
S O C I A L SECURITY FOR YOUR LIFE

8 Things that will get you **DENIED AUTOMATICALLY**,
What to do if Your Social Security Disability Claim is Denied, and
Answers to the **10 Most Commonly Asked Questions**



Joel H. Schwartz

SOCIAL SECURITY FOR YOUR LIFE

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**By Joel H. Schwartz
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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.

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:

- 8 Things that will get you DENIED AUTOMATICALLY
- What to do if your social security claim is denied, and
- The 10 Most Commonly Asked Questions

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

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.

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.

8 Things that will get you DENIED AUTOMATICALLY

It's natural to think about the reasons why you should be granted Social Security Disability benefits, but consider the reasons why your claim might be denied.

It is important to understand that the Social Security Administration will automatically deny claims in certain situations.

Below are 8 things that could result in your claim being denied:

1. Your application is incomplete or lacks supporting documentation.
2. You are able to perform your usual work.
3. You are able to perform another type of work.
4. You have an insufficient number of work credits.
5. Your impairment is not considered severe.
6. Your disability is not expected to last at least 12 months or be terminal.
7. Your impairment is primarily due to drug or alcohol abuse, or that abuse is material to what disables you.
8. You fail to cooperate with the SSA or follow prescribed medical treatment (without good reason).

The Social Security Administration will also deny your claim if you have returned to Substantial Gainful Activity (SGA) before your case is decided, and you have been off work less than 12 months.

Sometimes if you return to SGA level work after you have been off for 12 months, you can try to be paid by the SSA for the time you were off. We call this a “closed period” of disability, and we have had great success getting these benefits.

Take time to review the SSA’s guidelines regarding disability to ensure you meet these guidelines before you file your application.

If you have questions about what it takes to qualify for disability, this is a good time to seek out an experienced lawyer. Getting sound advice on the front end can make a world of difference, and it can save you trouble down the road.

What To Do If Your Claim is Denied

For most people, the initial application process can be overwhelming.

Since you are not experienced in dealing with the Social Security Administration on a regular basis, it is likely that your initial application for Social Security Disability benefits will be denied. And like I’ve mentioned in other parts of this guide, nearly 70% of applications are, in fact, denied.

The decision makers at lower levels in the SSA only have your file to review. That’s all. They rarely look beyond your medical evidence, which is why it’s so important to maintain good records.

But don’t give up! If you are denied, you can appeal, and your chances of success improve significantly. If your initial disability application is denied, there are 4 Levels of Appeals that you may go through.

Appeal Level 1: File An Appeal for Reconsideration

If your initial claim is denied, you can file an appeal for Reconsideration by the state Disability Determination Services department.

This initial appeal may be submitted online by completing the Appeal Request Internet Form and the Appeal Disability Report (Forms SSA-561 and SSA-3441). You may also call or visit your local SSA office and tell them you wish to appeal a disability ruling.

When you submit a formal Request for Reconsideration (Form SSA-561-U2), your claim will be assigned to a different examiner and medical team for review. So any additional medical information to support your claim should be provided in your Appeal Disability Report. That's because reconsiderations are a completely new review of your claim by someone who did not take part in the first decision.

IMPORTANT TIP 1: It is important that you submit your appeal no later than 60 days after the date of denial of your initial claim. If you were receiving SSD or SSDI benefits and the SSA terminated those benefits, you have only 10 days to appeal (plus 5 days grace for mailing, but it is best to not even get close to the 65 day limit).

IMPORTANT TIP 2: Keep the envelope the denial came in, as you may need the postmark to show WHEN you got the denial. On average, over the last 10 years only 3% of denials were overturned at the reconsideration level.

Appeal Level 2: Request A Disability Hearing

If your case is denied again (for example, you get a Reconsideration denial), you may appeal this denial and request a Disability Hearing before an Administrative Law Judge (ALJ).

Note: some states have eliminated the Level 1 reconsideration process altogether, so appeals go straight to a Disability Hearing.

Over half of Social Security disability claimants who appeal to the administrative hearing level are ultimately awarded disability benefits.

Why are your chances so much better at a hearing?

The Social Security Disability hearing gives you a chance to meet with an Administrative Law Judge (ALJ) in person. (Don't think of this as a bad thing. This is really the face-to-face meeting you've been waiting for.) The judge will evaluate your entire case, listen to your testimony, make credibility assessments, and determine whether you are disabled under the terms of the Social Security Act.

Appeal Level 3: Request A Review By An Appeals Council

If an Administrative Law Judge denies your case, you may request a review by the SSA's Appeals Council. Understand that the Appeals Council may deny your request if it believes your appeals hearing decision was correct.

If the Appeals Council decides to review your case, it will either decide your case itself or return it to an Administrative Law Judge for further review, and you will receive notification along with a copy of the Appeals' Council Order.

If the Appeals Council denies your request for review, you will receive a letter explaining why you were denied.

Appeal Level 4: Federal Court Hearing

If the Appeals Council denies your request for review, you may file a lawsuit against the Federal Government in a Federal District Court.

The first thing you will need to do if your case goes before a federal court is to hire an experienced and qualified lawyer. Only a licensed attorney can represent you in court.

The majority of your federal court hearing is conducted in writing with written briefs being submitted by both parties – you (the Plaintiff) and the Social Security Administration (the Defendant).

In some cases, the Court may request an oral argument of your case.

Should this happen, your lawyer and the lawyer who represents the Social Security Administration will argue your case before the Federal Judge behind closed doors.

Answers To The Top 10 Most Important SSDI Questions

1. How long will it take for me to find out if I am approved for disability benefits?

My own experience is that it usually takes 3-5 months for the Social Security Administration to fully process an initial application. Some may be approved quicker, and some longer, but I see the majority of initial decisions arriving in 3-5 months. There are some categories of cases called "Compassionate Allowances." The SSA has streamlined the processing for these special cases and they are usually approved quickly. The medical problems that qualify for this program are pretty severe and depict dire medical circumstances. Check the SSA website or call an experienced attorney to see if your case can be filed under this category.

2. What are the chances my application will be approved?

Only about 28% of initial applications are approved. That's an average of about 3 out of 10. If your claim is denied, you have 60 days to appeal the decision. There is a 5 day grace period for mailing so the maximum total time is 65 days. Again, save the envelope the SSA decision came in - you may need that postmark to prove you did not get their decision in a timely fashion.

3. How Can I Improve My Chances of Approval?

First, be certain you carefully read and fully understand the SSA's guidelines and that you qualify as "disabled" based on those rules and criteria.

Second, be prepared with your completed application for Social Security Disability benefits, your Disability Report and all medical documents, as I've outlined in this guide.

Consult an experienced lawyer if you feel this is too risky or confusing to do on your own. Feel free to take a stab at completing the forms on your own, and then bring them to your lawyer's office. Believe it or not, in my experience, it really helps us do a better job if you have at least tried to put some of the information on the forms (yes, it is a lot of information).

4. If I'm approved for disability, when will I get my first payment?

There are two frequent questions when the SSA issues an approval: how long does it take to get paid; and how much will I get. In my experience, it usually takes 30-60 days to get the money started. Sometimes less, sometimes more. This can vary by the type of case of you have, whether there are any complications, and whether the SSA needs more information to calculate your benefits...

As to how much you will get, the actual calculation will differ depending on whether you have a Title II case or Title XVI case. There is a 5 full month wait on Title II cash benefits which almost always becomes 6 months. So if you were expecting 15 months of "back pay," don't be surprised if you only get 9. If you have an SSI case, that program has complex rules and income offsets, asset limits, etc. In short, the "how much" question can get painfully complicated, especially if you have more than one type of case pending with the SSA. Just ask an experienced lawyer (or visit the SSA District Office).

5. Will I get a monthly check?

Yes, if you are approved, you almost always get a monthly benefit. The Social Security Administration now requires all benefit payments be delivered electronically.

You may set up a direct deposit to your bank account. If you do not have a bank account, the SSA will issue you a debit card.

6. How much will my monthly payment be?

Again, for Title II cases, your monthly disability payment depends upon your earnings history prior to becoming disabled. This is a nice way of saying what you get back from the program depends on what you put into it over your

lifetime...and usually, only “taxed” income counts. If you worked for cash and did not pay much into the system, don’t expect a lot out of the system.

7. Once I am approved, does that mean I get benefits forever?

No. The SSA reviews cases for ongoing eligibility on a regular basis.

If medical improvement was expected at the time you filed your initial claim, your case will probably be reviewed within 18-24 months.

If medical improvement was not anticipated, the SSA will probably review your case for continuing eligibility in around 5-7 years.

Other life changes such as eligibility for pension or other retirement benefits may also impact your disability payments.

8. What is the “Ticket to Work” I’ve heard about?

The SSA encourages disabled individuals to learn new skills and return to the workforce whenever possible. The Ticket to Work is a program offering training and education.

9. What happens if my benefits are terminated?

If you receive notification of Termination of Disability benefits, you can file an appeal. In order to still receive your disability checks while your appeal is pending, you must file your appeal within 10 days of receiving notification of termination.

You still have the 60 day window to appeal in general, but if you want benefits to continue during the appeal, get that appeal filed with the SSA within 10 days and ask that all benefits be continued without interruption.

Remember: Be prepared to prove that the SSA got your appeal within 10 days.

10. Will my family continue to receive my disability benefits when I die?

In general, no. Disability benefits almost always end with the death of the wage earner who was drawing. Please notify the SSA of the passing of the recipient, and be prepared to return any checks you receive after the death.

However, your family may be eligible for other assistance, such as Survivors Benefits. Your spouse or a representative such as your SSDI lawyer would need to contact the SSA to report your death and file for new benefits based on your specific situation.

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.

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!

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.