

LEGAL REPORT

**Jeffrey
Freedman**
Attorneys, PLLC

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Understaffing threatens people with disabilities

The Social Security Administration continues to lag on processing applications for Social Security Disability in Western New York, and throughout the country.

In Buffalo, it takes approximately 407 days after denial of the initial application – 80 percent of claims are denied at initial application – for a case to go through the appeals process to a final decision. In Rochester, typically 427 days elapse before a final ruling. Last year, 3.1 million workers filed claims for SSD, and only 33 percent were awarded benefits. Most claimants must take their case to an administrative law judge, and last year only 33 percent of claims reached that level.

Statistics are just numbers to most people. But those of us who work with clients trying to obtain SSD benefits see the human toll every day. Savings dry up, mort-

gages and health insurance premiums go unpaid, and cars get repossessed – all because the individual, already stressed by his or her disability, must survive for 14 to

Processing is slow because the Social Security Administration is underfunded and understaffed. In September 2012, the agency planned to hire 125 new administrative law judges, however, only 46 were hired due to complications in the hiring process.

The National Academy of Social Insurance recently did a survey asking what Americans want for the future of Social Security. This study found 74 percent of Republicans and 88 percent of Democrats believe Social Security should be preserved, plus, they are willing to pay higher taxes to do so.

As long as the budget is held hostage by sequestration, there won't be any changes in funding for the Social Security Administration. When Congress gets back to doing its job, part of that job should be finding solutions to funding Social Security and increasing staffing so the agency can do its job more efficiently. Until then, attorneys who handle SSD cases will see clients forced to rely on the generosity of friends and hoping those friends have comfortable couches.

Article by Regina Walker. Regina is an attorney with Jeffrey Freedman Attorneys PLLC, which handles Social Security Disability claims.



24 months without income. We have had clients who slept on a friend's living room couch for two years, waiting for their case to be decided.

Critics blame the backlog on increased applications due to laid-off workers turning to SSD when unemployment benefits run out. A new study done by the Center for Retirement Research at Boston College, however, found this is not the case. The study states "the primary reasons for the increase in the rolls have been the baby boomers reaching peak disability years and the increased number of women in the workforce." In fact, each year since 2010 new applications dropped.

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Riding out the “Perfect Storm”

The clients whom we help to apply for Social Security Disability have a broad range of physical and mental impairments, but most have one thing in common. It is the fact that the process of being ill or injured, combined with the issues we would all face if we didn't have any income, often results in depression. This struggle is completely understandable.

Work provides us with so much more than a paycheck. It becomes part of our identity; it's a means of socialization and of self-fulfillment. Taking away those factors alone is enough to depress a person. Add to that an inability to support yourself or your family, and the challenges of juggling your finances -- because even when there's no money coming in, there's still money going out -- and you've got the “Perfect Storm.”

If you are fighting depression, realize that what you are going through is not uncommon, especially for someone in your situation. It's important you stay as emotionally healthy as possible while you go through the application process, both for yourself and for your family. Here are a few suggestions to help you:

1. **Seek treatment.** If you feel that any part of the depression you are feeling is now also factoring into why you are unable to work, discuss with your doctor whether or not you should seek treatment with a counselor and psychiatrist. If SSA should consider depression or anxiety as part of your disability, it will expect records showing treatment. 2.



Talk about your situation. Share what you are going through with a few select friends and/or family members. It's good to have more than one person to rely on so that you don't overburden one -- they are human, too.

3. **Join a support group.** There are many support groups out there -- one for almost every medical condition and others that help with life-changing situations. A support group can also help replace some of the social network you had at work.
4. **Be part of a community.** Stay as active as possible in your church or other organizations. Volunteer, even if it's only for a few hours a week. Volunteering helps you feel useful

and gets your mind off your own troubles.

5. **Exercise.** That may sound contrary to your physical condition, but talk with your doctor and see what you are capable of doing. Physical exercise produces good chemicals in the brain, chemicals that can help with your depression. And believe it or not -- just as there's a support group for every illness, there's an exercise for everyone!

Most importantly, remember that things are going to get better, even if you can't go back to your previous life. People are amazingly resilient. Give yourself time, have patience, and even though it will not be easy, the more you do to help yourself, the better you'll feel.



Questions?

As a client, you can be assured that your case will receive special care and consideration. That means providing you with the most up-to-date legal advice. It also means taking time to fully explain the legal procedures we recommend, including all the options available to you.

Schedule your Free Consultation today. Contact us toll-free at 1-855-847-8969

As of July, SSD recipients eligible for easier discharge of student loans

If you are carrying student loan debt and have been awarded Social Security Disability benefits, a new rule by the Education Department may allow for the discharge of your federal loans. As of July 2013, it no longer will be necessary to seek a review of your disability in addition to the reviews that you have undergone in acquiring SSD benefits in order for student loans to be discharged.

"Public pressure finally resulted in the Education Department making these changes," said Courtney Quinn, attorney, Jeffrey Freedman Attorneys at Law. "The new guidelines streamline the process – there is only one form to complete, the debtor has one point of contact with the Department, there's better communication from the Department, and now family members and attorneys are permitted to represent

the disabled person who is seeking to have loans discharged."

When the new rules take effect, you will

mentally unable to work for the long term and, based on your income from SSD, it would be extremely difficult for you to repay federal student loans.

"If more frequent Social Security medical reviews are required, you may not be considered to have a long-term disability, and the Education Department can ask for their own medical review," Quinn said. "It's still possible you may be able to have your loans discharged, but it will be more difficult and time-consuming."

Previously, the Department took the position that

its legal mandate did not allow it to accept the disability findings made by Social Security. Pleas made in 3,000 public comments, pressure from a dozen consumer and civil rights organizations, and an investigation by ProPublica and the Chronicle of Higher Education caused them to reconsider.



be able to simply submit your award letter from Social Security as proof of your disability. Your award letter must say that you are not scheduled for a medical review for a minimum of five years. The Education Department now accepts Social Security's ruling as proof that you are physically or

Access your SS statement online

With the current budget crunch the Social Security Administration is no longer sending out earnings statements, but you can get your statement online. Go to: www.ssa.gov and create a "mySocialSecurity" account. The web site will ask for some personal information in order to create the account: your name as it appears on your Social Security card; your SS number; your address; and your phone number. The system will then verify your information.

Once you have your online account, you can access estimates of your retirement, disability, and survivors' benefits, your earnings record, and the estimated Social Security and Medicare taxes that you've paid. If you are already receiving benefits you can also get your benefit verification letter,



check your benefit and payment information and your earnings record, change your address and phone number, and start or change the direct deposit of your benefit payment.

Don't delay -- file for SSD early

For whatever reason, many claimants wait to file for Social Security Disability, even when they are certain they will not be able to return to their job after an injury or illness. This choice is unfortunate because even for people who are clearly eligible for benefits, the process of filing an SSD claim is lengthy. And after you have been approved you may still face a waiting period before your checks begin to come. If you are applying for Supplemental Security Income (SSI), filing early is even more critical because the actual date of making the claim is important.

Waiting to receive benefits is a financial hardship for most applicants, and waiting to file just prolongs the time period that they will be without income. Some clients

who wait also miss out on past due benefits, and their eligibility for SSD and SSI can be affected.

When you apply for SSD, the burden of proof is on you; the Social Security Administration is not in the business of awarding benefits to claimants who cannot prove without a doubt that they cannot work. Navigating the changing regulations and providing the right documentation that proves disability is difficult and confusing.

The majority of claimants are denied benefits on their initial application and must go through at least one if not two appeals before getting a positive ruling from Social Security. Jeffrey Freedman Attorneys handles everything from coordinating your appeal to gathering the medical, employment, and claims documents needed, including making sure your appeals and the supporting information required is filed on time. We are also there to work with medical providers who may need some guidance in providing information that is detailed enough to satisfy Social Security's requirements.

Applying early and getting representation from an experienced law firm like ours will help you obtain benefits as quickly and easily as possible. Currently, however,



the Social Security Administration is understaffed, and even with our expert assistance it can take a couple of years or more to get benefits. Give yourself the best chance possible: file early and retain Jeffrey Freedman Attorneys to represent you. Over the past 30 years, we've helped thousands of clients obtain the benefits they deserve.

Contact Us

Providing excellence in legal services has been a top priority at Jeffrey Freedman Attorneys at Law since our firm was founded in 1980. Our commitment to the highest professional and ethical standards is the foundation for the services we provide.

**Jeffrey
Freedman**
Attorneys, PLLC

Administrative Offices

424 Main Street, Suite 622
Buffalo, NY 14202

3445 Winton Place, Suite 202,
Henrietta, NY 14623

1-855-847-8969

info@jeffreymfreedman.com

www.JeffreyFreedman.com

FISCAL YEAR 2012 WORKLOAD DATA FOR SSD AND SSI DECISIONS

Initial level	Allow	Denied	
3,121,433	33%	67%	
Hearing level	Allow	Denied	Dismissed
796,862	52%	32%	16%

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