



Social Security Disability

Decision Guide

What you should know if you've been disabled

What is Social Security Disability?

The Social Security Administration runs a program called the Social Security Disability insurance program (SSDI) to assist people who are expected to be disabled for more than one year. The program pays benefits to those who have met minimum work requirements and paid a sufficient amount in Social Security taxes in those jobs. In certain cases, family members may also receive payments.

What are the minimum work requirements?

Generally, the SSA looks at two things to make a determination. The “recent work” test reviews how recently you worked and is adjusted based on your age and the date of your disability. The “duration of work” test looks at the number of years you worked relative to your age.

How do I apply?

There are a number of forms you need to complete, including the application for Social Security Disability benefits and a Disability Report. At a minimum, the SSA will need the following information¹:

- Social Security Number
- Birth certificate
- Names, addresses and phone numbers of the doctors, caseworkers, hospitals and clinics that took care of you and dates of your visits
- List of medicines you are taking with names and dosage
- Medical records from your doctors, therapists, hospitals, clinics and caseworkers that you already have in your possession
- Laboratory and test results
- A summary of where you worked and the kind of work you did
- A copy of your most recent W-2 Form (*Wage and Tax Statement*) or, if you are self-employed, your federal tax return for the past year

The SSA review process typically takes between **three and five months**, so you should complete the application process as soon as possible after you become disabled.

¹ <http://www.ssa.gov>; ² www.dol.gov/odep

Did you know?

A 20-year old worker has a 3-in-10 chance of becoming disabled before retirement age.¹

As of October 2009, roughly 28.6 million people in the U.S. were disabled.²



10 LSB Plaza • Lexington, NC 27292

Mailing Address: PO Box 1657 • Lexington, NC 27293-1657

Phone: 336.249.2101 • Fax: 336.249.4572

What is Supplemental Security Income?

SSI is a separate program that provides additional funds (frequently in conjunction with SSDI) to those who have low income and few resources and are 65 years of age or older, blind, or disabled.

How does the Social Security Administration (SSA) define disability?

The SSA generally makes a determination of disability based on five factors.

1. If you worked in 2009 and your income averaged more than \$980 a month, you are not considered disabled. This amount goes to \$1,000 a month in 2010.
2. Your condition must interfere with basic work-related activities.
3. If your condition is on the list of conditions maintained by the SSA that are considered sufficiently severe to cause disability, you will be considered disabled. If it is not, the SSA will review your case to determine whether the condition qualifies.
4. Even if your condition is not listed in step 3, if it prevents you from doing the work you did previously you may still be considered disabled.
5. Finally, the SSA will review your medical condition relative to your work experience, age, education and transferable skills. If they determine you could find employment in another line of work, your claim could be denied.

There are special situations that may apply to your case, including rules for those who are blind or have impaired vision, benefits for children who are disabled and for wounded warriors.

The SSA offers a **work incentives program** to assist with your transition back to the workforce. If qualified, the program may continue payment of benefits during your transition period.

When do my benefits start?

If approved, your benefits will be paid beginning the sixth full month after you are disabled.

If I am approved, how much will my benefits be?

Your benefits are based on your lifetime earnings as reported to the government. You should receive a Social Security Statement annually. Estimated benefits are listed on this document. If you need a copy of

your statement, you may contact the Social Security Administration at (800) 772-1213 or request the document online at www.socialsecurity.gov. Note that the amount of your benefits may be impacted by certain pension payments, windfall profits, workers compensation or other payments.

What if the Social Security Administration denies my claim?

You do have the right to appeal the SSA's decision in writing within 60 days of receiving the denial. The process goes through four steps and can be complicated. The last information published by the SSA showed an average appeal time of 512 days. You do have the right to have an attorney file the appeal on your behalf and attend the hearing with you. The attorney is prevented from collecting fees from you until approved by the Social Security Administration. Brinkley Walser offers a free initial consultation if you have questions about your specific situation.



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