

## DETERMINING DISABILITY

Under the Social Security law, 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, and especially if you are under age 50, your initial application will be denied. Following that denial, there are several levels that your application may travel through. 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. It typically takes about 4 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.

**2. Reconsideration:** During this stage, Social Security will probably send you for evaluation by a doctor. Typically it will take

about 4 months to receive a decision on a request for Reconsideration. More than three-quarters of Reconsideration requests are denied. You must Request a Hearing, in writing within 60 days of your denial at the Reconsideration stage, to go to the next stage.\*\*

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

\*Or, apply online at <http://www.ssa.gov>.

\*\*Or, appeal online at <http://www.ssa.gov>.

**3. Hearing:** It typically takes 9 months or more to get a hearing date once you have requested it. At your hearing, you will give testimony before an Administrative Law Judge and your attorney will be able to 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.** There is one administrative level in the appellate process and two federal court levels of appeal as well. An attorney can help you at this stage of the process as well.

*SWANSON, THOMAS & COON takes calls from anyone at any stage of the social security process. We will answer questions that you may have concerning the process, whether we represent you or not. Please call us at 503 228-5222, or see our web page for more detailed information:*

**[www.stc-law.com](http://www.stc-law.com)**

*“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

If the Social Security Administration finds you disabled, you can receive money from one or both of the following 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 meet certain financial guidelines.

## HOW YOUR CLAIM WILL BE EVALUATED

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 \$1000/month, SSA 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 \$1000/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 is 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 other work you can do?** If you are unable to do any past work then SSA must prove that there are other full time jobs you can do with your impairments. If there are not, you are disabled.

*We believe it is important for people to be informed about the law.*

*Our website contains helpful information about social security, worker's compensation and personal injury.*

**[www.stc-law.com](http://www.stc-law.com)**

*This brochure was prepared by Cheryl Coon, Attorney at Law with*

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## Are You Disabled



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

BUT DIDN'T KNOW  
WHO TO ASK!

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