

Is it Time to Get a Professional for Your Social Security Disability Claim?

Many, many Americans (even the ones who qualify for benefits) are filled with questions about the process of applying for Social Security Disability. This process is one that can be extremely frustrating to someone that is unfamiliar with the laws or the process. Sound familiar? Well, you are not the only one feeling frustration with the process. Here are some basic questions that we hear a lot and a few simple straight forward answers to those questions. We hope that this information can help you to better understand the process, and know what you should do next.

The question we probably hear more than any other is "How are Social Security Disability and Supplemental Security Income different? This is a good question because there is a big difference in the two. Supplemental Security Income is commonly referred to as SSI, and Social Security Disability is referred to by the initials SSD. In reality, the only concept these two programs have in common is that they were both created for people with disabilities.

SSI is for those people that are disabled and have never worked or have not worked enough to qualify for SSD. This is a wide group, including children, mothers or fathers who stay at home, or people who worked before they were disabled, but did not pay enough into Social Security to qualify them for SSD benefits. SSI also is income based, so if you are married and your spouse makes too much money for the Social Security guidelines you could be denied even if you are disabled.

For SSD, when you work and pay taxes you also pay Social Security. The Social Security Administration keeps records on each individual, recording how many years they worked, how much they earned, and how many Social Security "quarters" they have worked and paid. Once a person has qualified for SSD benefits, a Social Security record or statement will be provided to them annually. This statement will detail how much money you could receive if you became disabled and approved for Social Security Disability benefits. This statement also tells you your Date Last Insured often referred to as your DLI.

Q: "I would like to obtain a copy of my SSD record.

How do I do this?

A: You can contact your local Social Security Administration office and ask for a copy of this statement. You can also obtain information from your statement over the phone, like your DLI, the amount of time you are recorded as having worked, etc. To locate your local Social Security office, simply call 1 800 772 1213 or visit the Social Security Administrations website.

Q: "Why dont I qualify for SSD when I worked the majority of my life?"

A: The reasons why you may not qualify for benefits are different from person to person. Paying "quarters" into Social Security is similar in concept to paying for health insurance. Insurance benefits will end after a certain time has elapsed since you last paid. It works the same way with Social Security. If, for instance, you work for 30 years before retiring early, the moment you leave work you will stop paying into your Social Security account. After this, you only have a certain amount of time before your Social Security Disability coverage will end. If you are in this situation and your coverage has ended then you should consider applying for SSI.

Q: "Its my money! I worked and I paid into the system, why cant I get my money back?"

A: This is a good argument but unfortunately this is not how Social Security works. You do have to be found medically disabled even for SSD benefits. Paying into the system simply qualifies you for Social Security Disability.

Q: "I am already getting Social Security Disability but its not enough, I need to get more money."

A: This is a situation that many people find themselves in, and it is a frustrating one. However, in the world of Social Security benefits, the idea of "getting more money" just does not exist. With SSD you are either approved and receiving the entire benefit available to you or you are denied and receive nothing. There is only so much "money" in your "account" to be withdrawn. It is similar to if you had a regular bank account that you withdrew monthly funds from, there is only so much money in that bank account and no more is being added because you are not working.

Q: "I was on SSD and then I went go jail, why am I not getting my benefits anymore?"

A: When a person is incarcerated, they become a ward of the state, which pays for food, board, etc., Because of this the Social Security Benefits are stopped and when you are released you often have to reapply for benefits. In this situation it may be a good idea to contact an attorney or professional

that is familiar with this type of situation.

Q: "How long should I expect to wait before I get approved?"

A: This is different with every case. Almost everyone is denied at least once if not twice. The entire process on average can take about 2 to 5 years. If you are in the middle of this process, and have a hearing scheduled to evaluate your application, it is a good idea to speak with a professional who understands the ins and outs of the SSD process. Most Social Security professionals offer a free consultation, and will let you know up front whether or not they can take on your case.

Q: "My SSD application was approved, and I have been receiving benefits. Now they tell me they paid me too much and I have to pay them back."

A: This can happen and it is referred to as an overpayment case. If this happens to you, the first thing you need to do is speak to a lawyer who handles these kinds of Social Security cases.

If you find yourself in any of these situations and you are not sure what to do start asking questions. Speak to a professional who deals with SSD, and keep in mind that if one lawyer rejects your SSD case, there are others who may be willing to take it on. There are attorneys that handle SSI but not SSD and there are attorneys that handle all types of situations with social security benefits.

If you are not sure who to contact first there is a referral system for attorneys that specifically handle Social Security claims. This agency is called the National Organization for Social Security Claimants Representatives, or NOSSCR. When you speak to NOSSCR, be sure to let them know your specific situation, such as a stoppage of payment of benefits (called a cessation), a claim of overpayment, etc., so they can refer you to the best professionals to take on your case.

About the Author

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