

## The Social Security Advocates, LLC Social Security Disability 101

### **What you need to know about SSDI and SSI Disability Benefits:**

Social Security Disability is a program run by the U.S. government to provide benefits to those that are disabled. This guide provides Social Security Disability lawyer and Social Security disability attorney advice to understand disability benefits and disability case requirements.

Did you know about 60% of Social Security Disability applications are initially denied? It is frustrating because many of the denied claims are deserving cases, but too often documentation was not properly filed or there was insufficient evidence to be awarded disability benefits.

Disability claims typically fit into one of the below categories:

1. You need to **apply** for disability benefits.
2. You applied and were **denied** disability benefits.
3. You want to **appeal** a disability case.

To help increase your chances of winning disability benefits it is important to understand how Social Security defines "disability."

### **Social Security Disability Definition:**

The SSA (Social Security Administration) has a strict definition of "disability." It is important to note that Social Security pays out for total disability only. No SSD benefits are payable for short-term disability or partial disability. Below is an example of the Social Security Administration's definition of "disability" from SSA.gov: "Disability" under Social Security is based on your inability to work. We consider you disabled under Social Security rules if:

- You cannot do work that you did before;
  - We decide that you cannot adjust to other work because of your medical condition(s);
- and**
- Your disability has lasted or is expected to last for at least one year or to result in death.

This is a strict definition of disability. Social Security program rules assume that working families have access to other resources to provide support during periods of short-term disabilities, including workers' compensation, insurance, savings and investments.

*Source: SSA.gov*

### **Common Social Security Disability Terms:**

There are several terms and acronyms that are often used when describing a Social Security Disability claim. These phrases are commonly used in documentation and application

paperwork from the Social Security Administration. Also, your medical doctor, Social Security Disability lawyer, or Social Security Disability attorney might also use these phrases to describe your disability benefits claim:

**SSD:** Social Security Disability **SSDI:** Social Security Disability Insurance **SSI:** Supplemental Security Income (also called SSI Disability) **SSA:** Social Security Administration **DDS:** Disability Determination Services

**ODAR:** Office of Disability Adjudication and Review **ALJ:** Administrative Law Judge

### **SSDI: What is Social Security Disability Insurance?**

SSDI, or Social Security Disability Insurance is a Federal program that pays benefits to you and certain members of your family if you are “insured.” To the SSA, being insured means you have worked long enough and paid Social Security taxes.

### **SSI: What is Social Security Income?**

SSI Disability, or Social Security Income is a Federal program that pays disability benefits based on financial need. This Federal income supplement program is funded by general tax revenues (separate from Social Security taxes). The intent of SSI is to provide the aged, blind and disabled that have little or no income with money to meet the basic needs of food, clothing and shelter.

### **DDS: Who are the Disability Determination Services?**

DDS or Disability Determination Services is the organization that initially decides whether you are disabled under Social Security’s definition of “disability.” Disability Determination Services handles the claim at the initial stage (Application) and if denied, also handles the second stage (Request for Reconsideration). Since the DDS is responsible for both the Application and Request for Reconsideration stages, it is unlikely if you are denied at the application level you will be award disability benefits at the Request for Reconsideration level. In the event you are denied benefits by the DDS you can appeal to ODAR.

### **ODAR: What is the Office of Disability Adjudication and Review?**

ODAR, or the Office of Disability Adjudication and Review have ten regional offices, 141 hearing offices and a national court hearing center. If your SSD claim is denied at the Reconsideration level by the DDS (Department of Determination Services), then the claim is removed from the State Agency level and assign to a Federal ALJ (Administrative Law Judge).

### **ALJ: What is an Administrative Law Judge?**

An ALJ, or Administrative Law Judge is responsible for overseeing a Social Security Disability hearing. Administrative Law Judges tend to be very fair, hearing to your case with an open mind.

### **The Importance of Medical Evidence:**

Providing documented medical evidence that supports your disability claim is critical to winning Social Security Disability benefits. Too many deserving disability claims are denied not because

the person is not disabled, but because they did not provide sufficient documentation of their medical impairments and symptoms related to their disability. It is important to work with your doctors and ensure they are documenting your medical condition properly to help present your Social Security Disability case. For further help presenting your case you may want to consult an experienced Social Security lawyer.

### **Do I need a Social Security Disability lawyer?**

When each person applies for Social Security Disability benefits they will have to ask, "Do I need a Social Security Disability lawyer?" Before you answer this question, also ask yourself, "Are my chances of winning disability benefits better if I have a disability lawyer?" Historically the answer is "yes." On many occasions people don't approach a disability lawyer because they are concerned about attorney fees (see below). In other instances people do not seek an experienced Social Security Disability lawyer to represent their cases because they feel it is obvious they are disabled. Often, they are correct, they have an obvious disability, but that does not mean they will be awarded disability benefits. To receive benefits you must present your case in a way that provides specific evidence as required under Social Security laws and regulations.

### **How much are Social Security Disability attorney fees?**

When looking for a Social Security disability attorney, consider working with one that works on a contingent fee basis. In this example, Social Security Disability attorney fees are only paid if you win disability benefits. In addition, disability attorney fees are capped at 25% of your back benefits, but no more than \$6,000, whichever is less. What are back benefits? These benefits are calculated by the difference in time from the date that you became disabled until the time you receive benefits. If awarded benefits, you are entitled to benefits from the date you became disabled. Also, these benefits are limited to one year before the date you filed for benefits.

Receiving back benefits means the attorney fees come from a previously owed pool of money and not your future benefits. You keep 100% of your future benefits.

### **Contact a Disability Lawyer for Free:**

The Social Security Advocates, LLC is devoted to helping the disabled obtain the Social Security Disability benefits they deserve. We accept cases and have lawyers all over the country.

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