

# Utah Legal Services

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## Supplemental Security Income and Social Security Disability Insurance

### What does it mean to be disabled?

To get Social Security disability, you must have a severe physical or mental impairment or combination of impairments. Those impairments must prevent you from doing your past work or any other work. The condition(s) must have lasted or be expected to last 12 months or end in death. To decide whether you are disabled, Social Security applies a **5 step evaluation process**.

#1 Are you working? If you are working at SGA, SSA will find you are not disabled.

#2 Are your conditions individually or in combination severe?

#3 Do your conditions meet or equal a Listed Impairment?

#4 Do your physical/mental conditions and resulting limitations prevent you from performing your past relevant work.

#5 Do your physical/mental conditions and resulting limitations, along with your age, education and acquired skills, prevent you from performing other work that exists in the national or local economy? Step 5 involves numerous issues. If you would like more information about Step 5 please see attached document.

### What programs could I qualify for?

If you are disabled, you may be eligible for either or both of two programs: Social Security Disability Insurance, sometimes called "SSDI" or "Title II" Supplemental Security Income, called SSI. These two programs use the same definition of disability but have different terms for qualifying. Below are the main terms:

**SSDI**

**SSI**

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- Worked and paid into the system
- Limited income
- Earned sufficient quarters of coverage (QCs) because you worked five (5) out of past ten (10) years
- Limited assets: \$2000 for an individual or \$3000 for a couple
- The amount you will be paid depends on how much you have paid into the system
- Spousal income is counted
- Parents' income is counted if a child is applying

## How do I apply for disability benefits?

You may call SSA toll free at 1-800-772-1213, (TTY) 1-800-325-0778 and inform them you want to apply for disability benefits. SSA will obtain basic information. You will receive an appointment notice in the mail to complete the application process. Be sure to attend the appointment and take all the requested documents and information.

You may file an application for SSDI online. SSA provides a checklist of the information and documents you need to complete an on-line SSDI application. You may also file for SSI online if you meet certain requirements. You may walk into your local Social Security Office and tell them you would like to file a disability application.

*Utah Legal Services may be able to assist you with filing your disability application. If you would like ULS assistance, complete an intake by calling 800-662-4245 (outside Salt Lake), 801-328-8891, (within Salt Lake area), or file an intake application on-line.*

## What do I do if I my application for disability is denied?

**Appeal—Request Reconsideration** within 60 days of the date of the denial notice. You must file the appeal in writing and use the correct Social Security Appeals Forms. You may file your appeal at your local social security office. If you submit your appeal to the local SSA office, it is a good idea to ask for a date-stamped copy of your request so you will have proof you filed it. You may also file your reconsideration appeal on-line. After you complete the reconsideration appeal

on-line, you will be offered a receipt. If you are not offered a receipt, double check that you entered “submit” after completing your appeal. Save or print a copy of the receipt so you have proof you filed the appeal.

*Utah Legal Services may be able to assist you with filing your reconsideration request. If you would like ULS assistance, complete an intake by calling 800-662-4245 (outside Salt Lake), 801-328-8891, (within Salt Lake area), or file an intake application on-line.*

## **What if my request for reconsideration appeal is denied?**

**Appeal**—file a **Request for a Hearing** before an Administrative Law Judge within 60 days of the date of the denial notice. File your request for hearing at your local Social Security office and ask for a date-stamped copy so you have proof of having filed it. You may also file your appeal online at <https://secure.ssa.gov/iApplsRe/start>.

*Utah Legal Services may be able to assist you with filing your hearing request. If you would like ULS assistance, complete an intake by calling 800-662-4245, (outside Salt Lake), 801-328-8891, (within Salt Lake area), or file an intake application on-line.*

## **How do I get the forms to appeal?**

SSA requires you to complete three separate documents when you file an appeal. You must complete the Appeal Form, a Disability Report- Adult (Appeal), and sign a current SSA Release of Information (Form 827).

You can obtain the appeal forms on-line at the SSA website, <https://www.ssa.gov/forms/ssa-3441.html>.

You may call SSA at 1-800-772-1213 and ask them to send you the appeal forms.

You may walk into your local SSA office and request the appeal forms.

## **What happens at a Disability Hearing before an Administrative Law Judge?**

Many disability claims are approved by the Administrative Law Judge. Do not miss your scheduled hearing. You will receive a notice informing you of the date and time of your disability hearing. Arrive 30 minutes early for your hearing. If you are unable to attend, or if you will be late for your hearing, call the Hearings Office immediately or find your hearings office using the Hearing Office locator at [https://www.ssa.gov/appeals/ho\\_locator.html](https://www.ssa.gov/appeals/ho_locator.html). You must submit the most current medical records about your conditions.

At the Hearing, you will testify under oath. You may testify about your symptoms, your limitations, and daily activities. You may ask someone else to testify on your behalf. The ALJ may call a

medical and/or vocational expert to testify at your hearing. You may answer questions asked by the judge or your advocate. It is important that you cooperate with the advocate helping you.

*If you meet specific eligibility criteria, Utah Legal Services may be able to represent you at your disability hearing before an Administrative Law Judge. If you would like ULS to consider representing you, complete an intake by calling 800-662-4245 (outside Salt Lake), 801-328-8891, (within Salt Lake area), or file an intake application on-line.*

## **What if I lose at the disability hearing?**

If you were represented at the hearing, talk to your advocate as soon as you receive the decision.

You have the right to appeal and Request Review of the Administrative Law Judge's decision by the Appeals Council.

You have 60 days after receipt of the ALJ's decision or dismissal to Request Review. Your advocate can help you decide whether an appeal is advisable.

You may file a Request for Review of the ALJ's decision with the Appeals Council on-line. After you complete the appeal, save or print a copy of the receipt.

You may also complete the Request for Review Form and fax or mail the Request to the Appeals Council. You may also submit the Request for Review to your local Social Security Office. If you submit the Request to the local SSA office, obtain a date stamped copy of the Request.

You will not have a hearing before the Appeals Council. The Appeals Council will only grant review of the ALJ's decision if: (1) there appears to be an abuse of discretion by the ALJ; (2) there is an error of law; (3) the ALJ's action, findings or conclusions are not supported by substantial evidence; or (4) there is a broad policy or procedural issue that may affect the public interest.

The Appeals Council will not accept new evidence unless the evidence meets very specific legal criteria. In addition to the Appeal form, you may submit written arguments to the Appeals Council. If you require additional time, (beyond the 60-day deadline), to compose written arguments or to collect evidence, **you must still submit your Request for Review (the appeal form) to the Appeals Council within 60 days of the ALJ's decision**. But you may ask for an extension of time to submit supporting arguments and/or additional evidence. If your appeal includes a written request for an extension of time, the Appeals Council will notify you in writing of the deadline for submitting arguments and/or additional evidence.

## **Other Options if you lose at the disability hearing**

If your condition(s) has worsened **significantly**, you may be eligible to file a new application. You may consider contacting your local Vocational Rehabilitation Office.

# Where can I get more information about Social Security programs?

Visit the SSA website at [ssa.gov](http://ssa.gov).

- [Social Security Disability Insurance \(SSDI\), Title II.](#)
- [Supplemental Security Income \(SSI\), Title XVI.](#)
- [Understanding SSI \(Detailed Information Organized by Topic\).](#)
- [SSI Benefits for Disabled Children.](#)
  - [Preparing to apply for SSI benefits for your disabled child.](#)
  - [Apply on-line for SSI Child benefits for your disabled child](#)
- [Title II Child Disability Benefits \(CDB\) and Adults Disabled Prior to Age 22](#)
- [SSA Disability Benefits \(SSDI and SSI\) for Wounded Warriors.](#)
- [SSA Survivor Benefits for Family Members of Deceased Worker.](#)
- [Disabled Widow/Widower Benefits](#)
- [SSA ALJ Disability Hearings, Office of Hearings Operations \(OHO\)](#)
  - [OHO ALJ Hearing Disposition Data, \(by Specific ALJ name\), 2020 Report.](#)
  - [OHO Average Wait Time for ALJ Hearing,\(by State and City\), 2020 Report.](#)
- [SSA You-tube Videos \(SSA Disability Claims\)](#)
- [Social Security Blog Page](#)
  - [Disability Benefits](#)
  - [Survivor Benefits](#)
- [SSA Disability Information –Audio, PDF and other Languages](#)
- [Social Security Handbook.](#)

At the SSA website you may find answers to your questions, you may obtain the address of your [local social security office](#), and [SSA forms and documents](#).

If you cannot access the SSA website, you may call SSA toll free at 1-800-772-1213. Hearing impaired persons may call the Social Security TTY number at 1-800-325-0778. You may also contact Utah Legal Services for assistance or advice.

## What other Benefits might I qualify for?

The ULS main webpage includes information about [benefits provided by the Utah Department of Workforce Services](#). You may also call the Utah Department of Workforce Services at 1-866-435-7414 to inquire about your eligibility and apply for benefits or complete an [on-line application](#) for benefits.

If you do not live in Utah, your state may offer temporary benefits while you appeal your social security disability application. The [Benefits.gov](https://www.benefits.gov) website may provide you with information about potential benefits available to you, in the state you live, based upon your age, family size, disability status, income, and other data.

If you are a Veteran, you may qualify for [VA benefits](#).

## **Can Utah Legal Services help with my disability appeal?**

Utah Legal Services is able to help eligible clients in many cases. If you want ULS to consider assisting you with your social security disability application, appeal, or hearing before the Administrative Law Judge, please call our intake number: 1-800-662-4245 (outside Salt Lake) or 801-328-8891 (within Salt Lake area) between 9 a.m. and 2 p.m., Monday through Friday. You may also complete a ULS intake on-line.

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<http://www.utahlegalservices.org/node/54/supplemental-security-income-and-social-security-disability-insurance>

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