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hepatitis C BASICS

Getting Benefits Under Social Security with HCV (Hepatitis C)

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Social Security offers several types of monthly benefits for a disabled person. These include Social Security Disability Insurance (SSDI), Supplemental Security Income (SSI) as well as disability benefits for disabled widows, children, and adults disabled since childhood.

Healthy children under 18 and certain spouses and survivors may be eligible for benefits if their spouse or parent is collecting SSDI or retirement benefits.

Each program has different requirements, but they are all the same when it comes to what total disability means and whether someone is "disabled enough" to get disability benefits.

To receive Social Security benefits, a person must:

- Due to a medical condition he/she is unable to perform the tasks of a job for which he/she is suited, AND
- That condition either has or will last for at least twelve months or is expected to result in death.

- Over 50% of the initial applications for disability benefits are denied initially. This is not because it is hard to be considered disabled. It is often because the person applying for benefits did not understand the process and did not give Social Security all the information needed.

- People with HCV seem to have more problems when it comes to getting Social Security benefits:

- To Social Security, HCV is a relatively new disabling condition. They do not have a good system to look at applications from people with HCV.

- The symptoms of HCV can be really bad sometimes and not so bad other times. So just having HCV doesn't mean you are disabled.

- Many of the most common symptoms of HCV are "subjective." This means that they can't be easily measured in a laboratory test. They have to be described by the person with HCV. Some examples include feeling tired, headaches, forgetfulness (memory loss) and feeling sad (depression). There is no way to prove that someone has these symptoms. Medical records alone often don't tell if these symptoms keep someone from working.

- A person usually has HCV for some time before they need to stop working. Work starts to become more and more difficult. Finding the energy to work takes more and more time. Some people reach the point where the only thing they can do is work. They spend the rest of their time in bed trying to get enough strength to return to work.

There are two things you can do to help your chances of being approved for Social Security benefits the first time you apply. They are especially important if you think you will apply in the next few months. They are:

1. Learn how Social Security handles an application for disability.
2. Gather and review the “medical evidence” which they will use to tell if you are disabled by their definition.

Learn How Social Security Handles an Application (Claim for Disability)

Social Security has put a lot of information about the disability process on their website at www.ssa.gov.

For example, there are five questions that a Disability Analyst tries to answer when looking at a disability:

1. Are you working?
2. Is there a medical problem that changes your ability to do any work at all?
3. Is your medical condition found in the Listing of Impairments? (More on that below)
4. Can you do the work you did previously?
5. Can you do any other type of work?

To be eligible for benefits, the answers must be as follows:

1. Are you working?
Answer: “No”
2. Is there a medical problem that changes your ability to do any work at all?
Answer: “Yes”
3. Is your medical condition found in the Listing of

Impairments?

Answer: “Yes”, or, if “No,” both # 4 and #5 must be “No”

4. Can you do the work you did previously?

Answer: “No”

5. Can you do any other type of work?

Answer: “No”

To help the process and to make sure everything is the same all across the country, Social Security publishes a book called Disability Evaluation Under Social Security, or “The Blue Book.” This book includes a Listing of Impairments. If your medical condition is listed in that Listing of Impairments then your claim can be more easily approved.

The Listing, unfortunately, does not directly talk about hepatitis C. There is a listing for Chronic Liver Disease that includes chronic active hepatitis. The symptoms of chronic active hepatitis can be very different, though. So, the book includes some guidelines on how bad the condition must be:

5.05 Chronic liver disease (e.g., portal, postnecrotic, or biliary cirrhosis; chronic active hepatitis; Wilson’s disease) with:

A. Esophageal varices with a documented history of massive

bleeding (hemorrhage) caused by these varices. Esophageal varices are enlarged veins in the throat area that increase your chances of bleeding. They can be found by endoscopy or other appropriate medically acceptable imaging. A person is considered to be disabled for 3 years following the last massive bleeding (hemorrhage); afterwards, that person should be checked for any continuing problems; or

B. Performance of a shunt operation (a surgery to help blood move through the veins) for esophageal varices. A person is considered to be disabled for 3 years following surgery; afterwards, that person should be checked for any continuing problems; or

C. Serum bilirubin (a blood test that looks at how the liver is working) of 2.5 mg/dL or greater that continues on repeated examinations for at least 5 months; or

D. Ascites (fluid in the stomach or abdomen), which is not related to other causes and which happens on a regular basis or continues for at least 5 months. Ascites can be detected by a procedure called an “abdominal paracentesis” (withdrawing fluid from the abdomen) or continuing low

levels of albumin (< 3.0 gm/dL) in the blood; or

E. Hepatic encephalopathy. Hepatic encephalopathy is when chemical imbalances from the liver disease cause the patient to become forgetful, confused and possibly even comatose. This should be determined under the criteria in Disability Evaluation Under Social Security Listing 12.02; or

F. Confirmation of chronic liver disease by liver biopsy (obtained independent of Social Security disability evaluation) and one of the following:

a. Ascites, which is not related to other causes and which happens on a regular basis or continues for at least 3 months, found by “abdominal paracentesis” or related to continuing low levels of albumin (< 3.0 gm/dL) in the blood; or

b. Serum bilirubin of 2.5 mg/dL or greater that continues on repeated examinations for at least 3 months; or

c. Hepatic cell necrosis or inflammation (damage to the liver that is discovered with a biopsy), continuing for at least 3 months and detected by repeated non-normal results of certain blood tests, including a prothrombin time and enzymes indicative of hepatic dysfunction.

From Section 5.05 in Disability Evaluation Under Social Security (“The Blue Book”). (see <http://www.ssa.gov/disability/professionals/bluebook/AdultListings.htm>)

If your medical condition meets one of these guidelines, your claim should be approved. However, it will help if your physician writes a letter to Social Security about your HCV. Your physician should use the terms and words as shown in the Listing.

You still have a chance even if your condition does not meet any of these guidelines. It is still possible to have your claim approved if your symptoms are as bad as one of the listings. Your claim will also be approved if your symptoms clearly show that the answers to questions 4 & 5 are both “no”.

Usually, however, you will need more medical evidence to get the claim accepted. You should make sure you send all the medical evidence that you can with the application.

Gather and Review Your Medical Evidence

Medical evidence is what Social Security will use to tell if you are disabled by their definition. Your doctor's records are an important part of this. But you should know that Social Security wants to know your symptoms and how they affect your ability to do your job. Medical records are important, but they may not provide enough information on symptoms and the affects of HCV.

Start by making a list of all your symptoms. Then, review your medical records to make sure all of your symptoms are listed. You have probably forgotten some symptoms if you have been dealing with your HCV for a while. Leave this list out where you can see it, like on the kitchen counter or dining room table, for a few days. Then add any symptoms you remember.

Also, Social Security looks at symptoms that are related to HCV and symptoms related to other conditions you may have. Side effects of medications are also considered symptoms and should be included. It is important to make sure that Social Security knows all the symptoms you have. They also should know how HCV affects your ability to function.

The most important evidence used by Social Security are the records of your doctor and nurses. They may include more than the records of your primary care doctor and specialist. They may also include the records of your therapist, chiropractor, acupuncturist and other medical practitioners. These kinds of experts aren't as important to Social Security as "regular" doctors, but they can help your claim by backing up your symptoms and your efforts to make them better.

Social Security will look at how your symptoms keep you from working. Make sure your doctors enter your symptoms into the record with each visit. This is a good idea even if they have entered the same information before.

You should take copies of your medical records with you when you go to your first interview with Social Security. This will help speed up your claim process.

Your medical records are the main evidence Social Security uses when looking at your claim. But there are other documents

and records that can help your claim as well. These include:

- **Questionnaires** – After you apply for benefits, the Disability Analyst will send you questionnaires to get more information. They may be about pain, fatigue (tiredness), your daily activities, or other conditions or symptoms. These surveys give you a chance to change the information in your medical records to actual descriptions of the problems HCV has caused for you at work and in your daily routine. Take your time, add extra sheets of paper, label them well, and fully describe in detail exactly how your symptoms affect your life.
- **Letters from Doctors** – Ask each of your doctors to write a complete summary of your condition. They should say how your symptoms are tied to your medical condition and test results. A good letter should be several pages long, not just a couple of paragraphs.
- **Third Party Examples** – These are letters from friends, family, or co-workers that tell how they can see your problems trying to function. These should be stories and descriptions of what they have seen on a daily basis. One of the best is a copy of a "write-up" by your supervisor on how your performance at work has

gotten worse. This can usually be found in your personnel file. Not everyone will have one of these as many people work that much harder to make sure their performance doesn't get worse. Letters from a spouse, housemate or co-worker are good also. They should be sure to talk about how your activities and abilities have changed due to your condition. These types of stories alone won't get your claim approved. But they do help give a good picture of how your medical condition affects your activities.

- **Symptom Diary** – This can be very helpful when your symptoms are mostly subjective (not able to be measured). This is not fun to do, but it can help you know how much the symptoms

affect your activities. A symptom diary is simply a daily log. You enter the symptoms you experienced during the day, how bad they were (including how long they lasted), and how they affected your daily activities such as requiring you to rest, cancel planned appointments, etc.

This seems like a lot of work just to get benefits that you deserve, but remember, Social Security is so big that they can't be bothered with "what's fair or what you deserve." You need to know their rules and "play the game." Making this effort with the application from the beginning can help make the process as quick and easy as possible. This will save you time, money, and lots of stress.

Jacques Chambers, CLU, and his company, Chambers Benefits Consulting, have over 35 years of experience in health, life and disability insurance and Social Security disability benefits. For the past twelve years, he has been assisting people with their rights, problems, and other issues concerning benefits and disability. He can be reached at jacques@helpwithbenefits.com or through his website at: <http://www.helpwithbenefits.com>

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