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SOCIAL SECURITY DISABILITY APPEALS: The Procedural Process

I. If your claim is denied

1. If your application for SSI/SSDI benefits is denied, you have the right to appeal or “Request Reconsideration” of SSA’s decision on your claim. **Many SSI/SSDI applications are denied but then approved later upon appeal.** *Don’t give up!* If you ask for reconsideration, your case will again be sent to DDDS to be reviewed by a different decision maker
2. You must complete a Request for Reconsideration from 561-U2 <http://www.ssa.gov/online/ssa-561.pdf>. Your reason does not need to be detailed in. A brief statement like “I am still disabled and cannot work” is sufficient. This form must be submitted **within 65 days** of the date on your letter of denial. You can also complete this form online at <https://secure.ssa.gov/apps6z/iAppeals/ap001.jsp>.
3. With your request for reconsideration, you must also submit SSA form 3441 Disability Report Appeal <http://www.ssa.gov/online/ssa-3441.pdf>. This form will ask many questions already answered on the application. Be aware—Social Security is looking for changes in your condition or impairments. Be certain to include any deterioration in your condition or changes that negatively impact your day to day functioning. Also be sure to include any new providers that you are seeing or new medications that you have been prescribed for your impairments. It is often helpful to obtain a letter of observation or support from your doctor or mental health practitioner documenting how your impairments interfere with your ability to perform work related activities. Along with your appeal you should include an updated SSA release of information, or SSA-827 form, available at <http://www.ssa.gov/online/ssa-827.pdf>
4. If you receive a denial of your SSI/SSDI application file your request for reconsideration right away. You have 65 days from the date on the denial letter to submit your appeal. If you are not timely in your request you may have to reapply and the process starts all over again.
5. If you miss the deadline to appeal you can request “good cause for late filing”. You must have a very good reason if you request reconsideration after the 65 day period. The circumstances that are considered “Good Cause” by Social Security are discussed at <https://secure.ssa.gov/poms.nsf/lrx/0203101020>.

II. If your request for reconsideration is denied

The Seattle Community Law Center is a 501(c)(3) organization that provides Social Security advocacy to people with disabilities who are homeless or low income.

1. If your claim is denied at reconsideration, you may Request a Hearing before an Administrative Law Judge (ALJ). You must again file this request **within 65 days** of the date on the letter of denial.
2. You must complete a Request for a Hearing form HA-501-U5 <http://www.ssa.gov/online/ha-501.pdf>. Again, you need not be detailed in your reason for the request as discussed at the reconsideration stage, you need only state that you are still disabled and cannot work. You should also submit another Disability Report Appeal <http://www.socialsecurity.gov/online/ssa-3441.pdf> to update any new medical information and additional limitations concerning your functioning due to your impairments. You can complete your entire request for a hearing online at <https://secure.ssa.gov/apps6z/iAppeals/ap001.jsp>.
3. You may have someone experienced, such as an attorney, assist you with requesting a hearing and that person can represent you at your hearing. Generally speaking, represented individuals are more often successful at the hearing. To be referred to a disability attorney in your area you can call the National Organization of Social Security Claimant's Representatives at 1-800-431-2804 or the KCBA lawyer referral service.
4. Most disability attorneys work on a "contingency" basis, meaning that they will collect a fee only if they win your case. The fee amount is controlled by the Social Security Act, and will likely come out of any back benefits that SSA finds you eligible for. **Be sure to get a clear explanation of the fee structure from the lawyer before you retain him or her.**
5. Because it can take many months before your hearing is held, some individuals chose not to appeal their reconsideration denial and file a new application. Filing a new application, instead of requesting a hearing is generally not advisable as it essentially starts the eligibility clock over again and will negatively impact the amount of back benefits you are entitled to.

III. The Hearing

1. If you do chose to represent yourself you should obtain a copy of your file from the Office of Disability Adjudication and Review. To do this, you will need to call your local hearings office (in Seattle that number is 1-888-366-6144) and set up an appointment to come in and obtain a copy of your file. This file, most likely will be on an electronic disc contains the only information that the judge has about your case. Any medical records not in the file should be ordered promptly and submitted into your record prior to your hearing date.
2. Your hearing is the only time during the disability process that you will meet the decision maker in person. For this reason, it is very important to present your entire case to the judge. You want to be sure to convey everything about your disability, its effects, and why it keeps you from working. You may want to bring someone with you such as a spouse or friend to testify about how your disability affects your ability to perform day-to-day activities.