



by NLLIC Staff (Reviewed 2008)

Approximately 70 to 75 percent of first-time applicants are denied Social Security Disability (SSD) benefits. Several appeals may also be denied before an individual is successful in proving his or her eligibility. Following are some suggestions on what to do if you have been denied once, or repeatedly.

Retain an attorney

Find an attorney who handles SSD cases. Listings and advertisements in the Yellow Pages often note the areas of law in which attorneys specialize. Look for Social Security Law or Social Security Disability. You may also contact your local or state Bar Association for a referral. There are several attorney search pages on the Internet as well, searchable by city/state and specialty.

There should be no initial out-of-pocket expense for a qualified legal representative to present your case. Should you be approved for SSD, a portion of your legal fees will be paid to the attorney directly from the Social Security Administration. The balance will be your responsibility. You may receive payment retroactive to the date of your initial application or the start of your disabling condition. In this case, you will receive a lump sum for that period, and you can pay the balance owed to your attorney from this “back pay” check. Attorney fees for representation in SSD cases are limited by law.

Provide medical documentation

Your attorney may contact all of your medical doctors and other healthcare professionals to request copies of your medical records and obtain supporting evidence to substantiate your claim. Physicians charge a nominal fee for releasing medical records and information. You will be financially responsible for this charge.

Provide documentation of outstanding medical bills pertaining to your disabling condition

If you have medical expenses that have not been paid, these should also be presented to the attorney. Medicare coverage may be retroactive and cover medical expenses associated both with the illness that lead to your disabling condition, and those stemming from it.

After your attorney submits all of the required materials, you may be asked to participate in a telephone interview or to appear before a judge. A personal appearance is not a reason to panic. The judge presiding over your case may require you to appear in person to confirm your disability in order to hinder abuse of the system.