goes with Disability Referral Letter #1]

**Social Security Disability Tip Sheet: How to Complete the Function Report (Form SSA-3373-BK)**

Prepared by

[Attorney]

[Contact information]

When your claim is at the initial or reconsideration steps of the disability appeal process, the Social Security Administration (SSA) may ask you to complete a Function Report – Adult (Form SSA-3373-BK). Completing this form completely and correctly is an important step in pursuing your claim.

Here are 16 tips for avoiding the most common serious errors applicants make when filling out this form.

***Tip #1: Answer the questions yourself.***

The surest way to lose a case is for you to use stock paragraphs written by someone else. The best way to win a case is to write the absolute truth about your life in your own words.

If you’re capable of writing a letter that a family member can understand, you can complete the questionnaire. If your answers on the Function Report are honest and genuine, that’s more important than any misspellings or grammatical errors. A Function Report obviously written by a claimant is often more powerful and convincing than a questionnaire completed by a claimant’s lawyer.

***Tip #2: If your handwriting is illegible, have someone with better handwriting write down what you say.***

If your handwriting is truly illegible, ask a friend with better handwriting to help you. It is important for your case that SSA decision makers are able to read what you write.

***Tip #3: Provide an accurate description of your activities and limitations without exaggerating or minimizing.***

Tell the truth. Be sure the questionnaire describes not only your daily activities but also your limitations. Describe both without exaggerating and without minimizing. Details help someone who reads the questionnaire understand what your life is like. When you’re done, ask a friend or relative to read the questionnaire and answer this question: Have I given an accurate description of my limitations and my daily life?

***Tip #4: Provide sufficient details about how your condition limits you ability to work.***

The questionnaire asks: “How do your illnesses, injuries, or conditions limit your ability to work?”

This is a question you answered on a different SSA form, the Disability Report – Adult, a form usually completed around the time an application is filed. If you’re satisfied with what you said before, you can repeat it here, though you might want to consider adding more explanation—more details about how your medical condition limits your ability to work. The biggest mistake made by claimants in answering this question is failing to provide enough details.

Another mistake sometimes made by claimants when answering this question is that they explain only why they cannot do their former work. To win a disability case, you usually need to prove much more than inability to do your prior job. Many claimants, including almost everyone under age 50, must prove they cannot do a full-time easy job.

***Tip #5: Answer the question about what you do from the time you wake up until you go to bed (question 6), after you have answered all the other questions.***

The questionnaire asks a lot of specific questions. If you describe something in answer to a specific question, you don’t need to repeat it when answering this question. You can use question 6 to give an overview of what your life is like. But it might be a good idea to conclude your answer to question 6 with this: “See my answers to other questions.”

***Tip #6 Even though the form gives you a little space to answer this question, don’t limit your answer to just a few sentences.***

You need to write as much as is necessary so that the reader will understand what your life is like. You can use the “Remarks” section to provide additional information, but even that isn’t very large. You may have to add a page.

It is important to take as much space as needed to give a good description of your daily activities; but at the same time, do not go on and on. Some people have been known to write a “book.” While such “books” can provide valuable information, there is such a thing as overkill. And such “books” sometimes make SSA decision makers wonder how it is that someone who can write so much can be unable to work.

The mistake made by most people, though, is writing too little.

***Tip #7 Provide a description of how you have organized your life around your disability.***

Although some disabled people (for example, those with certain mental impairments) have a completely normal home life, most claimants have organized their lives to accommodate their disabilities. A description of how you organize your life around your disability can win your case.

For example, sometimes people with back impairments have to spend time lying down or sitting in a recliner. Some people get relief lying on the floor. Some people use a heating pad or ice. Some people do daily back exercises. This is important information. If people with such impairments leave out a description of how they try to get relief from pain during the day, if they describe only the few activities they actually do (laundry, cleaning, shopping, etc.), they are missing an opportunity to provide information that might convince SSA decision makers that they cannot work a regular job.

***Tip #8 Provide as much detail as possible in the “Information about Abilities” section of the Disability Report.***

Use the Remarks section at the end of the questionnaire to provide details and, if necessary, add another page. Thoughtful, honest, realistic descriptions of how your medical condition affects your “abilities” can help win your case. Describe how long you can do various activities. Beware of underestimating or overestimating your capacity.

***Tip #9 Base your assessment of your abilities on a normal work situation.***

Although the SSA does not say so, the relevant issue is: What is your capacity for doing these activities in a normal work situation. For example, let’s say you can walk one mile if you really push yourself but then you have to go home and lie down. Do you have the capacity to walk one mile in a normal work situation? No, you don’t. Walking one mile is over-doing it. Walking this far exceeds your normal work limitations. You need to keep this in mind when you estimate how far you can walk.

***Tip #10 Estimates of sitting and standing should also be based on a normal work situation.***

Estimate your tolerance for sitting in a work chair, not a recliner.

A better way to think about sitting is: How long can you sit in a work chair in a normal work situation before you need to get up? Does standing and stretching for a minute or two take care of the problem?

If so, describe what you need to do when you get up. Or do you need to walk around? If so, describe it. How long do you need to walk around? If you add together all your sitting time, what is the grand total number of hours out of an 8-hour working day that you can sit?

***Tip #11 Estimate your standing tolerance based on standing in a slow moving line or the way a worker moves around a little when standing at a machine in a factory.***

A worker doesn’t stand at attention like a soldier. Estimate standing at one time and also estimate the grand total number of hours out of an 8-hour working day that you can stand.

***Tip #12 Don’t give the lowest possible estimates for your capacity for sitting, standing and walking.***

You should give the most accurate and honest estimates possible. If your tolerance for these activities varies from day to day, state a range of minutes you can do an activity and estimate how often the shorter time applies and how often the longer time applies.

***Tip #13 If your problem comes and goes, give SSA a balanced picture of your life.***

Many claimants are disabled by episodic impairments. If your problem is episodic, it is important that you explain what happens on bad days and how often you have problems. Think back over the last month or the last year. Count how many bad days you have had. Estimate how many days per month are bad days—so bad you would not be going to work (or would have to leave work early) even if you had a really easy job.

If you describe only the bad days, it is likely SSA won’t believe you. If you describe only the good days, you’ll lose your case because SSA will conclude that you function normally.

***Tip #14 If your disability is due to a psychological condition, do not skip the questions about physical limitations and doing things at home.***

Answer these questions honestly. If you have no limitation in a particular area, say so. Check only the boxes in the “Information About Abilities” section on page 6 having to do with your limitations. This section offers several choices that may or may not apply to your situation: memory, completing tasks, concentration, understanding, following instructions, getting along with others. Sometimes it helps to discuss your limitations with a spouse or friend. When you describe your limitations, provide details and examples. Details and examples win cases.

***Tip #15 Describe only the side effects from medications that you are actually experiencing.***

The SSA needs to know only about the side effects you are actually having from medications, not the possible ones listed by the drug manufacturers.

Sometimes side effects of medications impose significant work restrictions. Thus, it is important to describe these side effects. Sometimes when you are taking many medications, you and your doctor don’t know exactly which medication is causing the side effect or if it is a combination of medications that causes the side effect. It would be wise to explain this on the Function Report — Adult.

Make sure to discuss any side effects with your doctor. Many people assume that they have to put up with the side effects in order to get the therapeutic benefit of the drugs. And they don’t describe side effects in any detail when their doctor asks. Unless your side effects are described in your medical records, SSA may not accept that you actually suffer the side effects even if they are listed by the drug manufacturer.

***Tip #16 Before you send your completed Function Report — Adult to SSA, make a copy for yourself.***