

JUNE 2023
SHOULD WE JUST "PHONE IT IN"?

First email blast of the year / with thoughts and observations on the importance of human interaction in the process of deciding claims.

My trusted assistant Dalia is on line today for a seminar offered by Social Security Disability's central office responsible for setting Final Hearings. After some brief introductions by SSA employees [SSA is an acronym; Social Security loves acronyms - their acronyms have acronyms], the bulk of the seminar was conducted by artificial intelligence. That means that Dalia and hundreds of other seminar participants were asked to sit and listen to a computer-generated voice drone on for an hour about the finer points of scheduling Final Hearings. Which is another way of Social Security saying; we just can't be bothered.

So why should you care? It depends. My email list is composed of past and present clients. If you have been awarded benefits, your interaction with Social Security is minimal. And much of your interaction is now reasonably conducted on line. But when an issue arises that needs to be touched by a human hand; just know that the Social Security Administration looks forward to the day when actual human interaction is a thing of the past.

So now to those of you who haven't yet had their "day in court". The Hearing Offices are slowly adjusting to hearing office procedure and conduct not governed by the Pandemic - remember that?. We no longer have to use masks in the Final Hearings. But we still peer at our Judges through large clear acrylic "germ barriers" standing in the hearing rooms.

Claimants are still encouraged by the local hearing offices to utilize the remote Final Hearing system that was put in place in the early days of the Pandemic. This is not a good option in most instances. I continue to advise all of my clients to request a live Final Hearing, to be conducted by a local Administrative Law Judge. Because there are aspects of your claim that will not be appreciated if a Final Hearing is conducted remotely; by telephone or video.

Case in point. A recent Final Hearing in which my client, approaching the age of forty, sought benefits for a rare life long cognitive illness that was gradually robbing him of clear thought, and good coordination. He had maintained steady employment at a local Publix Supermarket, as a bag boy, for several years. But as his condition progressed, his work became more challenging. His employer reduced

his work hours, at his family's request, and gave him some workplace accommodations.

The Judge tasked with determining his claim saw clear evidence in his on-line file of the claimant's cognitive challenges; these were well described in the young man's treatment notes and professional evaluations. But the Judge also needed to know whether this individual was experiencing changes in his physical well-being. My client entered the Hearing room, sat down, and placed his hands upon the hearing room table in front of him. The Judge pointed out that the claimant's left hand had an observable tremble. So his first question to the claimant concerned the day to day challenges of tasks requiring the repeated use of his hands.

I do not think that a Judge, if conducting this Final Hearing remotely, would have had this exchange. It was a crucial point in this young man's favor. And he was awarded benefits. Part time work, and workplace accommodation is something else that's been on my mind lately. I'll save those thoughts for the next email blast.

So there, I've just expressed myself for a page and a half, without a single thought/observation about our Governor. Do I win a prize?

Andrew B. Sapiro, Esq.