

SOCIAL SECURITY DISABILITY HANDBOOK

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***HensonFuerst*, P.A.**
ATTORNEYS



THANK YOU FOR CHOOSING HENSONFUERST



Thank you for joining thousands of Social Security Disability claimants in North and South Carolina and throughout the southeast United States who have made HensonFuerst their resource of choice when navigating the complicated process of obtaining benefits.

This Social Security Client Handbook is designed as a roadmap to provide you with information about each stage of the process, what **we** are doing to move your case forward, and what **you** can do to help us improve the chances of winning benefits for you. We are partners in this fight, each with our own responsibilities. Together we will do everything possible to win your case.

BE PATIENT

Social Security is a large and complicated organization, and the process moves slowly. Know that we understand this very well and will do everything in our power to facilitate your case. We cannot control the speed of Social Security claims, but we can assemble and submit all the necessary information in a timely manner to make sure you get the best result possible.



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David Henson, Carma Henson, Thomas Henson Jr., and Tiana Zaebst



THE SOCIAL SECURITY DISABILITY CLAIMS PROCESS



From your Initial Application to Hearing, the Social Security Disability Claims Process is detailed and complicated. That is why HensonFuerst is here to walk you through every step. You can help us help you by making sure that we have the information about all healthcare providers you have seen since you stopped working due to your disability, **even if you are no longer seeing them**. Some examples of doctors we need to know about include: primary care, specialist care (cardiologist, orthopedist, etc.), urgent care, hospital/ER visits, home healthcare, physical

therapy, and psychologists or therapists.

FIRST LEVEL OF REVIEW: INITIAL APPLICATION

After you complete your *Initial Application*, it will be reviewed by a state examiner from the Disability Determination Services, which is contracted by the Social Security Administration to handle the first two levels of applications.
(3–8 months*)

SECOND LEVEL OF REVIEW: REQUEST FOR RECONSIDERATION

If the claim is denied, you must file a *Request for Reconsideration*, which then elevates your file to a higher-level examiner.
(2–6 months*)

THIRD LEVEL OF REVIEW: REQUEST FOR HEARING

If the claim is denied at the *Reconsideration* level, then a *Request for Hearing* must be filed. The case will then be transferred to the Social Security Administration, where your case will be put in line with the other applicants for a

hearing in front of an Administrative Law Judge.

Unfortunately, the majority of cases nationally must go to hearing. At the hearing, our job as your lawyer is to appear before the Administrative Law Judge with you to present evidence, cross-examine witnesses, and argue the legal and medical factors of your case and why it should be approved for benefits.
(15–17 months*)

If your claim is still denied at the Hearing level, then there may be further appeals that can take place, depending on the circumstances of your case.

**Stated time frames are estimates based on experience and cannot be guaranteed.*

INITIAL APPLICATION

3–8 mos.

The Social Security Administration is responsible for ordering your medical records. We will follow up with them every 30 days until a decision is made.

REQUEST FOR RECONSIDERATION

2–6 mos.

REQUEST FOR HEARING

15–17 mos.

We will update your medical records after six months to ensure that new information is readily available and again just before the hearing date is assigned.

HEARING



IT'S IMPORTANT TO REMEMBER



KEEP REGULAR APPOINTMENTS

All medical conditions **require documentation**, so meet with your medical providers regularly. If you must miss an appointment, inform your doctor and reschedule the appointment immediately. Social Security bases decisions about benefits largely on medical evidence, and lack thereof can adversely affect your case.

YOUR HEALTH IS IMPORTANT

Take all medications as prescribed by your doctor, and **do not** use illegal drugs or abuse prescription drugs or alcohol. Call us for a list of free medical clinics if you do not have access to medical treatment.

CONSULTATIVE EXAM

If Social Security sets up a medical or psychological **consultative exam** for you, **do not** miss the appointment. However, it is important to remember that the doctor



conducting the exam is paid by Social Security and is not on your side. Tell the doctor all the details of your limitations and pain, and be sure to bring with you any medical devices prescribed by your doctor such as a wheelchair, cane, or walker.

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6 TIPS TO IMPROVE YOUR CHANCES FOR APPROVAL:



Call us within one or two days to make sure we received a copy of any correspondence Social Security sends you.



Ask Social Security to call us before you speak to anyone who calls you from Social Security or Disability Determination Services.



Notify us promptly about any changes in your address, phone numbers, or marital/family status.



Notify us if you are hospitalized, receive a new or additional diagnosis, or your condition significantly changes.



Keep track of your doctor visits, tests, x-rays, MRI's, etc., in a medical diary.



Watch for mail and carefully review everything you receive.



David Henson

Henson Fuerst
ATTORNEYS

WHEN YOU SEE YOUR DOCTOR



- 1 Write down questions for your doctor in advance.
- 2 Make sure you tell your doctor ALL of your symptoms or problems – don't leave anything out.
- 3 Give specific examples of things you cannot do at home or outside.
- 4 Use descriptive words and examples for your limitations.
- 5 Remind your doctor of any assistive devices you use such as a cane, walker, or wheelchair. Take them with you to the appointment.
- 6 Take all prescriptions with you to the appointment.
- 7 Ask your doctor about a handicapped parking permit, if you need one.

RESIDUAL FUNCTIONAL CAPACITY (RFC) FORMS

- Say the form is for your Disability Application.
Don't mention lawyers.
- Hand the RFC **directly to your doctor**, not a nurse or assistant.
- If your doctor won't complete the form, **are there other doctors** you can talk with?
- Make sure you talk with your doctor about your **limitations**.
- Call the doctor's office if you don't receive the form back in **2 weeks**.
- If the doctor charges, it should only be a **nominal or small fee**.
- It's never too late to get a RFC.
Don't give up.

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WHAT TO DO IF YOU ARE HOSPITALIZED

IF HOSPITALIZED...

- 1 **Keep track of:**
 - When and where you were admitted
 - Medical conditions you were treated for
 - Social worker who was assigned to you
- 2 **Apply for Medicaid** if you do not have any insurance.
- 3 When discharged, **follow up** with all referrals and appointments.
- 4 **Call HensonFuerst** with this information.

You have the right to apply for Medicaid. If you are denied, always appeal. **Call HensonFuerst.**



Carma Henson

When applying for Medicaid, you may encounter some resistance from your local office. Be persistent and insist upon being allowed to apply. If your Medicaid claim is turned down or refused, **always** appeal the decision.

HOW TO APPLY FOR MEDICAID

If you cannot apply in person at your local DHHS office, print and mail the application from the website (www.ncdhhs.gov/dma/medicaid/applications.htm) or call us to send one to you.

THE IMPORTANCE OF GETTING APPROVED

- 1 Medicaid benefits allow you to get the medical treatment you need.
- 2 Medical treatment provides documentation of your conditions, which the court will reference in deciding whether to approve or deny your case.
- 3 If approved for Medicaid, the court must place additional weight on this evidence, which significantly improves your chances of winning your Social Security claim.

MEDICAL NOTES

DOCTOR(S)

NAME: _____ #: _____

NAME: _____ #: _____

NAME: _____ #: _____

NAME: _____ #: _____

VISITS

DATE: _____ NOTES: _____

DATE: _____ NOTES: _____

DATE: _____ NOTES: _____

DATE: _____ NOTES: _____



ON HEARING DAY

About two weeks before your hearing, we will meet with you in person to help make sure you are fully prepared and to answer any questions for your hearing.



Dress in clean, neat work clothes. No bright colors or Sunday clothes.



Bring any assistive devices you normally need.



Don't wear fancy jewelry, sculpted nails, wigs, or perfume or cologne.



Tell the truth.



Don't be nervous.
We'll be right there with you.



Thomas Henson Jr.

Henson Fuerst
ATTORNEYS

SSI CLAIMS AND LOANS FROM FAMILY OR FRIENDS



IF YOU HAVE A PENDING SSI CLAIM FOR SUPPLEMENTAL SECURITY INSURANCE, THEN THIS DOCUMENT MAY BE HELPFUL TO YOU.

SSI, or Supplemental Security Income, is for people who never worked or who have not worked long enough to have a SSDI (Social Security Disability Insurance) claim but who are still too sick to work. This document pertains **ONLY** to those who have pending SSI claims. If you are making a claim for SSDI only, then this document does not pertain to you.

While you have been sick and unable to work, you may have received help from friends or relatives in order to pay your bills and living expenses. You may have lost your own home and may now be living in the home of a family member or friend.

Be aware that, if you end up winning your SSI claim, Social Security deducts about \$200.00 per month from your Supplemental Security Insurance (SSI) benefits for every month that you receive a "gift" to help with your monthly housing and food. They also deduct about that same amount if a friend or non-spouse family member is providing you the "gift" of food and/or shelter in their home.

Social Security does **NOT** deduct this amount from your benefits when that same amount is given as a "loan," as opposed to a "gift." Even if someone

has been giving you gifts of that support up until now, you may decide that any more or future support is a **loan** rather than a gift.

Social Security understands that you may not have income now but may intend to pay your friends or family back for their support at some point in the future when you have some income. To be a true loan for Social Security purposes, the loan cannot be contingent on winning your disability claim but needs to include Social Security income **and** any income or resources you might receive in the future. The loan agreement should be put in writing.

Social Security does **not** enforce the loan and will **not** make you pay this money back to your friend or family. They only need to know that the support is not being given as a gift. **Social Security may actually contact your friend or family member to confirm the validity of the loan.**

We have included a simple loan agreement that you can use. For our clients who would like to have loan documents to prove these loans, see next page.



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SSI CASH LOAN AGREEMENT

I, _____, agree to pay back _____,
who has agreed to loan me \$_____ per month, beginning _____,
during the time my SSI application is pending so that I can pay for food and
rent. I will repay the loan when I receive payments for back SSI benefits. If I do
not receive SSI benefits, I will pay this money back out of other future income.

DATE: _____ CLAIMANT SIGNATURE: _____

IN-KIND LOAN AGREEMENT

WHEN LIVING IN THE HOUSEHOLD OF ANOTHER

I, _____, agree that I will pay back my pro rata share of rent,
utilities, food, and other household expenses to _____,
with whom I live, for each month I receive SSI back benefits beginning with
the month of the date of this agreement. I will repay the loan when I receive
payments for back SSI benefits. Once I start receiving my monthly SSI checks,
I will pay my pro rata share of such expenses from that month forward. If I do
not receive SSI, I will pay back this loan out of other future income.

DATE: _____ CLAIMANT SIGNATURE: _____



WE'RE HERE FOR YOU

The Social Security Administration is a large and complicated system. **HensonFuerst will guide you through the process every step of the way.**

1-800-4-LAWMED ²⁴/₇
1-800-452-9633
www.LAWMED.com



Scan with your
smartphone to
be directed to
our website



Tiana Zaebst

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