

# Social Security Disability Claims

## Frequently Asked Questions About Social Security Disability and Supplemental Security Income

### 1. What is Social Security Disability (SSD)?

*Social Security Disability is a Federal program created to help people with illnesses or injuries which prevent them from working.*

### 2. What is Supplemental Security Income (SSI)?

*SSI is a Federal program created to help people with illness or injury which prevent them from working.*

### 3. What is the difference between SSD and SSI?

*Social Security Disability requires that the disabled person have paid into the disability program through payroll deductions. SSI is strictly a needs and asset based program. Both programs require that the applicant either be unable to work for at least one year or be expected to be off for at least one year.*

### 4. Are children eligible for either SSD or SSI?

*Children under 18 are only eligible for SSI. Therefore, the assets and resources of parents determine if benefits will be paid. At age 18, individuals no longer have their parents' resources attributed to them.*



### 5. Do I have to be of retirement age to collect SSD or SSI?

*No, SSD and SSI benefits are available to all persons who qualify because of disability regardless of age. For SSI, the individual must meet both disability and resource requirements.*

### 6. Do I have to be totally disabled to collect SSD or SSI?

*No, the disability requirements for both SSD and SSI programs take into account the individual's age, education, work experience and skill level in determining disability.*

### 7. Do I have to use up all state disability benefits before I can apply for SSD or SSI?

*No, you can and should apply for SSD/SSI the day you become unable to work. You do not have to wait for any State programs to expire before you apply.*

### 8. Can I apply for SSD/SSI while I am working?

*If you are working and engaging in "substantial gainful activity," you are not eligible for SSD/SSI. The general rule is that a claimant is engaging in substantial gainful activity if he or she is working and earning a certain amount each month. For the year 2006, if an individual is earning \$860.00 per month, he or she is engaging in "substantial gainful activity."*

### 9. Can I apply for SSD/SSI if I am receiving accumulated sick pay, vacation pay or wage continuation even though I am unable to work?

*Yes, some individuals who receive such pay are not performing work for these wages, they can apply for SSD/SSI benefits. They are not performing substantial gainful activity for their wages.*

### 10. If I have been self employed but I have problem working, can I apply for SSD?

*Different rules are applied to self employed persons. In self employment cases, a person is considered to be performing substantial gainful activity limits (\$860.00 in 2006) if it were being performed as an employee. Also, if the claimant is rendering "substantial services" in the business (i.e. more than half the total time required for management of the business or more than 45 hours of work per month), such services are considered substantial gainful activity.*



For answers to all your questions please visit us online:

[www.Disability-Claims.net](http://www.Disability-Claims.net)

## An Attorney Will Increase A Successful Disability Claim

### What you should know ...

**“Statistics have shown that claimants represented by an attorney are more successful than those who represent themselves.”**

#### An attorney will do the following:

- Gather medical records and other evidence;
- Make sure that appeals are timely filed;
- Analyze your case under social security regulations;
- Suggest that the social security administration send you to a doctor for a consultative examination;
- Obtain documents from the social security administration;
- Ask that the prior application for benefits be reopened; (continued)
- Advise you how best to prepare yourself to testify at your hearing;
- Protect your right to a fair hearing by objecting to improper evidence and procedures;

- Cross-examine adverse witnesses at your hearing;
- Present a closing statement at your hearing arguing that you are entitled to benefits under social security regulations;
- Review, suggest changes or make legal objections to written questions which are sometimes sent to a doctor by the Administrative Law Judge after a hearing requesting an additional medical opinion;
- If you win, make sure the Social Security Administration correctly calculates your benefits;
- If you lose, request review of the Hearing Decision by the Social Security Appeals Council;
- If necessary, represent you in a federal court review of your case.

Get started now ...

[Disability-Claims.net](http://Disability-Claims.net)

## Filing Your Social Security Claim

National Social Security Disability Advocates  
Fleming, Greenwald & Associates  
[www.Disability-Claims.net](http://www.Disability-Claims.net)



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Practice outside of California is limited to Social Security and Veterans Law