



Applying for Disability

A walkthrough for scleroderma patients

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What is Social Security Disability?



What is Social Security Disability?

Overview of two most common disability programs

Social Security Disability Insurance: **SSDI**

- ✔ Monthly financial benefits to workers, who are unable to work due to severe illness and/or disability considered fatal or long term – 12 months or longer.
- ✔ Pays benefits to you and certain members of your family if you are "insured," meaning that you worked long enough and paid Social Security taxes.
- ✔ Only counts personal income
- ✔ More commonly applied to

Supplemental Security Income: **SSI**

- ✔ Benefit eligibility based on financial need.
 - ✔ Is not based off of work history
 - ✔ Examines ALL assets excluding house and one personal car – property, extra cars, investments, bank accounts, etc.
 - ✔ Not as commonly applied to as SSDI
- If you feel you may be eligible call:
1-800-772-1213
Monday-Friday
7 a.m. – 7 p.m.



Am I eligible for SSDI?



SSA Definition of Disabling Illness



You cannot perform the same work that you did before



Your scleroderma prevents you from adjusting to new work



Your illness is expected to last at least one year; which scleroderma does.





How Disability Eligibility Works

- A person receiving Supplemental Security Income must have a qualifying disability and less than \$2,000 in assets, or \$3,000 if married. That asset tally excludes a primary residence, one car, burial funds or a few other exceptions.
- Social Security Disability Insurance is not restricted by assets, but an applicant should have worked 40 quarters in a job covered by Social Security or one quarter of his or her adult life to be fully insured, including 20 quarters or five years of the past 10 leading up to disability.



Is scleroderma a pre-approved illness?

YES

Scleroderma is listed under SSA's list of disabling conditions.

[14.04 – Systematic Sclerosis \(scleroderma\)](#)

This means that scleroderma is pre-determined to fit the previous three requirements for disability.

However, because it is such a variance disease, there are specific symptoms that have to be expressed in order to receive aide.

Writing Tip** Make sure you list any severity of your disease into the letter. You have to illustrate your symptoms and why those symptoms makes it impossible for you to work



What if I'm Working?

Do you make over \$1,090 a month?

YES

NO

Generally, if your monthly earnings exceed this number, you will not be considered for Social Security disability benefits.

If you make less than this figure, you are eligible to be considered for Social Security Disability

This figure changes each year, go to [TK] for current up-to-date figures

(Figure based off of 2015)



What about my work history?



What are Work Credits?

And why do I need them?

- ♥ SSDI is an **insurance** that is paid for out of tax deductions in a **paycheck**.
- ♥ The same way you insure your car in case of accident, social security insures you in case of disability.
- ♥ **Work Credits** decide whether or not you have **paid** enough into social security to receive **disability insurance**.
- ♥ Work Credits are sometimes referred to as Quarter of Coverage (QC) or just credit.



How many credits do I need?

- Amount of work credits needed depends on your age
- You also must have **recent** credit (work) history
- Generally you have to obtain your last 20 credits within the last 10 years
- If you worked at least 5 years within the past 10 years, then you have eligible recent history

[Quick-View Chart](#)

How do I earn a work credit?

- 1 year = max 4 credits**
- 1 work credit = \$1,220 ([2015](#))
- 4 work credits = \$4,880
- 40 credits = 10 years of work

[Log in to SSA to find out](#)



Age	Total credits earned	Years Worked	Credits earned in last 10 years
21-24	6	1.5	6
24-31	6-18	1.5-4.5	6-18
31-42	20	5	20
44	22	5.5	20
46	24	6	20
48	26	6.5	20
50	28	7	20
52	30	7.5	20
54	32	8	20
56	34	8.5	20
58	36	9	20
60	38	9.5	20
62+	40	10	20



What materials and documentations do I need?



Information you'll need

- ✔ Original Birth Certificate
- ✔ Your Social Security Card
- ✔ Proof of Citizenship/Residence
- ✔ Marriage and Divorce information
- ✔ Information on Children
- ✔ Copy of W-2 Forms
- ✔ Self-Employment Tax Return
- ✔ U.S. Military Service Work
- ✔ **Medical history** [Writing Tips](#)

Detailed records of Dr. visits will help When answering questions!!



Medical History

What should I document?

SSA will need **all** medical and treatment records.

- ♥ Collect and organize your medical records. Caseworkers should attempt to track down necessary records, but they may miss something, or the records won't come in and a decision will be made before reviewing necessary information.
- ♥ Records should date back at least one year before your condition stopped you from working; and while your case is pending any new information should be sent to your caseworker.
- ♥ Try to obtain these records to turn in *with* your application, this will speed up the process. (Keeping organized medical files is also beneficial for successful health management) Ways to organize files or online.
- ♥ **Make sure your name and Social Security number are on every record that you send to SSA** and follow up with your caseworker to make sure he or she received the documents.
- ♥ **Talk to your doctor**



Talk to your Doctors



- ✔ Let your doctor(s) know your plans to file for SSDI.
- ✔ Ask them to write a letter on your behalf
- ✔ Doctors should not say whether they feel you can or cannot work, but rather which symptoms prevent you from performing regular work-related tasks.
- ✔ Use the symptoms listed in [14.01](#) as a guideline for symptom discussion





Acceptable medical sources:

- Licensed medical or osteopathic doctors
- Licensed or certified psychologists (including unlicensed school psychologists when the claimant alleges mental retardation, learning disabilities, and borderline intellectual functioning)
- Licensed optometrists, for purposes of establishing visual disorders only
- Licensed podiatrists, for purposes of establishing impairments of the foot, or foot and ankle only, depending on individual state licensing restrictions, and
- Qualified speech language pathologists, for purposes of establishing speech or language impairments only.



Filling out disability report form



What questions will they ask?

1. How does your illness limit your ability to work?
2. Describe your day: time you wake-up to the time you go to bed.
3. What were you able to do before scleroderma that you can't do now?
4. Personal Care: Dress, Bathe, Hair, Feed self, etc.
5. Daily activities: preparing meals, house and yard work, getting around, shopping, finance, hobbies/interests, and social activities
6. Abilities
7. Finally, remarks



Remember..

- Leave your pride at home

You are trying to show SSA that scleroderma has prevented you from being able to work

- They won't know how you feel unless you tell them.

Be sure to explain each detail of your disease.
Being detailed is imperative to the disability process.



Making an appointment

- Appointments can be made online or through the general SSA phone number:

1-(800)-772-1213

- When setting up an appointment, please tell SSA which location is closest to you. (Give zip code)
- To get ready for your appointment, it is recommended that you have all of the information you need readily available. Also, bringing someone along for assistance would help as well.



If you apply online...

- It would be ideal if you asked someone to assist you while listing your symptoms. (This part of the application is very long and detailed)
- It may become hard to type all of the information in, and unfortunately, you won't be able to save your work and go back later.



Detail your life with scleroderma

Do you have trouble:

Getting out of bed

- Taking a shower/
bath
- Washing your back
- Drying yourself
- Drying and styling
hair
- Putting on makeup

Getting dressed

- Buttoning clothes
- Zipping up zippers
- Putting on jewelry
- Pulling up
socks/hosiery
- Putting shoes on
- Tying shoes



Do you have trouble:

In the kitchen

- Lifting the pots and pans when empty/when full
- Using a knife to dice/slice food
- Opening cans/jars/bottles
- Preparing meals

Housework

- Take sheets off and put them back on the bed
- Putting pillowcases on pillows
- Make the bed
- Vacuum
- Scrub (bathroom sinks/tub/floor – kitchen counters/pots and pans/floor)
- Laundry
- Getting wet clothes out of washer and/or into dryer
- Hanging pants on clip on hangers



Do you have trouble:

Hobbies

- Play golf (can you still hold/swing the golf club)
- Crochet/Knit
- Bike ride
- Hold a book to read
- Any hobbies or fun things you did but can no longer do because of scleroderma

Miscellaneous

- Holding and pouring things from cartons (juices/milk, etc.)
- Grocery shopping (being able to grab things from the shelves)
- Dealing with the cold in the refrigerated sections of the grocery store - dairy/frozen food/meat
- Count paper money/coins easily
- Write – trouble signing things/writing checks, etc.



Do you have trouble:

Miscellaneous

- Remembering people's names (Brain fog)
- Turning door knobs
- Turning on a manual light switch
- Getting up and down from the floor
- Holding a brush

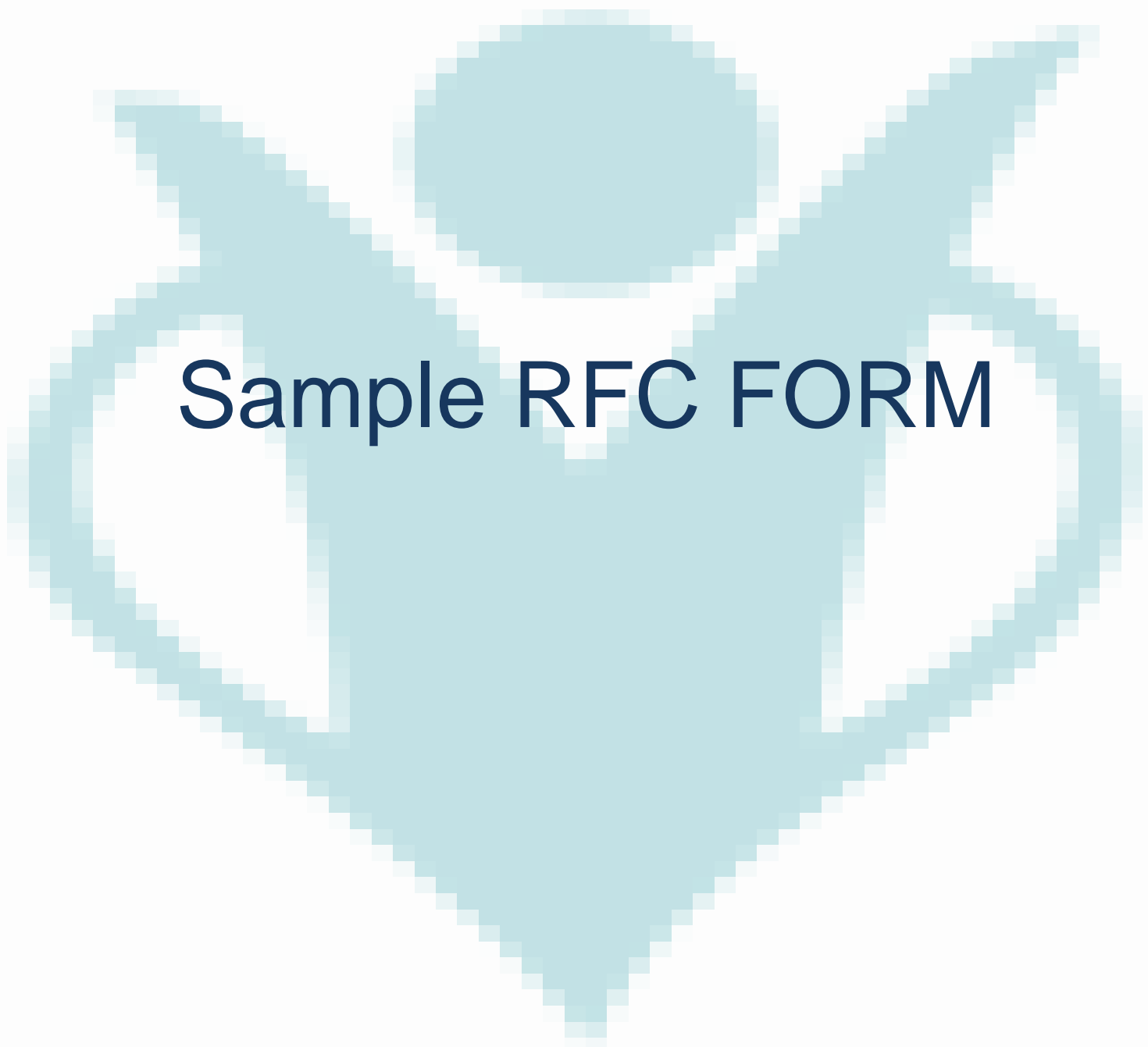


Tips before applying



Tips to Win Benefits

- If you are earning more than \$1,090 per month, then you have to quit your job, or work fewer hours, to be considered for disability.
- Don't collect unemployment while waiting for disability.
- A “proper” statement from your doctor can help your claim.
- Have your treating physician complete a Residual Functional Capacity (RFC) form to determine how much functional ability you have despite your medical condition.



Sample RFC FORM



*Doctors may charge a fee to complete RFC form.

Residual Functional Capacity Form

Patient: _____ SS #: _____

Date of Birth: _____

Dear Doctor: _____

Please respond to the following questions regarding your patient's disability. This will be used as medical evidence for a Social Security disability claim or a private long-term disability claim.

Please be specific with regards to your patient's medical ailments and how they affect his or her daily activities both at work and at home:

1. With regards to your contact with the patient, please describe the frequency and purpose:

2. Please describe the patient's symptoms as completely as possible:

3. Please state all clinical findings and any medical test results and/or laboratory results:

4. What is your diagnosis of the patients symptoms and test results?



To see a complete RFC form visit:

- <http://www.disabilitysecrets.com/rfcdownloadhome.html>



I am ready now.
Where do I apply?



APPLY NOW!



VISIT

<https://secure.ssa.gov/iClaim/dib>

-OR-

any SSA office nearest you!



What if my claim gets denied?

You should...

Learn why your claim was denied.

-A notice of denial from the Social Security Administration will contain a brief description of your medical condition, the impairments that were considered, the medical and nonmedical records that were considered, and an explanation for the denial. For instance, the explanation might say that there are jobs other than your prior work that you can still do.

Appeal your disability claim.

-If you are denied benefits at the initial level, you should appeal as soon as possible (within 60 days of the date on the denial notice). In most states, you do this by filing a special form called a [Request for Reconsideration](#). (Some states have no Reconsideration phase. In these states, you must file a [Request for Hearing before an Administrative Law Judge](#).)

Consider hiring a disability lawyer.

-By hiring one as soon as your claim is denied you can rest assured that your case will properly “developed” prior to a hearing date. Experienced disability lawyers will know what a judge will be looking for, what questions to ask your doctor, and have expertise on Social Security rules and regulations.



Local disability attorneys

- Clifford Weisberg
(248) 350-1000

21650 West Eleven Mile Road, Ste. 202
Southfield, MI 48076

www.ssrights.com

- Gary Bimberg
(888) 309-9597

100 Galleria Officentre, Ste. 411
Southfield, MI 48034

gbimberg@levinebenjamin.com



What if my claim gets denied?

Don't...

- **File a new claim**

–Filing a new claim is not a good idea for a variety of reasons. An additional claim for disability will likely be denied for the same reason as the first one. It can also lead to a loss of appeal rights and force you to have to start over from the very beginning again. Be patient and wait out the appeal process.

- **Miss the appeals deadline**

–You must appeal within 60 days plus 5 days for mailing of the date you received the notice of denial. You can do this by filling out a “Request for Reconsideration” form.

- **Try and represent yourself**

–Trying to represent yourself at an ALJ hearing might seem like a good way to save money, it can actually end up costing you in the end. While hiring a disability attorney can't guarantee you will be awarded Social Security Disability benefits, it does **DOUBLE** your chances of winning your case.

- **Forget to update your case**

–After your initial claim is denied, you will be asked to file additional paperwork. They want to know how your circumstances have changed since the last time the case was considered. It's also an opportunity for you to add additional evidence of your own. Make sure you've submitted all copies of paperwork and medical records, get an additional evaluation from a doctor (or more support from your primary care physician), ask your old employer for occupational information.

- **Get discouraged**

–It can take months for your hearing to occur. Use this time productively to gather up all the evidence you can to build a strong case. A top-notch disability lawyer can also win you back pay for all the time you should have been receiving benefits.



How to request a hearing

- The hearing process begins after an applicant for benefits has been denied at the initial and (in most states) reconsideration levels. The next step in the appeals process is a hearing before an Administrative Law Judge (ALJ).
- You or your representative may request a hearing by an Administrative Law Judge. The ALJ will make an independent decision based on the evidence we have, including your testimony at the hearing.
- You can [request a hearing online](#), [download the forms you need](#), write us a letter or ask us to assist you in completing your request. All requests must be in writing.



When and where is a hearing?

- At least 20 days before your hearing, the SSA will send you a notice telling you the date, time, and place of the hearing.
- The Administrative Law Judge usually holds the hearing within 75 miles of your home. However, your hearing may be farther away so more hearings can be held in one location. If travel arrangements will present a problem for you, tell the Social Security office when you request a hearing or as soon as possible after that. If you want to appear at a hearing but are unable to travel due to your health, submit a doctor's report with your request for hearing, explaining why you cannot travel.
- You can also appear by video teleconference at the hearing.



Paid travel expenses

- If you must travel more than seventy-five miles from your home or office to attend the hearing, certain costs can be paid for. Here are the rules that apply:
- SSA can pay your transportation expenses such as the cost of a bus ticket or expenses for driving your car.
- In certain circumstances, you may need meals, lodging, or taxicabs. The Administrative Law Judge must approve these special travel costs **before the hearing unless** the costs were unexpected and unavoidable.
- The Administrative Law Judge may also approve payment of similar travel expenses for your representative and any witnesses he or she determines are needed at the hearing.
- You must submit a written request for payment of travel expenses to the Administrative Law Judge at the time of the hearing or as soon as possible after the hearing. List what you spent and include supporting receipts. If you requested a change in the scheduled location of the hearing to a location farther from your residence, SSA cannot pay for any **additional** travel expenses.
- If you need money for travel costs in advance, you should tell the Administrative Law Judge as soon as possible **before the hearing**. The SSA can make an advance payment only if you show that without it you would not have the funds to travel to or from the hearing.
- If you receive travel money in advance, you must give the Administrative Law Judge an itemized list of your actual travel costs and receipts within 20 days after your hearing.
- If the SSA gave you an advance payment that is more than the amount you are due for travel costs, you must pay back the difference within 20 days after SSA tells you how much you owe them.



What happens during a hearing?

At the hearing:

- The Administrative Law Judge explains the issues in your case and may question you and any witnesses you bring to the hearing.
- The Administrative Law Judge may ask other witnesses, such as a doctor or vocational expert, to come to the hearing.
- You and the witnesses answer questions under oath. The hearing is informal but is recorded.
- You and your representative, if you have one, may question any witnesses and submit evidence.

After the hearing

- The Administrative Law Judge issues a written decision after studying all the evidence.
- The Administrative Law Judge sends you and your representative a copy of the decision or dismissal order.





Reasons why your claim may get

DENIED

- **You earn too much money.**
 - When applying for SSDI, you may be working over the Substantial Gainful Activity (SGA) limit, which is \$1,090 per month as of 2015. As for SSI, there's a limit on all earned and unearned income for SSI, around \$1,500 per month, that applies both when you're applying for benefits and when you're collecting benefits. And any time your income is over \$740-\$800, your SSI payment will be reduced.
- **Your disability won't last long or isn't severe enough.**
 - Social Security Administration must believe that your impairment is severe enough to last at least 12 months or result in your death. The only exception to this duration requirement is for blind SSI applicants.
- **The SSA can't find you.**
 - The SSA and Disability Determination Services (DDS) must be able to communicate with you regarding your application. If these agencies cannot reach you to schedule examinations or communicate with you about critical matters, your benefits may be denied. If you name a representative (such as an attorney) to handle your paperwork, you may not need to get in touch with the SSA, but be sure to stay in touch with your representative or attorney. If you move while your application is being considered, make sure the SSA knows how to contact you.



Reasons why your claim may get

DENIED

- **You refuse to cooperate.**
 - If you refuse to release your medical records to SSA, your claim will likely be denied. In any case that the SSA needs additional information about your impairments, they will request that you be examined by an SSA doctor during a consultative examination (CE), at government expense. You may be required to attend more than one CE, and if you fail to comply, your claim may get denied.
- **You fail to follow prescribed therapy.**
 - If you are being treated by a doctor, but fail to follow the doctor's prescribed therapy when you have the ability to do so, you can be denied disability benefits. However, the SSA recognizes certain legitimate excuses for failing to follow the doctor's orders.



Prescribed Therapy Excuses

Acceptable medical excuses

- You have a mental illness so severe that you cannot comply with prescribed therapy.
- You have a fear of surgery so intense that surgery would not be appropriate. Your treating doctor must confirm the severity of your fear to the DDS consulting doctor.
- You physically cannot follow prescribed therapy without assistance -- for example, because of paralysis of the arms or cataracts caused by diabetes.

Acceptable nonmedical excuses

- You don't have the money to pay for treatment.
- Your religious beliefs prohibit you from receiving medical therapy.
- Your doctor prescribes treatment that another doctor disagrees with.
- If your treating doctor tells the SSA that the prescribed therapy is not likely to result in your ability to work, the SSA won't fault you if you don't follow such therapy.



Reasons why your claim may get

DENIED

- **Your disability is based on drug addiction or alcoholism.**
 - The SSA will deny benefits to someone whose drug addiction or alcoholism (DAA) is a contributing factor to his or her disability.
- **You have been convicted of a crime.**
 - Certain conditions related to conviction of a crime or imprisonment will prevent you from receiving Social Security disability insurance benefits:
 - You are in prison after being convicted of a felony, unless you are in a court-approved rehabilitation program that is likely to result in your getting a job when you get released, and your release is expected to occur within a reasonable amount of time.
 - You were injured while committing a felony and were convicted of the crime. The impairment -- or the worsening of an existing impairment -- that you suffered during the commission of a felony cannot be used as a basis for applying for disability benefits.
 - You were injured while in prison. The impairment -- or the worsening of an existing impairment -- that you suffered while you were in prison cannot be used to obtain benefits. But you can generally receive benefits after being released from prison.
- **You commit fraud.**
 - If you obtain disability benefits by dishonest means, the SSA can terminate your benefits and prosecute you for fraud. If you obtained benefits through fraud on the part of someone working for the SSA, your benefits can also be terminated.



Disability Freeze



What is disability freeze?

The disability freeze "freezes" an individual's insured status and, in turn, preserves the individual's eligibility for future retirement and disability benefits.



Requirements for a disability freeze?

To qualify for a disability freeze, you must:

- have insured status for SSDI (based on your work history)
- file for disability with the SSA while you are disabled within 12 months of when your disability ends, and
- be disabled or blind (as defined by the SSA).

• **For more information visit**

<http://www.disabilitysecrets.com/resources/social-security-disability/ssdi/what-is-disability-freeze.htm>



List of References and Resources



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- <http://www.ssa.gov/disabilityssi/>
- <http://www.ssa.gov/disabilityssi/apply.html>
- <http://www.ssdrc.com/answers1.html>
- Ilene Michalski, BOD Scleroderma Foundation Michigan Chapter (ilenemichalski@sbcglobal.net)
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