



5 TIPS When Seeking a Social Security Disability Benefit

Are you struggling with getting or keeping a social security disability benefit (SSI or SSDI)? Did you know that the majority of claims are denied and require an appeal? You may be able to avoid that by following some simple steps.

Social Security is my area of expertise so I'm going to take a few minutes to share 5 TIPS that may help you with your social security claim.

TIP # 1 is to KNOW WHAT YOU HAVE TO PROVE TO BE APPROVED.

This requires understanding Social Security's definition of disability.

To be considered "disabled" you need to have a physical and/or a mental impairment that has or will last 12 months, and is a condition that meets a listing and is considered automatically disabling, or one that prevents you from working. To find out if your condition "meets a listing" and is considered disabling go to:

It's important that your disabling impairment has been formally diagnosed by a medical doctor or psychologist.

Social Security also has a list of conditions, mostly rare disorders or cancers, called the Compassionate Allowance list. If your condition meets the criteria for one of these disorders your case will be approved quickly.

If you don't meet a listing or have a compassionate allowance condition than you have to prove you can't work. This is what most people have to do. This means you must have evidence that you cannot manage any regular work in the national economy which is work that is performed for an employer across an 8 hour day and a 40 hour week. At age 50, 55, and 60 they relax those requirements.

TIP # 2 is to apply to the right program.

If you have worked steadily and paid social security payroll taxes you may have enough credits in the Social Security System to apply for SSDI, or Social Security Disability Insurance. With adequate wages over several years you can earn credits which count toward SSDI eligibility. You need 20 credits or 5 years of credits out of the last 10 years. If you are under 30 you will need fewer credits.

Your benefit amount will depend on how much you have paid into this program. You must also satisfy a 5-month waiting period.

To determine if you have enough credits and your estimated benefit, set up your Social Security account at www.ssa.gov/myaccount.

If you have not worked or earned enough credits, you can apply for SSI or Supplemental Security Income. This benefit is a flat amount that will be reduced by one-third if you live with others and are not paying your fair share. Other income in the home could reduce or eliminate this benefit. There is also a resource limit of \$2000 for an individual and \$3000 for a couple applying for SSI.

You can also go to Social Security's Benefit Estimate Screening Tool to explore other benefits available to you and your family.

TIP # 3 is to maintain healthcare in order to prove your disability

In order to prove your case for disability you need solid and current medical evidence. Large gaps in treatment can be harmful to your case. If you lose your job and your health insurance be sure to apply for Virginia Medicaid which expanded in 2019 to serve many Virginians without insurance. We have a guide on our website entitled: **Do You Have a Disability and Need Healthcare?** that will provide other healthcare resources.

It's also important to maintain healthcare with specialists that treat your disabling conditions. Social security does not consider your primary care doctor (or PCP) to have enough expertise to treat a more serious, perhaps chronic disorder. Be sure to ask your PCP for referrals to a heart doctor, a psychiatrist, a neurologist or whoever specializes in your condition.

Also, once you have proper treatment, be sure to avoid cancelling appts, and follow the treatment plan.

And, be sure to claim all the conditions that impact you and result in your inability to work not just the main one. And, likewise provide the contact information for all of the treatment providers and medications and side effects for each condition.

Our social security resource page has many guides that will help you manage your disability claim. You can find this page at: www.dlcv.org/socialsecurity

TIP # 4 is to Educate Your Doctors and Social Security about your symptoms and limitations and how they impact work.

Your medical records need to support the conditions you claim are disabling.

To educate your doctors and improve you records create a list of your symptoms, their frequency and severity and how they limit you across a typical day.

Update your list from time to time and share it at each doctor's appt so they better understand and document how your impairments affect you.

For example, symptoms can include things like pain, dizziness, shortness of breath, weakness, fatigue and insomnia, irritability, depression, anxiety, difficulty with focus, sustained concentration and memory.

Limitations are things like, can't complete forms, can't complete simple tasks, can't get along with people, or can't bathe alone, need help cooking and cleaning, can't sit or stand or walk for long periods, or lift beyond 5 pounds.

The more you detail the limitation the better: for example: headache pain occurs 1 day a week and lasts 6-10 hours requiring me to rest in a dark room. The pain is 6-8 on a scale of 10 and medications provide limited relief. When working I had to call out sick 4 days a month and I am unable to help at home when they occur.

If you do this for each symptom your doctors and Social Security will begin to get the idea that you couldn't work an 8-hour day, week after week.

You could also create a simple list of the jobs you've had and lost due to your disability and what caused you to lose the job.

Once you apply, you will receive a form called Function Report-Adult. This form is your chance to tell it like it is! If you have already told your doctors and they recorded this information than you are creating a very credible case for disability.

TIP # 5 Understand the process and hang in!!

Bottom line is, obtaining a social security benefit can take time.

When you apply, it can take up to 120 days for a decision.

Most people are denied especially those with weak or contradictory medical records.

If SSA denies your claim have a right to appeal within 60 days. This means you disagree with the decision and want SSA to consider more information. This appeal is called a Request for Reconsideration and it will take another 60-120 days for a decision.

If this appeal is denied you can and should appeal again within 60 days. This appeal is called a Request for Hearing by an Administrative Law Judge. This will involve a face-to-face hearing with a judge who only considers disability cases and it can take a year or more for this hearing to be scheduled.

With each appeal you can add more documentation to prove your case.

If you require a hearing be sure to obtain LOCAL representation from someone who specializes in Social Security and even your specific condition.

To learn more about the application and appeal process you can find our TIPS When Applying and TIPS for Appealing guides on our social security resource page at www.dlc.v.org/socialsecurity.