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Your Social Security Disability Law Firm

Should I Agree to a Video Hearing?

By Sharon A. Christie, Esq.

If your claim for Social Security disability benefits is denied and you appeal, you will be entitled to a hearing before an administrative law judge. You may receive a brochure from the Social Security Administration (“SSA”) encouraging you to accept a video hearing. The brochure assures you that, “Except for the equipment, a video hearing is no different than a hearing at which you appear in person.” It probably also explains all sorts of advantages of having a video hearing, namely the fact that your hearing can be scheduled sooner. You may be tempted to agree to a video hearing but this may not be in your best interest.

No one who is involved in disability hearings actually likes video hearings. Not the Administrative Law Judges (ALJs), not the experts, not the attorneys and, least of all, the claimants. Claimants, such as you, have been waiting to tell their story to a judge in person. The video equipment fundamentally changes the nature of the interaction between the claimant and the ALJ. If you appear via video, the judge only gets to see a two dimensional image of you and not an actual live person. That means that it may be harder for the judge to get a sense of who you are and, also, you cannot get the same satisfaction of telling your story when it’s a video hearing. However, the advantage of a video hearing is that it may be scheduled sooner than it will be if you wait for an “in person” hearing.

Remember that you have the ability to veto appearing by video. According to the Social Security Regulations, you can object to appearing by video, but if you do so your ALJ can find that to be good cause for changing the time or place of the hearing. Therefore, the ALJ will probably reschedule the hearing for a time and place where you can appear in person. Interestingly, this does not apply to the appearances of experts. If you do not want an expert to appear by video you cannot make the same objection. In fact, Social Security Regulations do not explain what constitutes good cause for requiring an expert witness to appear in person rather than by video. ALJs will rarely grant requests for experts to appear in person.

For more information about Social Security disability claims and to order a FREE copy of my book, Unofficial Guide to Social Security Disability Claims, visit my website:
www.SharonChristieLaw.com