

Do I need a lawyer?

You can apply for SSI/SSDI yourself, but there are a number of reasons you may want an attorney's help, especially after your initial application has been denied.

*** For appeals in general** - When you appeal a case, you are essentially trying to win an argument: you are saying they were wrong, and here's why. This is what attorneys are trained to do, and an attorney will review your application and the SSA's response, and find the best way to win your argument. You and your children may be eligible for retroactive benefits back to the time of an earlier application, so make sure your attorney has all the documents from your earliest attempt onward.

*** If substance abuse is an issue** - The SSA's decisions around issues of substance abuse are complicated. If the SSA believes that you would not be disabled if you stopped using drugs or alcohol, you may be disqualified. If it is are convinced that long-term drug or alcohol use has caused an irreversible disability, they may accept your claim. An attorney can help clarify your situation and make your best argument.

*** If you get worker's compensation** - Someone who practices in both areas of law can help you get a settlement that minimizes the amount your SSDI payment will be reduced because of the

worker's compensation, and also explain under what circumstances Medicare will or will not pay for ongoing work-related medical expenses once the worker's compensation case is settled.

*** If you need help with computers** - The SSA now conducts most of its hearings by videoconference, and is increasingly providing applicants with documentation of their claims. At a hearing, you may be expected to operate a computer to review this information.

Attorneys Fees

By law, an attorney will receive fees for representing you only if your claim is approved. This fee is limited to 25% of your back benefits, up to a maximum of \$5,300 plus expenses. The fees are generally reserved by the SSA and paid directly to the attorney.

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- Provide a mechanism for client feedback and resolving client complaints
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When You Can't Work SSI/SSDI

*Social Security Assistance
for the Medically Disabled*

The Right Call for the Right Lawyer

1-800-860-1460



When You Can't Work

Getting Your Social Security Benefits

SSI, SSDI – What's the Difference?

The Social Security Administration (SSA) oversees two programs for people who cannot work because of medical disabilities.

The **Supplemental Security Income (SSI)** program provides disability benefits for those who qualify with medical disability and meet certain financial guidelines. This program is for children, for people who have never worked, or have not worked for at least 5 of the 10 years before onset of their disability. SSI is considered an "entitlement program" because it does not depend upon contributions made into the system by the person applying, but only on their disability and financial status.

Social Security Disability Insurance (SSDI) is available to people who have worked at least 5 out of the 10 previous years, and have made contributions to the Social Security system through their paychecks. While applicants must qualify medically, there are no financial criteria for this program.

Am I considered disabled?

You are considered disabled under Social Security Administration rules if you meet both of two major eligibility requirements.

- 1 You must be disabled by a physical or mental condition, injury or disease, or combination of these, **for at least 12 months.**
- 2 The condition, injury or disease (or any combination) must prevent you from performing **any** substantial work, not just your regular work. This requirement varies with age and level of education. Basically, the older you are, the less restrictive this requirement becomes. How pain affects your work ability is also considered.

Meeting both of these requirements can be difficult. Your doctor's opinion is not enough. You will have to produce medical documentation, such as tests, x-rays, etc. to prove your disability. The Social Security Administration can also require additional tests or examinations at its expense to evaluate your claim, and can deny your claim if you fail to cooperate in these extra evaluations.

What benefits will I get?

Once approved, you will receive a monthly check from the date you applied or became eligible. Under SSDI, personal assets will not affect the amount of your benefits. You will be eligible for Medicare 2 years after you are disabled, and your dependent spouse and children may also be eligible for additional benefits in their own names. Under SSI, your spouse and children will not be eligible for

additional benefits. You will be eligible for Medicaid from the date your claim is approved.

When should I apply?

You should apply as soon as it is medically determined that your disabling condition will last more than 12 months and will keep you from working. The process can take literally one to two years. While it is possible you may be approved the first time you apply, it is more common for people to be denied at first, and to have to persist through a process of appeals, hearings, and even re-application before finally receiving benefits. If your claim is denied, you can seek reconsideration within 60 days of that denial. If reconsideration is denied, you can request a hearing before an administrative law judge. It can take up to a year to schedule that hearing.

How do I get started?

Every Social Security office has the necessary forms with which to apply for benefits. Bring lists including your doctors' addresses and phone numbers, your medications, and your former employers who made your contributions to the Social Security system by deducting them from your paychecks. You should do this as soon as you think your disability will meet the criteria above, because the SSA will enter the date of this first meeting with its staff as your first date of application. This could be very important to you later in the process.