

## Social Security Disability - Frequently Asked Questions

### Q. What is Social Security Disability?

A. Social Security disability benefits are monies paid to you if you have worked for a long enough period and paid Social Security taxes through your employer and become disabled.

### Q. How do I qualify for Social Security Disability?

A. You may qualify to receive benefits if you have a medical condition or injury that prevents you from working for a minimum of one year.

### Q. How does the Social Security Administration determine disability?

The Social Security Administration has a five step process in determining disability.

**Step One** -The first step involves determining if you are working. The amount of money you make if you are working is limited. If you make more than allowed, you will not be considered disabled.

**Step Two** - The second step is to consider the severity of your medical condition(s) if you make less than the current guideline amount. This involves determining whether your medical condition(s) significantly affect your ability to perform basic work activities, i.e. sitting, standing, walking, for at least one year.

**Step Three** - If the condition is severe enough to limit basic work functions, the agency will determine if the medical condition(s) are on a List of Impairments for adults and children developed by the agency. The impairments described are considered so severe by the agency that you can automatically be defined by law as disabled. If your condition is not on the list, the agency can determine that you are disabled if your condition(s) are as severe as those on the list of impairments.

**Step Four** - If your medical condition(s) are not on the list of impairments or meet or exceed the severity of an impairment on the list, the agency will then consider whether your medical condition(s) prevent you from doing the type of work you did

before.

**Step Five** - If the agency decides that you can do the type of work you did before, then it will decide you are not disabled. If not, then the agency will evaluate your medical condition(s), age, education, past work experience and skills learned from that work, to determine if you can do any other type of work. If you can, then the agency will decide that you are not disabled.

**Q. How long will it take to settle my Social Security Disability case?**

A. This is a hard question to answer as there is no definite answer. The current estimated time for disposing of a case from the filing of the initial application to a hearing is approximately 24 months, sometimes longer. This can be a very long and stressful process. Put your case in our hands and let us help you through this process.

**Q. How much will the Social Security Administration pay me if approved?**

A. The amount of benefits is determined by your average lifetime earnings and whether your benefits will be reduced based on the receipt of other types of compensation for your medical condition(s), such as workers' compensation. The Social Security Administration sends out a yearly statement providing your lifetime earnings and provides an estimate of your disability benefit.

**Q. How far back will Social Security pay me if I am approved?**

A. If you are approved for social security disability, your first check will be paid for the sixth full month after the date your disability started.

**Q. What can I do to help win my Social Security Disability case?**

A. You need sufficient medical documentation to support the severity of your medical condition(s). You should keep up with your medical treatment and doctor appointments. It may also be helpful to keep a diary to help document on a daily basis your disability keeps you from performing your past work; your medications and side effects; your aches and pains; and how disability or medications affect

daily activities such as driving, shopping, taking care of family, walking, standing, sitting, memory, concentration, coping with stressful situations, and dealing with other people etc.

**Q. Can I work and still receive Social Security Disability?**

A. Yes. However, the agency limits the amount can make.

**Q. Do I have to be permanently disabled to receive social security disability?**

A. You are entitled to benefits if your medical condition(s) are severe enough to prevent you from working for a period of at least one year. If your condition improves your benefits can be terminated.

**Q. Will I receive Medicare?**

A. You will get Medicare coverage automatically after you have received social security disability benefits for two years.

**Q. How much will an attorney charge?**

A. The Social Security Administration will withhold 25% of your past due benefits to compensate legal fees.

**Q. Will my family receive anything if I am approved?**

A. If you are approved for Social Security Disability benefits, members of your family may qualify for benefits. They include but are not limited to the following:

Your spouse, if he or she is 62 or older;

Your spouse, at any age if he or she is caring for a child of yours who is younger than age 16

or disabled;

Your unmarried child, including an adopted child, or, in some cases, a stepchild or grandchild.

The child must be under age 18 or under age 19 if in elementary or secondary

school full time; and

Your unmarried child, age 18 or older, if he or she has a disability that started before age 22.

(The child's disability also must meet the definition of disability for adults.)