



Social Security Benefits for Adults with Disabilities

The Social Security Administration (SSA) has two benefit programs for adults with disabilities:

- Social Security Disability Insurance benefits (SSDI)
- Supplemental Security Income benefits (SSI)

To be eligible for SSDI, an individual must have received pay or income for work with taxes being taken from the pay. SSI benefits are for individuals who either do not have a work history or have not paid taxes to the Social Security Administration. To be eligible for SSI benefits, an adult must have a disability and a limited income, based on the entire income of the household. This means the income from other family members is counted to determine the applicant's eligibility for SSI benefits. You can apply for both SSDI and SSI at the same time and should do so.

How to Apply

To apply for either SSDI or SSI benefits, complete an application for disability benefits with the Social Security Administration (SSA). You can apply for SSDI benefits on the SSA website www.ssa.gov or by calling 1-800-772-1213. You can apply for SSI benefits by calling the same 800 number. You cannot apply for SSI benefits on the website. You can also apply for benefits at your local Social Security Administration office. The SSA has an online Disability Starter Kit that can help you get ready for your disability interview or help you to complete the online application.

If you have chosen not to apply online and not to fill out the online Disability Report, a Social Security Claims Representative will interview you by phone or in the local Social Security office. The interview usually takes at least one hour. Make sure you have the following information with you for the interview.

Interview Checklist:

- Original or certified copy of birth certificate.
- If born in another country provide proof of U.S. or legal residency.
- If you were in the military, provide the original or certified copy of your military discharge papers.
- Your W-2 form from last year, or if self-employed your federal tax return (IRS 1040 and Schedules C and SE).
- Worker's compensation history.

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- Social Security numbers of your spouse and children.
 - Your checking or savings account number.
 - Name, address, and phone number of someone who can get in touch with you.

Once you complete the application, the SSA creates a file for your claim and requests your medical record. They then review the file and either grant or deny your claim for benefits. Most claims are denied at this stage. If you receive a letter denying your claim, you should appeal that denial.

How to Appeal a Denial

There are four steps to the appeal process. They are (1) reconsideration, (2) hearing by an administrative law judge, (3) review by the Appeals Council, and (4) federal court review. It is best to appeal SSA's denial at each step of their process instead of reapplying for benefits. Your chances of getting approved for benefits may improve as you go through more steps of the appeal process.

The first step in the appeal process is called a Request for Reconsideration. There are several ways that you can file your request. You can go to the local SSA office and tell a Social Security representative that you want to appeal the denial. Please specify that you want to **appeal**, not reapply for SSI benefits. The SSA representative should give you a Request for Reconsideration form to fill out. The form is also available on the SSA website. You can also call the main Social Security office at 1-800-772-1213 and tell them that you want to appeal the denial. For your records, write down the date and time when you called to appeal. Your appeal is not filed until you submit the Request for Reconsideration form to the SSA, either in person or by mail.

You have 60 days from the date of the SSA's denial letter to file your Request for Reconsideration. If you miss this deadline Social Security may not consider your claim, and you may have to start over and reapply for benefits. When you file the appeal, make sure the Social Security Administration has all the information that they need to rule in your favor. Gather and deliver all of your medical and vocational reports to the SSA and give them any other information you have about your health conditions, abilities and so forth. The more information you give them, the better the chance that Social Security may find you disabled. Remember to always keep a copy of any documents you give Social Security.

What if my Request for Reconsideration (appeal) is denied?

If the SSA denies your Request for Reconsideration, you must request a hearing before an administrative law judge. You request a hearing by completing a Request for Hearing form. You have 60 days from the date of the SSA's reconsideration denial letter to request a hearing. As with the earlier steps, you can go to the local SSA office and tell a Social Security representative that you want to request a hearing. Make it clear that you want to request a hearing, not reapply for SSI benefits. The SSA representative should

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give you a form to fill out. The form is also available on the SSA website. You can also call the main Social Security office at 1-800-772-1213 and tell them that you want to request a hearing, and they will mail you a form. For your records, write down the date and time when you called to appeal. Your appeal is not filed until you submit the Request for Hearing form to the SSA, either in person or by mail.

How Decisions are Made

The Social Security Administration might find you qualify for disability benefits if you have a specific condition or diagnosis. However, most cases are decided based on whether you are able to work. A statement from a doctor or other professional stating you are disabled will not automatically make you eligible for disability benefits. To decide if you are eligible the SSA will consider your age, education, past work experience, and your physical and mental health.

The Social Security Administration considers claims using the following questions:

1. Is your income low enough to be eligible for SSI or have you worked enough to qualify for SSDI?

If NO → benefits denied.

2. Are you able to do substantial, gainful work? Substantial means significant mental or physical activities, and gainful is any activity done for pay.

If YES → benefits denied.

3. Is your impairment severe? A severe impairment significantly limits your physical or mental ability to do basic work activities. The impairment must also last for at least 12 months.

If NO → benefits denied.

4. Does the impairment meet or equal a Listed Impairment? The SSA has a Listing of Impairments. It describes impairments that are considered severe enough to prevent a person from working. If your condition meets all of the elements in a specific listing, then the Social Security Administration will find you eligible for benefits. The listings are available on the SSA website.

If YES → benefits awarded.

5. Can you return to your past relevant work? The SSA will answer this question by asking you things like how much can you lift or carry, can you walk, bend, or climb, how is your balance, and how long can you stand or sit.

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If YES → benefits denied.

6. Can you perform other forms of Substantial Gainful Activity? The SSA will consider whether there are other jobs that you can perform, taking into account your age, education, and work history.

If YES → benefits denied.

To help Social Security to determine whether you are disabled according to their rules, give them as much information as possible, specifically:

Your medical history – Give the SSA the names, addresses and telephone numbers of all the doctors or other professionals you have seen and hospitals or clinics where you have received treatment. Also give the SSA any diagnosis and prognosis the doctors gave you. Your doctor can help if she can give you a statement about how your medical condition limits your ability to lift, carry, walk, stand, or otherwise physically work. Provide the SSA with information about your medication and how it makes you feel. Do your pain relievers work and eliminate the pain? Do the medications make you sleepy?

Your work history – Give them a list of where you worked, what you did on those various jobs and whether the work was skilled. Skilled work generally requires some training and specialized understanding of the job.

Your educational level – How far did you go in school; this includes any vocational schools you may have attended and whether you can speak, read and write in English.

When did you apply for Social Security benefits? Have you applied more than once? What dates? Do you have the paperwork? Give all of this information to the SSA

Help with the Process

If you have questions on the process to become eligible for disability benefits, you can get help from:

Native American Disability Law Center

Farmington: 800-862-7271

Gallup: 877-283-3208

San Juan Center for Independence

Farmington: 877-484-4500

Gallup: 505-726-2709



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An attorney can also help you, but many attorneys do not take cases until a person is ready to file a Request for Hearing. To find an attorney who takes Social Security cases, either call the organizations listed above or look in your local yellow pages. Many attorneys who take Social Security cases will include it in their yellow pages listing.

You should know that getting awarded Social Security benefits can take many months or even years, so it pays to be patient. And, if you are approved, your benefits will start on the date when you first applied for benefits.



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