

Legal Report

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When to Apply for SSD Benefits



Jeffrey Freedman

You should seriously consider applying for benefits as soon as you think your illness or injury may keep you out of work for at least one year. Though it may be difficult to accept that you could be disabled for a year or more, by applying for SSD benefits as soon as possible you are

protecting your financial stability. It's not negative thinking, it's practical thinking.

I meet many people who don't explore Social Security Disability benefits until they are out of work, out of money, and out of luck. They are hoping against all odds that their medical conditions will improve and they will be able to get

back to their jobs and their normal daily lives. In the meantime, no paychecks are coming in, their savings accounts are bone dry, and they are putting groceries on credit cards.

Don't wait until you're desperate to apply for SSD. Social Security Disability shouldn't be a last resort; it's a program to help disabled people get through tough times.

Another important reason to apply as soon as you become disabled is that SSD benefits only go back to a maximum of one year before your application is filed. If you wait two years, for example, you'll lose back benefits you would have received if you had applied earlier.

Remember - when it comes to Social Security Disability benefits, you only get what you ask for, and the only way to ask is to file an application.

Social Security Disability Q&A

Q. What age do I have to be to receive SSD benefits?

A. There is no minimum age, but you must meet SSA's definition of disability and have worked long enough recently to qualify for SSD.

Q. I got hurt in an automobile accident. I am disabled now,

but I expect that I may be able to return to work after I recover. Should I file for SSD?

A. Yes, if you expect to be out of work for 12 consecutive months due to your injuries.

Q. What is Social Security's definition of Disability?

A. Generally, it is being unable to work because of a verifiable mental or physical impairment expected to result in death or has lasted, or is expected to last, for at least 12 months.

Q. What is the typical amount of money a client receives monthly when they win their social security disability claim ?

A. According to SSA the average monthly benefit paid in 2010 was \$1300 dollars on a SSD claim. The maximum monthly benefit can be as much as \$3500 for a claimant and their family. What a client will receive per month depends upon earnings over their lifetime.

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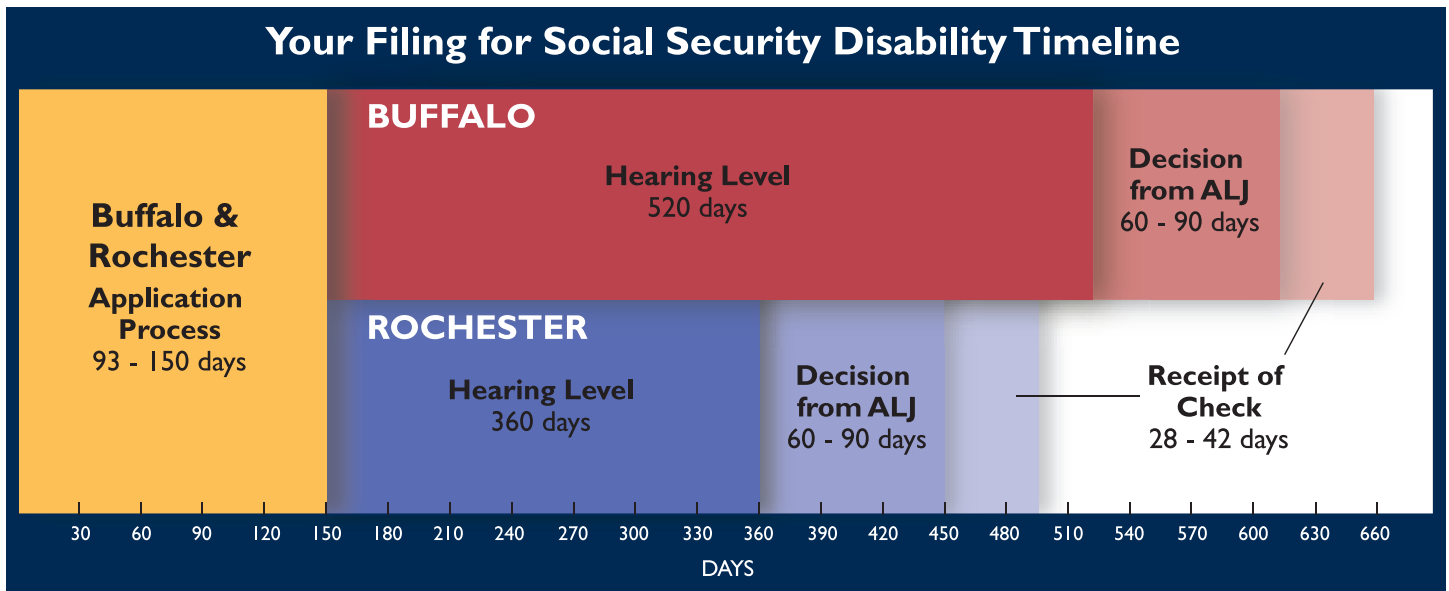
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2012 Budget Request for SSA is Critical to Providing Services

Over the past two years the Obama administration has sought to increase the budget of the Social Security Administration (SSA) to address the backlogs in processing Social Security Disability (SSD) claims. These backlogs began to accumulate over the past eight years, when the agency was underfunded and understaffed. SSA has been further strained by the aging of the baby boomer generation, which has resulted in higher retirement and disability case rates as boomers move into their more disability-prone years.

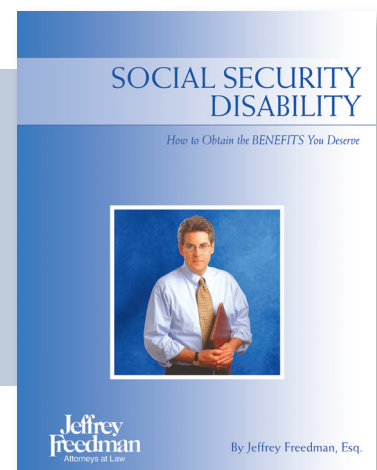
This year the President has requested a budget of \$12.5 billion for the SSA’s administrative expenses. Michael J. Astrue, Commissioner of Social Security, says this amount will help maintain staff, fund ongoing activities, and cover inflation.

“It will allow us to reduce our hearings and disability claims backlogs and to continue to reverse the declines in our program integrity work,” he said.

“Program integrity” is essentially quality control; the SSA conducts continuing disability reviews (CDR) to determine if beneficiaries are still disabled and reviews of the income and financial resources of those on Supplemental Security Income (SSI) to ensure recipients continue to be income-eligible for the program. Program integrity helps the SSA protect taxpayer dollars by reducing improper payments.

Commissioner Astrue says it is critical that the President’s budget for the SSA is fully funded to keep the SSA on track.

For a comprehensive overview of the Social Security Disability process as written by Jeffrey Freedman, Click the image to the right



The “Dos” and “Don’ts” of Representing Claimants Before the SSA

The “Dos”

Medical records are critical:

Provide the SSA with the names of all medical providers and a list of treatment dates. Fill out all SSA forms completely, including all information about employment or medical histories.

Include copies of the medical records:

Submit these either with the application or shortly after the claim is filed.

Get a detailed medical source statement:

Make sure the statement the treating physician supplies gives a thorough description of the claimant’s medical condition and the specific reasons he or she can no longer work.

Have all medical conditions treated:

In making its decision the SSA will look at all of the combined medical conditions. Be sure your client seeks treatment for all of his or her conditions so the SSA can understand the severity of the illness and why the claimant cannot work.



Paul Pochepan, Attorney

The “Don’ts”

Advise clients to never miss interviews, doctor’s appointments, or hearings. Remind clients to always tell the truth to everyone involved with their claim.



Referrals are the greatest compliment our firm can receive. If you know someone in need of our services, please let us know.

**Jeffrey
Freedman**
Attorneys at Law

Taxes and Your SSD Benefits

In many cases, Social Security Benefits are not taxable. However, there are some exceptions. If your adjusted gross income, interest on any tax exempt bonds you may have, and half your Social Security benefits all total more than a certain base amount, you will have to pay federal income tax on a portion of your Social Security benefits.

The base amount varies depending on your filing status. If you file taxes as a single person, the base amount is \$25,000. If you are married and file jointly, the base is \$32,000. If you are married and have lived with your spouse for any part

of the tax year but are filing separately, the base is zero. If you are married but have lived apart from your spouse the entire year, the base amount is the same as for a single person, \$25,000. (These figures are based on 2010 tax information.)

After the end of each year, you will receive a Social Security Benefits Statement (Form SSA-1099) showing the amount of benefits you received the preceding year. The statement is to be used only for completing your federal tax return, should any of your benefits be subject to tax. For more information about taxation of benefits, ask for IRS booklet 915 at



any Social Security office or Internal Revenue Service office.

It is a good idea to contact an accountant or tax consultant before you apply for Social Security Disability benefits.

Why the GAO Sees Disability Programs as ‘High Risk’

Since 2003 the Government Accountability Office (GAO) has included federal disability programs on its annual list of programs it considers “high risk.” The term “high risk” means the programs under question need to be modernized and consolidated. According to the GAO there are almost 200 separate federal programs for the disabled, contributing to a system that does not provide any unified strategy or common goals. One shortfall of these programs, says the GAO, is

that new technologies both in medicine and in today’s workplace are not taken into account in determining whether the disabled are capable of being employed. Additionally, since older people are more likely to become disabled and our society is aging, the agencies that provide disability benefits such as the Social Security Administration, Department of Veterans Affairs, and Department of Defense are being inundated with claims. The recent recession also caused many peo-

ple who would otherwise have remained employed turn to disability benefits to provide at least a minimal income. It has become difficult, the GAO reports, for these agencies to respond to their workloads in a timely and efficient manner.

To view the GAO report go to:
<http://www.govexec.com/pdfs/021611rb1.pdf>

Jeffrey Freedman in the News

Jeffrey Freedman has been a sustaining member of the National Organization of Social Security Claimants Representatives (NOSSCR) for over 30 years.

He has been asked to speak at the NOSSCR national conference to be held in Baltimore, MD May 2011.

Over 2,000 attorneys, paralegals, judges and officials from the Social Security Administration will attend the conference.

“It is an honor to be asked to speak at such a prestigious seminar,” Freedman said.



Freedman will cover the importance of client representation.

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