

Legal Report

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Jeffrey Freedman Attorneys at Law Obtains SSD Benefits for 17 Clients in One Day

In a record-breaking day for the firm, seventeen clients of Jeffrey Freedman Attorneys at Law received favorable decisions. Either independently or with the help of the firm, each client filed an initial claim, which the Social Security Administration later denied. The majority of these seventeen clients were required to have hearings before an Administrative Law Judge. Following the hearing, each of the seventeen clients was awarded benefits.

When a lawyer at Jeffrey Freedman Attorneys takes on an SSD case, thirty years of experience back the claim. We know the intricacies of obtaining benefits and can guide clients through the laborious process of applying and then appealing initial decisions since most cases are won at the hearing stage.

We develop a strategy to win the claim from start to finish. Informative staff complete and



benefits, and most claimants must go through the process of an appeal. In many cases it takes between two and three years to obtain a favorable decision, and the stress of waiting adds to the difficulties our clients already face. After they win their claim and begin collecting benefits, many clients experience feelings of relief.

The combined amount these seventeen clients stand to collect is estimated to exceed \$4 million. With an average claimant age of 44 years, however, it is likely that the SSA will review the claims every three to five years to see if any of the disabled clients' conditions have improved.

Regardless of the increased possibility of review, these favorable decisions give our clients hope in the midst of otherwise devastating life experiences. We congratulate each of these seventeen people on their successful claims and take great pride in having helped them obtain the benefits they deserve.

file applications, obtain medical records from doctors' offices, and maintain frequent contact with the SSA to ensure the claim moves efficiently, always with the clients' interests in mind.

The seventeen claims covered a wide range of disabilities, which include depression, anxiety, PTSD, diabetes, asthma, fibromyalgia, and congestive heart failure, as well as back, neck, and spinal injuries.

The SSA developed stringent criteria for claimants to receive

Inside

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Veteran Receives Favorable Decision Awarding Him Social Security Disability Benefits 2

NOSSCR Conference Brings Out Questions About the Future of Social Security 3

Monthly Disability Benefits Payments 4

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Veteran Receives Favorable Decision Awarding Him Social Security Disability Benefits

After nearly three years, 33-year-old Iraq War veteran and Buffalo resident, Ramon Suarez, Jr., received a favorable decision on his Social Security Disability claim with the help of attorney Paul M. Pocheban. When the Social Security Administration denied Mr. Suarez's initial claim in May 2008, he contacted Jeffrey Freedman Attorneys. Citing the claimant's age and the nature of his disability, Mr. Pocheban recognized the challenges involved in the case and chose to go ahead with the appeal that summer.

"He's had his share of hardship," Mr. Pocheban explained.

Already seeking treatment for PTSD and depression brought on by combat experiences in Iraq from 2002-2004, Mr. Suarez sustained painful injuries from an automobile accident in May 2007. The accident resulted in cervical spine disc herniations causing spinal cord impingement, lumbar spine disc herniation, and a diagnosis of myofascial pain

syndrome, a chronic form of muscle pain. Mr. Pocheban observed that the automobile accident "triggered a lot of emotional problems based on some of the things he was exposed to in Iraq." In the months after the accident, Mr. Suarez battled panic attacks and nightmares from his years in the military and decided to apply for SSD benefits in November 2007.

"I had nowhere to go," he reflected. "There was nothing else I could do."

The combination of Mr. Suarez's physical and mental impairments proved sufficient grounds for awarding benefits. The adjudicator stated that the claimant could not sustain a job full time, and the hearing in March 2010 resulted in a fully favorable decision. Mr. Suarez, his wife, and two children are now also beneficiaries of his successful SSD claim.

Every favorable decision from the SSA comes with the possibility of a periodic review of the claim, which may not occur for years.



Ramon Suarez, Jr.

"There is a higher likelihood the SSA will review his claim," Mr. Pocheban stated. "They have a tendency to check up on younger people to see if there has been any medical improvement."

For the moment, however, Mr. Suarez looks forward to a brighter future. "Winning my case felt like a big weight was off my chest. Now, I'm just trying to catch up on bills and stay out of debt."

Are Jobless Straining The Social Security Disability Program?



Courtney Quinn, Attorney

There are many more jobless filing for social security disability. Applications have increased by 21 % to 2.8 million; from 2008 to 2009 as economic problems continue.

The growth of the program has increased to the highest level in over 50 years. Some say the spike in applications for SSD threatens the very existence of the program.

According to Michael J. Astrue, Social Security Commissioner, "in bad times the rolls are swollen as older workers are often laid off and can't find work."

Economists say that the program has

grown because eligibility rules were loosened in the 1980's.

"Many people come to me when their unemployment benefits run out and they have nowhere else to turn," said Courtney Quinn an attorney who handles many SSD and SSI claims. "Some clients can find an employer who will work around their medical problems. But in a poor economy, those with medical problems might be the first ones to lose their jobs."

About 50% of all applicants eventually collect disability benefits. The average age of new recipients is 49 years old.

NOSSCR Conference Brings Out Questions About the Future of Social Security

The 63rd Annual National Organization of Social Security Claimants' Representatives Conference (NOSSCR) in Chicago focused on the increases in Social Security Disability (SSD) and Supplement Security Income (SSI) filings that are being exacerbated by the recession. Government officials and the leadership of NOSSCR looked at how the Social Security Administration (SSA) is handling the increases, and gave their predictions for the future of the program.

Legislative Perspective

Kathryn Olson, a staff member on the Social Security subcommittee of the U.S. House of Representatives' Ways and Means Committee, said there is a "disability wave" occurring.

"She reported that the recession has increased the number of SSD and SSI claims being filed because in times when it's difficult to get a job at all, it's even more difficult when you have health problems," said Jeffrey Freedman, senior partner, Jeffrey Freedman Attorneys at Law, who attended the conference with other members of the firm.

Olson said workers between the ages of 50 and 60 are in their most disability-prone years. These individuals might ordinarily push on at jobs they may have had for several years, but when they get laid off they are unable to find new jobs and are looking to SSD for income. In the face of this onslaught of new claimants, members of Congress are taking a hard look at what the retirement age should be and who should be eligible for SSD and SSI benefits.

"Ms. Olson stressed that this is a time when there are many cross currents putting forces on our Social Security system," Freedman said.

ODAR Perspective

Glenn Sklar, Deputy Commissioner, Office of Disability Adjudication and Review (ODAR -- the agency that reviews disability claims) presented information on his agency. For several years during the last administration, ODAR was underfunded. Since 2008, the agency has been facing significant backlogs for SSD claims at the hearing level. Now, the agency is fully funded and focused on reducing these backlogs, Sklar said. He reported that nationwide in 2009, the average time for getting a hearing was 429 days. This year that number was reduced to 400 days and the goal is to reduce that timeframe to 270 days by 2013.



"There's a lot of pressure on the agency however, because right now there are 700,000 cases pending and ODAR has been receiving 50,000 to 60,000 cases per month over the past 18 months due to this 'disability wave,'" Freedman said. "Their goal is to reduce the number of pending cases to 500,000, but at the moment it looks more like they are on track to have a million cases pending."

Advocate's Perspective

Nancy Shor, executive director of NOSSCR, said she believes ODAR is doing a good job reducing the backlogs, but she questions whether the organization will have the staff to continue the job with filings increasing at the current rate. She also said she fears the Deficit Reduction Commission will increase the retirement age to 70 to reduce the strain on the Social Security Trust Fund.

"This might be okay for white collar workers, however those of us who represent SSD claimants find that people who do physical labor are barely making it to 65," Freedman said. "Laborers will have to consider filing for Social Security early and collecting 25 or 30 percent less per month because they haven't waited until full retirement age."

Raising the retirement age may drive workers to file for SSD instead of waiting to reach the age of 70, Shor predicted. Another way the Deficit Commission is considering reducing costs is by making it more difficult for people to qualify for SSD based on mental impairments.

With talk of rolling back government spending to 2008 levels, there are no guarantees the Social Security system in this country will continue to function as it has in the past, Freedman said.

Monthly Disability Benefits Payments

Disability benefits are payable to disabled workers and their dependents and make up 18% of all Social Security benefits paid.

It's been projected that 3 out of 10 of today's 20 year olds will become disabled before reaching 67. Therefore, this program is an important safety net.

If a claimant is insured under Social Security and is disabled more than 6 months before he or she reaches full retirement age, he or she can receive a monthly disability benefit.

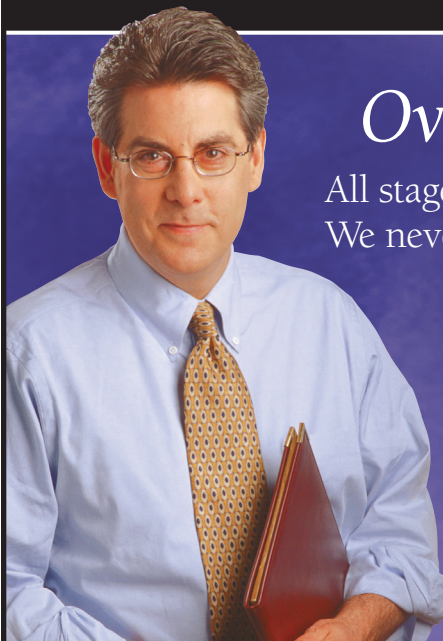
The following table shows monthly disability benefits in 2010. The figures assume a claimant has worked steadily since age 22.

Monthly Disability Benefits

- (1) Your benefit
- (2) Child; spouse at full retirement age (FRA) or above; or spouse at any age if caring for your child who is under age 16 or disabled
- (3) Family's maximum benefit

Your Age in 2010	Who Receives Benefits	Your Present Annual Earnings					
		\$20,000	\$35,000	\$50,000	\$65,000	\$80,000	\$106,800 and Up
65	(1)	\$ 927	\$1,302	\$1,677	\$1,943	\$2,108	\$2,348
	(2)	402	651	838	971	1,054	1,174
	(3)	1,329	1,953	2,515	2,914	3,162	3,522
60	(1)	953	1,336	1,720	2,000	2,175	2,434
	(2)	406	668	860	1,000	1,087	1,217
	(3)	1,359	2,004	2,580	3,000	3,262	3,651
55	(1)	953	1,336	1,720	2,000	2,180	2,473
	(2)	406	668	860	1,000	1,090	1,236
	(3)	1,359	2,004	2,580	3,000	3,270	3,709
50	(1)	953	1,336	1,720	2,000	2,180	2,485
	(2)	406	668	860	1,000	1,090	1,242
	(3)	1,359	2,004	2,580	3,000	3,270	3,727
40	(1)	953	1,337	1,721	2,000	2,180	2,498
	(2)	406	668	860	1,000	1,090	1,249
	(3)	1,359	2,005	2,581	3,000	3,270	3,747
30	(1)	953	1,337	1,721	2,001	2,181	2,512
	(2)	407	668	860	1,000	1,090	1,256
	(3)	1,360	2,005	2,581	3,001	3,271	3,768

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