

Social Security Disability

Many people become disabled due to a health condition, a traumatic event, or even an occupational disease. When such an event prevents a person from working, Social Security Disability may be an option that should be seriously considered. The Federal Insurance Contributions Act (FICA) is familiar to many as a tax deduction from income. What many do not realize is that this is a contribution made by an employee and an employer to fund Social Security and Medicare. These federal programs are familiar to most as there to provide benefits for retirees, the disabled, and survivors of deceased workers. For instance, many recognize that Medicare provides hospital and medical insurance benefits. These federal programs also provide benefits to permanently disabled workers. Social Security benefits include old-age, survivors, and disability insurance (OASDI). A portion of an employee's FICA contribution is paid into the Social Security Disability Trust Fund which funds payments to those individuals who become disabled.

Social Security Disability Insurance (SSDI) is managed by the Social Security Administration. This program is designed to provide income to individuals who can longer work because of a disability. SSDI is granted after a determination process which examines each application to determine if an individual qualifies because of a disability.

SSDI is not the same thing as Supplemental Security Income ("SSI"). SSI is a needs-based program which is also administered by the Social Security Administration. Unlike SSDI, SSI provides benefits for individuals with limited income and resources. There are times when an individual may apply for both SSDI and SSI at the same time. Sometimes, SSI is referred to as a Title XVI case.

Informal names for SSDI include Disability Insurance Benefits (DIB) and Title II benefits, named for the chapter title of the section of the Social Security Act.

The Required Factors To Qualify For SSDI

An individual may qualify for SSDI if he or she satisfies all of the following factors:

1. Unable to Perform Substantial Gainful Activity

Substantial gainful activity" means the performance of significant physical and/or mental activities in work for pay or profit, or in work of a type generally performed for pay or profit, regardless of the legality of the work. "Significant activities" are useful in the accomplishment of a job or the operation of a business, and have economic value. Work may be substantial even if it is performed on a part-time basis, or even if the individual does less, is paid less, or has less responsibility than in previous work.

2. Must Have an Impairment Which Is Expected to Last At Least 12 Months or Result in Death

An “impairment” must result from anatomical, physiological, or psychological abnormalities that can be shown by medically acceptable clinical and laboratory diagnostic techniques.

The existence of a medically determinable physical or mental impairment must be established by medical evidence consisting of signs, symptoms, and laboratory findings, the regulations but not by symptoms alone. Symptoms, such as pain, fatigue, shortness of breath, weakness or nervousness, are an individual's own perception or description of the impact of his or her physical or mental impairment(s).

3. Must Be Under Full Retirement Age

To become entitled to a Disability Insurance Benefit (DIB) or to establish a period of disability, the claimant, also known as the number holder (NH), must meet all requirements in a month in which he/she has not yet attained full retirement age (FRA). The below chart calculates the Full Retirement Age or FRA based on the date of birth:

BIRTH DATE	FRA	BIRTH DATE	FRA
1/2/38 thru 1/1/39	65 years and 2 months	1/2/55 thru 1/1/56	66 years and 2 months
1/2/39 thru 1/1/40	65 years and 4 months	1/2/56 thru 1/1/57	66 years and 4 months
1/2/40 thru 1/1/41	65 years and 6 months	1/2/57 thru 1/1/58	66 years and 6 months
1/2/41 thru 1/1/42	65 years and 8 months	1/2/58 thru 1/1/59	66 years and 8 months
1/2/42 thru 1/1/43	65 years and 10 months	1/2/59 thru 1/1/60	66 years and 10 months
1/2/43 thru 1/1/55	66 years	1/2/60 and later	67 years

4.

Once you attain the full retirement age, your Social Security disability benefits automatically convert to retirement benefits, but the amount remains the same.

5. Must Have a Work History Long Enough (and Recent Enough) under Social Security

The claimant also called the number holder or NH must meet an earnings test. The earnings test is based on income earned and Quarters of Coverage (QC).

Most claimants must meet the 20/40 Test. The NH must have at least 20 QC's during a 40-quarter period ending with the quarter in which the waiting period begins and must be fully insured in that quarter.

The Importance Of Onset Date In SSDI Claims

Under the Social Security Act, the onset of disability is generally the first day a claimant meets the applicable definition of disability. For all title II claimants (DISABILITY INCOME) and for title XVI adults (SSI CLAIMS), the disability is the inability to engage in any substantial gainful activity (SGA) by reason of any medically determinable physical or mental impairment which can be expected to result in death, or has lasted or can be expected to last for a continuous period of not less than 12 months. The work requirement is waived for applicants who can prove that they became disabled at or before the age of 22, as these individuals may be allowed to collect on their parent's or parents' work credits. The parent(s) experience no loss of benefits. The rules are different for children who are under the age of 18 and file for benefits under SSI. There are three categories of Onset Dates that could apply.

5. Alleged Onset Date (AOD)

The AOD is the date the claimant alleges he or she became unable to work because of a medical condition, regardless of whether or not that date appears to be appropriate.

6. Potential Onset Date (POD)

The POD is the earliest possible date the onset of disability can be established based on nonmedical factors. It may be the same as, earlier than, or later than the AOD.

7. Established Onset Date (EOD)

The EOD is the date the disability adjudicator determines the claimant's disability began based on the medical and other evidence in the case record.

Categories Of Impairments

Musculoskeletal

Major dysfunction of a joint(s) (due to any cause)
Reconstructive surgery or surgical arthrodesis of a major weight-bearing joint
Disorders of the spine
Amputation (due to any cause)
Fracture of the femur, tibia, pelvis, or one or more of the tarsal bones

Cardiovascular System

Chronic heart failure
Ischemic heart disease
Recurrent arrhythmias
Symptomatic congenital heart disease
Heart transplant
Aneurysm of aorta or major branches
Chronic venous insufficiency

Fracture of an upper extremity
Soft tissue injury (e.g., burns)

Special Senses and Speech

Loss of visual acuity
Contraction of the visual fields in the better eye
Loss of visual efficiency
Disturbance of labyrinthine-vestibular function
Loss of speech
Hearing loss not treated with cochlear implantation
Hearing loss treated with cochlear implantation

Respiratory System

Chronic pulmonary insufficiency
Asthma
Cystic Fibrosis
Pneumoconiosis
Bronchiectasis
Mycobacterial, mycotic, and other chronic persistent infections of the lung
Cor pulmonale secondary to chronic pulmonary vascular hypertension
Sleep-related breathing disorders
Lung transplant

Skin Disorders

Ichthyosis
Bullous disease
Chronic infections of the skin or mucous membranes
Dermatitis
Hidradenitis Suppurativa
Genetic photosensitivity disorders
Burns

Endocrine System

Thyroid disorders
Hyper-parathyroidism
Hypo-parathyroidism
Neurohypophyseal insufficiency (diabetes insipidus)
Hyperfunction of the adrenal cortex
Diabetes Mellitus

Impairments That Affect Multiple Body Systems

Non-mosaic Down syndrome

Peripheral arterial disease

Digestive System

Gastrointestinal hemorrhaging from any cause, requiring blood transfusion
Chronic liver disease
Inflammatory bowel disease (IBD)
Short bowel syndrome (SBS)
Weight Loss due to any digestive disorder
Liver transplant

Genitourinary

Impairment of Renal function
Nephrotic syndrome, with anasarca, persistent for at least 3 months despite prescribed therapy

Hematological Disorders

Chronic anemia
Sickle cell disease, or one of its variants
Chronic thrombocytopenia (due to any cause)
Hereditary telangiectasia
Coagulation defects (hemophilia or a similar disorder)
Polycythemia vera (with erythrocytosis, splenomegaly, and leukocytosis or thrombocytosis)
Myelofibrosis (myeloproliferative syndrome)
Chronic granulocytopenia (due to any cause)
Aplastic anemias with bone marrow or stem cell transplantation.

Mental

Organic Mental Disorders
Schizophrenic, paranoid and other psychotic disorders
Affective disorders
Mental retardation
Anxiety-related disorders
Somatoform disorders
Personality disorders
Substance addiction disorders
Autistic disorder and other pervasive

Neurological

Epilepsy - convulsive epilepsy,(grand mal or psychomotor)
Epilepsy - nonconvulsive epilepsy (petit mal, psychomotor, or focal)
Central nervous system vascular accident
Brain tumors
Parkinsonian Syndrome
Cerebral Palsy
Spinal cord or nerve root lesions, due to any cause
Multiple Sclerosis
Amyotrophic Lateral Sclerosis
Anterior Poliomyelitis
Myasthenia Gravis
Muscular Dystrophy
Peripheral neuropathies
Subacute combined cord degeneration (pernicious anemia) with disorganization of motor function
Degenerative disease not listed elsewhere, such as Huntington's Chorea, Friedreich's ataxia, and spino-cerebellar degeneration
Cerebral trauma
Syringomyelia

Malignant Neoplastic Diseases

Soft tissue tumors of the head and neck
Skin
Soft tissue sarcoma
Lymphoma
Leukemia
Multiple myeloma
Salivary glands
Thyroid gland
Breast
Skeletal system--sarcoma
Maxilla, orbit or temporal fossa
Nervous system
Lungs
Pleura or mediastinum
Esophagus or stomach
Small intestine
Large intestine
Liver or gallbladder
Pancreas
Kidneys, adrenal glands, or ureters--carcinoma
Urinary bladder--carcinoma

developmental disorders

Immune System Disorders

Systemic lupus erythematosus
Systemic vasculitis
Systemic sclerosis (scleroderma)
Polymyositis and dermatomyositis
Undifferentiated and mixed connective tissue disease
Immune deficiency disorders, excluding HIV infection
Human immunodeficiency virus (HIV) infection
Inflammatory arthritis
Sjögren's syndrome

Cancers of the female genital tract--carcinoma or sarcoma
Prostate gland-- Carcinoma
Testicles
Penis
Primary Site Unknown
Malignant neoplastic diseases treated by bone marrow or stem cell transplantation

What To Do If You Are Found “Not Disabled” The Administrative Review Process

1. The Reconsideration

If you choose to appeal an unfavorable or partially favorable initial determination, the first appeal request is called a "Request for Reconsideration." You must file the appeal with all required documents to the SSA before the appeal period ends, which is normally 60 days.

2. The Hearing Before an Administrative Law Judge

If you disagree with the reconsidered determination, you may request a hearing before an Administrative Law Judge (ALJ) of the Office of Disability Adjudication and Review. You must make a request for a hearing in writing within 60 days after you receive the notice of the determination.

3. Appeals after the Administrative Law Judge

If you disagree with the ALJ's decision or dismissal, you may request a review by the Appeals Council of the Office of Disability Adjudication and Review. If you are dissatisfied with the Appeals Council's action, you may file a civil action in a Federal district court.

Why You Should Contact Us To Represent You With Your Social Security Disability Claim

The information contained in this website provides only a general overview of the complex regulations found in Title II and Title XVI of the Social Security Act. Our firm has the necessary resources to obtain and assemble medical records, prepare and file all required petitions to establish a claim or appeal a denial of a claim for an impairment and social security disability benefits.