

Social Security Disability Tip of the Month



Perils & Benefits of Video Teleconference Hearings

Background

In order to reduce case back Social Security's disability hearing offices, have increased **disability appeal hearings via video teleconference (VTC)**.

Disability claimants have an **absolute right** to an in-person hearing, even if they've already been scheduled for a VTC hearing or their case is at the National Hearing Center.

If your attorney believes your case file contains overwhelming evidence of disability, or if you have a well-supported opinion from your treating physician stating that you have severe work-related limitations, you may prefer the convenience of a video hearing. Otherwise, consider an in-person hearing.

If you have had a VTC hearing scheduled, contact an experienced disability attorney for advice on your case.

Remember - If you are already represented consult your attorney BEFORE returning your form.

How a video teleconference VTC works

The disability claimant **and** his or her representative will be asked to appear at a specified location, often a Social Security field office located near the claimant, and the Administrative Law Judge (ALJ) will attend remotely by video.

For Social Security video hearings offer increased efficiency and lower travel expenses for ALJs. For claimants, video hearings are usually scheduled more quickly than in-person hearings and could be more conveniently located.

Benefits of an in-person hearing

Credibility is an important factor when in deciding a disability claimant. **It is easier for an ALJ to assess your credibility in-person rather than through a video screen which is an important factor in deciding a disability claim.** For example, the cameras used in video hearings make it difficult for the judge to evaluate mental impairments or physical issues that don't appear on x-rays or MRIs, such as fibromyalgia or chronic fatigue syndrome. The ALJ may fail to see that the claimant walked with a limp while entering the hearing room, that he appeared to be in pain while seated during the hearing, or that he exhibited some other issues.

Perils of a Video Teleconference Hearing (VTC)

VTC hearings have many technical difficulties and could prevent you from having a fair hearing and request that the judge reschedule you for an in-person hearing.

Refusing a video hearing may delay a hearing on your case. The additional wait for a face-to-face hearing could be anywhere from a few weeks to three or four months. If you're going to object to a video hearing, do so at the earliest available opportunity and the hearing notice will contain instructions for how to request an in-person hearing.

If you have had a VTC hearing scheduled, you may want to contact an experienced disability attorney for advice on your case.

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