



HARDIN DISABILITY

The Newsletter for Claimants, Support Persons, and Disability Advocates.

Tips of the Month

❄ Application:

Many people simply re-apply, after an application is denied. Did you know that SSA can use your first denial as the reason for denying a later application? It is *almost always* better to APPEAL than to re-apply.

❄ Appeals:

Most medications have side effects that are misinterpreted as new or worsening symptoms. If you aren't sure what side effects your medication causes, put "unknown" for side effects. Don't put "none."

❄ Hearing:

SSDI and SSI hearings take place in a conference room rather than a courtroom. These hearings are private and closed to the public, so your personal medical information remains protected.

How does SSA determine "disability?"

SSA follows a **five-step process** when deciding whether a claimant is "disabled" enough to qualify for SSDI or SSI benefits.

Here are the five steps:

Step 1: Are you still working?

The first thing SSA wants to know is whether or not you are still working. If you are still working full-time, or otherwise engaging in "substantial gainful activity" then you do not qualify for benefits and SSA will not go onto Step 2. *

Step 2: Is your disabling condition severe?

Next, SSA attempts to determine whether your condition is severe enough to interfere with your ability to function, and whether it limits your ability to do basic work activities.

SSA will consider all of the conditions that you list, so be sure to include *all medical issues* - physical and mental. If you have at least one condition that is severe, SSA will go to Step 3.

Step 3: Does your condition meet the requirements of SSA's "Listing of Impairments?"

SSA has a "listing of impairments" that includes common disabling conditions and lists all of the medical criteria required to "prove" disability at this step. (Don't worry if you don't qualify at step 3.)





Claimant Support Group on Facebook

Going through the Social Security Disability process is slow, difficult, and draining. It helps to know that you are not alone, and you can ask questions at any time.

This Facebook group was created to provide support, information, and encouragement for our **disability clients**, their **families** and **support persons**, and other **disability advocates**.

We welcome other SSDI and SSI claimants, as well. Please jump in with your questions, answers, and advice. Let us provide and receive support and encouragement from one other!



Visit this group at:
[facebook.com/
groups/
hardindisability/](https://www.facebook.com/groups/hardindisability/)

How does SSA determine “disability?” (cont.)

It is very difficult to meet the specific medical requirements in the “listing of impairments,” but that does not mean that you won’t qualify for benefits. If you don’t meet those requirements, SSA will proceed to Step 4.

Step 4: Can you perform any work that you have done in the past 15 years?

Think back to the *easiest* job that you have held in the past fifteen years. Do you still have the mental or physical ability to perform that job, despite your disabling condition? If the answer is “no” then SSA moves on to Step 5.

Step 5: Can you do ANY other work?

SSA will consider your age, education, and work experience, along with your disabling conditions. If SSA believes that you can still do other types of work, then they will deny your claim.

Most SSDI/SSI claimants are denied at Step 5. This is why many denial letters say “based on your name, education, and experience,” you can probably still work.

***Substantial Gainful Activity** does not necessarily mean “full time” work. If you work enough to earn \$1130 per month, you are considered to be engaging in “substantial gainful activity.” There are different considerations for blind and self-employed persons.

Best wishes for a safe, warm, and happy December!

From, your disability team at The Hardin Law Firm, PLC.