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# S O C I A L SECURITY FOR YOUR LIFE

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How to **Avoid** 8 Common **Mistakes** When  
Filing Your Claim



**Joel H. Schwartz**

# **SOCIAL SECURITY FOR YOUR LIFE**

## **How to Avoid 8 Common Mistakes When Filing Your Claim**

**By Joel H. Schwartz  
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617-742-1170

**PLEASE NOTE:**

I am not allowed to give legal advice in this report.

*Even though I may know many of the arguments Social Security may make in your claim, I am not allowed to give legal advice in this report. I can offer suggestions and identify certain pitfalls and traps, but please DO NOT take anything in this report to be legal advice unless you have agreed to hire me, and I have agreed, in writing, to accept your case. I cannot and do not want to interfere with any legal relationship you may have now. If you are already represented by a lawyer, this report may raise certain questions for you. Please discuss these questions with your lawyer.*

## A Note From Joel H. Schwartz

Dear Friend,

First, I want to thank and congratulate you for taking the time and initiative to read this short, easy-to-read report.

**By just taking that one step...** and arming yourself with all the information you need... you've already taken a huge leap towards getting the benefits you, and your family, deserve.

I can tell you from experience that most people who say they are confused and overwhelmed by their Social Security Disability claim, and are desperate for help and direction, never do anything about it.

And they, and their families, suffer because of it.

**Just a few of the consequences include:**

- Not being able to provide for their families
- Mounting medical bills that are out of reach for the average worker
- Constant calls from bill collectors, and destruction of their credit rating
- Ongoing medical problems and no way to cover the expenses
- A lifetime of pain from injuries and disabilities that are not properly treated... or not treated at all
- Jeopardizing their rights to future benefits

That's an appalling amount of pain and suffering, along with a lot of time and money wasted. And what most people don't understand is they could have saved all that trouble and expense if they just had all the facts—and knew what questions to ask—before filing their Social Security Disability claim.

If your doctor has told you that you can no longer work—or if you've learned that with your medical impairments you simply cannot sustain work—and are now facing mounting bills without any idea when, or even IF you can ever work again... I want you to know you are not alone.

Call Joel H. Schwartz, P.C. for help at [617-742-1170](tel:617-742-1170)!

According to the Social Security Administration (SSA), the average 20-year-old worker has a whopping 30% chance of becoming disabled before he or she reaches retirement age ... and that percentage only climbs higher as we age!

That's a shocking number of Social Security Disability claims filed ... numbering in the millions.

**DID YOU KNOW:** Nearly Three-Fourths of all Claims are Rejected the First Time?

But the thing that truly shocks people is when they hear the number of Social Security Disability claims that are rejected every year...

The SSA's own records show that over the last 10 years, an incredible 72% of all claims are rejected the first time they are submitted... simply because they weren't filed properly, completed properly, developed properly, or the disabled person didn't know what their rights were.

In fact, oftentimes even deserving claims are denied at the initial level!

It sounds unbelievable that this would happen, but I've seen it myself, firsthand. And it contributes to what I call "*Social Security Disability Disorientation*" the confusion many people suffer from when trying to file for SSDI.

While fighting for Social Security Disability benefits for clients from all over Massachusetts and New England for over 10 years, I've found that a good portion of my time is spent **correcting mistakes my clients have made**... thinking they could do it themselves without an attorney, or thinking they had no choice but to settle for whatever the SSA offered them... before coming to me to get them the benefits they deserve under the law.

And that's why I wrote this report.

I know how incredibly confusing it can be when trying to find all the necessary information you'll need when filing a claim or trying to appeal a denial, then juggling all that information, and having it all make sense... all the while trying to

figure out what is best for your unique situation... and for your family... and at the same time suffering from an injury or disability...

That's why it's more important than ever to know how to properly file a claim, and what to look for in a Social Security Disability lawyer... before your claim gets rejected.

**In this informative, plain-language report, you'll find how to avoid the 8 common mistakes that can lead to a rejection.**

You won't find what I've included in this report on a typical lawyer website, on government information pages, or anywhere else on the Internet.

**This is an honest, professional look at the information available and the rights you have under the law...**

...All taken from over 10 years of protecting clients just like you... and hearing their most often asked questions, concerns and horror stories.

Having a disability that keeps you from working is a very difficult situation to go through, and the decision to hire an attorney is a big one. I trust the information you find in this report will help you make the right decision. And that it will bring you new hope and understanding... and help you finally end your *Social Security Disability Disorientation*... **and get the benefits you deserve.**

Sincerely,

Joel H. Schwartz  
Joel H. Schwartz, P.C.  
617-742-1170

**Call Joel H. Schwartz, P.C. for help at 617-742-1170!**

## The Joel H. Schwartz, P.C. PROMISE to YOU!

When you suddenly find yourself in a situation where you need an attorney, it can be one of the most stressful times in your life. There are so many things you have to worry about... and wondering if the person you just entrusted your case, and your future, has your best interests at heart should never be one of them.

That's why at Joel H. Schwartz, P.C. we promise you, and all of our clients, quality legal services, provided with **attention to your needs**.

We strongly believe that our valued clients are entitled to not only the rights you are guaranteed under the law, but also competent legal representation. We strive to treat you with dignity during what is likely a trying time.

**YOU CAN EXPECT** to talk to your attorney or support staff that day, or within a single business day, of your call.

**YOU CAN EXPECT** to be kept informed. If you need an update on your case's progress, we strive to answer your questions accurately and as quickly as possible.

**YOU CAN EXPECT** competence and professionalism from our legal staff.

**YOU CAN EXPECT** to know the truth about your case. We don't have a crystal ball, and we never guarantee any particular result, but we will give you our best assessment.

**YOU CAN EXPECT** that your legal rights under the law will be explained to you clearly, and without the "legalese" or "legal mumbo jumbo."

**YOU CAN EXPECT** that fee agreements will always be in writing, with the terms clearly explained.

Call Joel H. Schwartz, P.C. for help at [617-742-1170](tel:617-742-1170)!

**YOU CAN EXPECT** to make ALL final decisions in your case. This is YOUR case. We can work it, we can develop it, we can tell you what we think, and we can present options. But in the end, it is your case, and any final decisions are yours.

## **The 8 Most Common Mistakes You Can Make When Claiming Your Social Security Disability Benefits**

It can be a long journey to ensure your Social Security Disability Benefits claim is accepted and you get all your entitled benefits—and this journey begins before you even sit down to fill out your claim form.

Unfortunately, most people have no idea what they need to do to make sure they have all the proper information ready and they fail to take all the necessary steps to get their claim in order no matter what administrative level they are dealing with.

So many claims get rejected every year simply because mistakes were made along the way.

This is why I have compiled this list of the “8 Most Common Mistakes You Can Make When Claiming Your Social Security Disability Benefits.”

Read this list carefully to make sure that you know what these common pitfalls are and that you understand how you can avoid them. (However, even if you do everything right, you may still get denied and find yourself in front of an administrative law judge. There is no way of knowing for certain in advance, but we always work with two concepts: preparation and education.)

If you have any questions or concerns regarding your application and claims forms, always seek the help of an experienced SSDI lawyer.



## Common Mistake 1: Delay Applying for Your Disability Benefits

The Social Security Administration states that in order for you to be considered “disabled” you must be unable to work due to health issues for a year or longer.

Many people make the mistake in thinking they must be out of work for a year before they are eligible to apply for benefits – but this is not correct.

Once you stop working due to health issues and you expect you will be out of work for a year or longer, it is always best to file an initial application immediately.

The process to ensure you receive all your entitled Social Security Disability benefits begins long before you fill out your claim form.

If you are unable to work, you need your benefits as soon as possible.

The disability process could take years to complete, especially if your case is subject to reviews, hearings and appeals. This could result in financial hardship for you and your family.

Applying for your Social Security Disability benefits as soon as you reasonably believe you are disabled is wise to avoid any delay in receiving your disability benefits. Consider also that the “lookback period” or “retroactive effect” of an SSDI claim is one year. **If you wait longer than a year to apply, you may be leaving money on the table.**

## **Common Mistake 2: Failing to Prepare for Your Claim**

Preparation is your best defense when you present your Social Security Disability claim.

Be sure you obtain current medical records, follow your doctor's orders, and take all prescribed medications as directed. File hearing requests and appeals within the specified time frame and attend all medical appointments and court dates.

Your Disability Report is one of the most important parts of your application process. This form provides information about your disability and the Social Security Administration uses this report to determine your personal assessment of disability.

Be prepared with all of the important information you need to file your claim.

## **Common Mistake 3: Not Listing ALL of your Physical and Mental Illnesses on your Application**

For example:

If you hurt your knee in a car accident, then hurt your back years later in a separate accident – don't make the mistake of thinking you can only file for benefits under "one" injury.

Social Security Disability allows you to list multiple injuries to enable you to qualify for disability benefits. In addition, mental health and psychiatric treatment can help you qualify for disability benefits.

That's why it's important to list all of your injuries and disabilities when applying for SSDI benefits.

It's easy to misinterpret what the Social Security Administration is asking from you and many people provide the wrong information on their application and claims forms.

### **Common Mistake 4: Getting an Unconvincing Statement From Your Doctor**

Some claims are initially denied based on the statement from your doctor.

If your doctor believes that you are disabled, but his statement does not meet the criteria required by the Social Security Administration for approval—or even worse, your doctor makes legal determinations as opposed to just providing medical opinion evidence— then it's possible your claim may be denied.

It's important that your doctor determines you are “totally disabled” according to SSA definitions and provides you with the medical records and statement to back up such a claim. Just making statements like “this patient is totally disabled” are helpful, but not really what we look for to maximize your chances of winning.

Lawyers who routinely handle SSDI cases are experienced in dealing with doctors and medical records. They know what to look for in the evidence, ways to phrase things, and can speak with your doctor to make sure that his or her statement is thorough, precise and meets the requirements necessary to help you get your disability benefits.

### **Common Mistake 5: Not Getting the Medical Treatment your Doctor Recommends**

In order for you to qualify for Social Security Disability benefits, you must be unable to do any substantial work due to your medical condition.

According to the Social Security Administration, your medical condition must have lasted, or be expected to last, at least one year, or be expected to result in your death in order to be defined as “totally disabled.”

Again, it is important that your doctor determines you are disabled according to the guidelines given by the SSA. Your doctor will need to provide you with the medical records to back up your claim.

If you don't listen to your doctor's advice and get the medical treatment recommended, you may not qualify for disability benefits. Evaluations of your condition and level of disability may be based on whether or not you have followed procedures and treatments prescribed by your doctor.

You can avoid this mistake by making sure you go to all your doctor appointments and follow all instructions given, such as getting prescribed medical treatments and taking your medications. In fact, please keep a diary of your medical appointments - or, just get a business card from the visit and write the date of the visit on the back.

### Common Mistake 6: Working While Filing for Benefits

The Disability Determination Service (DDS) determines your qualification for disability based upon two major factors:

- Limitations due to your medical impairment
- How these limitations impact your ability to work

It's important that you know your limitations before you attempt to apply for any type of employment.

The Social Security Administration will check to see if you are working. (Remember, this is defined as "engaging in substantial gainful activity" or SGA.)

If you are working, **even if only part time**, it may hurt your chances for approval. It is technically possible to work and apply for disability, and not lose your case just because you are working. However, it is a complex area of the law involving several Regulations and Rulings.

Your own results are going to be very fact dependent- so, get detailed and specific legal advice about this topic. Also please do not confuse this issue with another common area of confusion: *working after* you have been approved for benefits. That is another lengthy topic!

An Administrative Law Judge may determine you are able to continue working in some capacity, even if you are unable to return to your old profession, and therefore deny your application.

### **Common Mistake 7: Filing A New Claim Rather Than Making An Appeal**

Did you know that the majority of initial claims and reconsideration claims are denied by the Disability Determination Services? Up to 70% of new claims for Social Security Disability benefits are rejected.

If your application is denied, this doesn't mean that you do not have a strong case, or that you'll never get benefits.

When you file a new claim with the same information you originally submitted on your initial application, you can sometimes lower your chances of winning the new claim. In fact, this approach of failing to appeal and simply re-filing a new claim can sometimes adversely affect your benefits even if you do win the subsequent claim. In rare cases, a new claim can be barred by an obscure legal doctrine called Res Judicata.

If you receive notice that your application for disability benefits has been denied, it is important you appeal and do so within the time period allotted, which is almost always 60 days (plus a 5 day grace period for mailing, but I highly recommend you do not wait that long).

**IMPORTANT TIP:** Save the envelope the decision came in, in case you need the postmark to show when you received the denial notice.

Failure to make an appeal by the deadline can result in your appeal being rejected (but not always!) and your case ultimately being denied. A new initial claim would then need to be filed.

This mistake forces the application process for your disability to start over from the beginning, **which means wasted time and lost benefits for you.**

The lesson?

Appeal all denials as soon as possible, or contact a lawyer familiar with these appeals as soon as the denial letter arrives.

### Common Mistake 8: Giving Up Too Soon

Applying for Social Security Disability benefits can be a long and daunting process. Unfortunately, many people decide to give up.

It can take months to get an initial decision.

If you are denied, you need to appeal and file a “Reconsideration.” It often takes several months for a Reconsideration decision. The next appeal is a Request for Hearing, and there is a typical wait time for a hearing as well. That wait varies by which hearing office will have jurisdiction, and even then, is something of a moving target.

From start to finish, a case can last anywhere from a few months to a few years. My experience is that most of the cases I see usually take 1-2 years.

All that paperwork required by the Social Security Administration to apply for your disability benefits can be confusing.

It’s easy for you to misinterpret what the SSA is asking from you, but you can avoid errors on your application and claim forms.

Try to be persistent and patient. Whatever you do, **don’t give up.**

## A Final Note From Joel H. Schwartz

Protecting your rights is surprisingly **affordable**...

...getting your benefits and providing for your family is... **priceless!**

Many of my clients tell me that after hiring our firm the results they see cannot be measured in dollars... This simple decision to finally have someone working on your side to protect your rights and fight for your benefits can create a number of significant positive changes.

**The question is**, “What is it worth to get professional help, and make sure you get the benefits you need and deserve?”

Imagine having an advocate at your side who has helped thousands of people, working diligently to protect your rights, making sure you don’t get taken advantage of, taking some of the stress and pressure away... And instead, you can focus on getting better and getting your life back...

**I know you would never “price shop” anything this important.**

However, you’ll be happy to know that hiring a Social Security Disability lawyer is **more affordable than you might think** — and since we work on a 25% contingency fee, that means you only pay if we are able to collect for YOU. (You can call me at my office and I’ll explain all the fees fully.)

Attorney fees are contingent upon winning, and they must be approved by the SSA. My out of pocket case expenses are different and are due in addition to any fee that may have been earned. The good news is that the expenses in these claims are typically very small.

**You’ve been worrying about this for a while...**

Now’s your chance to consult with an experienced Social Security lawyer—and you can do so at **No Charge and No Obligation what-so-ever**. Also, you’ll enjoy complete privacy and confidentiality.

Call Joel H. Schwartz, P.C. for help at [617-742-1170](tel:617-742-1170)!

### **Because I Understand How Important This is to You...**

I just want every person who has ever been sick, injured, or disabled, and felt confused and lost about his or her situation to get the facts first, then decide if hiring a Social Security Disability attorney is right for them... without feeling pressure and financial obligation.

I know what a positive, life-long impact getting your benefits can have on you... Without having to worry about bills and expenses... fighting to get past the “I can barely survive” stage.

Over my 10+ years of handling SSD cases like yours, I’ve seen the financial devastation of being unable to work. But, it’s still a big decision... and yours alone to make.

However - I suggest that you only make these kinds of decisions *after* a consultation with an experienced attorney, one who has a strong focus in Social Security Disability law, SSA claims procedure, and one that has a knowledgeable staff. And, I want to help you by making the decision an easy one.

### **So, what next?**

Make the call, mention this report, and let my experienced and friendly social security disability team answer your questions.

Just call 617-742-1170. (*Make sure you mention this report*).

The expert consultation is FREE. We never charge just to talk with you, and there is absolutely NO FEE OR ANY CHARGE unless we mutually decide to go forward, execute a written contingency fee contract, and get you the benefits you deserve!

My staff and I are dedicated to protecting your rights and getting you benefits — in a comfortable, professional legal setting. Here’s to ending your Social Security Disability red tape and confusion!

**Call Joel H. Schwartz, P.C. for help at 617-742-1170!**



Sincerely,

Joel H. Schwartz  
Joel H. Schwartz, P.C.  
617-742-1170

P.S. - Please remember to tell my staff you have read this report. Don't miss out on your opportunity to speak with us about your individual situation at No Charge, and finally get the benefits you deserve!

Also remember this is general information, and it is not necessarily tailored to your own situation. Please do not rely solely upon this information to make legal decisions. Every effort has been made to insure the integrity of this information at the time it was written. The law is dynamic and it changes over time. Please get competent legal information that addresses your own unique circumstances- and do so by personally contacting the lawyer of your own choosing.