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## IT'S GOING TO TAKE *HOW LONG?!*

**When dealing with disability—whether it is unexpected or as a result of a slow decline in health—people are shocked at just how slow the process of getting a determination on the status of a Social Security disability claim can be.**

The Social Security Administration says that it takes an average of 440 days to get through the five-step application and appeals process.

A year is an incredibly long time to wait for funds if you aren't able to work. Even claims that are approved at the application process—and only 30 percent of claims get approved at this point—take three to four months

from application to approval. Applications are reviewed by the SSA and sent to Disability Determination Services to assess disability. In addition to having a backlog of

applicants, things like waiting for medical records or requesting a claimant have a consultative exam slow down the review process.

If a claim is denied, it can take 12 to 18 months to get a hearing. Since the majority of claims are denied—even ones that seem cut and

dry—those seeking benefits should be prepared to file an appeal immediately to keep the process in motion, though there is a 60-day appeal period.

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## Here are the top 3 reasons for claim denial

### **1. You earn more than \$1010 a month.**

This will automatically disqualify you from receiving Supplemental Social Security Disability Insurance, no matter what your level of ability. You must be unable to work, or unable to work enough to get substantial income, for at least 12 months to qualify for Social Security disability benefits.

### **2. You don't follow a treatment plan.**

If you don't go to the doctor and follow a treatment plan, it will be easy to assume that you aren't disabled. There are exceptions to the rule, such as religious beliefs, mental illness, and financial restrictions. Without medical records, those reviewing a case have little to go on to substantiate claims.

### **3. You won't be disabled for more than a year or do not have a terminal condition.**

In order to qualify for disability benefits, the condition must be expected to last for more than 12 months or to result in death.



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help you litigate your  
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## CONDITION OVERVIEW: **Anxiety disorder**

**Everyone experiences anxiety.** Fear and panic produce a flight or fight instinct that is a basic survival mechanism. Unlike typical anxiety, an anxiety disorder produces regular attacks or a near-constant state of fear, panic, obsessive thoughts, or worry. Physical symptoms include rapid heart rate, shaking, muscle tension/fatigue, nausea, and sweating. Anxiety can be a debilitating mental disorder, preventing those who suffer with it from being able to secure and hold substantial employment.

Since the severity and impact of anxiety varies, the Social Security Administration has a listing for anxiety disorders (Listing 12.06). If someone meets the requirements of the listing for anxiety disorder, they are eligible to receive benefits.

**QUALIFICATIONS:** In order to meet the listing criteria, those suffering with anxiety must meet Part A and must also meet Part B or Part C.

**Part A**—Requires that you have at least one medically documented problem related to one or more of the five types of anxiety disorders, which are generalized anxiety disorder, panic disorder,

obsessive compulsive disorder, post-traumatic stress disorder, and phobia.

**Part B**—The SSA requires people to exhibit at least two conditions that severely limit daily function or make the disorder difficult to control: marked limits in ability to complete routine activities (cleaning, hygiene, paying bills); marked limits in ability to function socially; marked limits in ability to concentrate, persist, or pace oneself when on task.

**Decompensation**—The SSA is also concerned with repeated episodes (three or more per year) of decompensation—worsening of symptoms—despite medical treatment.

**Part C**—Anxiety makes an individual unable to function outside the home without help.

If an individual does not meet the SSA's listing criteria for anxiety disorder, disability benefits may be granted if the anxiety is deemed severe enough that it prevents them from doing past relevant work or any other work. If you or a loved one suffers with an anxiety disorder and can no longer work, consult with a disability lawyer.

## *Get a script for assistive devices*

There are all sorts of assistive devices that make life easier for those with physical disabilities. Many items, such as canes, furniture lifts, and grab bars, are readily available at pharmacies and large retailers. For relatively little money, these items can have a huge impact.



If you are in the process of applying for Social Security disability benefits, rather than going to the pharmacy for devices that make walking, lifting, and other physical functions easier, or getting them secondhand, ask your doctor for a prescription. Particularly in the case of canes and other ambulatory devices, a judge will want to know if it was prescribed by a doctor and how often you are supposed to use it and for how long.

Any assistive devices prescribed for you become a part of your medical record, which helps the SSA determine your physical capacity.