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**COPING**

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**DISABILITY**

A medically determinable physical and/or mental impairment that prevents them someone working.

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**ARTICLE**

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# How to Apply for Social Security

By Genex Services

Applying for Social Security Disability Insurance (SSDI) can be a long and intimidating process, made more frustrating because as a vestibular patient you are also dealing with the symptoms of your condition. Following is an outline of the basic steps involved in this process. It is highly recommended that you engage an advocate who is familiar with SSDI to help you.

You may also want to read VeDA's article on Tips for Applying for Social Security With a Vestibular Disorder.

## STEP 1: INITIAL APPLICATION

The first step in the Social Security process is to file an Initial Application for benefits. The online application can be found here: <https://secure.ssa.gov/iClaim/dib>.

The Social Security Administration will forward your application to a state agency for workup and a determination on your disability. This office is commonly referred to as Disability Determination Services (DDS) however your state may have its own name for this office. Once your application is at the state agency, your claim will be assigned to an examiner. This examiner will collect medical information in order to review your claim and may send you several forms to complete regarding your work history, activities of daily living, pain, fatigue or other symptoms. Failure to complete these forms in a timely manner may result in a denial of your claim so it is critical to ensure they are submitted timely.

The state agency may also make appointments for you to be examined by a doctor. This is called a Consultative Exam and the purpose is to supplement your medical information. Often, these appointments are designed to answer questions about your medical condition where your medical records are silent. Many, but not all claimants are required to attend these appointments. Once all necessary information has been received, DDS will issue a decision. If awarded, a Notice of Award will be sent from Social Security documenting your award information. If denied, DDS will mail a denial notice. The processing time for this initial application is approximately 3-6 months. It is not uncommon to be denied at the Initial level as Social Security's Initial Award rate is only 33%. If denied, you will have 60 days from the date of your denial notice to file your appeal. The online appeal can be found here: <https://secure.ssa.gov/iAppIsRe/start>



## HOW TO APPLY FOR SOCIAL SECURITY

|               |                             |
|---------------|-----------------------------|
| <b>Step 1</b> | Initial application         |
| <b>Step 2</b> | Request for reconsideration |
| <b>Step 3</b> | Request for hearing         |

### STEP 2: REQUEST FOR RECONSIDERATION

In 10 states the reconsideration level is skipped and you will proceed directly to the Hearing level. If you do need to file for Reconsideration, your claim will be handled by a different examiner exactly as it was for the initial application. If awarded, a Notice of Award will be sent from Social Security documenting your award information. If denied, DDS will mail a denial notice. The processing time for this stage is approximately 3-6 months.

It is not unusual for claims to be denied again at this stage as Social Security only awards about 12% of reconsiderations. If denied, you will have 60 days from the date of your denial notice to file your appeal. The online appeal can be found here: <https://secure.ssa.gov/iAppisRe/start>

### STEP 3: REQUEST FOR HEARING

Once the request for hearing is filed, Social Security will forward your claim to the appropriate Office of Disability and Adjudication Review. It usually takes approximately 12-18 months after the Request for a Hearing is filed to receive a date for a hearing. The hearing itself is before an Administrative Law Judge who is not bound by any of the prior determinations in your case. This is an informal hearing process and will take place in a hearing room rather than a traditional courtroom. The hearing will be recorded and the judge may call a vocational expert or medical expert to testify. It generally takes 30-90 days after the hearing to receive the written decision letter in the mail. If the decision is unfavorable, you will have 60 days from the date of the decision notice to file a Request for Review with

the Appeals Council. That application can be found here: <https://www.ssa.gov/forms/ha520.html>

### FREQUENTLY ASKED QUESTIONS

#### ***Q: Who is eligible to apply for Social Security Disability benefits?***

To be insured for Social Security Disability benefits, you must have worked and paid FICA taxes for at least 5 of the last 10 years. You must also have stopped working at least 6 months prior to reaching Full Retirement Age and meet Social Security's definition of disability.

#### ***Q: What is Social Security's definition of disability?***

Social Security considers a person to be disabled if they have a medically determinable physical or mental impairment or a combination of both that prevents them from performing Substantial Gainful Activity (SGA). The condition must last 12 months or be expected to result in death.

#### ***Q: Why should I apply for Social Security Disability Benefits?***

There are several potential financial benefits, including:

#### **Monthly Income**

Social Security disability benefits pay out a monthly income amount based on earnings history. There is also an annual cost-of-living increase so your benefit will grow over time. Your minor children and spouse may also be eligible for dependent or survivor benefits if you are deemed disabled by

#### **Social Security.**

Increase in retirement benefits Social Security Disability entitlement freezes your Social Security earnings record. This means that the amount of your eventual SS retirement benefit may be substantially higher if you are entitled to SSDI benefits.

#### **Health Insurance Benefits**

24 months after your entitlement to SSDI benefits, you become eligible for Medicare benefits regardless of your age.



## COBRA

Special COBRA rules apply to individuals and certain family members who are found disabled by Social Security. You and your family may be eligible for an extension of COBRA coverage.

### **Trial Work Period (TWP)**

The TWP allows you to test your ability to return to work without losing your SSDI benefits. If you return to work after being awarded SSDI, Social Security will continue to pay you for a period of 9 nonconsecutive months in addition to the income you receive from your employment.

### ***Q: Should I hire someone to represent me through this process?***

While a representative is not required, having an experienced and qualified representative can greatly increase your chances of being awarded early on in the process. Genex has been specializing in Social Security Disability Insurance representation since 1994 and has assisted over 140,000 claimants. Their knowledge of Social Security law allows them to focus on early intervention and win claims as soon as possible. Their award rate at the initial level is nearly twice the national average. Once appointed, Genex can act on your behalf to eliminate most, if not all, of your interaction with the Social Security Administration, simplifying the process for you. Genex can assist even if you have already filed an application on your own.

### ***Q: What is the cost for these services?***

The standard fee structure is 25% of the claimant's retroactive/back payment benefit with a \$6000 maximum. This amount is regulated by the Social Security Administration so an attorney cannot charge more. Some attorneys also charge for the cost of obtaining medical evidence and for copying fees. Genex does not charge for these items and if the claimant isn't awarded, there is no fee for services.

For more information about Genex, visit <http://www.genexservices.com/solutions/social-security/disabled-individuals>.

You can also view Genex trainings on the SSDI application process at <http://www.genexservices.com/solutions/social-security/training-resources>.

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