



Understanding Social Security “Disability” Benefits



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Millions of American workers find themselves unable to perform their job duties due to medical conditions. Sometimes, the disabling medical condition is the result of a work related injury or occupational disease. Often, the disabling medical condition stems from something unrelated to the job – medical conditions such as

heart disease, diabetes, rheumatoid arthritis, depression or other psychiatric malady are only a few examples of medical conditions that may have a deleterious impact on a person’s ability to perform in the workforce.

Those who believe they are unable to perform not only their current employment, but also any other type of employment, may wish to apply for Social Security disability benefits. Before considering an application for Social Security disability, you should have a basic understanding of the definition of disability under the Social Security laws, and how to properly prepare your claim before filing an application.

It is important to understand that although you may believe you are unable to perform your job, and even

though your doctor agrees with you, you may not meet the eligibility requirements to be entitled to Social Security disability benefits.

Under the Social Security laws there are two basic types of disability benefits. The first is referred to as Social Security Disability Insurance benefits; the second is known as Supplemental Security Insurance Disability benefits.

Social Security Disability Insurance benefits may be afforded to disabled persons who are deemed “fully insured” – those who have worked 20 quarters within the 40 quarters prior to the onset of disability, and are below retirement age. (The “quarters” are recorded throughout your work history and records are maintained based on the amount of Social Security deductions from your weekly paychecks.)

Supplemental Security Insurance Disability may be provided to low-income disabled persons whose work history is insufficient to qualify for Social Security Disability Insurance Benefits.

The key to an award of benefits under either program is meeting the definition of “disabled.” Disability is interpreted much more strictly under the Social Security laws than under most other public, employer, or private disability plans. For purposes of Social Security benefits, a claimant will be deemed “disabled” only if she “cannot engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or...last for a continuous period of not less than 12 months.” 42 U.S.C.A. 423(d)(1)(A).

Additionally, the claimant must also establish that she cannot perform her previous work, and,

considering her age, education, and work experience cannot engage in any other type of substantial gainful work which exists in the national economy. (It is irrelevant whether the claimant would actually be hired for such a job.)

Subjective symptoms alone such as pain and suffering, tiredness, or lack of concentration are insufficient to establish disability. All subjective symptoms must be both documented in your medical records and documented by objective test results. Results of x-rays, CT Scans, MRI’s, EMG’s, blood studies, and other routine tests prescribed by your doctor are considered to determine if your subjective complaints are supported by objective medical standards.

Prior to applying for Social Security Disability the worker should have a detailed conversation with her treating physician about her interest in applying for disability benefits, and the reasons why the claimant believes she can no longer work. If the physician agrees that the claimant is unable to work because of a medical condition, the physician and claimant must work together to ensure all of the objective medical testing has been completed to demonstrate the disabling extent of the medical condition.

If you suffer from more than one medical condition, and you treat with different physicians for each condition, you must discuss your intention to apply for disability benefits with each physician.

Social Security will require you to authorize your treating and consulting physicians to release your medical records

for review by Social Security staff physicians. Records that are incomplete or which do not accurately detail the nature and extent of your condition will be deemed inadequate to establish entitlement to Social Security Disability benefits.

Similarly, brief statements from the treating physician that you are “disabled from performing any type of employment” are not enough to entitle you to Social Security Disability benefits. The physician must provide a detailed report stating not only the diagnosis of your condition, but further explaining why and how the condition limits your ability to perform physical and mental tasks on a sustained basis throughout an eight hour work day. The types of medications you take, and the side effects of each should also be discussed, as sometimes the side effects render a person unable to concentrate, use machinery, or otherwise affect their ability to function in a work setting.

While you are not required to retain an attorney when first applying for Social Security Disability benefits, it is recommended. A qualified attorney will assist you in organizing your “disability portfolio” to insure you have all of the information needed to put your best claim forward.

The Social Security Disability application process can be very time consuming and may take months to navigate through the levels of review. Meeting with an attorney at the outset will educate you on how the process works, and help to alleviate stress or frustration you may otherwise have when trying to navigate the application process on your own.

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