Social Security 101

Presented by Benjamin P. Feld, Esq.
Managing Partner, Ghitterman, Ghitterman & Feld
Benjamin P. Feld
Partner

Biography

Benjamin P. Feld is a law partner with the firm Ghitelman, Ghitelman & Feld. Mr. Feld has been representing injured workers since 2002, providing his expertise in the areas of Workers’ Compensation, Social Security Disability and third party litigation services. Mr. Feld is also a Certified Specialist in Workers’ Compensation with the State Bar of California, one of only four applicant attorneys in the County with this distinction (two of the other three are the other partners in the firm). His work has led not only to successful outcomes for his clients, but also citable appellate precedent. Mr. Feld also manages the firm’s Human Resources and IT responsibilities, recently taking the firm “green” by transitioning from an antiquated paper oriented system to the cutting edge of paperless legal administration.

A graduate of the Santa Barbara College of Law, Mr. Feld has remained an active alumni with the campus. Mr. Feld is also a member of the California Applicants’ Attorneys Association, the educational and policy group for workers’ compensation attorneys representing the disabled. In addition, Mr. Feld has an extensive business background. Before practicing law, Mr. Feld was a local business owner and employer for 10 years dealing hands on with many of the issues facing both employers and employees in the workplace.

Personally, Mr. Feld is kept very busy with his family, which includes his wife Rhonda Henderson and their five children. When not involved in school and extracurricular activities, Mr. Feld enjoys running on our local beaches, paths and races, traveling and enjoying relaxing moments with his extensive family.
Presentation Topics

- Social Security and SSI Disability
- Eligibility criteria
- How to file online
- Appeals process
- Where to find answers
- Contact information
Social Security provides disability benefits under two federal programs:

Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI)
Social Security’s Disability Definition:

A medical condition or combination of impairments preventing substantial work for at least 12 months, or expected to result in death. The determination also considers age, education & work experience.

Definition of Disability

For all individuals applying for disability benefits under title II, and for adults applying under title XVI, the definition of disability is the same. The law defines disability as the inability to engage in any substantial gainful activity (SGA) by reason of any medically determinable physical or mental impairment(s) which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.
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* $500 amount applied in the first half of 1999.
### The difference between Social Security Disability (SSDI) and Supplemental Security Income (SSI)

<table>
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<th>SSDI</th>
<th>SSI</th>
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<td>• Funded by Social Security tax revenues</td>
<td>• Funded by the General tax revenues</td>
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<td>• Eligibility criteria based on work history</td>
<td>• Eligibility criteria based on financial need</td>
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<td>• Monthly cash benefits payable to worker and eligible family members</td>
<td>• Monthly cash benefits payable to the beneficiary only</td>
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<td>• Cash benefits payable after 5 mos. waiting period from disability date</td>
<td>• No waiting period for cash benefits to begin from disability date</td>
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<td>• Medicare eligibility after 24 mos.</td>
<td>• Immediate Medicaid (Medi-Cal)</td>
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<td>• Post-eligibility work periods (9-month Trial Work Period)</td>
<td>• Post-eligibility work income deductions ($65 excl/half of the remainder)</td>
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Who is Eligible for SSDI?
- Have 40 Social Security Credits
- Paid into Social Security 5 out of last 10 years (20 credits prior to the disability onset date).
- $1,320 in earnings equals one credit in 2018; can earn only a maximum of four credits per year. ($5,280./yr.)
- If disabled before age 31, less credits are required
Benefits for Family Members

A Worker’s Spouse

- Age 62 or older
- Age 60 if a widow/widower
- Age 50-60 if a disabled widower
- Any age if caring for a child of the worker under age 16
- Divorced spouses married 10 years may qualify
Who is Eligible for SSI?

Two Main Factors

• Disabled

• Lack of Resources
WHAT ARE "LIMITED RESOURCES"?

Resources, for the purposes of SSI, are things you own such as:

- cash;
- bank accounts, stocks, U.S. savings bonds;
- land;
- vehicles;
- personal property;
- life insurance; and
- anything else you own that could be converted to cash and used for food or shelter.
Filing a Social Security Claim

**Initial Claim (up to 7 months)**
Social Security Office sends medical information to Disability Determination Services (DDS) for a medical decision Disability Allowance or Denial is sent back to Social Security Office for processing

**Reconsideration (up to 7 months)**
File within 60 days from initial determination at the Social Security Office
(File Online or use form SSA-561) Social Security Office sends medical information back to DDS Disability Allowance or Denial is sent back to Social Security Office for processing

**Hearing (12 to 18 months)**
File a hearing within 60 days from Reconsideration determination
(File Online or use form SSA-561)
- Social Security Office sends medical information back to DDS
- Disability Allowance or Denial is sent back to Social Security Office for processing
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Step 1
- Apply Online: https://www.ssa.gov/applyfordisability/
- Apply By Phone: 1-800-772-1213
- Apply In Person: Call 1-800-772-1213 for appt. Offices: https://secure.ssa.gov/ICON/main.jsp

Step 2
Gather Documents: https://loom.ly/2_h8oWw
Benefits Application Terms of Service

I understand that I am entering a U.S. Government System to file a benefit application with the Social Security Administration. I understand that I need to provide the Social Security Administration information to process the benefit application. I understand that failing to agree to the statements below will result in my inability to file a benefit application online, which may prevent the Social Security Administration from making an accurate and timely decision about eligibility for benefits.

I understand that:

- the Social Security Administration will validate the information I provide against the information in Social Security Administration’s systems.
- my activities may be monitored within this site.
- any person who knowingly and willfully tries to obtain Social Security benefits falsely could be punished by a fine or imprisonment, or both.
- I am authorized to file a claim on my own behalf or on behalf of someone else with the Social Security Administration.

Information about Social Security’s Online Policies
The privacy of our customers is always very important to us. We encourage you to read our Privacy Act Statement.

I understand and agree to the above statements.
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- Gather your medical records
- Ask your doctors for help addressing your DISABILITY
- Have friends, family, teachers and employers write letters addressing your DISABILITY
- DISABILITY is not your diagnosis and treatment, but rather what you can and cannot do regularly, e.g. sit, stand, walk, lift, work with others, etc.
Hearing before an ALJ

- Face-to-face with decision maker
- Option to have an attorney present
- Wider standard and discretion on case
- 43% average approval rate
WHO, WHAT, WHY at the SSA Disability Hearing?

**Claimant**
- Age
- Education
- Work Experience
- History
- Disability
- Daily Life
- Attempts to Find Work

**Vocational Expert**
- Identify PRW
- Use of the DOT
- Apply Hypotheticals to PRW
- Apply Hypothetical to all available works

**Medical Expert**
- Identify Disabilities
- Establish the Extent of Disabilities
- Address Listings

**Judge**
- Listen and Deduce Evidence
- Pose Hypotheticals
- Decide Disability

**Hearing Monitor**
- Keeps Court in Order
- Records Proceedings

**Attorney**
- Represents Claimant
- Develops Record
- Objects to Questioning
Favorable/Unfavorable/Partially Favorable

- Favorable = All disability restored since alleged date of onset
- Unfavorable = No disability awarded
- Partially Favorable = Some disability for some period or starting at a later date of onset

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3. APPEALS COUNCIL

If you disagree with the ALJ’s decision, you (or your representative) may request an appeal by writing to us and requesting an Appeals Council review or by completing a Form HA-520 (Request for Review of Hearing Decision/Order). A request for Appeals Council review can be completed online at www.ssa.gov. We can help you complete this form.

You (or your representative) must ask for an Appeals Council review within 60 days after you get the hearing decision. We consider that you receive the hearing decision 5 days after the date on the hearing decision.

The Appeals Council may also decide to review your case on its own within 60 days of the date of the decision.

You or your representative may submit or inform us about new evidence. The Appeals Council will only review a case based on additional evidence if it is new, material, related to the period on or before the hearing decision, and there is a reasonable probability the evidence would change the outcome of the decision.

The Appeals Council will examine your case and will grant, deny, or dismiss your request for review. If the Appeals Council grants your request for review, it will either decide your case or return it to the ALJ for further action, which could include another hearing and a new decision. If the Appeals Council grants your request and plans to issue a decision that is less than fully favorable to you, it will send you (and your representative) a notice of its proposed action and will allow you or your representative an opportunity to respond before issuing the decision.

The Appeals Council will send you (and your representative) a copy of the action it takes on your request for review and explain the reasons for this action.
4. FEDERAL COURT

If the Appeals Council issues a decision or denies your request for review of an ALJ’s decision and you disagree with the action of the Appeals Council, you may file a civil action with the U.S. District Court in your area. We cannot help you file a court action. You may want to contact a lawyer or a legal aid group to help you.

You must file an action in U.S. District Court within 60 days after you receive the notice of Appeals Council action. We consider that you receive notice of the Appeals Council action 5 days after the date on the notice. The U.S. District Court will review the evidence and the final Agency decision. The District Court may send the case back to the Agency, and the ALJ may be ordered to hold a new hearing and issue a new decision. The District Court may also direct the agency to award benefits or dismiss the case.
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or contact:

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pmullen@centralcallegal.org  |  (559) 570-1224

CCLS will spend all funds in accordance with the LSC Act of 1974, as amended, and implementing regulations.
THANK YOU FOR JOINING US!

If you need help getting meaningful access to quality interpreter services, please call us. We are here to help!

Central California Legal Services Legal Advice Line
1-800-675-8001

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