



Applying for Social Security Disability Benefits:
The Long & Winding Road

The Social Security Administration (SSA) administers 2 types of disability programs. Social Security Disability (SSDI) is for people who have worked, and paid Social Security taxes, for a period of years before becoming disabled. Supplemental Security Income (SSI) is for people who haven't worked enough to qualify for SSDI. Those who apply for SSI must also meet certain income and asset requirements. For either program, aside from the employment and financial requirements, the medical portion of the application process is the same.

The first step is to apply, either in person, over the phone or online. We do applications for our clients in my office and we do it online. I think this is the best option. You are in control of how you describe your problems to SSA. You will need a significant amount of information to complete the application, including your work history for the 15 years prior to becoming unable to work; names, addresses and phone numbers for all of the doctors you've seen for your disabling condition; names, addresses and phone numbers for all of the hospitals where you have been treated for your disabling condition; names of any medications you're taking; and Social Security numbers for your spouse and minor children, if applicable.

Once your application is filed, it is sent to another office called Disability Determination Services (DDS). At DDS the case is assigned to a disability examiner, who will review your application and gather all of the remaining information necessary for a determination on your case. Sometimes you'll be required to submit to a medical examination, paid for by SSA, to assess your current health situation. Once your case has been processed, you'll receive a notice in the mail stating whether or not your claim has been approved. In about 70% of cases, the claim is denied at this stage.

The next step is to file a request for reconsideration. This request must be filed within 60 days of the denial. You must also submit an Appeal Report outlining any changes in your condition since the initial application. A reconsideration involves another review of the records initially submitted as well as any additional records that Social Security has obtained or your lawyer has submitted. Frequently the claim for benefits is denied again.

After the reconsideration stage, you can request a hearing before an administrative law judge. You must file your request for this hearing within 60 days of receiving the denial of your claim. The wait for a hearing takes an average of eighteen months. The hearing before an administrative law judge is a courtroom proceeding. You will testify. There may be experts present to testify. Your attorney will argue to the judge what evidence supports your claim for disability benefits.

If you are turned down by the administrative law judge, you can appeal to the Appeals Council. If that appeal fails, you have the option to file a lawsuit in federal court.

As you can see, this is a long and arduous process. Don't go it alone. Improve your chances of winning by hiring an experienced disability attorney.