

## Tips for Completing Social Security Appeals

For people with disabilities who have not yet reached full retirement age after a career of work, Social Security benefits usually fall into one of two categories. Most people who have reached age 18 and have little to no work history and whose disability(s) make work challenging or impossible end up initially receiving **Supplemental Security Income (SSI)**, a basic monthly amount that is capped and intended for use on food and rent. If the person with a disability has a significant work history and/or they became disabled in childhood and their parent(s) are now retired or deceased, they are likely eligible for **Social Security Disability Insurance (SSDI)**. Social Security will determine the right program and assess eligibility. People can move from SSI to SSDI if they become eligible for SSDI later in life.

If someone has applied for Social Security benefits and was denied, they have the right to appeal that decision. If an appeal decision is found in their favor, benefits would generally be backdated to the original application date, so long as the person was actively involved in an appeal or pending decision since the first application.

### Appeals Process

If someone believes they should be eligible for Social Security benefits, it is wise to put as much time and energy as possible into making the appeal strong. It often takes multiple levels of appeal to be successful. At each level of appeal, new information to help strengthen the case can be submitted, and that increases the odds of success.

1. **Notification of denial and appeal rights for Reconsideration.** Applicants should be given notice of rights to appeal when the denial is given, and that notice will include the 60-day timeline you have to provide a response if they wish to appeal. This leads to the first appeals step, a “Reconsideration,” where the existing documentation and any supplements are reviewed.
2. **Judicial Hearings.** If the applicant is denied again after the Reconsideration, they (along with an attorney, if they wish) can request a hearing with an Administrative Law Judge. This is the appeal stage that is statistically most likely successful. This must be requested within 60 days of the prior denial.
3. **Appeals Council.** If the applicant disagrees with the judge’s determination, they can request an Appeal Council review, also within 60 days of the denial at the prior level. The Council will consider new evidence related to the grounds for denial. They can send the case back to the judge or hear the case.
4. **Federal Court.** If the applicant disagrees with the Appeals Council, they can file with the US District Court in their area with an attorney.

### Appeal Tips

1. Closely read what was denied and why. Understand the rules and see if it is a lack of information (e.g., they didn’t hear from relevant medical providers), a work history that was not explained (e.g., someone used to work but did not articulate why they are no longer able to do so at the same level), or other item needing clarification. If the applicant needs help, they can ask Social Security for clarification, or see the Resources section at the bottom of this handout.
2. The applicant should keep full copies of anything submitted, along with proof of submission (e.g., online confirmations, fax receipts, certified mail receipts).

3. The 60-day timelines for each level of appeal are strict, and based around when the letter from Social Security was mailed, even if there is a delay in receipt. Writing the deadlines down on a calendar and carefully reading the letters from Social Security to avoid missing them are key, or the process would have to start again with a new application.
4. Appellants may ask for experts to speak on behalf of their appeal at a hearing, and to be represented by a lawyer.
5. The applicant should maintain consistent medical and/or mental health treatment during the appeal. Ongoing treatment helps demonstrate that the condition remains persistent and continues to impact daily functioning. Continued care also helps ensure there is updated documentation supporting the original claim.
6. Add in more records and documentation. The applicant can ask any medical providers for assessments, along with any school assessments and records speaking to disability and limitations. Job coaches or employers (current or past) can also write letters to submit. These letters can be strengthened by looking at the list of Social Security impairments (<https://www.ssa.gov/disability/professionals/bluebook/AdultListings.htm>) and using the language there in the reports. This can be done for each relevant disability. If there is significant time between any assessments used in applying and the appeal, the applicant can ask for updated evidence of limitations from professionals in their life to speak to any changes in their needs and abilities since they provided you with an initial assessment. For example, if the person has been more anxious and been less work-ready related to the initial denial of Social Security and appeals navigation, that should be noted. Or, if the person continues to lack the skills and abilities needed for work, that should be restated.
7. One way to craft a strong appeal is to combine any clear diagnostic paperwork for the applicant with a personal narrative demonstrating “a day in the life” of the person with a disability. For example, after explaining struggles with certain daily tasks, note where that is referenced in professional evaluations (section, page, date, etc.).
8. In making their determination, Social Security does not look only at a diagnosis(es), but focuses on seven areas of limitation, examined with a focus on employment. A letter outlining *work-related issues* in each area is a strong, clear way to show proof of need and eligibility. They are:
  - a. **Mobility**- This is the time to share information on the ability of the person to get around. This can include information about mobility devices, the psychological ability to navigate within home and community, and difficulty getting around (e.g., few public transportation options, explaining when and how a person with a license can be successful driving).
  - b. **Communication**- Communication is asking about how someone gives and receives information. Here examples of communication skills and challenges, especially relating to workspaces and professionalism matter.
  - c. **Interpersonal Skills**- Related to communication, this covers the more social aspects, like forming relationships and maintaining them with clear communication. Give examples of how this may be challenging, especially in a professional setting with strangers.
  - d. **Self-Direction**- This essentially means executive functioning. In a workspace, could someone understand how to break down a task into parts, complete each part thoroughly, problem solve, plan their day, etc.?

- e. **Work Tolerance-** Work tolerance goes beyond whether or not someone could do a job in a controlled short-term trial, but sustain it in a full-time environment. Examples of struggles maintaining high workload overtime or lack of consistency are relevant, along with changes in medical or behavioral patterns that make attendance unreliable. If there are any unsuccessful past attempts at work, including reduced hours, termination, poor reviews, etc., it is wise to show those as proof.
- f. **Self-Care-** Self-Care is about not only ability to provide care to one's self (e.g., showering, eating, dressing), but also whether or not the person regularly needs reminders and assistance of any kind to initiate and complete the activity thoroughly.
- g. **Work Skills-** This category is about the ability to learn, use, and expand employment skills. Explain experiences with learning timelines, how quickly skills are picked up and mastered with maximum independence, and if skills needed in the workplace are already developed or not.
- h. You could also speak to issues with medication or medical care, trauma, or other challenges that may impact someone at work.

## Resources:

- You can hire a private advocate to help you navigate appeal tips. Contact <https://thearcofnova.org/answers> to learn about our private advocate or contact Inclusion Consultants, <https://inclusionconsultants.com/>.
- See our [online Resource Library](#) with information about Social Security programs, work incentives, and FAQs
- Consider hiring an attorney to help with the appeal. Options include:
  - a. <https://www.kgw-law.com/>
  - b. <https://www.mathisdisabilityadvocates.com/>
- Visit the [Social Security Appeals Page](#) to file an appeal and learn more about the process.
- Take the [self-assessment through Social Security](#) on whether or not you are likely eligible for benefits.
- See a [recorded webinar on strong, successful applications for SSI and SSDI](#) on YouTube.