

# Social Security

Official Social Security Website

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## Hearings And Appeals

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### Information About Social Security's Hearings and Appeals Process

The Social Security Administration's (SSA) administrative appeals operation, under the Office of Disability Adjudication and Review (ODAR) is one of the largest administrative judicial systems in the world. SSA issues more than half a million hearing and appeal dispositions each year.

Administrative law judges (ALJ) conduct hearings and issue decisions. The Appeals Council considers appeals from hearing decisions, and acts as the final level of administrative review for the agency.

Choose below to obtain detailed information about the:

#### How to...

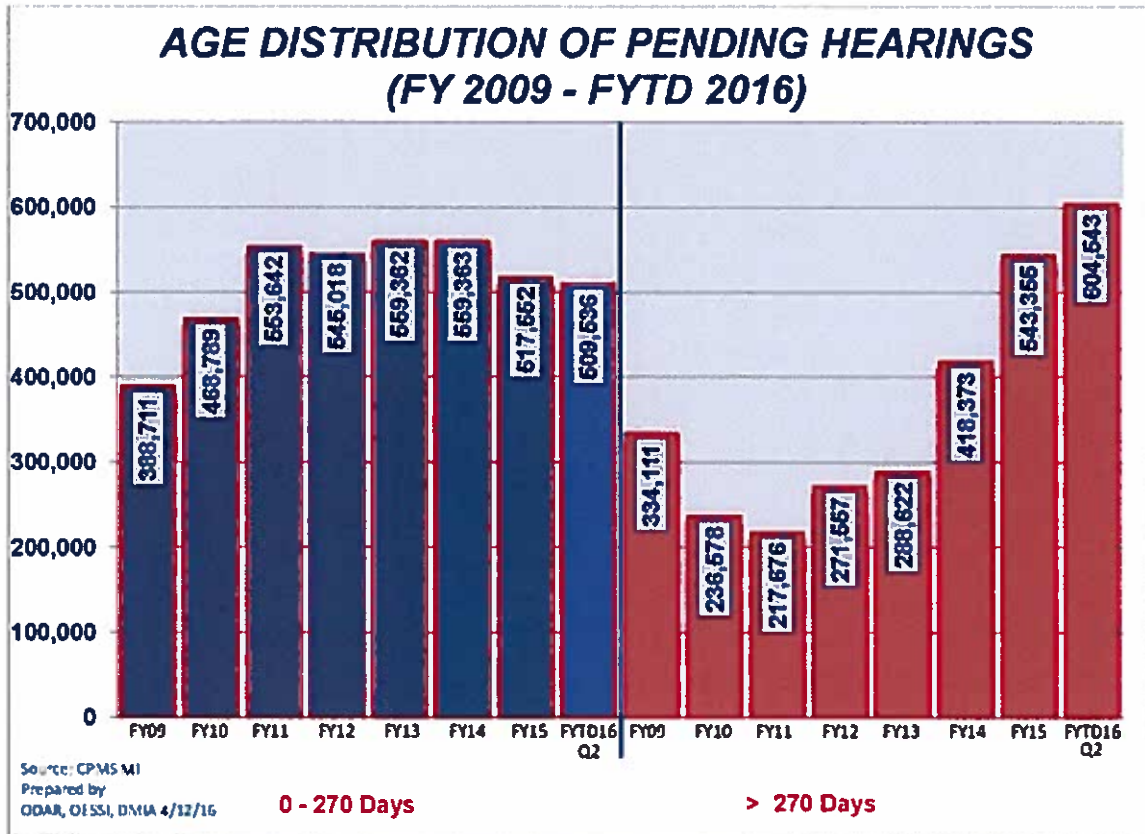
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- ▶ [Request a Hearing](#)
- ▶ [Locate a Hearing Office](#)
- ▶ [Request a Video Hearing](#)
- ▶ [Request Appeals Council Review](#)
- ▶ [File a Civil Action Request](#)
- ▶ [File an Unfair Hearing Complaint](#)

### Chart Our Progress

Please see below for the status of our major workloads over the past seven years. Additional information about SSA's hearings and appeals process is available on the [Congressional Testimony page](#).

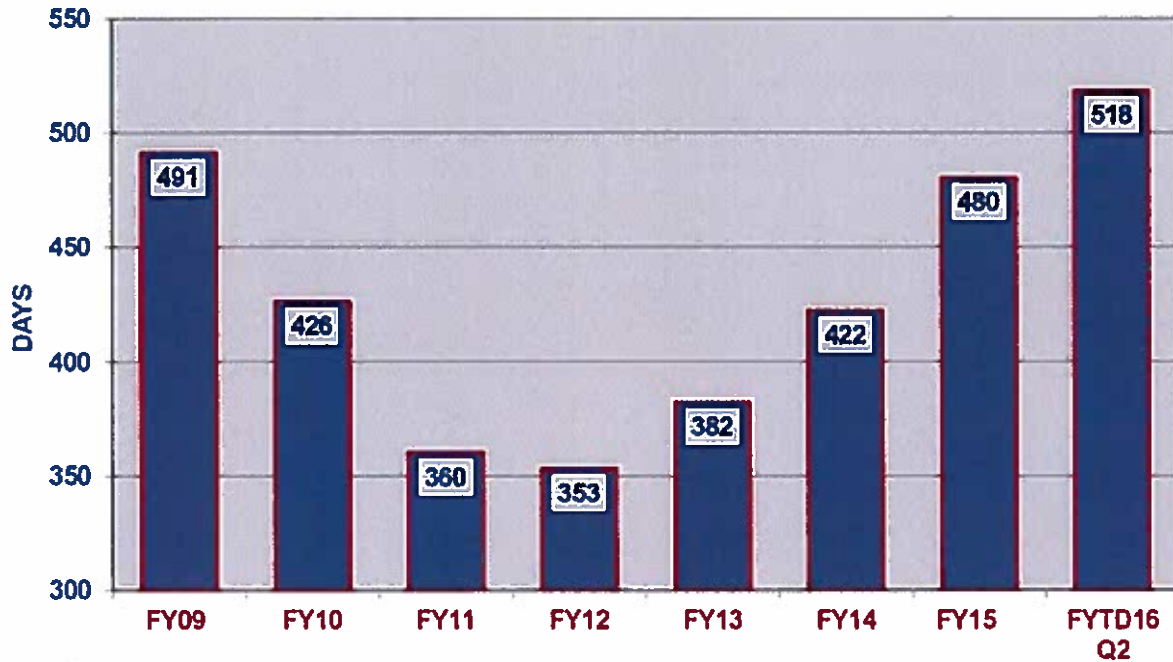
### Age Distribution of Pending Hearings FY2009-FY2016



[View chart in PDF](#)

## National Hearings Average Processing Time FY2009-FY2016

## NATIONAL HEARINGS AVERAGE PROCESSING TIME (FY 2009 - FYTD 2016)

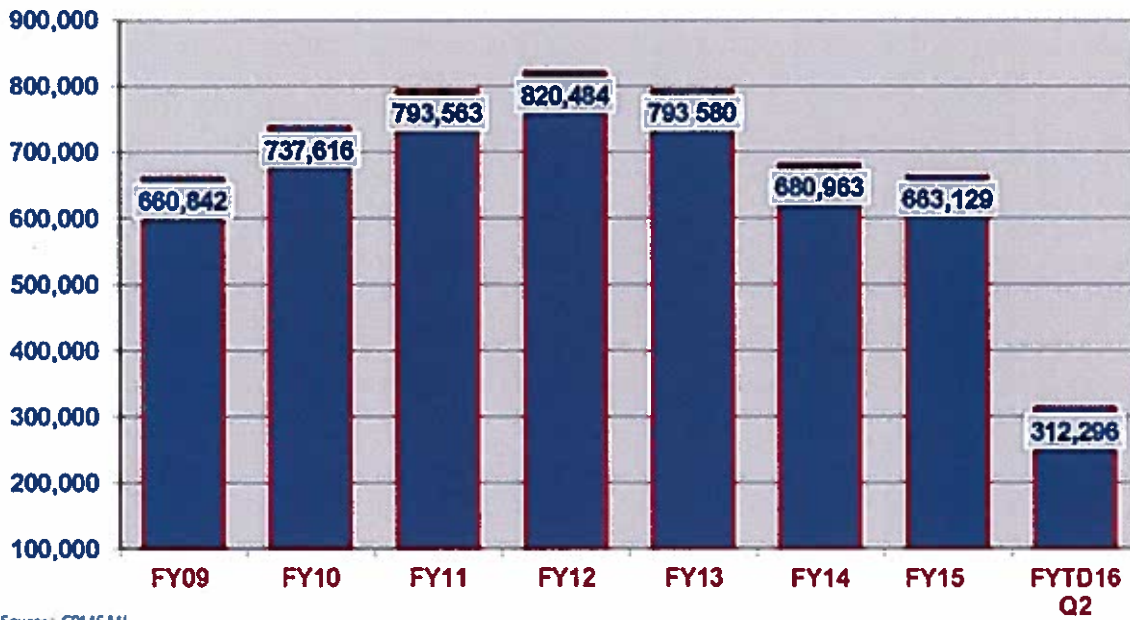


Source: CPMS MI  
Prepared by ODAR, OESSI, DMIA 4/12/16

[View chart in PDF](#)

### National Hearing Decisions FY2009-FY2016

## NATIONAL HEARING DECISIONS (FY 2009 - FYTD 2016)

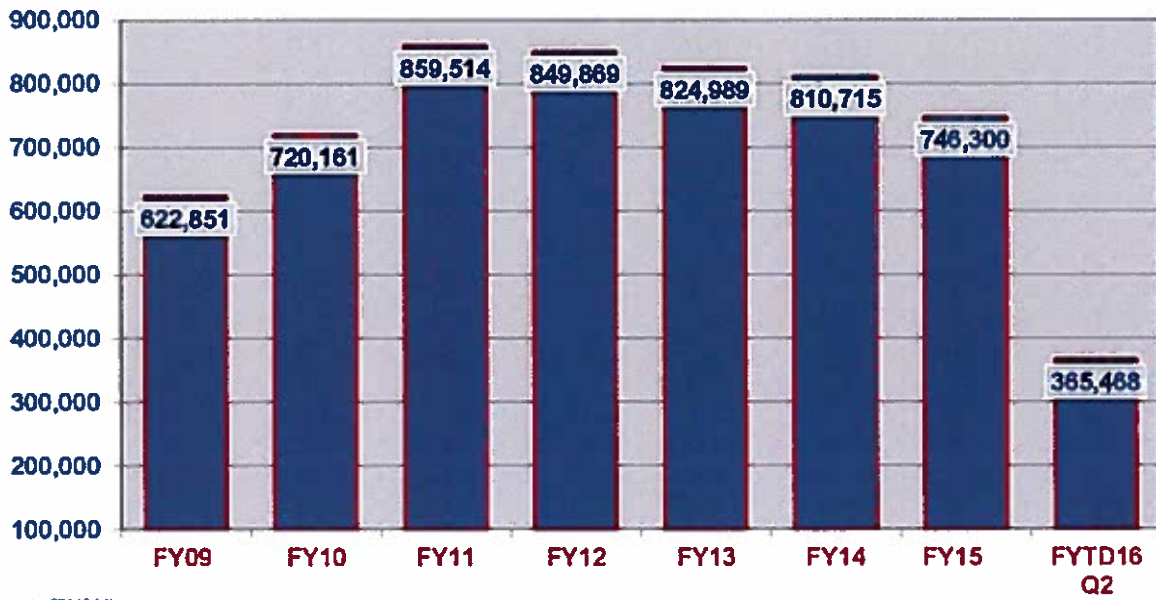


Source: CPMS MI  
Prepared by OAR, OESSI, DMIA 4/12/16

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### National Hearing Receipts FY2009-FY2016

### NATIONAL HEARING RECEIPTS (FY 2009 - FYTD 2016)



Source: CPMS MI  
Prepared by ODAR, OESSI, DMIA 4/12/16

[View chart in PDF](#)

# Information You Need To Complete Your Disability Appeal

Last reviewed or modified 03/24/2015

INFO-U-NEED

If you recently applied for Social Security disability benefits or Supplemental Security Income and were denied for medical reasons, you may request an appeal online.

The checklist below will help you gather the information you may need to appeal our medical decision.

**Note:** Please print the pdf version of this page to use while you gather your materials.

## Gather Personal Information

- Name, Social Security number, address, and phone number.
- Date of Denial Decision.
- Representative's name, address, and phone number.

## Gather Medical Information

- Name, address, and phone number of a friend or relative who knows about your medical condition.
- Description of any change to your medical condition and any new medical conditions.
- Name, address, phone number, and visit dates of all health care providers, type of treatments and tests since you last gave us medical evidence.
- Name of any medicine (prescription or over-the-counter) you are currently taking, why you are taking it, any side effects, and the name of the doctor who recommended or prescribed the medicine.
- Description of any change in your daily activities, work, and education.

**Note:** You may want to refer to your medical records and have your medicine containers available.

## Gather Supporting Documents

If you have documents that support your appeal, they will help Social Security make a decision on your claim for disability benefits. Supporting documents include any medical report, form, or written statement related to your disability.

After you submit your appeal, we will provide a cover sheet you can use to submit any documents you want us to include with your request.

# Social Security

The Official Website of the U.S. Social Security Administration

## Disability Appeal

### Getting Ready

Before you start your appeal, you should gather the information you need to complete your disability appeal, including:

- Doctors, hospitals, medical treatments, and tests since you last gave us medical information
- Medicines you are currently taking
- Changes in your medical conditions, daily activities, work, and education
- Supporting documents including forms, medical reports, and written statements

Being prepared will help you spend less time to complete your disability appeal online.

### Submit an Appeal

Completing your appeal online may take 40 to 60 minutes. Your answers will be saved automatically so you can take a break at any time.

[Start a New Appeal](#)

or

[Return to a Saved Appeal](#)

### More Information

[About This Application](#)  
[Other Ways to Complete a Disability Appeal](#)  
[The Appeals Process](#)  
[Hours of Operation](#)

### Your privacy is important.

For details about our use of your information, we encourage you to read our [Privacy Act Statement](#).



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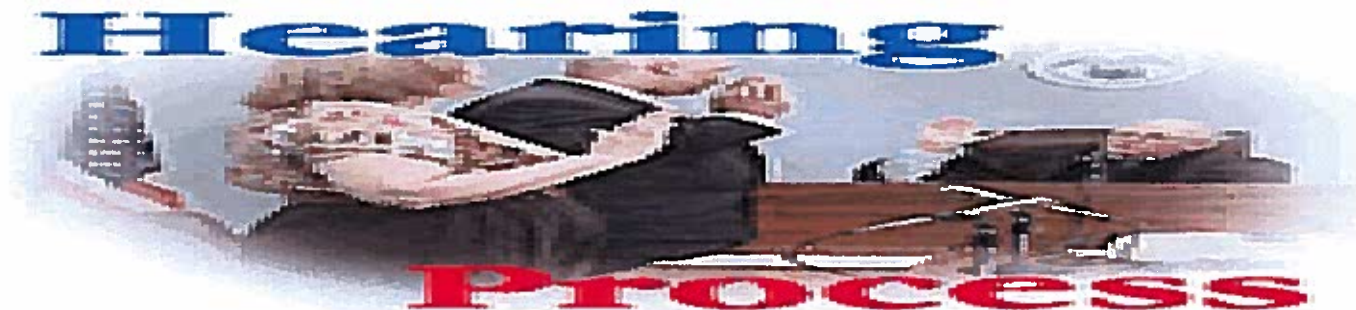
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## Hearings And Appeals

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### What You Need to Know to Request a Hearing Before an Administrative Law Judge



You have the right to appeal any decision Social Security makes on whether you are entitled to Social Security benefits or are eligible for Supplemental Security Income (SSI) payments. If we determine that you no longer meet the requirements for Social Security or SSI or find that you are overpaid, you have the right to request review of our decision.

The first step in the appeals process is called a reconsideration determination. You will receive a new decision by someone who had no part in the first decision. We will send you a letter explaining how we made the decision.

If you disagree with this decision, you have the right to a hearing before an Administrative Law Judge (ALJ). If you disagree with the decision of the ALJ, you may file a request for review with the Appeals Council.

Learn more about the levels of appeal.

#### How to Request a Hearing

The hearing process begins after an applicant for benefits has been denied at the initial and (in most states) reconsideration levels. The next step in the appeals process is a hearing before an Administrative Law Judge (ALJ).

You or your representative may request a hearing by an Administrative Law Judge. The ALJ will make an independent decision based on the evidence we have, including your testimony at the hearing.

You can request a hearing online, download the forms you need, write us a letter or ask us to

assist you in completing your request. All requests must be in writing.

## Your Right to Representation

You can have a representative, such as an attorney, help you when you do business with Social Security. To learn more about your right to representation, please refer to our Publication No. 05-10075 .

## Time Limits for Appeal

Generally, you have 60 days after you receive the notice of our decision to ask for any type of appeal.

- In counting the 60 days, we presume that you receive the notice five days after we mail it unless you can show that you received it later.
- If you do not file an appeal timely, the ALJ may dismiss your appeal. This means that you may not be eligible for the next step in the appeal process and that you may also lose your right to any further review.
- You must have a good reason if you wait more than 60 days to request an appeal. If you file an appeal after the deadline, you must explain the reason you are late and request that we extend the time limit. The people in the Social Security office can explain further and help you file a written request to extend the time limit.

## When and Where the Hearing is Held

After you request a hearing, your Social Security office sends your case file to the Administrative Law Judge's (ALJ) Hearing Office. Although we attempt to schedule all hearings promptly, there may be delays due to the volume of pending appeals or delays due to ALJ travel schedules if you wish to make an in-person appearance at the hearing rather than appear by video teleconference. Often, a hearing by video teleconference can be scheduled faster than an in-person hearing. We have 169 hearing offices nationwide and approximately 40% of our hearings are held in remote locations. This lessens the likelihood that you may need to travel far for your hearing.

At least 20 days before your hearing, we will send you a notice telling you the date, time, and place of the hearing.

The Administrative Law Judge usually holds the hearing within 75 miles of your home. However, your hearing may be farther away so more hearings can be held in one location. If travel arrangements will present a problem for you, tell the Social Security office when you request a

hearing or as soon as possible after that. If you want to appear at a hearing but are unable to travel due to your health, submit a doctor's report with your request for hearing, explaining why you cannot travel.

## What Happens During a Hearing

### Before the hearing:

- You and your representative, if you have one, may look at the evidence in your case file and submit new evidence.
- **It is very important that you submit as soon as possible any additional evidence you want the Administrative Law Judge to consider.** If you do not have it when you request a hearing, send it to the Administrative Law Judge as soon as you can.

### At the hearing:

- The Administrative Law Judge explains the issues in your case and may question you and any witnesses you bring to the hearing.
- The Administrative Law Judge may ask other witnesses, such as a doctor or vocational expert, to come to the hearing.
- You and the witnesses answer questions under oath. The hearing is informal but is recorded.
- You and your representative, if you have one, may question any witnesses and submit evidence.

### After the hearing:

- The Administrative Law Judge issues a written decision after studying all the evidence.
- The Administrative Law Judge sends you and your representative a copy of the decision or dismissal order.

## If You Do Not Wish to Appear or Cannot Appear at the Hearing

If you do not wish to appear in person at the hearing, you must let us know in writing when you request the hearing. Give your reasons, and ask the Administrative Law Judge to make a decision based on the evidence in your file, along with any new evidence by contacting your local Hearing Office and requesting a Form HA-4608. However, if your claim involves "disability," you may wish to explain how your medical problems limit your activities and

prevent you from working.

The Administrative Law Judge may decide that your presence at the hearing will be helpful, especially if only you can best explain certain facts. If so, he or she may schedule a hearing even if you asked not to be present.

## You Should Go to Your Scheduled Hearing

If the Administrative Law Judge schedules a hearing, you and your representative, if you have one, should attend. **It is very important that you attend a scheduled hearing. If for any reason** you cannot attend, contact the Administrative Law Judge as soon as possible **before the hearing** and state the reason.

The Administrative Law Judge will reschedule the hearing if you have provided a good reason. **If you do not go to a scheduled hearing and the Administrative Law Judge decides that you do not have a good reason for not going, your request for hearing may be dismissed.**

## When We Can Pay Travel Expenses

If you must travel more than seventy-five miles from your home or office to attend the hearing, we can pay certain costs. Here are the rules that apply:

- We can pay your transportation expenses such as the cost of a bus ticket or expenses for driving your car.
- In certain circumstances, you may need meals, lodging, or taxicabs. The Administrative Law Judge must approve these special travel costs **before the hearing unless** the costs were unexpected and unavoidable.
- The Administrative Law Judge may also approve payment of similar travel expenses for your representative and any witnesses he or she determines are needed at the hearing.
- You must submit a written request for payment of travel expenses to the Administrative Law Judge at the time of the hearing or as soon as possible after the hearing. List what you spent and include supporting receipts. If you requested a change in the scheduled location of the hearing to a location farther from your residence, we cannot pay for any **additional** travel expenses.
- If you need money for travel costs in advance, you should tell the Administrative Law Judge as soon as possible **before the hearing**. We can make an advance payment only if you show that without it you would not have the funds to travel to or from the hearing.

- If you receive travel money in advance, you must give the Administrative Law Judge an itemized list of your actual travel costs and receipts within 20 days after your hearing.
- If we gave you an advance payment that is more than the amount you are due for travel costs, you must pay back the difference within 20 days after we tell you how much you owe us.

## Tips to Shorten the Hearing Process

**Help Us Process Your Hearing As Quickly As Possible.** There are a number of things you can do to speed up the processing of your request for a hearing. You should be aware that the hearing process is at times a rather lengthy one, so it is best to help us process your request as quickly as we can.

- If you wish to appoint a representative, do so as early as possible. Your representative will want time to review your file and prepare for the hearing. If you wait until the date of the hearing or shortly before, your hearing may have to be postponed to provide the representative with the necessary preparation time. Our hearings are scheduled two to three months in advance, so rescheduling a hearing adds a substantial amount of time to the processing of your hearing request.
- Don't cancel a hearing unless absolutely necessary. Again, rescheduling your hearing will delay the ALJ making a decision in your case.
- **Make sure that any new or updated medical evidence you want considered has been submitted before the date of the hearing** by either you or your representative (the earlier the better). It may result in an early favorable decision for you, eliminating the need for a hearing. If a hearing is necessary, it will eliminate the delays caused because additional evidence has not yet been received.
- Notify us of any changes in your address immediately.

## How to File an Unfair Treatment Complaint Against an Administrative Law Judge

If you think an ALJ treated you unfairly, you should tell us about it and ask us to look into it. You may ask at any time, even while we are deciding your claims for benefits. For more information about what you should do, refer to our publication "How to file an unfair treatment complaint against an Administrative Law Judge" .