

HELP

FIVE QUESTIONS TO ASK WHEN HIRING A LAWYER TO APPEAL A DENIAL OF SOCIAL SECURITY DISABILITY BENEFITS ...



Social Security denies most initial applications for disability benefits. Once you are notified that your application for benefits has been denied, you have sixty days to appeal. When deciding who to hire to file your appeal, you really ought to be a choosy shopper. Before hiring a representative, choosy shoppers ought to ask - and get answers to - these five questions.

Question 1 - this question is critical if you are shopping on line - **WHO - ARE - YOU ??**
A web search may bring you to the doorstep of a national service that handles claims throughout the country. You might regret the decision to hire a national service. You'll see why, once you've read Questions two through five.

Question 2 - **Am I hiring a representative who is an attorney?** Weird question? Actually not. Social Security does permit a non-attorney [who is registered with Social Security] to represent a disability claimant. But, shopper beware. The Administrative

Law Judge hearing your case will decide it based upon guidelines, rulings, and standards under Federal Social Security disability **law**. Better, then, to hire a **lawyer**.

Question 3 - Can I meet with, or speak with, the attorney who is going to attend the Final Hearing with me - at an early stage, well before the hearing date? The short answer ought to be; **yes**. And as far as I am concerned, zoom conferences don't count.

Question 4 - Will someone be available to explain to me the key issues in my claim. Here are some examples;

- the differences between SSD and SSI benefits
- are my claim rights, or chances for success, effected by my age?
- does my income record or income history effect my benefit rights?
- what records or evidence do the Judges most rely upon when deciding my case?

Question 5 - Am I still entitled to a live/in person hearing before an Administrative Law Judge? Post COVID, the answer is, absolutely - yes. Although a distressing number of disability lawyers [or representatives] often agree to remote Final Hearings, because remote hearings are easier to attend in high volume. Not good. A live Final Hearing should always be requested, if possible. When a claimant enters a Hearing room and answers a Judge's questions - in person - that Judge knows that the claimant has "skin in the game". And in a close case, that is always helpful.

AND SOME CLOSING LEGALESE: the wonderful image of the Apple Records sleeve for "*Help*" has been posted without[!] permission of Apple Records, Ringo Starr, Paul McCartney, or the estates of my two all time favorite Beatles, John Lennon and George Harrison [sorry, Ringo].