



# LEGAL REPORT

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## Social Security Administration Releases Data on Disability Benefits

The Social Security Administration (SSA) has released data on the number of Americans receiving federal disability benefits. The numbers released indicate a record 10,988,269 Americans received disability benefits in December of 2013. This number increased from November of 2013, when 10,982,920 people received disability benefits.

“Social Security Disability (SSD) benefits are put in place to help those who become disabled and can no longer work. To qualify, your disability must be expected to last 12 months or longer,” said Jeffrey Freedman, Managing Attorney. “These benefits help



The SSA also released the following statistics:

- 8,942,584 disabled workers were among the 10 million plus beneficiaries.
- Over 1.8 million children of disabled workers received disability benefits.
- 157,061 spouses of disabled workers received benefits.
- November, 2013 was the 201st straight month that the number of beneficiaries increased.

“SSD not only benefits disabled workers, but their spouses and children, as

well. It’s an important program. We have clients who may have wound up homeless if not for SSD benefits,” Freedman said.

The SSA indicates that the amount of benefits an individual receives is based on their average lifetime earnings. There are also situations where spouses and dependent children may qualify for benefits.

“Our firm helps clients with all aspects of filing for SSD benefits. If unsure about qualifying, you may want to contact an attorney who is knowledgeable in SSD cases,” Freedman stated.

cover basic medical and living expenses for those who can no longer earn an income due to being sick or injured.”

The SSA also reported that the average monthly benefit paid to a disabled worker in December 2013 was \$1,146.43, with an average payment of \$308.13 paid to spouses of disabled workers.

“There has been criticism directed at the SSD program about people scamming the system and receiving checks. In reality, about four in ten people get approved upon applying, and it’s apparent from the average monthly check that no one is getting rich from SSD,” Freedman said.

### IN THIS ISSUE

- Anxiety Disorders on the Rise Among Military Personnel ..... 2
- Freedman Firm Offers Tips on Filing for Bankruptcy ..... 3
- Motorists Who Don’t Clear Snow and Ice Put Others at Risk ..... 3
- Equal Employment Opportunity Commission Releases Statistics ..... 4
- Proposed VA Regulation Would Affect Veterans Disability Claims ..... 4

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## Anxiety Disorders on the Rise Among Military Personnel

The stress put on our military personnel from serving in recent wars in Iraq and Afghanistan is becoming apparent. According to a recent report released by the Pentagon, anxiety disorders among veterans increased 327 percent from 2002 to 2012. The report was contained in the October issue of the Pentagon's Medical Surveillance Monthly Report.

"In the U.S. Armed Forces, mental disorders, of which anxiety disorders are a subset, account for significant morbidity, disability, healthcare service utilization, lost duty time, and attrition from military service," the report stated. "Of particular concern in this regard, incidence rates of mental disorders overall and anxiety disorders in particular have increased sharply among U.S. military members during the past 10 years."

The report focused on troops still in uniform, but many soldiers carry mental disorders - such as anxiety and depression - home with them after their service is complete.

"Our troops return home still dealing with these issues. We see clients who apply for veterans' disability benefits when disorders such as anxiety make it difficult for them to perform everyday tasks," said Jeffrey Freedman, Managing Attorney.

The report indicated that military doctors diagnosed thousands of soldiers with phobias, generalized anxiety disorders, panic disorders, and obsessive-com-



pulsive disorders. However, three out of four soldiers were diagnosed with "non-specific anxiety disorders." These disorders were most likely caused by depression or stress that caused distress in the individual, the report said.

The report looked at members of the Army, Navy, Marines, Air Force, and Coast Guard who had sought treatment for mental issues. Among the other findings:

- Members of the Army, recruits, and enlisted personnel had higher rates of anxiety diagnoses.
- Females, service members in their twenties, and white, non-Hispanics had high rates of anxiety diagnoses.

"The data in this report confirms that war has a major impact on the mental

health of our service men and women. If an anxiety disorder was caused or aggravated by military service, a veteran is eligible for disability benefits, which can help with expenses," Freedman said.

In addition to the increase in the diagnosis of anxiety disorders, the associated healthcare costs with treating service people (e.g. medical encounters, hospital bed days, individuals affected) increased over the past 13 years, the report stated.

As a positive side effect, the report indicated that resources to identify and treat mental disorders also increased. The stigma of seeking treatment has also decreased, leading to greater success in helping those affected by anxiety disorders.



### 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**

## Freedman Firm Offers Tips on Filing for Bankruptcy

Deciding to file for bankruptcy is a major decision for those who are struggling with bills and debt. It is not a decision that should be made lightly, and there are important considerations when deciding whether or not to file. Consumers can file for two types of bankruptcy – Chapter 7 and Chapter 13. In a Chapter 7 Bankruptcy, debts are liquidated, or discharged. In Chapter 13, the debtor is required to pay back the debts over a period of time.

Regardless of the type of bankruptcy, there are often important items to consider when filing for a bankruptcy:

- A debtor is not guaranteed that debts will be discharged. The debtor must provide supporting documents to the court that prove the debts cannot be repaid. Evidence of assets and debts must also be provided. Failure to be truthful with this information may result in a failure to discharge debt, or

may result in criminal prosecution.

- Attorneys for the creditor may try and challenge the amount of assets that debtors list as exempt from creditors.
  - If a debtor's bankruptcy is dismissed, previous obligations to creditors may apply. This can include any late fees, penalties, and past due interest. The debtor may also be responsible for creditor's attorney fees at this point.
  - A debtor may not be able to withdraw a bankruptcy filing without the court's permission.
  - The debtor's financial records may remain under scrutiny for a long period of time, even after their debts are discharged. The court will continue to monitor the debtor's assets and financial records to make sure assets are not being hidden.
- "Our firm works with clients who struggle with debt in bankruptcy cases," said



Jeffrey Freedman, Managing Attorney. "Deciding to file bankruptcy is a major decision and can have long-lasting financial effects. We recommend consulting a knowledgeable bankruptcy attorney before deciding to file."

## Motorists Who Don't Clear Snow and Ice Put Others at Risk

Winter in Western New York means snow and ice accumulates on vehicles. Taking a few extra minutes to make sure a vehicle is completely clear of ice and snow makes for safer driving. According to the New York State Department of Motor Vehicles, an obstructed driver's view accounted for 4,776 accidents in 2012.

Currently, New York State does not have a law that specifically addresses ice and snow on vehicles. The current law addresses driving with an obstructed view. Section 375 of the New York State Traffic Laws states: "It shall be unlawful for any person to operate a motor vehicle with any object placed or hung in or upon the vehicle, except required or permitted equipment of the vehicle, in such a manner as to obstruct or interfere with the

view of the operator through the windshield, or to prevent him from having a clear and full view of the road and condition of traffic behind such vehicle."

The law may change, however, with the introduction of a bill in the New York State Senate. The proposed bill will attempt to amend the vehicle and traffic law, in relation to requiring surfaces of certain motor vehicles to be cleared of accumulated snow, sleet, or hail. The bill seeks to eliminate distractions or possible hazards caused by snow or ice blowing off of a vehicle and blinding other drivers. It also seeks to stop "peephole" driving, where motorists clear a small portion of their windshield and attempt to drive.

"Our firm has been handling personal injury cases for years. When drivers are

careless and don't clear off their vehicles, it creates problems for other drivers," Jeffrey Freedman, Managing Attorney, stated. "Essentially, people who clear small spots on their windshields may be driving blind. And snow and ice can fly off the roof of a vehicle, putting those around you at risk. We have seen the damage negligent drivers cause to innocent people."

The bill has been submitted to the Committee on Transportation in the New York State Senate. "Preventing an accident of this nature is as simple as carrying a snow brush and ice scraper in your car, then making sure your vehicle is cleared off. The extra few minutes it takes is worth it in terms of preventing injury and possible loss of life," Freedman said.

## Equal Employment Opportunity Commission Releases Statistics

The United States Equal Employment Opportunity Commission (EEOC) has released statistics on number of private-sector charges of discrimination received for 2013. The EEOC's annual Performance and Accountability Report stated that 93,727 charges of private-sector discrimination were received for fiscal year 2013, which ended in September. This is 6,000 fewer charges than were received in 2012.

Even though the number of charges decreased from 2012, fiscal year 2013 ranks as one of the top five years in terms of receipts, according to the report. The agency also stated that 97,252 charges were resolved, a drop of 14,000 from 2012.

"Employment discrimination is one of our practice areas," Jeffrey Freedman, Managing Attorney, said. "These num-

bers illustrate that discrimination in the private sector is significant, based on the number of complaints. Any discrimination in the workplace is not acceptable. If someone feels they have been discriminated against, they may want to consult a knowledgeable attorney."

The report further stated, "While this is a significant decrease in resolutions, it is also a remarkable achievement, given the decline in staffing and resources the agency faced in fiscal year 2013."

The EEOC's average processing times to resolve charges is 267 days, down 21 days from 2012's 288 days. In addition, the agency obtained a record \$372.1 million in monetary relief for victims of private-sector workplace discrimination, an increase of \$6.7 million from the previous year.



"The EEOC is making strides helping those affected by workplace discrimination. Hopefully the agency will continue to increase the number of cases resolved and assist those being discriminated against," Freedman said.

## Contact Us

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

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## Proposed VA Regulation Would Affect Veterans Disability Claims

A new regulation proposed by the Department of Veterans Affairs (VA) would change the way veterans can file for disability benefits. Under the current system, a veteran can file for benefits informally. For example, by writing a letter. The VA's new proposal would require veterans to use a standard form to file.

Under the current system, a veteran's benefits are backdated to the date when the veteran initiates a claim. Submitting "informal" claims sets the date when the veteran first files the claim. Because the benefits are backdated, veterans often

receive a "lump sum" in addition to their monthly check using this method.

"Under this new regulation, the first communication from a veteran to the VA may not trigger anything," Jeffrey Freedman, Managing Attorney, said. "The current system allows benefits to be paid back to when the veteran initially notified the VA. The time required to file a standard form might delay this."

Veterans groups worry that a single omission on a form may result in the claim having to be resubmitted, resulting in delays and loss of benefits.

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