



Submitting SSI/SSDI Appeals Using the SOAR Model

A TOOLKIT FOR CASE MANAGERS

SOAR works for SSI/SSDI appeals! This toolkit includes key tools and resources developed by SAMHSA's SOAR TA Center, and other tips on improving your knowledge of SSI/SSDI appeals and Administrative Law Judge (ALJ) hearings

SAMHSA SOAR Technical Assistance Center
<https://soarworks.prainc.com>

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Appeals: The Basics

SSA Appeal Levels

If Social Security denies an application for disability benefits, the applicant may request an appeal. Social Security has four appeal levels:

Reconsideration

- Reconsideration is an opportunity to have the application reviewed by different staff at Disability Determination Services (DDS) and to submit additional medical records and evidence.
- The request for reconsideration must be filed within **60 days of receipt** of the initial denial notice.
- If SSA denies an individual at the reconsideration step, they may seek further review of their claim by requesting a hearing before an administrative law judge (ALJ).

Hearings before an Administrative Law Judge (ALJ)

- Hearings are scheduled with the Office of Hearings Operations (OHO).
- You do not need to be an attorney to assist someone at a hearing.
- It can take on average one year for the hearing to be scheduled.
- You can submit a request for an expedited hearing due to dire need.
- You can use "On-the-Record" requests to avoid lengthy waits for an ALJ Hearing.

Appeals Council and Federal Court

- The third and fourth levels of appeal are less common.
- If the applicant disagrees with the ALJ's decision, they can ask for a Review by SSA's Appeals Council.
- If the applicant disagrees with the Appeals Council, they can file a lawsuit in Federal district court.

When to File an Appeal

Cases should be appealed if the applicant:

- Meets a [Listing¹](#), or
- Equals a Listing, or
- Has a combination of severe impairments which would preclude the completion of sedentary work, or any work in the national economy.

Communicating with the Applicant

- The review of the denial of initial application and reconsideration should be completed as soon as possible.
- You will need to inform the applicant if you will not be able to assist with further appeals but be sure to inform the applicant of their right to appeal.
- Share the "SSA Appeals Process" handout found in this toolkit.

Working with Attorneys and Non-Attorney Representatives

- Attorneys or non-attorney representatives can be excellent advocates for individuals applying for benefits and appealing denials.
- If a representative is already involved with an appeal, see if you can help by providing additional evidence or documentation.
- If an applicant wishes to dismiss their representative, they are permitted to do so.
- The representative may file a fee petition to SSA and, if benefits are awarded, receive partial payment based on work already completed at the time of withdrawal.

¹ <https://soarworks.prainc.com/article/listings-and-mental-illness>

Reviewing the Electronic Disability File

When you are preparing to appeal a denial of disability benefits, the first thing you should do is request the case file so that you can review key components of the file and decision!

About the Disability File

- Understanding SSA's rationale for denying SSI/SSDI benefits is important when filing an appeal. It is important to assess whether SSA made any errors in the decision or if there is any medical documentation missing from the file. You can help by correcting these issues on appeal.
- Even if you filed the applicant's initial application, complete with medical records and other documents, other contents of the disability file are important to review.
- Applicants and authorized representatives (with a filed SSA-1696) have the authority to obtain relevant application information.

Requesting the Disability File

- SSA keeps all new disability files in electronic format; paper files are no longer generated.
- The local SSA field office will provide **one CD-ROM** copy of the applicant's file for free if the request is for "program purposes" (e.g., in connection with a claim for benefits).
- Request the file by faxing a signed [SSA-3288: Consent to Release Information](#)² to the attention of your local SSA field office.

Opening the CD-ROM

- No additional software is necessary to read the information on the encrypted CD.
- The CD will be labeled with claimant's last name and first 4 numbers of SSN.
- Insert the CD into your computer's disk drive.
 - If using Windows, go to "My Computer"; select the disk drive to display the contents of the CD.
- Double-click on the **pme.exe** file located on the CD.
- You will be asked to enter an Account Name and Password.

Enter Account Name and Password

- Account Name
 - All OHO encrypted media will use the same Account Name: ssa
 - The account name is **not** case sensitive (i.e. ssa or SSA)
- Password
 - The password will always be nine characters long:
 - First 4 letters of claimant's first name in lower case. (If the name is less than four characters, enter number signs (#) after the last letter).
 - A number sign (#)
 - Last 4 numbers of the claimant's SSN
 - Password Examples
 - Claimant's name is Mickey Mays and SSN is 123-45-6789. The encryption password is mick#6789.
 - Claimant's name is Tom Mays and SSN is 123-45-6789. The encryption password is tom##6789.
 - Note: If you are unable to determine the correct password for your encrypted CD, call the local SSA or OHO office that sent you the CD for assistance.

² <https://www.ssa.gov/forms/ssa-3288.pdf>

Reviewing the File

SSA-831: Disability Determination and Transmittal

Overview

- The [SSA-831: Disability Determination and Transmittal](#)³ is the official disability determination document used by DDS to record the decision.
- This form is helpful, especially when the denial notice is unclear. The form should contain the name of the DDS disability examiner and the DDS medical consultant who worked on the claim.
- Most of the information on the form are [SSA codes](#)⁴; several key codes are highlighted below.

Important SSA Codes

- Item 19: States that the applicant is not disabled through the date of the determination (or other pertinent dates, such as expiration of insured status)
- Item 22: Citation to the Sequential Evaluation regulation under which a claim is denied
- Common denial basis codes:
 - H1 - The individual has a severe impairment(s) but is found not disabled because he/she has the functional and vocational capacity to engage in substantial gainful activity in relevant past work (Step 4)
 - J1 - Ability to do other work (Step 5)
 - K1 - Failure to follow prescribed treatment
 - L1 - Refusal to appear for a consultative exam (CE)
 - M5 - Failure to cooperate in submitting evidence of disability
 - Z1 - DAA (Drug Addiction and Alcoholism) is material to the determination of disability
 - N1 - Engaging in Substantial Gainful Activity (SGA)
 - Item 32B - This includes the specialty code for the doctor who signed the form.

SSA-4268: Explanation of Determination

Overview

- The SSA-4268: Explanation of Determination states the “Disability Determination Rationale.” This is the *technical rationale* the DDS disability adjudicator used to make the disability determination.
- Although it may contain SSA technical language that is difficult to understand, it is in your best interest to look it over as it contains more detailed information than the personalized explanation rationale included in the denial notice.
- By reviewing the technical rationale, you can see the step-by-step reasoning that SSA and DDS used to deny the applicant’s claim.

How to Read Form SSA-4268

The technical rationale typically discusses the following:

- Symptoms and test results
- Whether the impairment(s) meet the requirements of a listing
- The applicant’s Residual Functional Capacity (RFC)
- The exertional level and skills the applicant’s past jobs required
- Whether the applicant can do past work, given current limitations
- Whether a medical-vocational rule says that, with vocational factors (age, education, and experience), the applicant should be able to do other work, and if so, what type of other work exists that is suitable

³ <https://secure.ssa.gov/apps10/poms/images/SSA8/G-SSA-831-1.pdf>

⁴ <https://secure.ssa.gov/poms.nsf/lnx/0426510045>

Reconsideration

About Reconsideration

- Reconsideration is an opportunity to have the application reviewed by different staff at Disability Determination Services (DDS) and to submit additional medical records and evidence.
- 10 states (New Hampshire, New York, Louisiana, Colorado, California (LA North and West Branches), Pennsylvania, Alabama, Michigan and Alaska) that participated in the Disability Redesign Prototype have reinstated reconsideration as of March 2020.

Review the Initial Denial

- Read the denial notice and record the following information. Confirm that it matches your records.
 - Date on notice
 - Type of claim
 - Medical Sources listed
- Request a copy of the electronic file.
- Carefully review the file to help you understand what went wrong and provide the basis for a Reconsideration.

Submit the Reconsideration Request

- The request can be submitted in-person or online via iAppeals (recommended).
- The request for reconsideration must be filed within 60 days of receipt the initial denial notice. (The 60-day period begins 5 days after the date on the denial notice, to allow for mailing time).
 - *Late Filing*: If the 60-day deadline is missed, you will need to submit a “Good Cause for Late Filing” request (see sample provided in this toolkit) along with documents listed below *to your SSA field office*. This request can serve as a protective writing date (to establish a protective filing date) for a new initial claim if the applicant does not establish good cause for late filing.

Submit In-person

- Contact your SSA field office to arrange hand-delivery or fax.
- Submit the following documentation:
 - [SSA-561: Request for Reconsideration](#)⁵
 - [SSA-3441: Disability Report - Appeal](#)⁶
 - [SSA-827: Authorization to Disclose Information to SSA](#)⁷
 - Other attachments (e.g., SSA-1696 Appointment of Representative Form (if not already filed at initial level), Medical Records, new/revised Medical Summary Report) (MSR) and other documents)

Submit On-line via iAppeals (Recommended)

- Go to <https://secure.ssa.gov/iApplsRe/start> (see “Filing Online with iAppeals” found in this toolkit).
- Submit the following:
 - i561: Request for Reconsideration
 - i3441: Disability Report – Appeal
 - e827: Authorization to Disclose Information to SSA
 - iAppeals Application Utility for Attachments (e.g. SSA-1696, Medical Records, new/revised MSR and other documents)

⁵ <https://www.ssa.gov/forms/ssa-561.pdf>

⁶ <https://www.ssa.gov/forms/ssa-3441.pdf>

⁷ <https://www.ssa.gov/forms/ssa-827.pdf>

Administrative Law Judge (ALJ) Hearing

About ALJ Hearings

- Hearings are scheduled with the Office of Hearings Operations (OHO).
- You do not need to be an attorney to assist someone at a hearing.
- It can take on average one year for the hearing to be scheduled.

Review the Reconsideration Denial

- Read the denial notice and record the following information. Confirm that it matches your records.
 - Date on notice
 - Type of claim
 - Medical Sources listed
- Request a copy of the electronic file.
- Carefully review the file to help you understand what went wrong and provide the basis for an appeal.

Submit the Administrative ALJ Hearing Request

- The request can be submitted in-person or online via iAppeals (recommended)
- The request for a hearing must be filed within 60 days of receipt of the reconsideration denial notice. (The 60-day period begins 5 days after the date on the denial notice, to allow for mailing time).
 - *Late Filing:* If the 60-day deadline is missed, you will need to submit a “Good Cause for Late Filing” request (see sample provided in this toolkit) along with documents listed below *to your SSA field office*. This request can serve as a protective writing date (to establish a protective filing date) for a new initial claim if the applicant does not establish good cause for late filing.

Submit In-person

- Contact your SSA field office to arrange hand-delivery or fax.
- Submit the following documentation:
 - [HA-501 Request for a Hearing by Administrative Law Judge](#)⁸
 - [SSA-3441 Disability Report- Appeal](#)⁹
 - [SSA-827 Authorization to Disclose Information to SSA](#)¹⁰
 - You *may* be asked to complete the [HA-1151 Medical Source Statement of Ability to do Work-Related Activities \(Physical\)](#).¹¹
- You can also submit a request for an expedited hearing due to dire need.

Submit On-line via iAppeals (Recommended)

- Go to <https://secure.ssa.gov/iApplsRe/start> (see “Filing Online with iAppeals” found in this toolkit).
- Submit the following:
 - i501: Request for Hearing by Administrative Law Judge (ALJ)
 - i3441: Disability Report – Appeal
 - e827: Authorization to Disclose Information to SSA
 - iAppeals Application Utility for Attachments (e.g. SSA-1696, Medical Records, new/revised MSR and other documents)

⁸ <https://www.ssa.gov/forms/ha-501.pdf>

⁹ <https://www.ssa.gov/forms/ssa-3441.pdf>

¹⁰ <https://www.ssa.gov/forms/ssa-827.pdf>

¹¹ <http://soarworks.prainc.com/sites/soarworks.prainc.com/files/HA-1151.pdf>

Filing Online with iAppeals

About iAppeals

- iAppeals is a Social Security Online Service that allows authorized representatives and applicants to electronically file a reconsideration **or** ALJ hearing request for SSI and SSDI.
- You can file iAppeals at <https://secure.ssa.gov/iApplsRe/start>.
- iAppeals users have the option to submit (upload) forms and other evidence with their appeal requests.
- SSA has recorded a very helpful 16-minute webinar that walks through the use of iAppeals. We encourage you to watch it to see more screen shots of the application: [SSA iAppeals Instructional Video](#).¹²
- If you are unable to file the appeal documents online, we suggest you contact your SSA field office to arrange hand delivering or faxing to SSA.

Key Tip: Although non-attorney representatives are not required to file appeal documents online by SSA at this time, we strongly encourage SOAR providers to do so. SSA regulations currently require that attorneys file requests for reconsideration and requests for hearings online.

Forms Included in iAppeals

- i561: Request for Reconsideration *or* i501: Request for Hearing by Administrative Law Judge (ALJ)
- i3441: Disability Report – Appeal
- e827: Authorization to Disclose Information to SSA
- iAppeals Application Utility for Attachments (e.g. SSA-1696, Medical Records, MSR and other documents)

Four Steps of an iAppeal

1. Identification
 - Basic screening information about applicant and preparer
 - Reentry Number provided
 - Appeal Requests (i561 or i501)
2. Medical (i3441)
 - Updated information about applicant
 - Updated medical information
 - Updated contact information
 - Activities and Training (i3441)
 - Updated information on education and work activities
3. Remarks Section
 - Medical Authorization
 - Review (Attachments)
 - Review entered information prior to submission
4. Attachment Utility
 - Confirmations and Receipts
 - Personalized Cover Sheet option
 - Start another appeal application option

¹² <https://www.youtube.com/watch?v=V29wf1KXbxI>

Filing an Online Appeal

Start the iAppeal as soon as possible, keeping in mind the 65-day deadline from the date on the denial notice! You will be blocked from filing online if you begin after the 65th day.

- Go to <https://secure.ssa.gov/iApplsRe/start>.
- Enter the date on the denial notice, the applicant's name, date of birth and Social Security Number.
- You do not need to complete all the appeal forms in one session.
- If/when you exit, you will be provided with an application re-entry number that you will use to return and complete the iAppeal by the deadline. **Save this number!**
- You will receive a message that alerts you to how many days are left until the deadline. **Be sure to mark your calendar** so the appeal deadline is not missed.
- The iAppeal **is not considered complete** and SSA will not take action on the appeal until the i561 (Request for Reconsideration)/i501 (Request for Hearing), e827, and i3441 (Disability Report-Appeal) are submitted.

Submitting the iAppeals Request

- The end of the iAppeals screen path has a single "Submit Appeal" button.
- If the applicant is not with you, as the authorized representative you are permitted to submit the appeal*.
- When you click the "Submit Appeal" button, iAppeals automatically submits all the completed forms and attachments to SSA as one package.
- After submission, select the link with "Personalized Cover Sheet" which lists all items sent as well as those items you may need to bring or mail to SSA.
- ***Note:** this is not the case when filing an SSDI (Title II) initial application online.

What's Next?

- Just like when filing the initial application online, SSA will develop the case for other issues, and good cause for late filing of the appeal when necessary.
- The appeal request will be electronically delivered to the Disability Determination Services (DDS) or the servicing Office of Hearings Operations (OHO) as appropriate who will develop the case for other issues, such as, new medical conditions, updated medical documentation, and worsening functional limitations.
- SSA will mail a copy of the appeal request to the claimant and authorized representative.

ALJ Hearings: On the Record (OTR) Decision

An OTR request asks OHO to consider approving a claim based on the documentation in the record without appearing before the judge. This can avoid a lengthy wait for an ALJ Hearing.

About OTR Requests

- Once the Request for Hearing has been processed at OHO, both the representative and applicant will receive a notice indicating the case has been successfully transferred to the court's Master Docket, where cases are screened.
- Since not every request leads to a hearing, this is a good time to request an OTR decision.
- Only the ALJ or Attorney Advisors at OHO can make an OTR decision.
- If the OHO office is not able to grant the request, the applicant retains the right to a hearing.

Writing an OTR Request

- The OTR request is simply a letter stating the Listing section that the applicant meets followed by a discussion of how the specific requirements of the Listing are met.
- No official form is required. See a sample OTR request later in this toolkit.
- The letter is similar to a Medical Summary Report (MSR) that the SOAR practitioner develops for an initial application -- it should link the claimant's functioning to medical records and third-party reports.
- A SOAR practitioner requesting an OTR review should notify or remind the hearing office that the applicant is in "dire need" (e.g., experiencing homelessness, residing in shelter, eviction is pending) and provide some proof of the applicant's situation.

Benefits of Successful OTR Requests

- OTR decisions save applicants long waits for hearings and decisions, accelerating access to income and medical benefits.
- SOAR practitioners save hours of work when they do not have to prepare for and attend a hearing.
- SOAR practitioners gain credibility with and gratitude from ALJs whose time is also saved when cases can be decided on the record.

Preparing for ALJ Hearings: Developing a Theory of the Case

What is a case theory?

An important part of preparing for a disability hearing is to develop your theory of the case. What does this mean? It basically fills in the blank in the question, “Mr. Jones should be found disabled because _____.” You need to develop skill in choosing and documenting case theories to efficiently handle Social Security Disability claims at the hearing level. This handout will explain what case theories are, why they are important, and how you can develop them and use them to help make your job easier and win more cases at the ALJ level.

Why is it important to develop a case theory?

Developing a case theory is important because SSA cannot properly approve any case without legal justification. You must be able to identify and argue that legal justification by stating and proving the case theory. Further, you can develop a legal theory after a completing a comprehensive interview (see “Questions for Direct Examination at SSA,” found in this toolkit, as well as the [SOAR Medical Summary Report \(MSR\) Interview Guide](#)¹³). You should know critical information like age, education, and past relevant work. This should give you a good idea of possible theories.

How do I develop a case theory at the early stages of the case?

Developing a case theory requires that you have a working knowledge of the [Listings](#)¹⁴ and medical vocational rules ([Grids](#)).¹⁵ Otherwise, it will not be possible to determine which Listing or Grid Rule might apply. So, be sure to review the Listings to determine which medical conditions have Listings. That will allow you to recognize when an applicant has a condition that might be covered. With that in mind, it is important to understand and use the five-step sequential evaluation process. You will still need to evaluate the claim for other legal impediments (such as DAA, failure to follow prescribed treatment, etc.).

Developing a Theory of the Case

Can the applicant make a successful claim? What argument would you make?

Questions to ask in the context of the Sequential Evaluation process:

- Step 1. Is the applicant working?
- Step 2. Is the impairment severe?
- Step 3. Does it meet or equal a listing?
- Step 4. Can they do their past relevant work?
- Step 5. Is there other work in the national economy? (See Grid Rules and other SSA Rules below)

Some examples of common case theories might include:

- The applicant meets all the requirements of a particular Listing.
- The applicant satisfies the requirements of a particular medical-vocational (Grid) rule.
- The applicant should be found disabled at step five of the sequential evaluation based on particular exertional and non-exertional impairments ([SSR 85-15](#)¹⁶).

Using the Five-Step Sequential Evaluation as a Basis for the Initial Interview

- Questions can be grouped into categories mirroring each step
- Advocate should identify the particular Listing, medical vocational rule, or combination of impairments when formulating and documenting the case theory.

¹³ <https://soarworks.prainc.com/article/soar-tools-and-worksheets>

¹⁴ <https://www.ssa.gov/disability/professionals/bluebook/AdultListings.htm>

¹⁵ <https://secure.ssa.gov/apps10/poms.NSF/lnx/0425025005>

¹⁶ https://www.ssa.gov/OP_Home/rulings/di/02/SSR85-15-di-02.html

- Each of these descriptors provides information for the initial interview which should lead to a cohesive theory of the case, or alternate theory of the case, (e.g., “SOAR applicant meets Listing 12.04. In the alternative, they should be found disabled under Grid Rule 201.12.”)
- This approach leads the applicant through a medical-legal dialogue designed to elicit information tailored to the five-step process.

Process of elimination during the early stages of the case:

1. Confirm or eliminate the Grids as a possibility.
2. Consider whether any Listings could possibly apply.
3. Other Step 5 theories (e.g., Combination of impairments; Substantial loss of any of the “Mental Abilities Needed for any Job” found in [POMS DO 25020.010](#)¹⁷, such as the ability to understand, remember, and carry out short and simple instructions, maintain concentration and attention for extended periods, or ask simple questions or request assistance).

Developing Proof to Support Your Case Theory

Start gathering the evidence and breaking down the theory requirements. If it’s a Listing or Grid Rule, review the elements of legal theory and find description of proof in the record.

Useful Social Security Rulings and POMS

- Social Security Rulings (SSR): https://www.ssa.gov/OP_Home/rulings/rulings-toc.html
- SSA POMS: <https://secure.ssa.gov/apps10/poms.nsf/Home?readform>
 - Functional limitations: exertional and non-exertional: SSR 96-4p, 96-9p
 - Grids: SSR 83-10, 83-11, 83-12, 83-14, 85-15
 - Less than sedentary: SSR 96-9p
 - Mental Impairments: SSR 85-15, 83-14, POMS- DI 25020.010

¹⁷ <https://secure.ssa.gov/apps10/poms.nsf/lrx/0425020010>

Preparing for ALJ Hearings: Direct Examination Questions

Questions for Direct Examination

Below are some questions the Administrative Law Judge (ALJ) might ask the applicant. Reviewing these can help SOAR practitioners and applicants prepare for ALJ hearings.

Personal and Educational Background

- What is your full name?
- What is your birthday? How old does that make you today?
- Where do you live? With whom do you live?
- Are you married? Do you have any children?
- Do you live in a house or an apartment? What floor is it on?
 - Do you have to climb stairs to get to your apartment? How many?
- Do you live mostly outside?
- Where did you go to school? What grade did you complete in school? Why did you leave school?
- Can you read? Do you read the newspaper? What section of the paper do you most often read? How often do you read this section?
- Can you write?
- Can you do addition? Multiplication? Division?
- Did you attend any vocational school or program? When was that? How long did the program last? Was it full-time or part-time?
 - Did you later find a job involving this kind of training?
- Were you ever in the military? Did you get any special training there?

Work History

- Are you currently working? Why aren't you working now?
- When did you last work? Where was this? How long did you work there?
 - What was your position there and what were your duties? Please describe your duties in detail.
- Did you have a supervisor? What did your supervisor do?
- If you were not closely supervised, how were your duties explained to you and how much did these duties vary from day to day? Did you operate any machinery on your own, read any instruments, or take measurements as a regular part of your job?
- Could you still do this job? Why not?
- Have you ever seen a vocational counselor? What was the result of the visit?
- At the last job that you had, how much of your time were you standing? How much did you sit? How much did you work?
- Did you regularly lift or carry objects? How heavy were these objects?
 - Did you ever have to lift unusually heavy objects? How heavy were these objects? What was the heaviest object you regularly had to lift or pull on any of these jobs? How often would you have to do this?
- Did you operate any machinery or drive a car on the job?
- Did you use a small hand-tool? What tools did you normally use, if any?
- Does anything prevent you from using both of your hands? Both of your eyes?
- Does anything prevent you from concentrating through the 8 hours of a workday?
- Does anything interfere with your ability to deal with pressure on the job from supervisors or co-workers? Do you have any difficulties in accepting criticism from supervisors?
- Does anything interfere with your ability to remember simple/complex instructions or carry them out?
- Are you able to maintain attention to a simple task for at least 2 hours without needing a break or interruption?

- Does anything interfere with your ability to perform activities within a schedule? Are you able to respond appropriately to changes in your routine or work setting?
- Does anything interfere with your ability to be punctual in getting to work?
- Going back as far as 15 years ago, please tell us what jobs you performed, starting with the most recent.
 - As best as you can remember, how much sitting/standing/lifting/walking did these jobs require?
 - Did you operate any special kind of machinery on any of these jobs? Could you still operate this kind of machinery?
- Did you receive any special kind of training? Could you still perform this special kind of job training?
- What was the easiest job you ever had? Could you do it now?

Medical Information and Treatment

- What health problems do you have?
- Tell us about all the medical treatment you have received.
- Do you presently have a treating physician? How long have you been seeing the physician?
- Where do you go for appointments?
- Have you seen any specialists? How many times? For what specific problems?
- Have you ever been hospitalized? When? How long were you in the hospital? For what reason?
- Has this medical problem recurred? When? How often?
- What medication, if any, do you take each day? How often do you take it? For each medication please tell us how much you take each day.
 - Have you noticed any side effects from your medication?
- Do you continue to have symptoms from your condition, despite the medication?

Mental Illness and Treatment

Tip: Always follow-up with, "Tell us about it."

- Give me some examples of things or activities that you find stressful or will bring on a panic attack?
- Do you ever feel anxious for no apparent reason?
- Do friends or family members tell you that your moods seem to change quickly and unpredictably?
- Do you ever find it difficult to think clearly or to organize your thoughts?
- Do you ever feel that people are talking about you behind your back?
- Do you ever feel that someone is watching you?
- Do you sometimes find that you get very angry over nothing?
- Have you ever been told that you should receive help from a counselor or psychologist?
- Have you ever called a telephone hotline to talk about your problems or gone to a community mental health center?
- Have you ever been admitted to a hospital for a mental evaluation on an involuntary basis? On a voluntary basis?
- Has a doctor ever prescribed a tranquilizer or sedative for you? When? How often? Did you renew the prescription? Do you still take this medication?

Traveling

- How did you get to this hearing today?
- How often have you left your home during the past month?
- When you go out, where do you go? Do you usually go alone?
- Do you have any emotional problems when you leave your home alone?
- Describe any difficulties you have with traveling outside the house.

Walking/Mobility, Strength, Endurance

- How many pounds can you easily lift? How many pounds can you lift frequently?
- Do you use a cane or crutches? Do you ever use a wheelchair?
- Can you kneel, or pick up small objects from the floor?

- How is your balance? Do you ever lose your balance?
- Do you have any problems with walking? How long/far can you walk continuously in one stretch without stopping to rest? Can you walk without an assistive device (cane, walker)?
- Do you have any problems standing? How long can you stand continuously in one stretch of time?
- What happens if you try to sit too long?
- Do you have any difficulties bending at the waist? Stooping (bending the spine)? Kneeling (bending the legs)? Climbing the stairs? If so, please describe.
- Are you left- or right-handed? Does anything prevent you from using both of your hands?
- Do you have any difficulties using your arms?
- Do you have any difficulties working with hand tools, (e.g., screwdrivers, pliers)?
- How well can you perform buttoning your clothes? Picking up coins? Writing?

Pain

- Tell us about the pain in your _____? (*Tip: start at head and work down to toes.*)
- What happened to cause you to have this pain? How long have you had the pain?
- Has there been any significant period since it started that the pain was in remission?
- What does the pain feel like? Is it tender to touch?
- Does it limit the amount you can bend? If yes, how much?
- Show us where this pain is located. (Ex: "Let the record reflect that the applicant is pointing to his low back at the beltline.")
- How many hours per day/days per month do you have this pain? How long does it last?
- What sort of things bring on this pain? What relieves it?
- What medication do you take for pain? How often and how much do you take? Does the medication make you sleepy, dizzy, or sick to your stomach?
- How severe is the pain? On a scale from 1 to 10, 10 being the most severe, how would you rate the pain?
 - Is it always the same intensity? If not, how often is the pain at each intensity?
- Is your pain affected by movement or activity?
- How has this pain affected your life?
- Is the pain better on some days and worse on others?

Visual

- How good is your eyesight on the left/right eye? Does anything prevent the full use of both your eyes?
- Do you every have any blurring of vision, or do you ever see double?
- Do you wear glasses for reading or for distance? Even with glasses on, do you ever have trouble reading?
- If blind or experiencing visual difficulties: Describe any difficulties that you have had as a result of being blind or having limited vision in the left/right eye.

Obesity

- How much do you weigh? What is your height?
- How long have you had a problem with your weight?
- Have you attempted in the past to lose weight? What have you tried in the past to reduce weight?
- Have you experienced any problems as a result of being overweight?
- Do you have problems moving or working? Do you feel any pain in your joints?

Specific body parts

- Do you have problems with your knees or legs? Tell me about these problems.
 - Do your knees or legs hurt when you walk? When you sit? When you stand?
- Do you have problems with your back? Tell me about your back problems.
 - Does your back hurt when you walk? When you sit? When you stand?
- Do you have any problems with your feet, hands, or ankles? How often does it occur? When did it last happen? Can you walk when this happens?

Functional Information

- Describe a normal day for yourself and how your condition affects you on a daily basis.
- How often do you cook for yourself, or who cooks for you? Do you have any difficulty in doing this? What kind?
- Do you make beds? Dust? Do the dishes? When you do not do these chores, who does? How long have you been unable to do these things?
- Do you go shopping? When you go, do you carry any bags? If you walk, how far away is the store? How long does it take you to walk to the store?
- Do you drive? How far do you drive? Do you have a driver's license? When was the last time it was renewed?
- How far can you walk? What happens if you try to walk farther than that?
- How often, if ever, do you use public transportation?
- Do you do your own laundry? How do you get to the Laundromat?
- Do you go to church? How do you get there? Do you have any problems sitting in church for one hour?
 - Do you belong to any clubs or church groups?
- Do you have any family or friends? Do you visit them? How often? Do they visit you? Do you keep in touch by phone? How often?
- Do you watch TV? Do you follow what's happening or keep it on as background sound?
- Do you have any hobbies? How have your interests changed since your condition began?
- Do you read for pleasure? What do you read? Do you visit the library? How often?
 - Do you have any difficulty concentrating while you read? Do you lose your place, forget what you have read, have to re-read passages, or simply lose interest?
- Do you have trouble sleeping? What kind? What time do you go to bed?
 - How often do you wake up at night? What makes you up?
 - Do you take medication to sleep? What kind? How much?
 - Do you sleep much during the day? How much?
 - Do you take regular naps during the day? At what times? For how long?
- How often do you go outside? How many times each week? Where do you go?
- Do you have any special routine or patterns you use when you go out to accommodate your medical conditions?

Tips for Reviewing Unfavorable ALJ Decisions

You will want to read the ALJ's decision for the purpose of spotting issues or errors which may warrant appealing the decision to the Appeals Council (AC). The AC can either remand or send the claim back to the ALJ to correct any errors. Or, the AC may decide to reverse the decision, and allow the claim.

Record the Following Information

Do these match the information you have?

- Type of claim
- Alleged onset
- Date last insured (if applicable)

Follow the Steps in the Sequential Evaluation to Identify Special Issues

- Step 1:
 - Did the ALJ find the applicant was engaged in SGA?
- Step 2:
 - What conditions were found to be "severe"?
 - Which were specifically found not to be "severe"?
 - Were there any significant medical conditions documented in the record that the ALJ did not consider in the decision "severity" analysis at step two? If so, which ones?
- Step 3:
 - What listings were considered? Why were they rejected?
 - Were there any significant medical conditions which the ALJ did not consider under the "applicable listings"?
 - Was the ALJ mistaken in the listing analysis?
- Step 4:
 - Specifically, what was the ALJ's Residual Functional Capacity (RFC) finding?
 - Did the ALJ fail to give weight to any favorable doctor opinions (like RFC's or signed MSRs)?
 - What jobs were identified as past relevant work?
 - Did the ALJ find the client capable of past relevant work?
 - If the ALJ denied at step four, was the description of the requirement of the past relevant work accurate?
 - Did the limitations in the RFC that that the ALJ found still allow that client to perform all the documented job requirements of the past relevant work?
 - Make a list of all the limitations that the applicant alleged, and/or which were found in doctor reports or RFCs.
 - Compare the limitation on that list to the ALJ's RFC findings. Are there any discrepancies?
 - If yes, did the ALJ specifically provide a reasonable explanation in the decision?
 - Why were the alleged limitations rejected (not just a boilerplate rejection with form language)?
 - For each favorable doctor opinion which the ALJ failed to give weight, did the ALJ give good, specific reasons for rejecting the opinions (not just boilerplate again)?
 - Did the ALJ consider all the factors both for and against giving the opinion weight?
- Step 5:
 - Did the ALJ use a medical vocational rule?
 - What jobs (if any) did the ALJ find that the client could do?
 - Were there any significant, non-exertional impairments? If yes, did the ALJ use a vocational expert in the case? (If not, consider [Sykes v. Apfel](#).¹⁸)

¹⁸ https://www.ssa.gov/OP_Home/rulings/ar/03/AR2001-01-ar-03.html

- Did the limitations in the hypothetical questions the ALJ used with the VE match those in the ALJ's RFC finding?
- Did the jobs identified by the VE seem reasonable in light of the other findings?

Special Issues

- Are there any special issues like drug or alcohol materiality, or failure to follow prescribed treatment?
- Compare the findings and analysis of drug/alcohol materiality or failure to follow prescribed treatment with the regulatory requirements. Did the ALJ get it right?
- If the ALJ finds the claimant "not credible," compare the stated reasons to the facts in the record on hearing notices. Any discrepancies or misrepresentations by the ALJ?
- This process reveals some of the most common legal errors in the ALJ decision. If those errors could potentially alter the outcome of the decision, there is likely good grounds for appeal.

Additional Resources

Guides and Handouts

[SOAR Collaboration with SSA's Office of Hearings Operations \(OHO\)](#)

A guide for local SOAR programs to establish collaborations with their OHO offices. OHO directs a nationwide field organization staffed with Administrative Law Judges (ALJs) who conduct impartial hearings.

[The Social Security Administration \(SSA\) Appeals Process: Information for Caseworkers and Applicants](#)

An introductory handout on the appeals process that can be helpful to both caseworkers and applicants.

Helpful Links

[Representative and Legal Resources](#)

Referral sources when the SOAR provider is not able to provide representation at the appeals level.

[SOAR Website Appeals Resources](#)

Links to additional resources that are located on the SOAR website

[Reference Materials](#)

This list provides references to basic materials and information you will need when representing individuals in the appeals process.

Sample Letters

[Sample "Good Cause for Late Filing" Request](#)

This sample letter can be customized when requesting a good cause waiver for late filing.

[Sample "On-the-Record" Request](#)

This sample letter can be customized when requesting an "On-the-Record" decision.

SOAR Collaboration with SSA’s Office of Hearings Operations (OHO)

Suggestions for working with your OHO

The Social Security Administration’s (SSA) Office of Hearings Operations (OHO) directs a nationwide field organization staffed with Administrative Law Judges (ALJs) who conduct impartial hearings and make decisions on appealed determinations involving Old-Age, Survivors, and Disability Insurance benefits (Title II, SSDI) and Supplemental Security Income (Title XVI, SSI) payments. While SSA has made great progress with reducing the hearing backlog and reducing the time it takes to get a hearing decision, pending hearings are down from 1 million to 575,000 with an average wait time down from 605 days to 470 days.¹² SOAR providers are able to demonstrate to OHO that they are representing “critical” applicants. This handout explains how you can promote SOAR with your OHO office to help ease their backlog and workload issues, while at the same time, improving access to expedited decisions for SOAR applicants.

The Problem and SOAR Solution!

OHO offices maintain a master docket system that contains all requests for hearings and remanded claims. There are over 575,000 claims awaiting a hearing date¹⁹. Getting the case ready for the hearing is time consuming for OHO staff. “Pulling” or “work-up” is the process of preparing a disability case file for a hearing. Hearing office staff reviews the electronic folder, identifies the relevant documents, and organizes those documents for the ALJ to consider in making a decision.

This high workload has created a large backlog. We know that many of these claims are what SSA classifies as “critical.” OHO defines a case as “critical” in the following situations:

- Terminal illness;
- Veterans with permanent and total disability rating from the Department of Veterans Affairs;
- Military casualty/wounded warrior case;
- Compassionate Allowances
- Dire need case; and
- Potentially violent²⁰

SOAR applicants, by definition, are “critical” cases because they meet, at minimum, the “[dire need](#)”²¹ designation. Therefore, SOAR providers can assist OHO offices with the special processing of these critical cases, and in return, improve OHO’s average processing times and easing workload burdens.

Unique Role of SOAR Representatives

SOAR providers can be a great resource to OHO staff by:

- Submitting fully developed claims for “critical” applicants which will ease OHO’s burden of organizing and developing claims;
- Knowing about the applicant’s file and being prepared for the hearing or a review “[On the Record](#)”²²(OTR)
- Ensuring cases are consistently ready at the time of hearing;
- Maintaining good communication with the applicant and OHO’s staff;
- Working with applicants to obtain the necessary evidence for their file;
- Assisting applicants with obtaining an attorney or other representative, so OHO does not need to postpone the hearing to give a chance for the applicant to get a representative

¹⁹ SSA Annual Performance Report 2019-2021 <https://www.ssa.gov/budget/FY21Files/2021APR.pdf>

²⁰ Social Security Administration HALLEX on Critical Cases: https://www.ssa.gov/OP_Home/hallex/1-02/1-2-1-40.html

²¹ https://www.ssa.gov/OP_Home/hallex/1-02/1-2-1-40.html

²² <https://soarworks.prainc.com/article/alj-hearings-record>

Gaining Local OHO Involvement

Involving local OHO staff (e.g. Hearing Office Director, Group Supervisor or Chief ALJ) in your local steering committees and/or SOAR practitioner meetings can be a great way to share how SOAR collaborations can be a win-win! You can share information on specific “critical” cases, better understand OHO office workload and average processing times, and create a process for submitting SOAR “critical” claims.

- SOAR Directory: <https://soarworks.prainc.com/directory>
- Hearing Office Locator: https://www.ssa.gov/appeals/ho_locator.html
- SSA Office Locator: <https://secure.ssa.gov/ICON/main.jsp>

Once you connect to the OHO office, you will want to send information about SOAR. Here are a few handouts to consider in addition to your local SOAR initiative information. These can all be found [on this SOAR website page](#).²³

- SOAR Overview Infographic (to provide an overview of the SOAR initiative)
- SOAR Outcomes Infographic (to share approval rates and processing times)
- Getting Involved with SOAR (to demonstrate the elements of the SOAR model and process)

Benefit to OHO and SOAR Applicants

Access to SSI/SSDI can be a major tool in building resiliency and recovery, from both serious mental illness and homelessness. Without the support of a SOAR provider, it can take as long as 1-3 years to obtain approval for SSI/SSDI, during which time applicants experiencing homelessness often get lost in the process and require a great deal of community support simply to survive. SOAR collaboration with your OHO office can help ease their backlog and workload issues, while at the same time, improving access to expedited decisions for SOAR applicants.

Additional Resources and Information

Appointed Representative Services (ARS)

ARS is an online application that allows appointed representatives to view electronic folder (eFolder) documents in real time, to download eFolder contents including multimedia files, and upload medical evidence and other documents directly into a claimant's eFolder. Representatives may also download status reports with key information regarding their pending and recently closed cases. Using ARS will give you real time and up-to-date access to your claimant's electronic folders for cases pending at OHO. For more information, visit: <https://www.ssa.gov/ar/>

OHO Structure

Each OHO Regional Office (RO), under the direction of the Regional Chief ALJ, is responsible for executing the hearings process within the region. It provides direction, leadership, management, and guidance to RO staff and the regional hearing offices. Each hearing office has a management team that includes the Hearing Office Chief ALJ (HOCALJ) and Hearing Office Director who supervise, plan, organize, and control hearing office operating activities. OHO hearing offices maintain a master docket system that contains all requests for hearings and remanded claims.

²³ <https://soarworks.prainc.com/article/starting-your-soar-initiative>

The Social Security Administration (SSA) Appeals Process

Information for Caseworkers and Applicants

SSA Appeals Process

Overview

If Social Security denied your application for disability benefits, you may request an appeal. Social Security has four appeal levels, listed below:

- Reconsideration
- Hearing by an Administrative Law Judge
- Review by the Appeals Council
- Federal Court Review

This handout discusses the Reconsideration and Hearing by Administrative Law Judge levels.

When can I appeal?

Your request must be in writing and received within 60 days of the date you receive the decision letter from Social Security. If your request for a hearing will be late, you will need to submit a *good cause* letter to SSA. Your representative can help you write a *good cause* letter.

Reconsideration

A reconsideration is a complete review of your claim by someone who did not take part in the first decision. Social Security will look at all the evidence submitted for the original decision, plus any new evidence.

Who can help with my reconsideration?

You have the right to obtain help at any stage of the appeal process. A SOAR-trained caseworker or another representative can help you through a reconsideration.

- Someone you appoint to help you is called your *representative*. SSA will work with your representative just as they would work with you. Your representative can act for you in most Social Security matters and will receive a copy of any decisions SSA makes about your application.

What can I expect during reconsideration?

Social Security will review your disability application. A person who did not take part in the first decision will review all records from your original application and any new information you provide. You should continue to attend all of your regular appointments and any exams Social Security schedules for you. When Social Security decides your reconsideration, you and your representative will get a letter explaining the decision. If your reconsideration is approved, Social Security will contact you to start payments. If you do not agree with the decision made on your reconsideration, you can request an Administrative Law Judge hearing.

Administrative Law Judge (ALJ) Hearing

If you disagree with the reconsideration decision, you may request a hearing. The hearing will be conducted by a judge who had no part in the original decision or the reconsideration of your case. Before the hearing, the administrative law judge will review all of the records from your initial application and reconsideration, and any new evidence you or your representative submit.

Who evaluates the claim?

The Administrative Law Judge (ALJ) will use the information from your case to make a decision. ALJs can use the expertise of *Medical Experts* and *Vocational Experts* to help decide your case.

- *Medical Experts* (ME) are doctors who review all of the medical records in your application before the hearing. The ALJ will ask the ME questions about your condition(s) at the hearing.
- *Vocational Experts* (VE) are professionals who review the information in your claim and give their opinion on your ability to do past work or other types of work.

Who can help with my hearing?

If you do not feel comfortable representing yourself at an ALJ hearing, you can have someone else represent you. If your SOAR caseworker is unable to assist with ALJ hearings, you may want to get help from an attorney or non-attorney representative. Many legal aid centers and law school legal clinics provide free services to help you through your ALJ hearing. You can also hire a private attorney, law firm, or non-attorney representative. Your representative cannot charge or collect a fee from you without first getting written approval from Social Security.

- *Generally, the fees representatives charge cannot be more than \$6000. Most representatives who charge for their services will only collect fees if your claim is approved. A representative may also collect additional fees for out-of-pocket expenses incurred during the time they represented you.*

What can I do before my ALJ hearing?

It can take several months for SSA to schedule an ALJ hearing. During this time, you should continue to attend all of your regular appointments. Continue to follow the prescribed treatment from your doctor and other healthcare providers. Let your SOAR caseworker or other representative know about any new appointments or medication.

What happens at an ALJ hearing?

At the hearing, the ALJ may ask you questions about your conditions and work history. You have the right to bring personal witnesses to your hearing. During your hearing, the ALJ may question you, your witnesses, your representative, and the ME and VE. You and your representative will also have a chance to speak and ask questions. Social Security will send you a letter once the ALJ decides your appeal.

What happens after an ALJ hearing?

If the ALJ approves your appeal, you will begin receiving benefits. If the ALJ denies your appeal, you can move to the Appeals Council (AC) level, file a new claim, or end the application process. You can discuss each option with your representative.

Representative and Legal Resources

American Bar Association

https://www.americanbar.org/groups/legal_services/flh-home/flh-bar-directories-and-lawyer-finders/

The American Bar Association can help you locate the bar association for lawyers in your state

National Organization of Social Security Claimants' Representatives (NOSSCR)

<https://nosscr.org/referral-service/>

NOSSCR provides referrals to attorneys and non-attorney representatives in your local area

- Phone: 800-431-2804
- Email: nosscr@nosscr.org

National Association of Disability Representatives (NADR)

<https://www.nadr.org/search/custom.asp?id=1689>

NADR provides referrals to attorneys and non-attorney representatives in your local area

- Phone: 1-800-747-6131

State or Local Legal Aid

Legal Services Corporation (LSC)

<https://www.lsc.gov/what-legal-aid/find-legal-aid>

- Provides information about LSC-funded state or local legal aid agencies
- Phone: 1-202-295-1500

LawHelp.org

<https://www.lawhelp.org/>

- Helps people find free legal aid programs in their communities

Law School Legal Clinics

If there are Law Schools in your community, search to see if they offer legal clinics with supervised law students.

SOAR Website: Appeals Resources

These resources can all be accessed on the [Appeals](#)²⁴ page of the SOARWorks website

Website Articles

Continuing Disability Review (CDR) FAQs

FAQs about CDRs associated with the SOAR TA Center's 2014 Webinar, "SOAR Representation with CDRs."

Appointed Representative Services (ARS)

Online access to SOAR applicants' electronic folders or eFolders (EFs) is now available for Appointed Representatives with ALJ hearing and Appeals Council level cases.

Webinars

Using the SOAR Model with SSA Appeals (June 18, 2020)

Introduces the SOAR Appeals Toolkit and discusses practice tips on effectively representing SOAR applicants with appeals.

Appeals - Hearing Skills Building (June 22, 2016)

Designed for SOAR practitioners to continue building their "ALJ Hearing Toolbox."

Hearing Tips for SOAR Practitioners (June 25, 2015)

Provides the tips and tools necessary to understand SSA's Administrative Law Judge (ALJ) hearing process.

Issue Briefs

Effective SOAR Representation for Social Security Appeals

Provides basic information and practical tips on assisting applicants whose initial applications have been denied.

SOAR Voices Spotlight Articles

Effective Hearing Argument: Telling Your Applicant's Story

How can you make compelling opening statements, ask thought provoking questions, and carry your theory of the case from start to finish? Think back to the process of writing the medical summary report (MSR).

Everything You Need to Know about Successfully Using iAppeals to Request a Reconsideration or Hearing:

In 2015, SSA began a practice called "single-submission." An electronically submitted Reconsideration (i561) or Hearing (i501) request will only be considered as filed as of the date the applicant completes both the online equivalent of the SSA-561/HA-501 and the Disability Report-Appeal (SSA 3441).

SSA Expands Online Services for Filing Non-Medical Denials and Checking Appeal Status:

As of December 2016, SOAR caseworkers can file appeals online for non-medical denials and other adverse actions for SOAR applicants and beneficiaries with a new feature from the SSA's "Appeal a Decision" feature.

Sample Completed Forms²⁵

- SSA-561: Request for Reconsideration / HA-501: Request for Hearing by Administrative Law Judge
- SSA-3441: Disability Report - Appeal
- SSA-827: Authorization to Disclose Information
- SSA-3288: Consent for Release of Information

²⁴ <https://soarworks.prainc.com/topics/appeals>

²⁵ <https://soarworks.prainc.com/article/sample-soar-application-packet>

Reference Materials

You will need some basic materials if you plan to assist SOAR applicants with Appeals.

Important Links

- **SSA’s Office of Hearing Operations (OHO)** https://www.ssa.gov/appeals/about_us.html
Information about SSA’s hearings and appeals.
- **SSA Program Operation Manual System (POMS):** <https://secure.ssa.gov/apps10/poms.nsf/home!readfor>
Primary source of information used by SSA employees to process claims for Social Security benefits: [m](#)
- **Hearings, Appeals, and Litigation Law Manual (HALLEX):** https://www.ssa.gov/OP_Home/hallex/hallex.html
- **SSA Regulations:** <https://www.ssa.gov/regulations/>
Information on SSA’s rules, regulations and law.
- **Medical Dictionary:** <http://www.merckmanuals.com/professional>
- **Dictionary of Occupational Titles (DOT):** http://www.occupationalinfo.org/dot_search.html
- **Vocational Experts Handbook:** [https://www.ssa.gov/appeals/public_experts/Vocational_Experts_\(VE\)_Handbook-508.pdf](https://www.ssa.gov/appeals/public_experts/Vocational_Experts_(VE)_Handbook-508.pdf)
The role of Vocational Experts at hearings.
- **Medical Experts Handbook:** [https://www.ssa.gov/appeals/public_experts/Medical_Experts_\(ME\)_Handbook-508.pdf](https://www.ssa.gov/appeals/public_experts/Medical_Experts_(ME)_Handbook-508.pdf)
The role of Medical Experts at hearings.
- **National Organization of Social Security Claimants’ Representatives (NOSSCR):** <https://www.nosscr.org/>
A professional organization dedicated to education and advocacy. Also, source for referrals to Representatives for appeals. Click on “Lawyer Referral Service.”
- **National Association of Disability Representatives (NADR):** <https://www.nadr.org/>
A professional Social Security Claimants Representatives organization. Also, a source for referral to Representatives for appeals. Click on “Find a Representative.”

Frequently Requested Social Security Administration Statistics

Many can be found at <https://www.ssa.gov/policy/>

- **Office of Disability Programs - SSA State Agency Workload Data:** This dataset includes monthly data from October 2000 onwards for SSA disability cases referred to the state agency for a disability determination. Includes initial, reconsideration, and continuing disability review (CDR) cases, with breakouts by claim title (SSDI, SSI) for each case type. Specific data elements for each state are receipts, end of month pending counts, determinations, allowances, and allowance rates.
- **SSA Disability Claim Data:** Includes fiscal year data for initial claims for SSA disability benefits referred to a state agency for a disability determination. Specific data elements for each year and state include receipts, determinations, eligible population, and determination rates. The data may be used to examine disability application filing trends by time and by state, state agency workloads, and disability claims outcomes.
- **Average Wait Time Until Hearing Held Report (formerly NETSTAT Report):** A presentation of the average time (in months) from the hearing request date until a hearing is held for claims pending in the Office of Disability Adjudication and Review’s hearing offices. Allows users to estimate the amount of time they may have to wait for a hearing to be held.
- **Hearing Office Workload Data:** A presentation of four key workload indicators (pending, receipts, dispositions, and average processing time) for each hearing office in the Office of Hearing Operations (OHO).
- **ALJ Disposition Data:** A listing of hearings completion data by name of individual administrative law judges (ALJ) for all ALJs in OHO. The data includes hearing office name, total dispositions, decisions, allowances, denials and fully favorable or partially favorable decisions.

Sample “Good Cause for Late Filing” Request

YOUR LETTERHEAD

Your State Department of Human Resources • Division of Mental Health and Substance Use Disorders
Two Any Street, NW • Suite 23-215 • City, State 33333 • 444-444-4444

Re: Jane Doe
DOB: 10/24/1900
SSN: 555-55-5555

[Today’s Date]

Social Security Administration
2630 Another St., SW
Your City, YY 33333

To Whom It May Concern:

I have enclosed an SSA-561: *Request for Reconsideration* for Jane Doe. In addition, Ms. Doe has signed an SSA-1696: *Appointment of Representative* form and SSA-827: *Authorization to Disclose Information*, which are also enclosed.

Ms. Doe’s initial application was denied on [insert date]. She is only now filing for the appeal because she did not know the status of her application. Ms. Doe is homeless and has been for over a year. She has been living on the street and only recently began receiving services. Her disability has caused her to refuse any sort of help up until now. She did not have a reliable mailing address and did not receive the last few notices from SSA. She recently met and began speaking with a homeless advocate who asked us to look into her application. We believe that this is *good cause* for accepting her *Request for Reconsideration*.

I will be serving as her representative throughout the application process and all future deadlines will be met.

If you have any questions, please do not hesitate to contact me at (555) 555-5555. Thank you for your assistance and consideration.

Sincerely,

Ms. SOAR Case Manager, LMSW
SOAR Benefits Specialist
Your Agency

Sample “On-the-Record” Request

YOUR LETTERHEAD

Your State Department of Human Resources • Division of Mental Health and Substance Use Disorders
Two Any Street, NW • Suite 23-215 • City, State 33333 • 444-444-4444

Re: Jane Doe
DOB: 10/24/1900
SSN: 555-55-5555

[Today’s Date]

VIA Electronic Records Express

The Honorable Mary Martin
Office of Disability Adjudication and Review
Chief Administrative Law Judge

Dear Judge Martin:

I am respectfully requesting on the record review with regard to Mr. John Smith’s claim for Title XVI benefits. In support of this request the following medical documentation has been uploaded to the applicant’s electronic folder via Electronic Records Express on this date.

- Mental Impairment Questionnaire, Dr. Judy Jones, Grady Memorial Hospital, dated 10/1/16 (3 pages)
- Collateral Letter on Functioning, Jane Adams, Advanced Psychiatric Nurse Practitioner, The Open Door Community, dated 10/5/16 (2 pages)
- Collateral Letter on Functioning, Jon Adams, Outreach Case Worker, The Open Door Community, 10/9/16 (2 pages)
- Grady Memorial Hospital, dates of service, 9/20/16-10/25/16 (25 pages)

Mr. Smith is 54 years old with a master level degree in mathematics and past work as a high school math teacher. He has been diagnosed with Schizophrenia, unspecified, since early adulthood. Mr. Smith has been experiencing homelessness, living on the street for the last 10 years, and has been hospitalized and incarcerated countless times due to the severity of his symptoms and inability to function at even a basic level. Mr. Smith’s mental impairment is so severe that he is unable to care for his daily needs. He requires an intensive support system to remain stable and is unable to function outside a highly supportive living arrangement. Currently, Mr. Smith is receiving 24/7 supportive services from a team of homeless outreach workers and nurse practitioners who tend to his nutritional, hygiene and medical needs. Mr. Smith’s cognitive functioning has deteriorated to the point where he is unable to perform 2 step tasks, adding single-digit numbers. (Exh 5F) Further, the medical records show that Mr. Smith lacks insight into the severity of his mental impairment as evidenced by his desire to become a college math professor, despite the multiple psychiatric evaluations with findings of cognitive deterioration to the point where he is unable to perform serial 7’s. (Exh 12F)

Mr. Smith’s impairment meets Listing *12.03 Schizophrenia spectrum and other psychotic disorders*. As documented in the attached medical records from Grady Memorial Hospital, he presently experiences the following symptoms: psychosis, hallucinations, delusions, disorganized speech and cognitive deficits.

Mr. Smith has marked limitations in all four areas of mental functioning as evidenced by the attached Mental Impairment Questionnaire completed by Dr. Judy Jones, treating psychiatrist; and collateral letters from outreach case workers and nurse practitioners at the Open Door Community. (Exh 3F, 4F and 10F) Mr. Smith has marked difficulties in remembering and applying information as evidenced by his inability to perform 2 step tasks, adding single-digit numbers and serial 7's on exam. (Exh 5F and 10F) He has marked difficulties in interacting with others including aggression and violence which have led to multiple incarcerations and hospitalizations. (Exh 4F, 5F and 10F) Mr. Smith has marked difficulties in maintaining concentration and persistence as evidenced by becoming easily distracted and cannot stay in one place for very long without becoming very anxious. (Exh 4F and 10F) Mr. Smith has marked limitations in adapting or managing oneself as evidenced by his inability to properly use a restroom, cook or clean for himself, care for his personal hygiene needs or adapt to residing in transitional housing for an extended period. (Exh 4F and 10F) Further, Mr. Smith has a thirty year history of being diagnosed with Schizophrenia, unspecified which has led to job and housing losses despite medical treatment and psychosocial supports. (Exh 4F and 10F) He has been living on the street except for the countless times he has been arrested and incarcerated or involuntarily hospitalized for aggression, violence, hallucinations and disorganized thoughts. Mr. Smith has only been able to adjust to residing in a transitional housing setting for a few months at a time before his symptoms interfere with his ability to sustain stable housing.

It is our belief that Mr. Smith should be found disabled at the third step of the Sequential Evaluation process because his impairment satisfies the requirements of Listing *12.03 Schizophrenia spectrum and other psychotic disorders*. Please review the attached *Mental Impairment Questionnaire* recently completed by Dr. Jones, treating psychiatrist, which indicates marked limitations on 2 functional areas, and extreme limitations in 1 functional area. Further, the report indicates that Mr. Jones would require support in managing his own benefits. We respectfully request that his application be reviewed on the record so that Mr. Smith can begin receiving benefits and access the intensive, 24/7 supportive housing and treatment services that he needs to end his homelessness.

If you have any questions, please do not hesitate to contact me at (404) 444-4444. Thank you for your assistance and consideration.

Sincerely,

Jane Doe, LMSW
SOAR Benefits Specialist
Your Agency