

Social Security Disability

Who Gets It, Why, And Where It's Going

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Call Now.

Agenda

- Applying for Social Security Disability
- Disability Criteria
- Why people are denied
- Working while being on SSI/SSDI
- Reviews of Disability Status
- Cultural Considerations
- Toughening Climate for Disability
- Tips and Strategies

Applying for Social Security Disability



True or False?

1. Applying for Social Security Disability is easy, requiring minimal paperwork.



Answer

1. Filing for Social Security Disability is easy, requiring minimal paperwork? **FALSE**

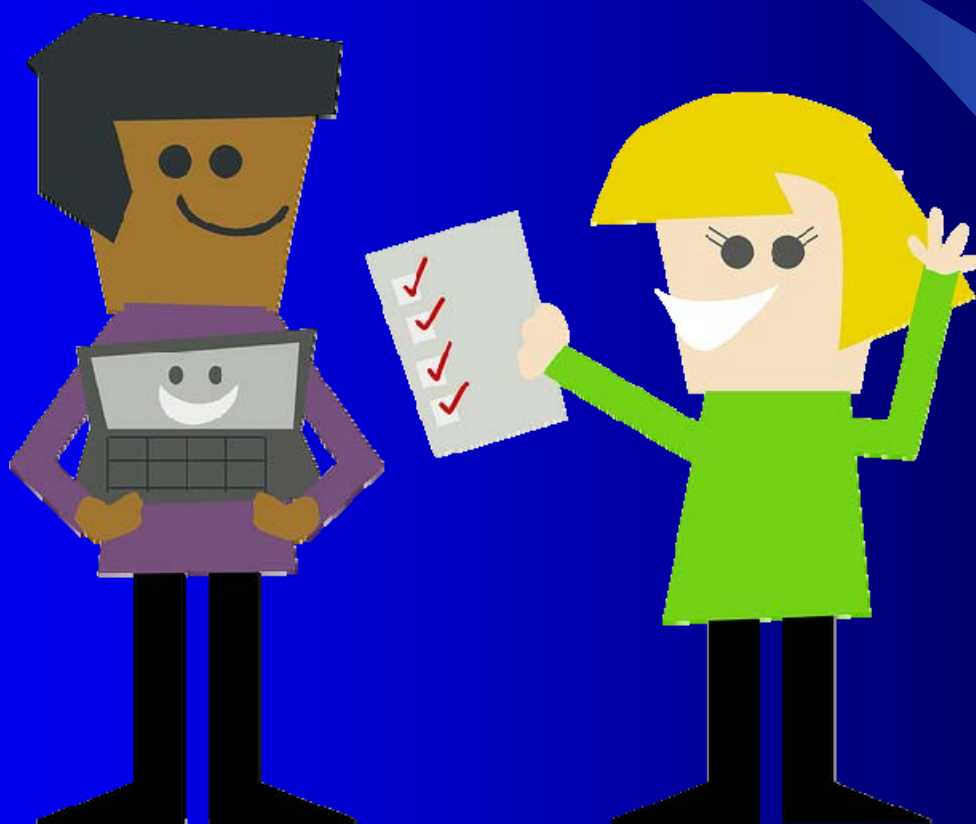


Filing for Social Security Disability

- Application (initial and reconsideration)
 - 4 months to 1 year to get decision
- Hearing in front of judge
 - 12 months to 16 months to get decision



Disability Criteria



True or False



1. Having a diagnosis of a serious condition is enough to qualify for disability.
2. Age makes no difference in qualifying for disability.

Answers

1. Having a diagnosis of a serious condition is enough to qualify for disability.

FALSE

2. Age makes no difference in qualifying for disability.

FALSE



Criteria for Disability

- Must have a severe mental or physical condition that prevents you from working full time for 12 months or more.
 - Gross income has to be less than about \$1,000/month.
 - Easier to get disability at age 50 or 55

Reasons People Are Denied



Denial True or False



1. You can get disability for having a drug or alcohol problem.
2. Seeing your doctor or therapist only on a yearly basis is ok.
3. A doctor's notes can make the difference in winning a Social Security case.

Denial Answers

1. You can get disability for having a drug or alcohol problem? **FALSE**
2. Seeing your doctor or therapist only on a yearly basis is ok. **FALSE**
3. A doctor's notes can make the difference in winning a Social Security case. **TRUE**

Reasons For Denial

- Condition is not severe enough.
- Drug or alcohol use.
- Not following through with the Social Security Disability process properly.

Reasons for Denial, lack of documentation

- Lack of documentation
 - No diagnosis.
 - Not seeing your doctor or therapist enough.
 - Not taking prescribed medications.
 - Lack of proper evaluations.
 - Not reporting symptoms.
 - Not reporting how disability is affecting daily life.



Reasons for Denial, lack of documentation continued

- Household changes
- (for SSI only)
- Jail or prison
- Leaving the country
- (for SSI only)
- Unable to locate/address changes
- Earning too much
- Lack of documentation



Qualifying for Medicare



SSDI and Medicare

SSDI recipients are eligible for Medicare 2 years after the first month they are eligible for their monthly disability benefits.

Note: this is for SSDI cases only. SSI clients are not eligible for Medicare.

Working While On SSI/SSDI



Working True or False



- You can't work and get disability at the same time.
- If I start working again, my disability payments will stop.

Working Answers

- You can't work and get disability at the same time. **FALSE**
- If you start working again, your disability payments will stop. **FALSE**

Working

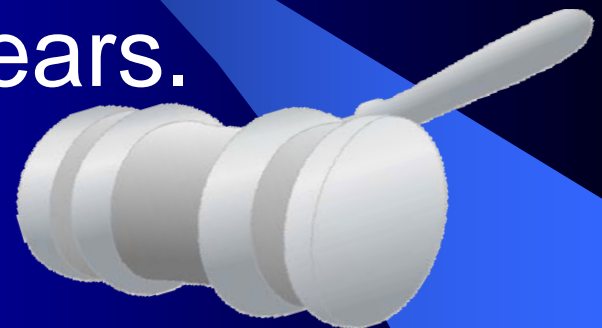
- Trial Work Period - Social Security has special rules on testing your ability to work while receiving disability payments.
- Gross earnings need to be less than \$1000/month.
- If you want to return to work, try gradually increasing your hours.

Continuing Disability Reviews



What you need to know about Continuing Disability Reviews

- Disability reviews can be about every 18 months to 7 years.
- Termination Hearings
 - Hearing is in front of a disability officer.
 - Payments can continue while you're waiting for a decision (but you'll have to repay if denied).



Cultural Considerations

- SSI generally for citizens only. Refugees/asylees can qualify for 7 years from date of entry.
- Some permanent residents are eligible for SSI based on their work history and/or their spouse's work history.



Other Considerations

Proving disability for persons of color or immigrant communities are a challenge because of complexity of cases that may include:

- Language barriers.
- Reluctance to seek mental health care.
- Lack of work history.
- Prevalence of chemical dependency.
- Criminal history.
- Perceptions about individuals on public benefits.

Language Barriers

- Language barriers can conceal disabling problems such as cognitive disorders.
- Language barriers are big issue at hearings – varied quality of interpreters, inadequate time at hearing, difficulties in translating.
- Illiterate or non-English speaking people qualify for disability if physical issues limit them to performing sedentary jobs.



Other Cultural Factors



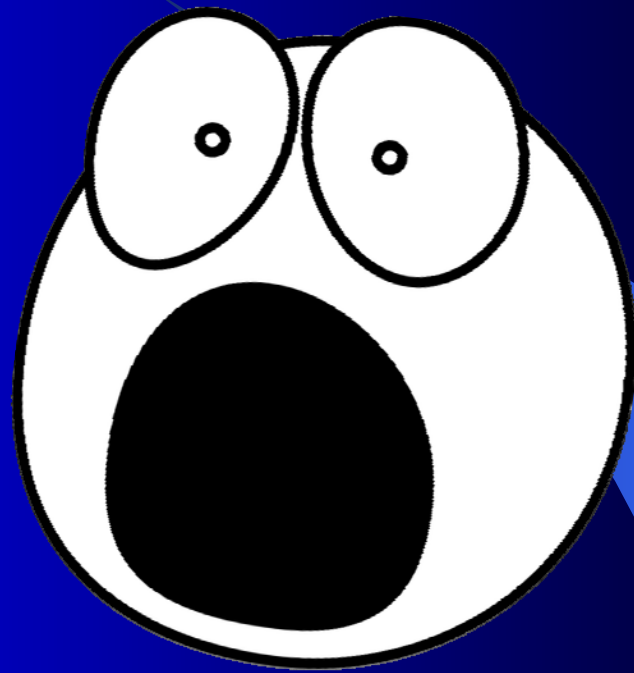
- Stigma against mental illness in some ethnic communities.
- Refugee populations dealing with PTSD – physical manifestations of dizziness, weakness, headaches, stomach problems, seizures, chronic pain.
- “Chi-raq” Some American cities are war zones – people witnessing, experiencing frequent violence from young ages. High prevalence of mental health issues.
- Communities of color in poor communities – lack of documentation of developmental disabilities if from underfunded school districts such as Chicago or Southern states.
- Individuals with mental health issues should have recent (within six months) mental health evaluations by a licensed psychologist or psychiatrist.
- Challenging to test for cognitive disorders when language barriers. For Social Security, must use TONI test.
- Women from traditional cultures don’t want to see male doctors or therapists and often have trouble opening up regarding rape.
- Homeless individuals – often have engaged in prostitution; have incurred head traumas.

Where it's Going: Toughening Standards, Downward Trend

- Recession + aging Baby Boomer population = skyrocketing Social Security applications – claims increased by 25%.
- Insufficient staff for adequate consideration of claims = more denials.
- Negative publicity with misleading information and focus on outlier fraud cases = more denials.
- Video hearings = more denials.
- Fears of Social Security Trust Fund running out = more denials.
- Fewer cases being approved at hearing level. In many states, average approval rates down to 40s. National average is 46%. In Minnesota 47% approval.

SSDI Awards Per Year

- 2010: 727,033
- 2011: 732,660
- 2012: 675,122
- 2013: 550,085
- 2014: 327,351
- Future: tougher to get disability, more evidence required to prove disability.



Tips and Strategies for Obtaining Disability

Documentation, Documentation, Documentation

- Regular visits to doctors, psychotherapists, other treating providers.
- Maintaining sobriety.
- X-Rays, MRIs, CT scans to document arthritis.
- Psychological evaluations by licensed psychologist or psychiatrist for depression, anxiety, etc.
- IQ or other cognitive testing for intellectual disabilities, head injuries, memory loss.
- Functional capacity evaluations to assess capacity for lifting, sitting, standing, walking.
- Education records documenting intellectual disabilities.
- Letters, opinion statements from treating providers.
- Third party function reports by family members or other third party.
- Urinalysis or other drug tests to confirm sobriety.
- Jail, prison records to document physical and mental conditions, sobriety.
- Vocational assessments to document work capacity.
- Letters from family members, friends, employers.
- Journal of symptoms of pain, fatigue, mental illness.

For More Information, Call:

Disability Partners

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Toll Free: 1-866-577-9007

www.DisabilityPartners.net