

# How Social Security Hearings Work

Preparing for a hearing can be nerve-racking, particularly when you've been waiting nearly two years and aren't quite sure what to expect. While we can't control everything you might be nervous about, our hope is that this article will give you some insight into the process and make you feel more prepared going into your hearing.

## **GETTING READY FOR YOUR HEARING**

As you might already know, it usually takes around a year and a half (15 to 18 months on average) for a hearing to be scheduled, starting from the day you filed your appeal. This timeline varies by location and can be shorter in some areas or longer in others. While this time can seem like an eternity while you're waiting, if you receive a Fully Favorable decision from the judge, you'll be paid for the entire period you waited for a decision, including any time that elapses between your hearing and the date of your decision. This ensures that in the end, your time is paid for regardless of how long you've been waiting.

Our office will schedule your hearing for you, in conjunction with the office of the judge who is going to be hearing your case. Once that happens, we'll begin requesting medical records and the attorney will review them in detail so that he or she can gain an in-depth knowledge of your medical status. In addition, you'll have the opportunity to speak with your attorney prior to the hearing to ask any questions you might have and to help prepare you for the hearing.

## **AT THE HEARING**

With so many crime shows on television, it can be easy to imagine a court room straight out of Law and Order when you're

picturing your hearing. With Social Security though, the hearing room will more closely resemble a conference room. The judge will be seated on a raised platform towards the back of the room with you, your attorney, a court reporter, and a vocational expert seated at a long table in front of him or her. Both the judge and the court reporter will have computers in front of them, while you, your attorney, and the vocational expert will be seated in front of small microphones intended to record your testimony. Throughout your hearing, you might notice that the judge is referring to information on his or her computer; these are your medical records, and they're consulting them in conjunction with your and the vocational expert's testimony.

Similarly to the casual setting of the hearing room, your outfit on the day of your hearing can also be casual and comfortable. While you should ensure your appearance is clean and put together, you don't need to worry about getting dressed up in an outfit you find that you're not comfortable wearing. It's perfectly acceptable to wear clothing that prevents discomfort, particularly if you suffer from a painful condition.

Hearings generally last about 30 to 60 minutes, but can be shorter or longer depending on the length of your testimony and the number of questions your attorney and/or judge ask. Ultimately, including time spent speaking with your attorney before and after the hearing, you should expect to spend approximately two hours at the hearing office. During this time, you'll meet with your attorney to go over any last minute questions or concerns; provide testimony based on questions from the judge and your attorney; listen to testimony provided by a vocational expert on behalf of Social Security; and meet with your attorney one last time to debrief. I'll talk a little more about each of these steps below.

## **STEP-BY-STEP**

## **1) Meet with Your Attorney**

On the day of your hearing, you'll want to arrive at the office about 30 minutes early so that you and your attorney can meet up and speak prior to meeting with the judge. This gives you the opportunity to ask any questions you might have thought of since your hearing prep took place and for the attorney to review any specific information he or she noticed within your medical records. During this meeting, any friends or family who accompanied you to the hearing can either wait in the lobby, or join you in speaking with the attorney.

## **2) Hearing**

Next comes the part you've been waiting for: your hearing. Once everyone is seated in the hearing room, the judge presiding over your case will briefly review the reason for your attendance there that day and what he or she will be going over. During this time, the judge will also ask you to take an oath to tell the truth during your hearing.

Once this is done, both the judge and your attorney will ask you a variety of questions regarding your diagnoses and medical conditions, your daily activities, and what prevents you from successfully returning to work. These are the questions you'll have reviewed with your attorney during your hearing prep and in the half hour before coming into the hearing room, so you'll be well-prepared. You'll want to make sure you speak up during this time so that the court reporter can hear your testimony!

Once you've answered any questions, the judge will ask the vocational expert a couple "hypotheticals." These questions are geared towards getting an idea of what jobs a fictional person – based on you, your limitations, your education, and your work background – could hypothetically do on a regular and consistent basis. These job ideas are generated by the vocational expert and simply serve as testimony. Simply put, these are questions about what a fictional person – based on you and your limitations – could do for work. Please keep in

mind that you're not obligated to seek out any of these jobs, nor is the judge obligated to issue a decision indicating that you can do these jobs. Social Security hires this individual for the specific purpose of identifying jobs he or she thinks you could do, and their testimony is not necessarily indicative of your actual capabilities. During this testimony, your attorney will take notes; so you don't need to worry about listening too closely to what's being said.

Following testimony from both you and the vocational expert, the judge will briefly review their initial impression of your case, and any steps that need to be taken next. This could involve records still to be submitted in your case, a medical exam the judge wants to request, or simply waiting for his or her decision to be issued.

### **3) Meet with Your Attorney (Again)**

Now that the hard part's over, you and your attorney will meet briefly one last time to go over any questions you might have had about the hearing, anything needed from you going forward, and what you should expect to happen next. If additional information has been requested by the judge, you and your attorney will go over that now.

### **4) Waiting for Your Decision**

On average, hearing decisions are issued within one to three months of the hearing date. However, it's important to keep in mind that judges are not given a deadline to issue these decisions, and our office cannot enforce a specific timeline. Due to the large number of cases heard by Social Security judges, it can often take several months to receive a decision on your case; and this timeline can be extended if the judge requests any additional records or exams following your hearing. While this waiting period can be extremely frustrating, particularly given how long you've been waiting already, it's important to remember that neither you nor our office can speed this process up.

When a decision is issued, it will be mailed both to you and your attorney. However, due to the way our building processes mail, you will often receive your copy before we do. When you receive your decision and if you have any questions, please feel free to call our office for some guidance and understanding!