

SOCIAL SECURITY DISABILITY BENEFITS & SUPPLEMENTAL  
SECURITY BENEFITS

(understanding some of the ins and outs)

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## SOCIAL SECURITY DISABILITY BENEFITS & SUPPLEMENTAL SECURITY BENEFITS (understanding some of the ins and outs)

### I. DEFINING THE BENEFITS

Disability Benefits: An insurance program requiring quarters of coverage.  
To qualify an individual needs to have paid the required amount into Social Security.

Supplemental Security Benefits: A welfare program. Do you meet the income requirements?

### II. ELIGIBILITY FOR BENEFITS

Do you have a severe conditions that has lasted or is expected to last a continuous period of at least 12 months? If so, Social Security uses the following evaluation to determine if you are disabled:

1. Is the claimant engaging in substantial gainful employment (Are you working?)  
YES - not eligible  
NO - go to step 2
2. Does the claimant have a severe impairment?  
YES - go to step 3  
NO - not eligible
3. Does the impairment meet or equal a listed impairment?  
YES - you will be found disabled.  
NO - go to step 4
4. Can the claimant do their past relevant work?  
YES - not eligible  
NO - go to step 5
5. Given the age, education and prior work experience, can the claimant perform other work which exists in significant numbers in the national economy?  
YES- not eligible  
NO - you will be found disabled

### III. APPLICATION PROCESS

INITIAL LEVEL- Getting the ball rolling.

Three ways to apply:

1. Call Social Security at (800) 772-1213 then speak to a representative. The representative will ask you questions such as nature of disability and when disability started. You will then be given a phone appointment with a representative from the local office.
2. Go to local office and ask for an application. For address of local office, call Social Security at (800) 772-1213.
3. Can apply online at Social Security's website.

TIPS Photocopy your initial application. Pull together all relevant papers ex. VA disability rating or workers compensation settlement. Write down names of all representatives that you speak with. If mailing any/all documentation, send certified and retain a copy for your records.

RECONSIDERATION- Denied at the initial level? Do not despair its only strike one.

Reconsideration request must be filed within the 60 days at the initial level. The claim returns to the Office of Disability Determinations and its reviewed again. You may be sent additional forms to complete and/or be asked to go to another doctor. Average processing time is again 100 days.

TIPS Same tips as initial level.

HEARING - Denied at the reconsideration level? Do not despair its strike two.

Hearing request must be filed within the 60 days after denial at the reconsideration level. The file is then forwarded to the Office of Disability Review and Adjudication. This is your chance to present your claim directly to a person-the Judge. Processing time varies from several months to over one year. If case is denied at the hearing level then option to appeal to Appeals Counsel and then Federal Court. If case is granted at hearing or any other level the claim goes to the payment center.

TIPS Best tip is to be prepared for the hearing and make sure that Social Security has all of your evidence. An attorney can help with the preparation.

## IV. DO I NEED AN ATTORNEY???

1. An attorney can provide services including the following:

- a. Assist in completion of application forms.
- b. Assist in completion of pain and function reports sent by Social Security
- c. Obtain medical records not in the claimant's file
- d. Submit medical records and interrogatories to Social Security
- e. Provide information to Social Security ex. new address
- f. Answer questions about status of claim
- g. Get information from your Social Security File
- h. Prepare claimant for hearing
- i. Submit a written summary of the medical evidence and argument to the Judge
- j. At Hearing, examine claimant and witnesses
- k. At Hearing, cross examine medical experts & vocational experts called by Judge
- l. Once decision is received advise claimant on payment or appeal procedure(s)

2. COSTS OF ATTORNEY: The lesser of 25% or \$6,000.00 of the retroactive benefits. Social Security regulations require that attorney fees be approved by the Social Security Administration prior to payment. The Social Security Administration will withhold 25% of past due benefits for payment of authorized attorney's fees. Your regular monthly benefits will not be affected.

## V. QUESTIONS AND ANSWERS

Q: How long do I have to wait after becoming disabled before I can file for Social Security disability benefits?

A: No time at all. Many individuals make the mistake of waiting to file a claim and then have to prove that their disability began at a date that they were still insured for benefits. To avoid this situation, an individual who suffers a serious illness or injury and expects to be out of work for a year or more should file a claim as soon as possible.

Q: I am receiving workers compensation benefits as a result of an injury on the job. Can I file a claim for Social Security disability benefits now or should I wait until the workers compensation ends?

A: You can file for Social Security disability benefits while receiving workers compensation benefits. Filing for Social Security before workers compensation benefits ends reduces the possibility of having a gap between workers compensation and Social Security benefits and having to prove your claim after the date you are insured for benefits.

Q: Can I get both Workers Compensation and Social Security disability benefits?

A: Yes. Although Florida is a reverse offset state which means that whatever benefits

that you receive second will be reduced because of the first benefits. Nonetheless, if you receive Workers Compensation first, in most cases there will still be some Social Security disability benefits to be paid.

Q: How much Social Security benefits or Supplemental benefits can I receive?

A: For Social Security disability cases benefits range from \$1.00 to a maximum of over \$1,800.00 a month depending upon how much and for how long a person has earned in the past and paid into the system. For Supplemental Security cases, the maximum monthly amount that an individual with no other income can receive is over \$650.00, however, other income or assistance that an individual received reduces this base amount.

Q: How far back will they pay disability benefits an Supplemental Security benefits if I am found disabled?

A: For disability insurance benefits, the benefits cannot begin until five months have passed after the person becomes disabled. Also benefits cannot be paid more than one year prior to the date of the claim. SSI benefits cannot be paid prior to the start of the month following the date of the claim.

Q: If I win my case will I get Medicare or Medicaid?

A: If you get disability benefits, you will receive Medicare on the twenty-fifth month of your disability. There are no prescription drug benefits under the Medicare card and only limited days per year in a hospital or nursing home. If you get SSI benefits, you will receive Medicaid beginning the same month as SSI benefits begin. The Medicaid card provides for some prescription medications as well as long term nursing care.

Q: I have a combination of problems that disables me, but no single problem disables me. Can I get Social Security benefits?

A: Social Security considers the combination of impairments that an individual suffers. Many claimants for Social Security disability benefits have more than one health condition for which the combined effects of all of the health problems are considered.

Q: How long does it take to receive an answer at the initial level and reconsideration level?

A: Statistics indicate that the average time to receive an answer at the initial and reconsideration levels are 100 days each.

Q: What happens at the hearing?

A: The hearings are informal. Generally, the people at the hearing are the Judge, a monitor, the claimant, the claimant's attorney and any witnesses brought by the claimant. There may also be a medical doctor or vocational expert called by the Judge to testify at the hearing.

Q: What role does the vocational expert and/or medical expert have at the hearing?

A: The “vocational expert” will testify whether your limitations make a job too hard for you to do. The Medical advisor will testify if you have a serious medical problem that meets or equals one of Social Security’s medical listing of impairments. If so, you will be found disabled.

Q: What will I testify about at the hearing?

A: Common areas of testimony include your medical conditions(s), medical history, physical abilities, mental abilities, education and training, and work experience.

Q: What happens if I lose the hearing?

A: If you lose your hearing you can ask that your case be reviewed by the Social Security Appeals Council. If the Council refuses to review your case or decides against you, you have another 60 days to appeal to the U.S. District Court in your area.

Q: Does alcohol and drug addiction have an effect on a claim?

A: In the past one could get benefits on the basis of alcoholism or drug addiction, but Congress now prohibits receiving benefits for either. Alcoholics and drug addicts who become disabled apart from their alcoholism or drug addiction can become eligible for Social Security disability benefits.

Q: The VA classifies me as disabled, so why is Social Security denying me Social Security disability benefits?

A: Social Security’s position is that VA decisions are not binding upon them. Social Security and VA have very different standards for assessing and approving disability claims.

Q: If the VA gives me a rating of 30%, will I receive 30% of my Social Security disability benefits?

A: No, Social Security does not list percentages of disability. For Social Security you are either disabled or not disabled.