

Initial SSD claims often rejected

Although it is natural to feel defeated when a claim for SSD has been denied, the process is nowhere near over. In fact, the majority of individuals who apply for SSD are rejected on their initial application. So long as it is filed within 60 days of the initial decision, an individual can appeal the decision made by the Social Security Administration.

In order to be successful on appeal, the individual must meet certain general requirements. For instance, he or she must have paid Social Security tax for approximately five out of the ten last years prior to the onset of the disability. Also, to successfully appeal, the individual's initial application must clearly explain, in detail, the claimant's disability and how it prevents him or her from maintaining employment for at least 12 months.

The SSA's determination of inability to work is rather detailed, as it will examine the individual's work record for the past 15 years. In analyzing the work record, the Social Security Administration will look to see what types of jobs the individual performed in the past 15 years and assess whether he or she would be able to perform any of these jobs. Therefore, inability to perform only the most recent job of the claimant will not be sufficient.

The importance of staying persistent

There are several different steps throughout the SSD appeals process. Pennsylvania is rare in that it does not require individuals to first file a request for reconsideration. Rather, an individual can start the appeal process by filing a request for a hearing in front of an administrative law judge. Unfortunately, in Pennsylvania, the wait time for such a

hearing is approximately 12 months.

When a claimant is not pleased with the outcome of this hearing, that person may then request a review in front of the Social Security Appeals Counsel. However, unlike the broad inclusion of the hearing in front of an administrative law judge, not all requests made to the SSAC are accepted. The Council will deny requests if it finds the administrative law judge's decision to be correct. In the event the SSAC does grant the request, it can reverse the decision or send it back to the administrative law judge for further consideration.

Lastly, if the decision of the SSAC is unfavorable to the individual, he or she may file a lawsuit in a federal district court.

Ensuring financial stability

Depending on the stage at which the SSD benefits are granted to the injured individual, the appeals process can often become very lengthy and form intensive. Not only can the process stretch over several months, but the intricate nature of the filing process can become daunting. An individual whose claim for SSDI has been denied should contact an experienced social security disability attorney. An experienced attorney will handle the formalities of the appeals process, allowing the individual to focus on their health.