

# YOUR GUIDE TO SOCIAL SECURITY DISABILITY BENEFITS



*Prepared especially for you by*

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& ASSOCIATES**

A Law Firm Representing Injured People.

# *A Message From Attorney Edgar Snyder*



People are often confused when it comes to their eligibility for either Social Security Disability (SSD) or Supplemental Security Income (SSI). This brochure was developed to answer commonly asked questions about Social Security Disability (SSD) and Supplemental Security Income (SSI) benefits. We hope it will help you to understand your rights.

You may be eligible for SSD or SSI benefits if you can answer “yes” to any of the following questions:

- Do you have a severe physical and/or mental impairment that prevents you from working?
- Do you have a disability that prohibits you from working in any capacity — not just in the job you held previously?

- Has your disability lasted — or is it expected to last — for at least one year?
- Is the disability life threatening?

If you have filed an application for Social Security Disability benefits and your claim was *denied*, you may now want to begin the appeal process. **Please note: You will need to act quickly as you only have 60 days to appeal the denial and preserve your claim.**

For a free consultation on your rights to collect SSD or SSI benefits, call my law firm toll free at 1-800-9-4EDGAR. As always, there is no obligation to use our services and there is never a fee unless we are successful in obtaining Social Security Disability benefits for you.

Sincerely,



Attorney Edgar Snyder

# FREQUENTLY ASKED QUESTIONS:

**Q What is Social Security Disability (SSD) and Supplemental Security Income (SSI)?**

**A** Social Security Disability (SSD) is a part of the Federal Social Security Act. It includes several programs that provide disability payments and other benefits to disabled workers and their families. Benefits are often referred to as Social Security Disability Insurance Benefits.

Supplemental Security Income may provide benefits to disabled people with low incomes and limited assets who have never worked or who have not worked long enough; to blind people with low incomes and limited assets; to disabled people who are age 65 or older with low incomes and limited assets; and/or to disabled children.

SSD & SSI benefits may consist of cash payments and medical coverage. Benefits depend on your financial situation and whether you qualify under the appropriate Social Security Administration regulations.

**Q Who can apply for benefits under the Social Security Act?**

**A** You can apply for benefits if you are disabled and cannot work. However, certain qualifications exist for each type of Social Security benefit program. You must check to see if you qualify.

**Q How do I apply for SSD or SSI benefits?**

**A** You can contact the Social Security Administration at 1-800-772-1213. Or, you can make an appointment to file an application at your local Social Security District Office.

## **Q How does the Social Security Administration determine whether I am disabled?**

**A** Disability, as determined by the Social Security Administration, is based on your inability to work. The Social Security Administration considers you to be disabled under Social Security rules if you cannot do work that you did before and the Social Security Administration determines that you cannot adjust to other work because of your medical condition(s). Your disability must also last, or be expected to last, for at least one year or be expected to result in death.

The Social Security Administration reviews medical reports and records provided by your treating physician(s) and/or other medical providers.

Other areas of evaluation include:

- Your own average monthly earnings. You can work part-time and still qualify for SSD or SSI benefits; however, your own gross monthly income can not exceed approximately \$800 as of January 2003.
- The severity of your condition. Your impairment(s) must interfere with basic work-related activities for your claim to be considered.
- Your vocational background. A variety of areas that pertain to the type of work you have done during the last 15 years are looked at to see if you are able to perform any other type of job.

- Other factors can include your age and education.

The Social Security Administration evaluates this information and applies it to their criteria in order to make a determination as to whether you are considered to be disabled.

### **Q How do I qualify for SSD or SSI benefits?**

**A** To receive SSD benefits, a disabled worker must be “insured”. Insured means that the worker must have an earnings record. In other words, you must have worked long enough — and recently enough — and you must have paid into the Social Security system to qualify for Disability benefits.

In some circumstances, a third party may also make a claim on the disabled worker’s earnings record. For example, when a person dies, certain members of the family may be eligible for survivors benefits if the deceased worked, paid Social Security taxes, and earned enough credits.

To receive SSI benefits, a disabled person may qualify as long as their income and assets are below a certain level. This level is determined by the Social Security Administration.

To find out if you qualify for these benefits under Social Security regulations, you can contact the Social Security Administration at 1-800-772-1213 or you can contact your local Social Security district office.

### **Q What can I do if I am not approved for Social Security benefits and I believe I am disabled?**

**A** There are several levels of determination for Social Security Disability benefits. You have 60 days to appeal a denial to reach the next level of determination. If you fail to appeal a denial, you

may be able to reapply for SSD or SSI. However, keep in mind that ‘appealing’ and ‘reapplying’ are not the same thing. Reapplying will mean that you have to start the process over again.

## **Q How long can I receive Social Security Disability or Supplemental Security Income?**

**A** If you are approved for SSD or SSI, it is seen as a permanent lifelong benefit.

There are a few circumstances where your benefits could be terminated. These include:

- If you engage in “Substantial Gainful Activity” (SGA). The Social Security Administration uses this term to determine if any activity — including working or attending school full-time — is substantial enough to make a person ineligible for benefits. Examples of activities that may disqualify you for benefits are:
  - ♦ You go back to work full-time.
  - ♦ You go back to work part-time and earn over approximately \$800 gross per month.
  - ♦ You attend college or business/trade school full-time.
- If the Social Security Administration reviews your case and feels your condition has improved, they may terminate your benefits. Periodically (perhaps every 5 years), the Social Security Administration will review cases. When your case is reviewed, they check to make sure you still have disabling impairments, are still in treatment, and are compliant with treatment and medication.
- If you become incarcerated or institutionalized against your will for over 30 days, you are ineligible for benefits during this time period.

If your benefits are terminated, you have the right to file an appeal within 60 days. You have 10 days in which to appeal in order to continue receiving your checks while the appeal is pending. If you are unsuccessful with your appeal but received checks while the case was pending, you will be required to pay back the money you received while the case was pending.

### **Q Can I receive benefits from both Workers' Compensation and SSD or SSI?**

**A** With SSD, generally the answer is "yes". However, if you are receiving Workers' Compensation, the payments you receive from SSD will be reduced by the Workers' Compensation benefits. Your Social Security Disability benefit will be reduced so that the combined amount of the Social Security benefit you and your family receive plus your Workers' Compensation payment do not exceed 80% of your average current earnings. If your Workers' Compensation payment stops, your Social Security Disability benefit will usually increase.

If you are receiving Workers' Compensation, you will probably not be eligible to receive SSI benefits. The only way for your eligibility to be determined is by contacting the Social Security Administration at 1-800-772-1213.

### **Q Can I receive benefits from both Unemployment Compensation and SSD or SSI?**

**A** If you receive Unemployment Compensation while your claim for Social Security Disability or Supplemental Security Income benefits is pending, and your claim for SSD or SSI is approved, your retroactive SSD or SSI benefits will be reduced for the period of time you were collecting unemployment compensation.

Unemployment is defined by Social Security as “I am capable of working, I just can’t find a job.” Remember, in order to be successful in your claim to receive SSD or SSI benefits, it must be determined that your condition prevents you from working in any capacity and that you’re not currently seeking employment.

**Q Can I receive benefits from both Long-Term Disability Insurance and Social Security Disability?**

**A** If you are receiving Long-Term Disability payments from your employer and you are approved for Social Security Disability, your Long-Term Disability benefits may be reduced. As insurance policies tend to vary, you should contact your Long-Term Disability carrier for more information about your particular policy.

**Q Can I receive benefits from both private insurance, such as a pension plan, and Social Security Disability?**

**A** Yes. Your eligibility for Social Security Disability payments is not affected by any private insurance you may have, such as a company pension or 401k plan.

**Q Can I receive benefits from both assistance programs and Social Security?**

**A** You can receive benefits from an assistance program while your claim for Social Security benefits is pending. If you are approved for Social Security benefits, your benefits from the assistance program will cease once you start receiving your Social Security benefits.

Contact your local assistance department for more information regarding reimbursement issues.

**Q Can I receive benefits from both a Public Disability plan and Social Security Disability?**

**A** Public disability payments that may affect your Social Security Disability benefits are those paid under a federal, state, or local government law or plan that pays for conditions that are not job-related. They differ from Workers' Compensation because the disability that the worker has may not be job-related. Examples are civil service disability benefits, military benefits, state temporary benefits, and state or local government retirement benefits which are based on disability.

Your Social Security Disability benefit will be reduced so that the combined amount of the Social Security benefit you and your family receive, plus the public disability payment received, does not exceed 80 percent of your average current earnings.

**Q Can I continue to receive SSD or SSI benefits when I start collecting Social Security Retirement benefits?**

**A** If you were receiving SSD benefits and you now qualify for Social Security Retirement benefits, your benefits are switched over to the retirement benefits. In certain cases, depending on your earnings, you could receive a SSI check in addition to your retirement check. The only way for this to be determined is by contacting the Social Security Administration at 1-800-772-1213.

## **Q Do I need a lawyer to represent me in my SSD or SSI claim?**

**A** Representation by a lawyer is not required to pursue a SSD or SSI claim. However, because of the various deadlines and other technical requirements for the application and appeals process, a lawyer may be beneficial in helping you if your Social Security Disability claim is denied.

Hiring an experienced law firm as your advocate during the appeals process could mean the difference in whether you ultimately collect Social Security Disability benefits or not.

## **Q How are legal fees paid?**

**A** If an attorney is successful in getting your SSD or SSI benefits, the fees to the lawyer are paid from the retroactive benefits paid to you.

Retroactive benefits begin from the point you are first eligible for SSD, or SSI, to the date your claim is approved. Legal fees are set by the Social Security Administration and are generally based on a percentage of your retroactive benefits up to a maximum dollar amount.

*For additional answers to  
Frequently Asked Questions,  
visit our web site at  
[www.edgarsnyder.com](http://www.edgarsnyder.com).*

# *Closing Remarks From Attorney Edgar Snyder*

If you are permanently disabled and can no longer work, you may be entitled to collect either Social Security Disability benefits or Supplemental Security Income. Unfortunately, the laws dealing with disability are complex and many times people who apply for these benefits are turned down, even though they have completed the proper forms. Although representation by an attorney is not required to pursue an SSD or SSI claim, you may need an attorney to cut through the red tape and help you fight for the benefits you may deserve.

An attorney can help you to:

- Gather medical records and reports
- Gather evidence particular to your claim
- Gather documents from your Social Security file
- Determine best course of action for your claim based on Social Security regulations
- Confer with your physician regarding your condition and the regulations under Social Security
- Suggest a “second-opinion” on your condition by having the Social Security Administration send you to a doctor
- Review prior actions taken by the Social Security Administration
- Provide helpful advice to you on how to prepare for your Social Security hearing
- Provide legal counsel at the hearing to ensure a fair and proper procedure

- Review, object to, or make changes to the written questions being sent to a doctor by the Administrative Law Judge overseeing your hearing who may request an additional medical opinion
- Make sure the Social Security Administration gives you your correct benefit payment, if your claim is approved
- Request a review of the hearing decision by the Social Security Administration Appeals Council, if your claim is denied at the hearing level. This request must be made within a certain time frame
- Request a review of the Social Security Administration Appeals Council decision by the Federal District Court if your claim was denied at the Appeals Council level. This request must be made within a certain time frame

Remember, hiring an experienced law firm as your advocate during the appeals process could mean the difference in whether you ultimately collect Social Security Disability benefits or not.

For a Free Consultation on your rights to collect SSD or SSI benefits, you can call my law firm Toll-Free at 1-800-9-4EDGAR. As always, there is no obligation to use our services and there is never a fee unless we are successful in obtaining Social Security Disability benefits for you.

Sincerely,



Attorney Edgar Snyder

# ABOUT OUR FIRM

Edgar Snyder & Associates has over 30 years of experience representing injured people, with a team of about 90 people working at four locations to serve you.

We handle injury claims resulting from:

-  automobile accidents
-  motorcycle accidents
-  defective roads
-  slip and falls
-  work-related accidents
-  construction/industrial accidents
-  boating accidents
-  defective products
-  burns
-  head and spinal cord injuries
-  defective seat belts
-  defective drugs
-  dog bites

**Edgar Snyder  
& ASSOCIATES**

A Law Firm Representing Injured People.

[edgarsnyder.com](http://edgarsnyder.com)

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**Offices:**

Ebensburg • Erie • Altoona  
Johnstown • Pittsburgh

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1-800-9-4EDGAR  
*Phones answer 24 hours a day*