

Important Tips For Winning Your Social Security Disability Claim

1. If you are unrepresented, keep a copy and get a receipt of any application or appeal you file.

All too often, we hear a familiar story. A claimant has applied for benefits, but Social Security has no recollection of this application. The claimant has been forced to refile the application and the resolution of the claim has been significantly delayed.

This scenario can easily be avoided if you get a receipt of your appeal from the Administration. If you file in person with the Administration, they can stamp your appeal and provide you with a copy. If you apply online, print out the confirmation document. If you apply by mail, follow up with the Administration and ask them to forward you a receipt. Thus, if the Administration later claims that you have never applied for benefits, you have concrete proof that you did.

2. See a doctor regularly and seek out a county facility or free clinic for treatment if you have lost your medical insurance.

In order to be entitled to benefits, your impairments must be medically documented. This means there must be legible medical documentation supporting your claim. The judge may believe that you do have severe pain, but if there is no concrete proof, the judge must deny you benefits.

Treating regularly with a physician is necessary to establish your impairment. Treating with a specialist who specifically treats your condition can add even greater weight to your claim.

We understand that treatment is expensive and can be difficult with the rising costs of healthcare. If you are no longer insured or in danger of losing your insurance, seek out county facilities and free clinics in your area so there will not be a significant lapse in treatment.

3. Keep track of all the medical providers or facilities you treat with and let your representative know when this information needs to be updated.

The foundation of every disability claim is medical evidence. If your attorney is not aware of all the providers or medical facilities you treat with, your attorney cannot get the materials to prove your claim. Every time you treat with a new provider or facility, let your attorney know. Make sure you get all the pertinent contact information for the provider, including: name, address, phone number, and fax number. If possible, get a copy of the medical record of each visit following your appointment. You never know what valuable piece of information could result in a favorable determination.

4. Treat with a medical provider you trust and who is aware of your disability.

If your doctors do not support your claim for disability, you may need to ask yourself whether you legitimately fit the Social Security Administrations' definition of disability. It is important that you have supportive providers throughout this process. Often the Administration or your attorney will contact your providers for support in your claim. If your provider is not aware of your disability, or does not support your claim, it is very unlikely that you will be able to obtain benefits.

5. If you return to work, let your representative know.

A return to work can drastically change your claim. While there are some regulations that permit you to work at certain levels, your attorney needs to be aware of your work status. Not only is it important for your attorney to explain to you how work affects your case, the attorney needs this information to help formulate a legitimate theory to win your claim. Additionally, if you return to work without notifying the Administration, your claim may result in an overpayment. In an overpayment situation, the Administration will ask you to pay back the surplus amount that you were paid. If the Social Security Administration finds that you intentionally misled them to receive additional benefits, they may impose additional civil penalties.

6. Pay attention to the time frame you have to appeal a denial.

The Social Security Administration has strict deadlines for entering an appeal. Generally it is 60 days from receipt of the denial, but this can vary. The Administration is not very understanding when a deadline is missed and may make you refile your application. This is easily avoidable if you read each denial letter carefully. Often the appeal timeframe is not on the first page, so read every page of the denial. As soon as you receive a denial, let your attorney know. Though the Administration is supposed to copy your representative on all correspondences, this does not always happen. Notifying your attorney can ensure that a deadline is not missed.

7. Get a copy of your medical record following each visit so the Administration has accurate information regarding your medical condition.

Getting a copy of your medical records following each visit can save you a lot of administrative costs that your doctor may charge. To prove your claim, we will request a copy of your medical records from each treating provider and facility. While West Coast Disability Law Group, LLP does not charge a fee for representation unless we win your case, your doctors may require that you pay nominal copy fees for release of your medical records. While you are responsible for these charges, you may be able to avoid them. Ask for a copy of your visit record following your appointment with your doctor. This could result in drastically reduced copy fees.

8. Let your representative know if your doctor is not supportive.

If your doctor is not supportive, you may be wasting your time applying for benefits. Make your representative aware of any providers who do not support your claim. If we legitimately do not think we can prove your case, we will let you know. The Social Security claims process is lengthy and we will honestly approach you if we think your case is unwinnable.

9. Fill out all paperwork your representative or the Administration gives you honestly and accurately.

To effectively represent you, we must have accurate details in regards to your claim. While we recognize that you may not recall every detail of your treatment or work histories, try to fill out all required paperwork as accurately as possible. Never intentionally change information to make your case look stronger. The Administration may impose civil penalties for such fraudulent behavior.

10. If the Social Security Administration schedules you for a consultative examination, please attend.

The Social Security Administration may send you to one or more of their doctors for a consultative evaluation at no cost to you. We understand that you are probably more comfortable with your own provider for regular treatment, but you must attend this evaluation. Failure to attend may result in a denial due to your lack of cooperation with the Administration's requests.

11. Ask questions to your representative if you do not understand something.

We understand how complicated the Social Security claims process is. However, we are experienced attorneys who handle these matters every day of the week. Do not be intimidated to ask your attorney questions. No question is silly, stupid, or embarrassing. As attorneys, we are expected to know the law. You are not. You hired us for our expertise, please allow us to address your questions and concerns.