

## Filing for Social Security Disability on Your Own

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If you are considering filing for Social Security Disability, you will often be told to hire an attorney or non-attorney advocate. There is no doubt that this is the best advice; however, in many cases, it is easier said than done. Most attorneys and advocates resist accepting clients at the initial application stage.

Part of the reason is how the advocates are paid. Social Security requires that an advocate who helps someone apply for benefits can be paid only on a contingency basis, i.e., a fee can only be paid when the claimant is awarded benefits. Further, Social Security limits such payments to 25% of any retrospective payment from Social Security to a maximum fee of \$6,000.

Remember, though, Social Security does not pay any benefits at all during the first five calendar months of disability, so if you file immediately upon leaving work, it is very possible you will be approved for benefits before you are actually eligible to receive benefits so there is either no or very little retrospective benefit for an advocate to receive 25% of.

Because of this, many advocates, especially, attorneys will not accept clients until they have been denied at least once or twice. The retrospective payments in such appealed cases will be much more substantial, increasing the advocate's fee.

Add to that the fact that 60% of initial applications are turned down and over 80% of the first level of appeals, Reconsideration, are also denied. Yet, most claims that go before an Administrative Law Judge, the third level of appeal, are approved. No wonder many attorneys only do the Administrative Law Judge appeals. Their chances for approval are greater and the retrospective payment is high enough so the advocate's fee is usually the maximum of \$6,000.

The drawback for you, the claimant, is that it is not unusual for a disability claim to take two years to reach an Administrative Law Judge.

If you cannot find an advocate who will take your initial claim, you may want to go ahead and file for disability on your own. But rather than plan for a two-year wait to start your stream of disability income, you can apply in a manner that will substantially increase your chances of being in that 40% of claimants who are approved initially.

### **Before Applying**

Know your disability and exactly what symptoms you have that keep you from working full-time in any type of job. Look up your condition in the Blue Book Listing of Impairments at <http://www.ssa.gov/disability/professionals/bluebook/> to



see if your condition meets any of the listings. If so, approval will be easier. You may want to discuss these with your doctor to make sure the record shows that you do meet a listing. You should also make sure all available objective testing is also included.

You may want to collect copies of all your medical records; this will definitely speed up the claims process. However, if you do, do NOT turn them in to your local Social Security office. Your medical records are not reviewed there but are examined by an Analyst at a state agency, typically called Disability Determination Services (DDS), and medical records often get lost in the transition. Once your claim is transferred there, you can contact your Analyst directly who can provide you with what you need to send the records directly.

If you do not submit medical records, you will want to work with your Analyst to make sure the doctors send in their records promptly when requested.

### **Filing for Disability**

I do recommend that you file online. It is easy, convenient, and you can save your work and complete the process over several days, so there is no pressure from sitting for a personal interview and having to do it all at once.

To apply online for disability, you need to complete two forms, the Adult Disability Report and the Disability Benefits Application. These online forms can be found at <http://ssa.gov/applyfordisability/>.

If you want to collect the information you will need for those documents in advance, you can print out the Adult Disability Report at <http://www.ssa.gov/online/forms.html> under the heading Disability Forms. Look for Form SSA-3368. This form covers your medical, educational, and work history. You can fill it out for easy entry online when you are ready.

The Disability Benefits Application will be asking for information about your military services, marriages, divorces, dependent children and parents, self-employment, recent employment, other government sponsored disability programs, and date and place of birth. They also ask your bank routing and account numbers so money can be deposited directly into your account.

The instructions for filing online are quite easy to follow. Each form will give you a code number so you can return to the applications at a later time. Be sure to write those numbers down or print out that page, as you will have to start all over if you lose those codes.

Feel free to estimate about dates such as when you first or last saw a doctor, or when you started or changed jobs. Remember, this is Social Security. They know exactly where you worked and when. Also, they are getting the medical records so they will get exact dates from them.

Once you submit your applications online, they will be sent to the Social Security office nearest your residence ZIP code. At the same time you will be asked to print out and submit an Authorization to Disclose Information to Social Security, a medical release. This document should be sent or delivered to the Social Security office. The address will be shown on the receipts you print out when submitting the applications. I recommend you wait two to three working days before contacting that office to make sure your applications have been received and assigned to a Representative.

If possible, I recommend that you deliver the document personally. By doing so, you can get the name and direct phone number of the Representative at Social Security handling your claim; you can also get a receipt for the documents you are submitting. Occasionally, based on the information in your applications, you will be asked to supply additional documents, confirmation of State Disability Benefits, for example.

If delivering the form is not convenient, I strongly recommend that you call the local Social Security office and get the name of your Representative so that you can send it directly to him or her. Social Security does remarkable work given the volume of business they have, but things do get lost. Having a copy of everything you submit will help keep your claim on track.

Social Security will then transmit your file to the state office of Disability Determination where it is assigned to an Analyst. Depending on the workload of the DDS office handling your claim, this assignment can take two weeks or more.

Once assigned, your Analyst will typically send you some questionnaires to be completed. The cover letter of these questionnaires will give you the name and direct phone number of the Analyst. It will also give you a DDS Case Number, which you should make a note of. Many DDS offices use this DDS Case Number as well as the Social Security Number when identifying your claim.

Once you know the name of your Analyst, you should call him or her. If you have medical records he or she will send you cover sheets and envelopes to submit them. If you don't have medical records, DDS will send requests for records to your doctors.

Because the Analysts are extremely busy, you can help speed up your claim by finding out when and to whom the requests for records were sent and follow up with each doctor to make sure they get the requests and send out the records.

When working with the Analyst, please keep their workload in mind. Many times you will only communicate with them through voice mail. Be patient with unreturned phone messages, and never, never argue with the Analyst. You

should communicate to them with the goal of helping them do their job, not arguing for an approval.

Once the Analyst has reviewed your file, he or she will make a recommendation, which will be reviewed by an in-house physician—another area where claims often get delayed—where the decision is made or more information is requested.

**Final note:** Analysts are not allowed to discuss the decision by phone. All they can do is say that the claim has been returned to Social Security or is still being reviewed.

**Helpful Hint:** Denials tend to be mailed from the state DDS office and, occasionally from Baltimore, Md. in a #10 business size envelope. Approvals, on the other hand, arrive in a 5 ½ X 8 ½ envelope, usually from the local Social Security office.