

SOCIAL SECURITY


# 9 THINGS

SOCIAL SECURITY  
WON'T TELL YOU  
BEFORE YOU APPLY  
FOR DISABILITY



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SOCIAL SECURITY

A person in a wheelchair is shown from the side, with their hand on the front wheel. The background is a blurred outdoor setting. In the top left corner, there is a close-up of a Social Security document with the words 'SOCIAL SECURITY' and 'FEDERAL RESERVE' visible.

**You** have paid into the Social Security System through your paycheck every week for years. Now due to circumstances beyond your control, you need to file for disability which is precisely what you paid for. Unfortunately, most people who have become disabled find that it is extremely difficult to win Social Security disability benefits. In fact, only an average of 26% of people who apply are awarded at the initial application.

**Martin Hoffman, Esq. Senior Partner at Hoffman, Larin & Agnetti, P.A. reveals 9 things that Social Security won't tell you about the disability process.**

*For more information, visit our Social Security FAQs [here](#).*

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# 1. Did you really apply for benefits?

**T**oo often, potential clients ask us to check on the status of their SSA disability benefits application only to discover that the application wasn't filed accurately. Why? It often starts with the online application. At the end of the online application you see "Submit". Don't.

Before you file, you need to complete 3 documents:

- [Social Security Disability Application](#)
- [Adult Disability Report](#)
- [Authorization to Disclose Medical Records Form](#)

Only after you have submitted all three forms, click Submit.

The image shows three overlapping Social Security Administration forms. The top form is Form SSA-16 (06-2018) titled 'APPLICATION FOR DISABILITY INSURANCE BENEFITS'. The middle form is Form SSA-348-BK (11-2020) titled 'DISABILITY REPORT - ADULT'. The bottom form is Form SSA-827 (03-2020) titled 'AUTHORIZATION TO DISCLOSE INFORMATION TO THE SOCIAL SECURITY ADMINISTRATION (SSA)'. The forms are partially overlapping, showing their respective headers and introductory text.

## 2. Complete the “Optional” remarks section of your Adult Disability Form

**Y**ou have completed multiple forms that has taken you hours to get done. Then you come to an ‘optional’ section which doesn’t seem important.

**Fill it out! This is the only place you can tell your story.**

But remember the key tip when filling this out: You are filing for disability because you can no longer work. Write your story with this in mind. How does your disability affect your ability to take care of your personal needs or perform daily household chores? How about going shopping? Can you sit, stand or walk for more than 10 minutes without stopping? Explain in detail what your conditions are and how they affect your daily living.



### 3. List ALL Your Conditions

**O**n your forms, you are asked to list your medical conditions. One claimant was in chronic pain from degenerative disc disease which limited his ability to sit, twist, reach or stand. But in his pain, he neglected to mention his asthma and congestive heart failure which left him exhausted all the time.

Including all your conditions is equally important when filing for a mental disability. Often claimants submit bi-polar or other diagnosed mental disabilities but neglect to add in depression or anxiety. These are valid medical conditions that can impede someone from holding down a job. Don't hold back.

**Social Security will consider all of your conditions and whether they combine to prevent you from working. This is why you MUST list all of your conditions in these forms.**

*But remember, you must have medical records that support your claims.*

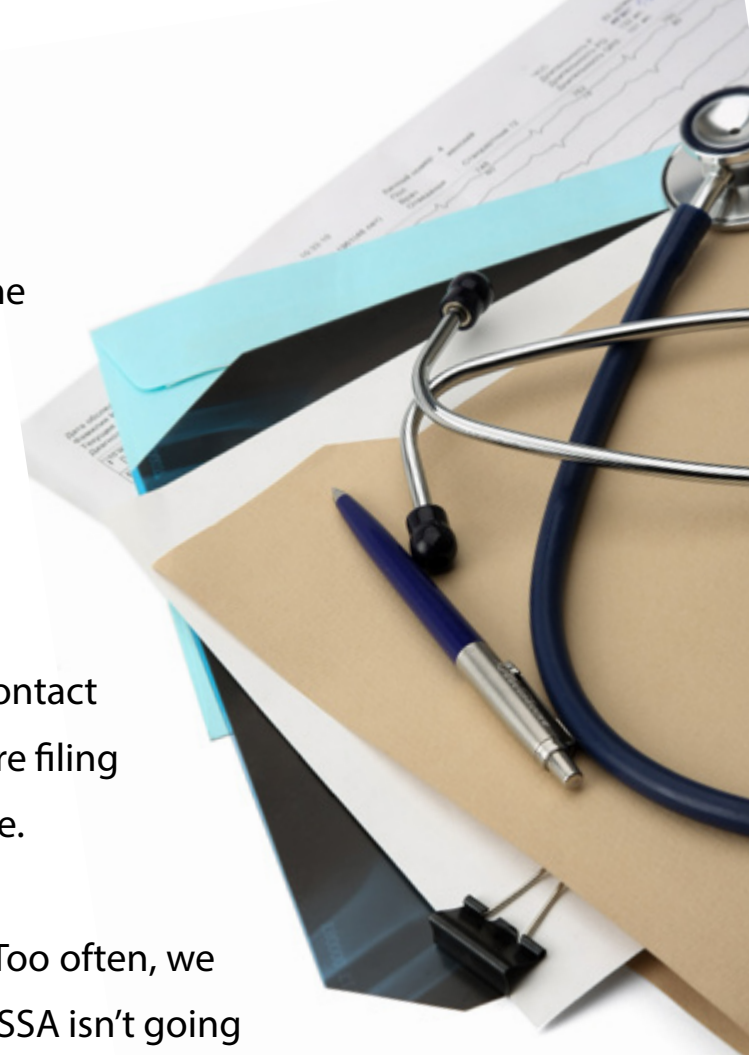


## 4. Check Your Medical Records

One of the biggest mistakes an applicant can make is not completing the medical records section in detail. Social Security has a checklist that can be found [here](#). Don't neglect to provide the contact information for each medical provider, detail the tests each provider ran and list every medication, what it was prescribed for and the side effects if there are any.

Do not rely on Social Security to collect all these records. Before you file, contact each medical provider, get a copy of your records and let them know you are filing for disability. Once done, review your application to make sure it's complete.

**Tip: SEE YOUR DOCTOR AND THEN FOLLOW THE DOCTOR'S ORDERS!** Too often, we hear an applicant tell us that they haven't seen their doctors in over a year. SSA isn't going to take an application seriously if you haven't sought medical treatment on a continuing basis. And please, don't ignore the recommendations of your physicians, fill your prescriptions and follow up on therapies, whether physical or medical.



## 5. Your Appointment with the Social Security Doctors IS Important

**A**t some point you might receive a letter from Social Security requiring you to see one of their physicians. Be sure to tell the physician about each and every condition you have and how it affects your life and daily activities. It isn't an option. They will set the appointment with a date and time with a doctor in your area. If you cannot make it on that date, **YOU MUST NOTIFY SSA as soon as possible.** Ignoring this appointment could give SSA a reason to deny your claim.

Don't be nervous, be honest and straightforward. Be specific when describing **ALL** your conditions and answer their questions. It might help to write everything down and bring the list with you. (We all forget things when we go to the doctor's office!)

*This 5 minute examination can determine the outcome of your case so be on time, be polite and be specific.*





## 6. Forms, Forms And More Forms

Once you have submitted a completed disability application, you will begin receiving correspondence from Social Security in the form of letters, phone calls or emails. It is imperative for you to all SSA inquiries as soon as possible.

SSA may be asking for more information on your work history or your daily activities. Typically, most correspondence will advise that they need responses to be completed and sent back within 10 days. It isn't easy to comply but SSA has strict deadlines and missing these deadlines could jeopardize your claim. DO NOT fall into this trap! When you receive a document from SSA, complete it and send it back and ALWAYS send it back certified mail.

**Tip: FILL OUT EVERYTHING ON THE FORMS.**

Check No or NA (Not Applicable) on Every Box. Empty boxes will force SSA to guess whether the answer is no or whether you forgot to respond. You don't want SSA to guess.




## 7. If your initial application is denied, appeal! - *The Reconsideration Process*

**I**n Florida, the first step in the appeals process is “Reconsideration”. The office that reviewed the initial application will review it a 2nd time. Maybe that is why only 13% of Reconsideration appeals result in a favorable decision.

### **REMEMBER THAT YOU HAVE 60 DAYS TO FILE FOR RECONSIDERATION!**

At this stage, SSA will ask for any updates to your conditions since you FILED your original application. Fill out every form in detail including medical appointments, hospital stays tests and prescriptions.

If mailing your forms, send them certified mail so that you have proof when it was sent. Reconsideration is a good time to hire a disability attorney. See #9 to learn why.



Appeal

## 8. If your application is denied, file for a hearing. - *The Hearing Process.*

**I**f you are denied at the Reconsideration level, you can appeal and file for a Hearing with an Administrative Law Judge (ALJ). **REMEMBER THAT YOU HAVE 60 DAYS TO FILE!**

Your best chance of prevailing is at the ALJ level and this is where hiring a disability attorney will improve your chances of a positive outcome. *See #9 to learn why.*

You will receive more forms to complete, more medical records to collect and more calls from SSA. Once again, complete each form in detail, send everything back on time and follow all instructions. This is a good time to let your medical providers know you will be going in front of a ALJ and that they might be asked to submit

function forms. If you choose to hire an attorney, they will manage the entire process for you.

You will receive a date and time for your hearing. During Covid, all hearings are telephonic, with you, the Judge and a Vocational Expert participating on the phone. Do not postpone the hearing unless necessary. The ALJ will ask you questions and will get the opinion of the Vocational Expert. Be honest, answer all questions as asked and remember to describe your medical or mental conditions as they impact on your ability to hold down a job. Don't exaggerate-remember the ALJ has reviewed your medical records as well as the reports SSA has collected.

**This is the first and only time you will be able to present your case in person.**



## 9. Should you hire a disability attorney?

**Y**es. Research shows that only 30% of those who do not hire an attorney are ultimately approved for disability benefits, but 60% of those who do hire an attorney are ultimately approved. This leaves over half of unrepresented claimants who asked for a hearing before an ALJ without benefits.

An experienced disability attorney knows the system, has been in front of these ALJs, understands how to approach the Vocational Experts opinions and uses his/her experience to tell a compelling story of disability.

### **What to look for when hiring a disability attorney?**

**1.** Go to the attorney's website. If you see the following at the bottom of the home page, think twice before signing up; "Not RealName.org is not a lawyer or law firm." These are not law firms. They are advertising services paid for by the lawyers and advocates whose names are forwarded in response to user requests. The lawyer you will be referred to is probably selected

because he/she pays for the referral, not necessarily because they are the most competent.

**2.** Never hire a lawyer until you first meet him, face to face (or by Zoom during Covid). If it doesn't feel right at the meeting, it probably isn't.

**3.** Hire a local attorney. He will be familiar with the Judge's idiosyncrasies and will act accordingly. Additionally, you can schedule in person appointments without boarding a plane.

**4.** Hire an attorney who is member of NOSSCR. NOSSCR is the National Organization of Social Security Claimants' Representatives. The organization is committed to keeping members current on the law and changes to it and is committed to supporting a membership that provides high quality representation for claimants.

**5.** Check the reviews on Google.com or on Avvo, a professional site. Read what other clients have to say.

**F**iling for SSDI or SSI is a long, frustrating task. Don't let the process cause you to quit. Follow these 9 steps, read Social Security Disability Tips and have patience.

And if you are denied on your initial application, **call Hoffman, Larin & Agnetti.** Why?

***"Fast, reliable, friendly and trustworthy!"***

- Posted by Molly

*"Let me start by saying Mr. Martin Hoffman knows his stuff! Obtaining disability benefits is a long and drawn out process but Mr. Hoffman's approach to paperwork and his reliability makes it so much less painful. He takes the time to guide you step by step through the process and every step of the way, he's always there if you have any questions. He also speaks on your behalf from start to finish, whereas other attorneys will leave you to deal with what feels like endless phone calls from Social Security. Not Mr. Hoffman! I barely had to speak to anyone on the phone myself, as he and his staff did all of that for me. Being disabled this was a huge burden off my back.*

*He made the entire process as stress free as possible and I would 100% recommend him to anyone who needs Social Security benefits in a timely manner. He WILL fight for you! My case was finished in 13 months. He's also funny and kind, so meetings at his office are pleasant and not as much of a chore! Thank you for everything Mr. Hoffman!"*

**To read more of what our clients are saying click here. Email Martin at [mhoffman@hlalaw.com](mailto:mhoffman@hlalaw.com) or call us at 305-653-5555.**

