

# What is Social Security Disability and what can it do for me?

Federal law has long provided benefits for disabled people under laws applied by the Social Security Administration (SSA). The laws provide coverage to help the disabled meet their health care needs and also provide money to pay everyday bills. Experienced attorneys can guide you in the complicated and often difficult process to obtain social security benefits.

This guidebook seeks to provide you with an overview of disability benefits available through the Social Security Administration, including the types of disabilities that often qualify, the available programs, and the process to apply for benefits.



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Since individual situations and legal issues vary, it is important  
to contact an attorney to discuss your specific legal situation.

# How Do I Obtain Social Security Disability Benefits?



## What is a Disability?

To get disability benefits from the Federal government, you must be **disabled**. This means that you must be able to prove that you have a severe physical or mental impairment which prevents you from doing a regularly paying job for **at least 12 months**. The Social Security Administration will evaluate your ability to do the physical and mental activities required by your past work. If you can't perform that work, it also then considers whether you could do any other work. It does not consider whether you could actually get a job doing that work.

As you can see, the requirements of the law have nothing to do with the present job market, but with your present disability. The law does make allowances for your age, education and work experience. Disabilities include: cancer, autism, HIV, inflammatory arthritis, mental illnesses, cardiovascular (heart and circulation) diseases, spinal injuries (including pre-existing conditions) and speech problems. You should know that the social security system offers two different programs.

## Social Security Disability Programs

### Social Security Disability Insurance

You may already have social security disability protection if you have been contributing to a social security account through payroll taxes for a sufficient amount of time, measured in quarters, and have been doing so in at least five of the last ten years. Younger people also have a chance to obtain this coverage with less contribution time. When you apply, SSA officials run a computer tally of all your quarters, which comes from the Internal Revenue Service. If you were self-employed, or not employed (or off the books), there might be a problem with the number of quarters accumulated and able to be proven by you.

### Supplemental Security Income

Rather than being based on your social security contributions, this program is based on your need for social security disability income and entails a review under a "needs" test. The needs test, and some of its parts, like measurement of your income and assets, is rigorously enforced by the SSA.

## Applying for Benefits

The first step to apply for benefits from either of the two programs described above is to file an application either online, over the telephone, or in person at your local social security office. Often, an experienced social security attorney will be able to help you thoroughly and clearly fill out the required forms to become a claimant for these benefits.

Once your application has been submitted, it will be reviewed. Although most reviews are completed quickly and some claims are successful, most claims are denied at this stage. If you are approved at this stage, you should begin to receive benefits shortly.

If your claim has been denied, you have only sixty days to appeal the decision. This sixty-day time period is strictly enforced. An experienced attorney can help you appeal the denial. Medical documentation will be obtained by your attorney and you will be prepared by the attorney for the appeal hearing.

At the appeal hearing, an Administrative Law Judge will hear evidence regarding your right to collect benefits, including medical evidence of your disability. It also involves offering evidence in the form of your sworn testimony. While not called a trial, the hearing has many features of a trial before a jury, though very few people are involved in the hearing. During the hearing, the judge may also ask for a vocational expert to attend and give testimony as to what you can or cannot do in regards to working. You also have the option to hire your own expert. Your expert would ideally testify that you do qualify for this assistance. After the judge sifts through all of this evidence, the judge renders a decision as to whether or not you can obtain the social security disability relief you applied for. This can take several months from the time the hearing finishes.

If your appeal is denied, you can appeal this decision within sixty days to the Social Security Administration's Appeals Council. If the Appeals Council does not rule in your favor, the decision can be appealed to the local United States District Court.

