

**This process sounds somewhat intimidating.
What if I need help?**

There are lawyers who specialize in Social Security Disability. It is likely you will have a better chance of success if you are represented, particularly at the Administrative Law Judge hearing. The vocational expert or medical expert, and sometimes both, need to be cross-examined at the hearing. The vocational expert has specialized knowledge in the area of vocational rehabilitation and will likely testify that the individual trying to get benefits can perform some other job. The duty of the attorney is to cross-examine the vocational expert with pertinent medical records and other technical documents.

I don't have any money. How would I pay a lawyer?

Lawyers who practice in the field of Social Security Disability are paid on a contingency fee basis. This means that if your lawyer is successful in assisting you to obtain benefits, he or she will be paid out of any retroactive benefits that you receive. By statute, this is set at 25% of your retroactive benefits or \$6,000.00, whichever is less. If your lawyer is not successful, there are no attorney's fees, although there may be some limited costs incurred by the attorney in collecting additional medical evidence.

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Qs & As

Social Security Disability

What would you do if you suddenly found yourself unable to work because of an injury or illness? Many people find themselves in the frightening position of being unable to work as a result of a sudden disability or chronic illness.

However, there is help out there for qualified individuals. These are some commonly asked questions about Social Security Disability Insurance benefits and Supplemental Security Income benefits.

How do I qualify for Social Security Disability Insurance benefits?

First, the individual applying for disability benefits must have worked for a certain number of years. Each year is broken into four quarters. In order to qualify for disability benefits, an individual must have 20 quarters of coverage. In addition, this same individual must have worked five out of the last ten years before he or she stopped working. If the person applying for benefits is under the age of thirty-one, the rules are slightly different, as it would be difficult to obtain 20 quarters of coverage before that time.

Second, in addition to meeting the earnings requirements, the person applying for disability benefits must be disabled as defined by the Social Security Rules & Regulations. For Social Security purposes, disability means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than twelve months. Put simply, this means that you are unable to perform not only the work you used to do, but you are also unable to perform any other job which exists in the national economy.

My doctor says I can't work. Aren't I disabled?

Unfortunately, it is simply not enough that your doctor says that you are disabled. The determination of whether or not an individual is disabled is left to the Social Security Administration. However, you should make your doctor aware that you are applying for Social Security benefits.

How does Social Security make the determination of whether or not I am disabled?

Social Security essentially conducts a five-step analysis in determining whether or not you are disabled. First, are you working? If the answer is yes, you will likely not qualify for benefits unless your work is so minimal that you earn less than \$1040.00 a month. Second, do you have a severe medical condition? If you have a medical condition which has a significant impact on your ability to work, it will likely be found severe. Third, Social Security will review their regulations to determine whether or not you have a "listed impairment". If you do, the five-step analysis ends here. Most likely, Social Security will have to consider questions 4 and 5. Fourth, does your medical condition or conditions prevent you from returning to your former employment? If so, Social Security will proceed to question 5. Fifth, do your impairments prevent you from performing any other work which exists in the national economy? If you used to do very heavy work or are precluded from this type of work because of your injury, Social Security will then determine whether or not you are capable of performing sedentary work.

How do I apply for benefits?

You can contact the Social Security Administration and ask to file an application. You can contact the New Castle office at 1-866-667-7221; the Dover office at 1-877-701-2141; or the Georgetown office at 1-866-864-1803. Alternatively, you can contact Social Security at 1-800-772-1213. You may also file a claim via the internet at www.ssa.gov. Social Security will send you a package of information to complete. Social Security will then send your application material to the Disability Determination Service (DDS) where they will actually process the application. It is very important that you comply with all of the requests of the Social Security Administration or DDS during the application process. Failure to comply may result in a denial.

I was turned down by Social Security. Now what?

Do not despair – it is not uncommon to be denied at the first application. You can file a Request for Reconsideration after you are turned down the first time. If you are turned down the first time, it is very likely you will be turned down the second time. The third level of appeal entails a request for an Administrative Law Judge hearing. This is your opportunity to meet someone face-to-face and explain why you feel that you are disabled. It is also your opportunity to present additional medical evidence that Social Security may not have collected during the first two levels. In all likelihood, there will be either a medical expert or vocational expert present at the hearing.

What is the difference between Supplemental Security Income and Social Security Disability Insurance benefits?

As explained before, Social Security Disability Insurance benefits depend on two items: earnings history and disability. Supplemental Security Income is essentially a federal welfare program designed for people who are financially indigent. Supplemental Security Income does not depend on any earning history. However, in order to qualify for Supplemental Security Income (SSI), an individual must still be found disabled as that has been defined earlier in this article.

What health insurance benefits will I receive if I am found to be disabled?

If you are receiving Social Security Disability Insurance Benefits, you will be entitled to Medicare thirty months after the date you are found to be disabled. This can be a difficult time for people on a fixed and usually lower income than they are used to. You should investigate benefits through COBRA from your former employer. Medicaid coverage may also stop after receiving Social Security Disability because of the increased income.

If you are receiving Supplemental Security Income, you will be entitled to Medicaid.