

How does the SSA decide that I am disabled?

First, the SSA will review your application to make sure you meet the basic requirements for disability benefits. Next, they will verify your work history to see if you worked enough years to get social security benefits. After which, your application is forwarded to your state Disability Determination Service (DDS) office.

The DDS office employs doctors and disability specialists who will review your medical records and consult with your treating doctors and/or other authorized professionals about your medical condition. Among other things, they will ask:

- What is your medical condition?
- When did your medical condition begin?
- How does your medical condition limit your activities and ability to work?
- What do your medical tests reveal?
- What treatment have you received?

If the SSA needs more information before they decide your claim, they may ask you to go for a special examination. The SSA will pay for the costs of that exam as well as some related travel costs.

How will the SSA inform me of its decision?

Once the SSA decides your claim, you will receive a letter with the results.

What happens if my claim is approved?

If your claim is approved, you will receive a letter showing the amount of money you will get and when your payment starts. Generally, your first payment will be paid for the sixth full month after the date your disability began.

For example, if the SSA decides your disability began on January 15, your first disability benefit will be paid for the month of July. Social Security benefits are paid in the month following the month for which they are due, so you will receive your July benefit in August.

What can I do if my claim is denied?

If your Social Security benefits claim is denied, you have the right to appeal the decision. In general, you have sixty days to appeal the denial. Appeals must be filed in writing and must be submitted to your local Social Security office. You are strongly encouraged to consult with an attorney prior to filing an appeal.

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Are You Eligible for Social Security Disability Benefits?

What you should know before you apply:

- What is the Social Security disability benefits program?
- How does the SSA define disability?
- How do I apply for benefits?
- What information do I need to apply?
- Must I reveal counseling or other services I received from the domestic violence program?
- How does the SSA decide that I am disabled?
- What happens if my claim is approved?
- What happens if my claim is denied?

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What is the Social Security disability benefits program?

The Social Security Disability Insurance Program provides income to you and certain family members if you are disabled (as defined by the Social Security Administration (SSA)), worked long enough and paid Social Security taxes.

How does the SSA define disability?

Disability is based on your inability to work. The SSA will consider you disabled under its rules if:

- (1) You can no longer do the work you once did
- (2) It decides that your medical condition(s) keeps you from working other jobs
- (3) Your disability lasted or will last for at least one year or will result in your death

How do I determine if I qualify for disability benefits?

To get Social Security disability benefits, you must 1) have a disability as defined by SSA rules; and 2) worked at jobs where you have paid Social Security taxes. You must have both worked long enough and recently in order to qualify.

DISCLAIMER: The information provided on this handout is intended only as information and does not constitute legal advice, nor does it create an attorney-client relationship. Individual facts in any given case may alter this information or involve other laws not referred to here.

How do I apply for benefits?

You can apply at www.socialsecurity.gov or visit your local Social Security Office. You should contact the office ahead of time to schedule an appointment. Your appointment will last about an hour. The toll free number is 1-800-772-1213.

What information do I need to apply?

To apply, you will need to fill out a Social Security Benefits Application and a Disability Report. To fill out your application, you will need all of the following:

- Your Social Security number
- Your birth certificate
- A copy of your most recent W-2 form;
- A summary of your work history
- Contact information for doctors, caseworkers, hospitals and clinics that helped you with your medical condition and dates of visits
- Names and dosages of medicines you take
- Your laboratory and test results
- Medical records that you have in your possession.

The SSA will also request that you fill out an “Authorization to Disclose Information to the Social Security Administration” form. This form allows SSA to contact your treating doctors and/or other medical resources and get your medical records from them. The SSA will send an authorization form to all of the medical resources that you list in your application.

What does the SSA consider to be acceptable medical resources?

The SSA wants you to provide medical records about your medical condition. Acceptable medical resources are as follows:

- Licensed physicians
- Licensed or certified psychologists (includes school psychologists or others licensed or certified with other titles who perform the same job as school psychologists in a school setting)
- Licensed optometrists
- Licensed podiatrists
- Licensed speech pathologists

Must I reveal counseling or other services I received through a domestic violence program?

No. Domestic violence programs do not provide medical services nor do they hold any records relevant to a Social Security disability benefits claim. Domestic violence programs are not mental health service or treatment providers. Although domestic violence programs counsel participants, the counseling provided is of the empowerment model by domestic violence advocates who do not typically hold any advanced degrees in the mental health or medical field.