

Six FAQs about Social Security Disability Insurance

BY BRYNN LAPSZYNSKI

Over 200,000 individuals in the United States suffer with complex regional pain syndrome (CRPS) per year. Constant pain and inflammation cause many to consider applying for Social Security Disability (SSD) benefits, but uncertainty about the application process may unnecessarily delay or prevent CRPS patients from applying.

What is Social Security Disability?

SSD is an insurance program for individuals who are no longer able to work because of their physical or mental health conditions. Applicants must have been out of work for at least 12 months due to their condition or are expected to be unable to work for at least 12 months. Essentially, SSD is an insurance program for workers who have paid Social Security taxes, but are now prevented from working due to a serious health issue. Individuals are usually covered by this insurance program if they had worked five out of the last ten years prior to becoming disabled and have paid Social Security taxes.

What is Supplemental Security Income and how is that different from SSD?

Supplemental Security Income (SSI) is a separate program administered by the Social Security Administration (SSA). Unlike SSD, SSI is a needs-

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based program that provides financial assistance for disabled individuals who may not have worked in many years, only for a brief period of time or not at all. As with SSD benefits, the applicant must be out of work for 12 months or is expected to be unable to work for at least 12 months because of their medical condition. SSI applicants must have limited income and assets in order to qualify, whereas SSD applicants must have paid into the Social Security system.

A good indicator of whether an individual will be eligible for SSI is whether or not they

meet the financial criteria for public assistance benefits. As with public assistance benefits, SSI eligibility is based on household income.

What conditions are considered "disabling" by the SSA?

The SSA (who evaluates disability applications) considers a wide range of conditions disabling. Some examples include osteoarthritis, degenerative disc disease, congestive heart failure, epilepsy, as well as mental health conditions like depression and bipolar disorder. Painful conditions, such as CRPS, can certainly be a basis for an SSD application. The SSA evaluates whether a condition is severe enough to prevent applicants from performing work that they have done in the past or that their background prepared them to do. Consistent treatment with medical providers, including specialists such as rheumatologists and neurologists, is the best way to document the severity of a condition.

How does the application process work?

Once an individual applies for SSD or SSI, their application is first evaluated to ensure that they meet the technical requirements of either having sufficiently paid into the Social Security system

or that they meet the financial requirements of SSI. Next, the individual may be asked to attend an independent medical evaluation at the request of the SSA. Reports from this examination, along with the applicant's own doctors' reports, will be evaluated to determine if their condition is severe enough to be determined disabled under the SSA's guidelines.

It is not uncommon for applicants to be denied at this initial stage. Individuals who are denied initially can appeal the decision. A hearing in front of a judge allows the individual to talk about their conditions, symptoms and how their everyday life is impacted. Since this is a more personalized approach, more applications are approved at the hearing level than at the initial stages.

What happens if my claim is approved?

Individuals who are approved for either SSD or SSI benefits are entitled to retroactive back pay from the date that the SSA determines the individual became disabled. It is important to note that SSI applicants can only receive retroactive pay dating back to the date of their application.

In addition to retroactive amounts, those approved are entitled to monthly benefits. For those awarded SSD benefits, the monthly amount is based on how much the individual contributed to the system while they were working. This amount differs based on a person's employment

and earnings history. Those awarded SSI receive a rate that is set by the government and sometimes supplemented by the state. It can be reduced based on a person's household income, resources or living situation.

Along with monthly benefits, those awarded disability can also receive health insurance. Successful SSD applicants can receive Medicare 24 months after the date they became entitled to benefits. Individuals who are awarded SSI can receive Medicaid after their SSI application has been approved.

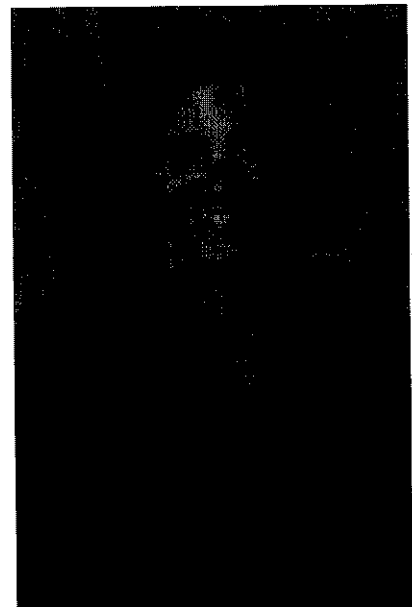
How can an attorney help with the disability process?

Having an attorney throughout the entire process ensures that all steps are completed correctly. Any missteps can lead to delays in receiving benefits. At the initial level, an attorney will act as a liaison between the individual and the SSA. An attorney will file the individual's application and follow-up regularly with the Administration to ensure the claim is being adjudicated. Although the SSA is responsible for gathering an individual's medical records at this stage, an attorney will communicate with the SSA to ensure that it has received important medical reports and that deadlines have been met.

Should an individual be denied at the initial level, an attorney will ensure that an appeal is filed right away. At this stage in the process, the attorney is now responsible for gathering updated medical

records, tests and doctors' reports. The goal is to ensure that a judge has all of the most up-to-date medical information when making a decision.

In addition, prior to appearing in front of a judge, an attorney will prepare someone for the hearing by going over what to expect, common questions and their medical information. During the hearing the attorney will play a key role by outlining the details of the case for the judge and the reasons why the individual is unable to work.



ABOUT THE AUTHOR

Bryan Kapszynski is an associate attorney at Disability Justice. She focuses her practice exclusively on assisting Social Security applicants file and appeal for disability benefits.

Disability Justice has proudly represented thousands of Americans in all 50 states with their SSD cases. If you are interested in speaking with an attorney about applying or appealing for SSD, you can call Disability Justice for a free consultation at 800-773-1300 or by visiting www.disabilityjustice.com.