

SOCIAL SECURITY DISABILITY BENEFITS (SSDB)

Offices throughout New York, New Jersey and Connecticut

KNOW YOUR RIGHTS!

Are you eligible?

The only law firm in New York State representing union members, their families and friends throughout the State.



Introduction

If you or a loved one has stopped working or considering retirement due to injuries or illness that prevents you from working, and you are under the age of 65, you should consider applying for Social Security Disability Benefits (SSDB).

This information is being sent to you as a courtesy to help you understand your rights. If you have questions, please contact **FOA at 1-800-522-9001**, or online: www.foalaw.com. This publication is not intended to provide legal advice.

Social Security Disability Benefits are available to workers who:

1. Are at least 18 years of age but have not yet reached their full retirement age; and
2. Have worked 5 of the last 10 years (40 quarters) preceding the date of disability with FICA (Social Security) deductions; (no "off the books") and
3. Cannot, for medical reasons, hold any substantial, gainful employment for at least a twelve month continuous period.

If eligible, you should apply for SSDB because:

- ✓ If your SSDB claim is approved, you will receive a monthly payment equal to the amount that you would receive from Social Security if you had

reached full retirement age at the beginning of the 5 month waiting period.

- ✓ Medicare coverage (health insurance) is provided SSDB recipients after they have been receiving SSDB for 2 years.
- ✓ **We encourage you to wait until the sixth month of disability before applying for SSDB.**

Since **SSDB does not provide any payments for the first five months of disability** nothing is lost by waiting until the sixth month of disability before applying.

By waiting until the sixth month to apply, it also becomes easier for the Social Security Administration (SSA) to conclude that you will be unable to perform any substantial, gainful employment for at least one year.

- ✓ **You should call FOA at 1-800-522-9001 for information and advice immediately prior to applying for SSDB.**
- ✓ **To apply for SSDB, you can go to your local Social Security Administration (SSA) office and apply in person; you can also apply over the telephone by calling 800-772-1213; or you can apply online: www.socialsecurity.gov.**

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Be sure you have the following in front of you when you apply for SSDB:

1. The names, addresses and telephone numbers of all medical providers from whom you have received treatment for all medical conditions during the 2 years prior to stopping work up to the time of application;
 2. All of the medical conditions (physical and mental) for which those medical providers treated you; and
 3. A list by name, dosage and frequency of all medications that you are currently taking. Medications are important to your application, since their side effects may reduce your ability to get or keep a job.
- ✓ **In applying for SSDB, do not omit any illness/injury from which you suffer and have been treated for, including mental illness.**

After your application interview, the Social Security Administration (SSA) will review your application and will contact your treating physician(s) for information.

- ✓ **You may be asked to submit to an examination by one or more physicians selected by the SSA. Be sure to attend the exam(s).**
- ✓ **The initial review by the SSA usually takes about 4 months.** When the process is completed, the applicant is sent a letter advising if a favorable determination has been made.
- ✓ If your SSDB application is denied, it is important that you call Fine, Olin & Anderman, LLP (FOA) at 1-800-522-9001 right away. FOA will request a hearing on your behalf and represent you at the hearing.

The hearing must be requested not more than 60 days after the date of the unfavorable determination letter, so it is very important that you call as soon as you receive a letter of denial.

- ✓ **Attorneys' fees for representing SSDB applicants are regulated by federal law.**
- ✓ **Fees are contingent upon success, so FOA will not get any fee if the law firm is not successful in obtaining SSDB for you.**

If your SSDB claim is accepted, the Social Security Administration usually withholds 25% of your retroactive benefits, pending receiving a fee application from your attorney.

FOA will offer you the opportunity to cap the fee at \$6,000, or 25% of retroactive benefits, whichever is less. To obtain this cap, you will be offered a written agreement at the time FOA's representation begins.



REMEMBER: If you are under age 65 and have been out of work for at least 5 months due to illness or injury, even if you are collecting Workers' Comp and/or retirement benefits, you may also be eligible for SSDB. **Call FOA: 1-800-522-9001**