

"It has long been recognized as an inescapable obligation of a democratic society to provide for every individual some measure of basic protection from hardship and want caused by factors beyond his control."

-- President Harry Truman

TWO PROGRAMS TO HELP YOU

You may be eligible for disability benefits from one or both of the following social security disability benefits programs:

1. **Title II, Social Security Disability Insurance (SSDI):** For those who have a *consistent work history*. The longer you have worked, the higher your benefit amount will be.

2. **Title XVI, Supplemental Security Income (SSI):** For those who have *minimal, distant or no work history*. The benefit amount will change each year with cost of living increases. To be eligible, you must have very limited income and savings.

DETERMINING DISABILITY

Under the Social Security Act, you are disabled if:

1. You cannot work; AND
2. You have a physical or mental impairment; AND
3. Your impairment can be expected to last at least 12 months or to cause your death.

WHEN SHOULD YOU APPLY?

Like most government programs, the Social Security Administration does not move quickly, so it's a good idea to apply early if you believe you will be unable to work for at least a year. Often, especially if you are under age 50, your initial application will be denied. Following that first denial, your application will travel through several appeals. The process can take months or even years to complete before you receive a final decision.

THE APPLICATION PROCESS

1. **The Application:** To apply, call **1-800-772-1213**. Social Security will contact you for an interview day. **We recommend that you apply in person or over the phone, rather than online.** It typically takes about 4-6 months to receive an initial decision. Approximately two-thirds of all applications are denied at this stage. If you are denied, you must request Reconsideration within 60 days of your denial.

This is the point at which you need an attorney to help you.

2. **Reconsideration:** During this stage, Social Security may send you for evaluation by a doctor. Typically it will take 4-6 months to receive decision. More than three-quarters of Reconsideration requests are denied. If you are denied, you must request a Hearing within 60 days of your denial at the Reconsideration stage.

3. **Hearing:** It typically takes **15 months** or more to get a hearing date once you file a request. At your hearing, you will give testimony before an Administrative Law Judge. Your attorney will obtain and present additional evidence to help your case. **Almost two-thirds of those who request a hearing win at that level. If you are denied, you have 60 days to appeal to the Appeals Council.**

4. **Appeals Council.** The Appeals Council considers the hearing record as well as any new evidence. They can remand your case for a new hearing or order that benefits be paid. If you lose at this stage, you have 60 days to appeal to federal court.

5. **Federal Court.** Appeals are filed in the United States District Court in the state where you live.

HOW LONG DOES IT TAKE?

INITIAL: 4-6 mo. If denied →
RECON: 4-6 mo. If denied →
HEARING: 15 mo. If denied →
APPEALS CO: 12-24 mo. If denied→
FEDERAL CT: 12+ mo.

SWANSON, THOMAS, COON & NEWTON takes calls from anyone at any stage of the process. We are happy to speak with you, whether we represent you or not. Please call us at **503-228-5222** or see our website for more detailed information: **www.stc-law.com**

HOW YOUR CLAIM WILL BE EVALUATED

The Social Security Administration (SSA) will evaluate your claim at each step in the process, using the following analysis.

Step 1: Are you working? If you are *earning* over \$1040/month SS will presume you are **not** disabled. If you are *earning* less than that, you may qualify for benefits. You also may qualify if you tried to work for a short time and were not able to continue - even if you made \$1040/month or more while you were working.

Step 2: Do you have a severe impairment? Your inability to work must be as a result of a mental or physical impairment or both. SSA will look at medical records from your doctors when they evaluate your condition. It may be that you have a number of conditions which by themselves would not be disabling, but taken together are disabling.

Step 3: "The Listings." There are a number of conditions that SSA has pre-determined are disabling. If you have one of those conditions then SSA will find you disabled. However, very few people end the process here. Most people go on to steps 4 and 5.

Step 4: Can you do any of your past work?

SSA will look at the jobs you have held in the last 15 years to determine whether you can perform that kind of work now. It doesn't matter if your job does not exist anymore. What SSA looks at your ability to do that kind of work. If you can do a past job, you will **not** be found disabled. If you cannot do a past job, then SSA proceeds to Step 5.

Step 5: Is there any work you can do?

If you are unable to do any past work, SSA must prove that there are other **full-time** jobs you can do with your impairments. If there are not, you will be found disabled.

Veterans are eligible for social security disability benefits. There is no Title II offset for your VA benefits!

Our website also contains helpful information about social security, workers' compensation, and personal injury:
www.stc-law.com

CHECK OUT OUR SOCIAL SECURITY BLOG at www.stc-law.com/socialsecurity for articles of interest.

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ARE YOU DISABLED?

**EVERYTHING YOU ALWAYS
WANTED TO KNOW ABOUT
SOCIAL SECURITY
DISABILITY BENEFITS**

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