



The Good Law Group

First Time Applicant Guide To Applying For Social Security Disability Benefits

This guide provides an explanation for the questions Social Security asks in the application for Social Security Disability Insurance (“SSDI”) benefits and Supplemental Security Income (“SSI”). These questions are derived from the most updated paper application (as of December of 2017). An application for Social Security Disability can be completed, on-line, in person, by phone, and by mail. This guide was created for informational purposes only and not for the purpose of providing legal advice.

More than 65% of Social Security disability applications are denied. When an application is denied you may file for reconsideration. At the reconsideration, the second step, 92% of applicants are denied. According to a recent Congressional report: “Professional representation is a valuable, and indeed vital, service. The disability determination process is complex. Claimant’s without professional representation appear to be far less likely to receive the benefits to which they are entitled. For example, in 2000, 64% of claimants represented by an attorney, but only 40% of those without one, were awarded benefits at the hearing level.”¹ If you are applying for benefits and are looking for an attorney to represent you or a loved one, please call our office at: **(847)577-4476**.

What You NEED to Know Question-By-Question:

- ✓ The first 8 questions should be straight forward questions about you (age, city/state of birth, preferred language, etc.). Make sure your answers are correct because giving incorrect information can slow down the processing of your application and may result in a denial.
- ✓ Question 9 asks: When do you believe your condition(s) became severe enough to keep you from working (even if you have never worked)?

¹ November 16, 2001 Congressional Record, Testimony of Member of Congress, Robert T. Matsui of California, discussing the Attorney Fee Payment System Improvement Act (2001).

- Social Security asks this question to establish your on-set date, or the day you became disabled.
- If you have never worked, or have not worked in a long time, write the date you think your disability prevented you from working.
- ✓ Question 10 is straight forward. It is simply asking have you applied for any benefits through the Social Security Administration in the past.
 - Social Security will know the answer to this question, because they have access to prior applications if you have submitted any in the past.
 - If you do not tell the truth, they will know, and they will hold it against you. So, be honest!
- ✓ Question 11 asks: If you have served in the military.
 - This is a simple yes or no check box. If you answer yes, make sure you answer parts (b) and (c) and make sure you are correct.
- ✓ Question 12 asks: Whether you, your spouse (or prior spouse) work in the railroad industry for 5 years or more?
 - Again, this is a simple yes or no answer.
 - The reason the Social Security Administration is asking this question is if you, or your spouse (or prior spouse), worked for the railroad you may not be entitled to Social Security Disability Benefits.
- ✓ Questions 13 asks: Do you have Social Security credits (for example, based on work or residence) under another country's Social Security System?
 - If you have lived and worked in the United States your whole life, check no.
 - If you answer yes, answer 13(b) with the country(ies).
- ✓ Question 14 asks: Whether you entitled to, or do you expect to be entitled to, a pension or annuity (or a lump sum in place of a pension or annuity) based on your work after 1956 not covered by Social Security.

- With this question the Social Security Administration wants to know where your income is coming from.
 - Additionally, some municipal workers pensions can trigger offsets/reductions based on the Windfall Elimination Provision. The Windfall Elimination Provision can, in some cases, affect you when you receive a retirement or disability pension from an entity who did not withhold Social Security taxes.
- ✓ Question 15 asks: Whether you have been married.
- The reason for this question is you may be entitled to benefits based on your current or former spouse's earnings records. Again, it is important to answer 15 (b) correctly as it can result in a denial or errors in the amount of benefits you may be entitled to receive.
- ✓ Question 16 is about your children (including adopted children, and stepchildren) and dependent grandchildren (including step-grandchildren).
- The Social Security Administration is asking this question because you may be entitled to more money than just your benefits if you are taking care of minor children.
- ✓ Question 17 asks: Did you have wages or self-employment income covered under Social Security in all years from 1978 through last year?
- The Social Security Administration is trying to determine if you have self-employment income based on this question. Also they are trying to learn what you did for work in the past.
- ✓ Question 18 is **VERY IMPORTANT**. This question asks you to list the places you worked in the past. It is important because if you give the wrong answer the Social Security Administration will find that you are not credible. In the event, you have a hearing the judge may give your statements little weight if you make errors in the application. The Social Security Administration will match your answer to this question with

your Certified Earnings Record from the IRS to determine whether your answer is correct.

- ✓ Question 19 asks: May the Social Security Administration or State agency reviewing your case, ask your employers for information needed to process the claim?
 - The Social Security Administration is asking this question so they efficiently process your claim and confirm your taxed earnings and absences from work.
- ✓ Questions 20 is for employees, **not the self-employed**. Make sure you answer (a), (b), and (c) if you were an employee and **NOT** self-employed. As always, make sure your answers are accurate because inaccurate answers will slow the processing of your claim.
- ✓ Questions 21 asks about your total earnings last year. The best place to refer to for this answer is your income tax records from the previous year. Answer 21(b) if you have made any money in the current year.
- ✓ Questions 22 (a) asks: Are you still unable to work because of your illnesses, injuries, or conditions?
 - Answering NO automatically will trigger a denial of your claim. SSDI/SSI is for individuals who are **unable to work** due to their illnesses, injuries, or conditions.
- ✓ Questions 22 (b) asks: Enter the date you became able to work.
 - With this question the Social Security Administration is trying to establish the on-set date of your disability. This question is seeking to answer the same question as question 9 above.
- ✓ Questions 23 asks: Are your illnesses, injuries, or conditions related to your work in any way?

- Social Security is asking this question to determine WHY or WHAT caused your inability to work.
- ✓ Questions 24 (a/b) asks: Have you filed, or do you intend to file, for any other public disability benefits (including workers' compensation, Black Lung benefits and SSI)?
 - The Social Security Administration is asking this question because public disability benefits, workers' compensation, Black Lung benefits, and SSI can all reduce the amount of money you may be entitled to.
- ✓ Questions 25 (a) asks: Did you receive any money from an employer(s) on or after the date in item 9 when you became unable to work because of your illnesses, injuries, or conditions? If "Yes", give the amounts and explain in "Remarks".
 - The Social Security Administration is asking this question to establish your onset date and determine when/if you are eligible for benefits.
- ✓ Questions 25 (b) asks: Do you expect to receive any additional money from an employer, such as sick pay, vacation pay, other special pay? If "Yes," please give amounts and explain in "Remarks".
 - The reason for this question is additional money from an employer, such as sick pay, vacation pay, other special pay looks like you are working on your tax records. If you receive any additional money that you do not explain/disclose can result in denial or delay in the processing of your application because it may appear as though you are working full-time.
- ✓ Questions 26 asks: Do you, or did you, have a child under age 3 (your own or your spouse's) living with you in one or more calendar years when you had no earnings?

- The purpose of this question is to assist the Social Security Administration in calculating your benefit amounts. Again, if you have minor children, you may be entitled to additional benefits.
- ✓ Questions 27 asks: Do you have a dependent parent who was receiving at least one-half support from you when you became unable to work because of your disability? If "Yes," enter the parent's name and address and Social Security number, if known, in "Remarks".
 - The purpose of this question is to assist the Social Security Administration in calculating your benefit amounts. If you have supporting a dependent parent you may be entitled to additional benefits.
- ✓ If you were unable to work before age 22 because of an illness, injury or condition, do you have a parent (including adoptive or stepparent) or grandparent who is receiving social security retirement or disability benefits or who is deceased? If yes, enter the name(s) and Social Security number, if known, in "Remarks" (if unknown, check "Unknown").
 - This question is **VERY IMPORTANT** for individuals who were disabled and unable to work before age 22. The Social Security Administration is asking this question to determine whether you are entitled to Adult Child Benefits. Adult Child Benefits are for individuals who were disabled before age 22 and have no work history. This program allows individuals who do not have earnings to draw of ftheir disabled, deceased, or retired parents Social Security benefits.