



# How to Apply for Social Security Benefits

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# About Adriane S. Grace

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- Attorney
  - 13+ years devoted to Social Security law
  - Current: Managing Attorney at Law Office of Adriane S. Grace, PLLC
- Practice Areas
  - Estate Planning (Wills & Trusts & POAs, Special Needs Planning)
  - Probate & Estate Administration
  - Social Security Applications & Appeals
  - Guardianship and Counseling on Alternatives, Supports & Services, and Public Benefits

# What are we going to talk about?

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- Who can apply for Social Security Benefits
- Application Process
- Appeal Process (high level)
- Forms required during the application
- Whether to hire a representative/How to complete the representative Forms

# Who Can Apply for Social Security Disability Benefits

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- Disabled Individual (Adult, 18+)
  - Supporters and Caregivers can assist, however, the disabled individual must be present for every communication and must be able to verbally consent to the supporter/caregivers' participation in the call/meeting
- Legal Guardians
  - Parents and conservators of minor children
  - Guardian of the Person or Estate of an Adult (NOTE: obtain guardianship orders that specify which parent has the right to make the SS application and direct the benefits)
- Note: Social Security DOES NOT recognize power of attorney forms

# How to Apply for Social Security Disability Benefits

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- Disability Insurance Benefits & Other T2 Benefits:
  - Apply online at [ssa.gov](https://ssa.gov) (**recommended**)
  - Call SSA at (800) 772-1213 and make an appointment for in-person or follow-up phone call
- Supplemental Security Income
  - Start an “inquiry” online at [ssa.gov](https://ssa.gov)
  - Call SSA at (800) 772-1213 and make an appointment for in-person or follow-up call (**recommended**)
- Visiting the Field Office In-Person
  - Make an appointment
  - AVOID the first of the month

# Documents to Provide SSA for the Disability Application

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- Photo Identification and Social Security Card
- Proof of Address/Residence
- Bank Account, direct deposit information
- List of employers for the 15 years before the person became disabled (adults 18 and over)
- List of doctors who have treated the disabled person including all hospitals and emergency rooms where they were treated

# Forms to Complete for SSA for the Disability Application

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- 827, Authorization to Disclose HIPAA to SSA
- 3368, Disability Report listing all treating docs
- 3369, Work History Report
- 3373, Function Report
- How to Find Forms by Name and Form Number: <https://www.ssa.gov/forms/>

# Persuasive Evidence for SSA

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- Medical Records from long term treating physicians (pediatrician/PCP, psychiatrist, neurologist)
- School Records (IEP, ARDs, report cards, behavioral or disciplinary actions/reports)
- Psychological Evaluations
- Intellectual Assessments
- Occupational or Speech Therapy Records
- Teacher Reports



# Stages of a Disability Claim

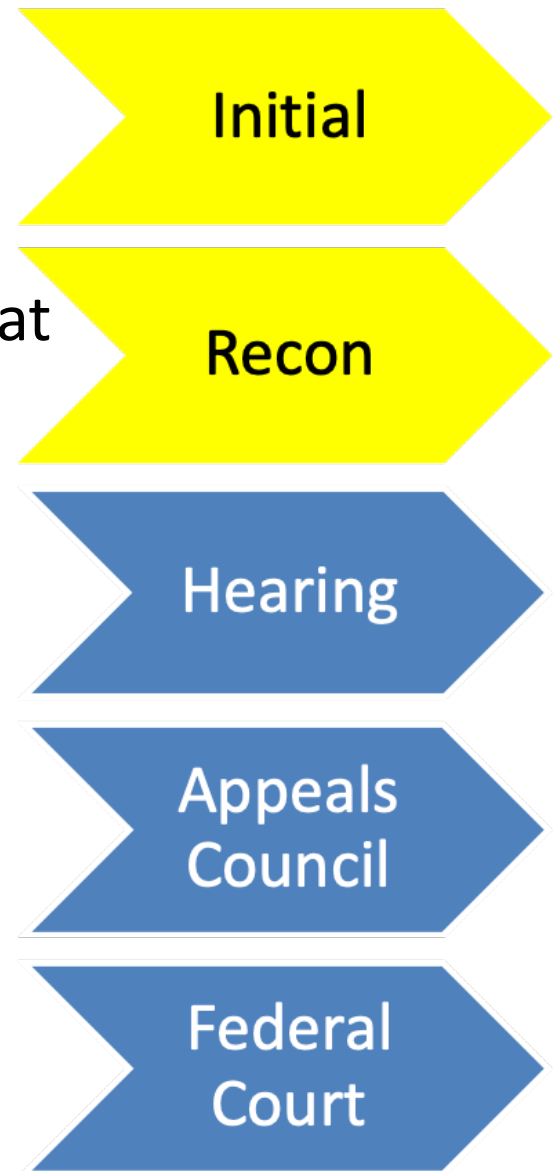
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## Local FO/DDS

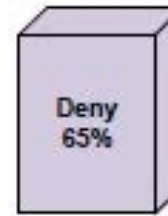
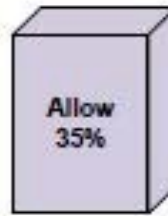
- SSA contracts with state agencies to make decisions at these stages
- Decisions take 2-6 months and most are denied at the first 2 levels
- No opportunity for personal advocacy

## SSA/Agency Action

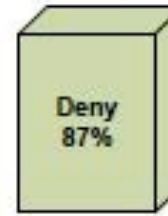
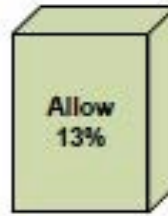
- Statistically better chances of being approved
- Opportunity to advocate in front of a judge/decisionmaker
- Wait time for a decision is about a year
- Appeals Council decision is final agency action



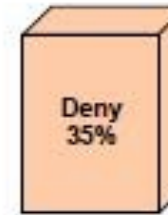
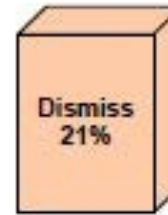
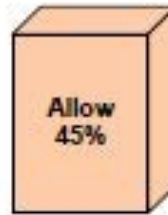
Initial Level 1/  
2,231,974



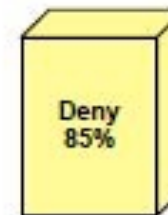
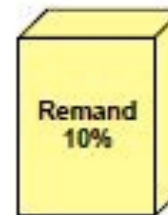
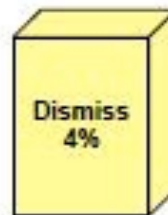
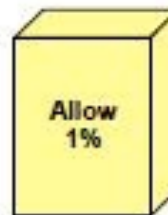
Reconsiderations  
530,365



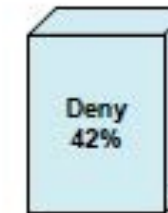
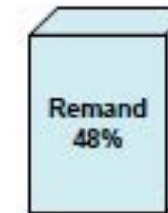
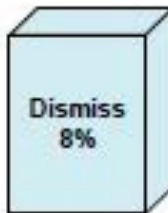
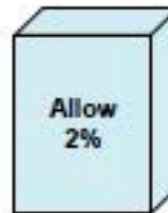
Administrative  
Law Judge  
Hearing  
562,452



Appeals  
Council  
106,575



Federal Court Decisions 2/  
18,309



# Should I hire a representative?

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- NOSSCR lawyer referral service: 845-682-1881 or [nosscr.org](http://nosscr.org)
- Representatives can collect medical records and other evidence, help you complete forms, talk to SSA for you, write briefs and motions, advocate for you at a hearing, counsel you throughout the process
- Representatives at the agency level can be attorney or qualified non-attorney (must be competent)
- Fees: in most cases, 25% of back benefits up to \$7,200, but it's important to understand the agreement for your case

# Representative Forms to Complete for SSA

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- 1699, Representative Registration and for Direct Payment
- 1696, Appointment of Representative
- 1693, Fee Agreement
- 1560, Fee Petition

# Questions?



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