

13 Steps for a Successful Social Security Disability Benefits Claim



By Greg Reed

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Disability Attorney and Founding Partner of Bemis, Roach & Reed



If you are injured or have a medical condition that has prevented you from working, you may be wondering if you should apply for Social Security Disability benefits. Both SSDI and SSI claims can take a long time to process. *It is not unusual for the Social Security Administration to take more than 90 – 120 days to reach a determination.* During that long waiting period applicants can experience a great deal of financial stress, *so if you have a disability, you should apply as soon as you are eligible.*

The Social Security Administration programs for SSDI and SSI are for “disability.” *SSDI is available for people with significant work history. SSI is for individuals with little to no work history.* SSI also has income and resource qualifiers. It is generally suited to low income individuals. *To qualify for either, you must prove that you have a “medically determinable physical or mental impairment(s)” that prevents you from working and that your illness or injury will last for at least 12 months or result in death.* Though the filing process can be long, there are several steps you can take to make sure your claim is processed as quickly as possible and that you will be approved for disability benefits.



1. File your claim as soon as you are disabled to establish a date of onset.

Once you are no longer able to work because of your disability there is no reason to wait. Filing a claim will establish a “date of onset,” the date you allege on your application that you became disabled. *The date of onset, or AOD, will determine how much backpay you are due once you are approved.* The onset date can also affect whether or not your claim is approved because you must be disabled, or expected to be disabled, for 12 months to qualify for disability benefits. The date of onset marks the beginning of this 12-month durational requirement.

2. Complete all claim forms correctly and fill in all required details to the best of your knowledge.

These forms are extensive and you will need to provide a lot of information in addition to your basic contact information, but *the more information you include on your initial application, the better your chances of being approved*. Do not leave anything out or Social Security may issue a quick denial. If you are unable to complete the form because of your disability, for example, if you are vision impaired, or you find the forms confusing or overwhelming, ask a trusted friend or family member to help you. You can complete a Social Security Disability claim form online (see: <https://www.ssa.gov/benefits/disability/apply.html>) or call Social Security toll free at 1-800-772-1213.

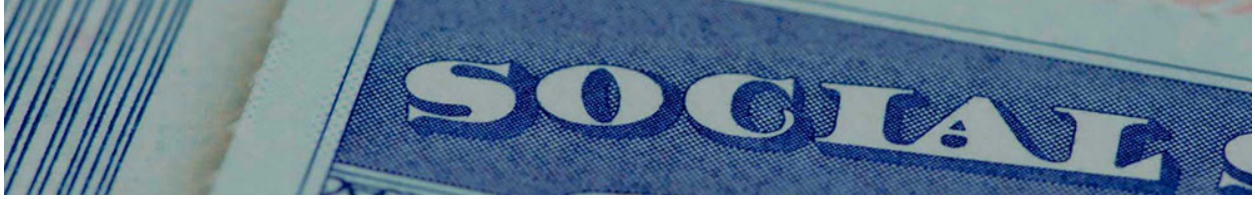


3. Watch for filing deadlines.

After you submit your application and Social Security has reviewed your case, the agency will send you a letter either granting or denying disability benefits. *It is not unusual to receiving a denial letter after your initial application; approximately 70% of applicants are denied disability benefits on initial application*. But you will have the opportunity to appeal the decision. There are four levels of appeal: request for reconsideration, hearing before an administrative law judge, Appeals Council review, and federal court review. At each stage of the appeals process you will be given dates where you can appeal Social Security's decision. *It is of the utmost importance that you pay attention to these deadlines and not ignore them or forget them, or you will lose your opportunity to appeal your case and your chance to receive Social Security Disability benefits*.

4. List all sources of medical treatment in your application.

Include names, addresses and phone numbers of your primary care doctor, specialists, and other healthcare providers like physical therapists and acupuncturists.



5. Submit copies of medical records with your application.

Social Security will request records from your medical providers, but *you can streamline the application process if you provide as much medical evidence as possible when filing your claim.* It is also helpful to alert your doctor and medical providers that you are applying for disability benefits and ask them to cooperate with any requests for information from Social Security. It is always a good idea to keep a copy of the records you submit.

6. Keep up with your case.

Once you have filed your application, it's a good idea to call Social Security to check on the status of your claim. *Make sure that Social Security has all the documentation it needs and ask if you can provide any other information.* Check your email and text messages frequently to make sure you can respond to messages and requests from Social Security in a timely manner.



7. Cooperate with Social Security.

Your medical records may be the most important part of your claim, but Social Security may need more information about your condition because your doctor's records are incomplete or because you have no regular medical provider. *Social Security may request that you attend a consultative physical or mental examination.* Social Security pays for the exam and sets it up. It then notifies you of the exam date and time and expects you will attend. *If you do not attend, your claim will likely be denied.*

8. Make sure Social Security has your current contact information.

If Social Security is unable to contact you, you may miss deadlines and important communications about your case and risk losing your disability benefits. *If you move, contact Social Security with your new address and be sure to provide Social Security with all phone numbers and email addresses where you may be reached.* Having access to email and texts can make this easier, but not all applicants have updated technology. If you do not own a computer or cell phone, a family member, friend or personal representative may be able to offer assistance. If you are experiencing homelessness, you should let Social Security you are homeless during the application process and provide contact information for a personal representative. *Remember, no matter what your personal circumstances are you can always call Social Security with updated information and changes in your circumstance.*



9. Enlist the support of your doctor and medical providers.

Your doctor and healthcare providers are important allies in winning approval of your case. *Ask your healthcare team to provide statements describing your limitations and how they affect your work and personal life;* for example, how long you are able to sit or stand, if you are capable of lifting objects and what weight, or if you need frequent rest breaks. This includes statements from homecare assistants regarding your daily routine and if you need help with daily personal care. If your doctor is unable or unwilling to assist you, find another medical provider who can assist you.

10. Follow all treatment plans.

Make sure you see your doctor regularly and provide records of doctor visits and other medical appointments. It's also a good idea to document your daily routine and the tasks you perform as part of a treatment plan, such as exercises you do or a special diet you adhere to. Include any medications you take and their side effects. *It is important to demonstrate that even while you are following recommended medical advice, your limitations still prevent you from working.*



11. Keep a diary of your medical condition and symptoms and how they impact your employment and personal life.

For example, if you have epilepsy, keep track of when seizures occur and how long they lasted. Document good days and bad days. Record any side effects of medications, such as drowsiness that prevents you from driving or operating machinery. Include tasks you have trouble with, such as dressing, cooking or shopping. *A diary is valuable evidence of how a medical condition limits your daily life and shows how a disease is progressing.*

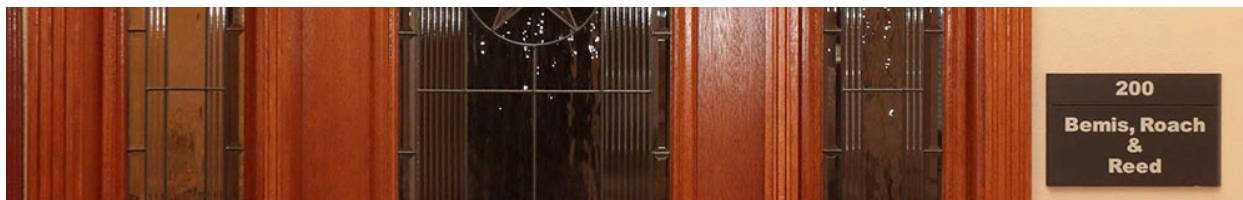
12. Provide a complete history of your employment.

This should include not only the names, addresses, and phone numbers of your current and previous employers, but attendance records and performance evaluations. Ask your employer, work associates, family and friends to provide statements describing how your disability has impacted your daily life activities.



13. Consult a qualified Social Security Disability attorney.

This may be the most important step you take toward approval of your claim. *An attorney who has experience in handling Social Security Disability cases can help you evaluate your case, gather medical evidence and file your claim.* An attorney can act as your representative, keeping track of deadlines and communications with the Social Security Administration. If your claim has been denied, they can appeal your case and appear at a hearing before the administrative law judge. *According to one survey, 60% of claimants who hired an attorney at some point in filing process were ultimately approved for benefits.*



The attorneys at Bemis, Roach & Reed have thorough knowledge of Social Security procedures and handled thousands of SSDI claims successfully for over 25 years. The staff at Bemis, Roach & Reed can contact employers, healthcare providers, and gather medical evidence. If you have an illness or injury and are unable to work, you may be eligible for Social Security Disability Income. Bemis, Roach & Reed is fully prepared to review your case and handle your claim, so do not hesitate to call us at 512-454-4000 or email us at contact@brrlaw.com.



Author: Attorney Greg Reed has been practicing law for 29 years. He is Superlawyers rated by Thomson Reuters and is Top AV Preeminent® and Client Champion Gold rated by Martindale Hubbell. Through his extensive litigation Mr. Reed obtained board certification from the Texas Board of Legal Specialization. Greg is admitted to practice in the United States District Court - all Texas Districts and the United States Court of Appeals-Fifth Circuit. Mr. Reed is a member of the Travis County Bar Association, Texas Trial Lawyers Association, past Director of the Capital Area Trial Lawyers Association, and an Associate member of the American Board of Trial Advocates. Mr. Reed and all the members of Bemis, Roach & Reed have been active participants in the Travis County Lawyer referral service.



The Disability Law Firm of Texas

Call 512-454-4000 for a Free Consultation Today

contact@brrlaw.com www.brrlaw.com