

From Application to Award: The Social Security Disability Procedure at a Glance

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The Application

You can complete your initial Social Security Disability application either on your own or with an attorney. If you have an experienced attorney, he or she will help you avoid making mistakes when you complete your application. Some attorneys will file your application for you, but you should look for an attorney who can file your application electronically, since this allows the Social Security Administration to begin processing it the same day and cuts down on much of the processing delays.

After the Social Security Administration receives your application, it usually takes them five to six months to make their initial determination.



The Hearing

If your initial application is rejected (about 65% of all initial claims are), you must appeal your case and request a hearing before an Administrative Law Judge. At the hearing you will be given the opportunity to present evidence and cross-examine medical and vocational witnesses.

This is your best chance at having your claim approved. Nationwide, approximately 55% of the people who apply for hearings are approved, although these statistics are dramatically higher for those who are represented by an attorney.



The Approval

After approval of a case at any level, the Social Security Administration will calculate your retroactive benefits and any auxiliary benefits for your spouse or minor children. Retroactive payment is usually made 30-60 days after the favorable decision, and you should receive an explanatory letter (referred to as an Award Certificate or Award Notice) within two weeks after the payment is made. Unfortunately, Award Notices often contain mistakes. One of the most important things a good attorney does for you is to thoroughly review your Award Notice in order to insure that the benefits you have received and will receive are accurate.



The Appeal

If you are denied at the hearing stage, an appeal can be made to the Appeals Council of the Social Security Administration within 60 days of the date the judgment is received.

The Appeals Council can overturn the Judge and award benefits, restore the matter for another hearing, or uphold the Judge's decision. If the Appeals Council upholds the Judge's decision and your benefits continue to be denied, the next level of appeal is to the Federal District Court. This Court cannot accept any new evidence; therefore, many attorneys will appeal cases to the Federal District Court only if they feel there is merit to the appeal and they are able to identify an error of law in the decision.



Continuing Disability Reviews

Whether or not you return to work, Social Security has a right to review your case on a regular basis, usually every three years. These "Continuing Disability Reviews," are not usually a cause for concern if you are still under active medical treatment. Nonetheless, you should always contact your attorney immediately if you receive notice that your entitlement to benefits is being reviewed.

Provided as an educational service by Insler & Hermann, LLP. If you have any questions about a Social Security Disability claim, or if you are planning to file a claim and want to avoid making any mistakes, you are invited to call or email us. We will be glad to speak with you without cost or obligation.

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Insler & Hermann, LLP: dedicated to pursuing your claims quickly and vigorously, while providing you with the best in personalized, caring attention.