

## **SOCIAL SECURITY DISABILITY: A SAFETY NET**

### **FULL OF UNCERTAINTY**

**By Sharon A. Christie, Esq.**

If you are unable to work because of illness or injury, you are probably apprehensive about your future. If you have applied for Social Security Disability benefits you are certainly frustrated and probably angry. With an average claim processing time of three years, a turndown rate of 70% and a protracted appeals process, vast numbers of people unable to work because of illness or injury are convinced that the Social Security Administration is determined to deny them the protection guaranteed under federal disability law.

Of the 2.5 million people filing for disability yearly, it's not unusual to see claimants declare bankruptcy, lose their homes, become homeless, or die while waiting for a claim to be approved. One claimant, disabled by chronic liver disease, declared, "I think they hope you give up and die before you get your benefits." His disability claim was finally approved after four years and three appeals.

Why does the Social Security Administration make it so hard for people to receive disability benefits? Some believe that widespread disability fraud in the 1970's caused a shift in the SSA's attitude about claimants, who are now assumed to be malingerers faking an illness or injury to get a free handout. But the truth is, since the program's inception in the 1950s, application and approval standards have been tough. A claimant must not only prove that their disability renders them unable to work at the job they've held, the claimant must also show that he or she can't be employed full time at any job. For example, if someone can no longer work as a construction worker, he must also show that he can't work as a clerk in a store or office, or be trained to do some other job. While there are some exceptions for older workers or those with limited education, most applicants must prove that they are unable to perform any type of work on a full time basis.

A big part of the problem for applicants is the backlog in initial claim processing, which can leave them in a state of limbo while their health and finances dwindle. Despite the fact that claim filings have tripled in the last eight years, the number of processors employed by the Social Security Administration is less than it was thirty years ago. This is because the agency is chronically under-funded. Disability lawyers have declared this continued neglect of an important federal safeguard a national disgrace.

After a long wait to have the claim reviewed, most people receive a denial. They then must file a Request for Reconsideration. A reconsideration involves another review of the paperwork you initially submitted. In about 80% of cases, the reconsideration results in another denial. At that point, you can ask for a hearing before an Administrative Law Judge. The wait for a hearing now takes an average of sixteen months. If you're turned down again, you can request file additional appeals to an Appeals Council and then in federal court.

The National Organization for Social Security Claimants' Representatives says that their best advice for people filing for disability is to hire a lawyer to help them represent their claim. Statistically, claimants are approved for benefits sooner and more often when represented by an attorney.

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