

# 7 Costly Mistakes to Avoid When Filing for Social Security Disability Benefits

by  
BARD BRIAN

**Mistake #1: Failing to learn about the process.** Many people think it's just a matter of filling out a few forms, sending them in and waiting for their checks. Obviously, they have no idea how complicated the Social Security process is. The Social Security Administration follows this five-step process to decide if you are disabled:

> **Step #1: Are you working?**

If you are working and your earnings average more than a certain amount each month, Social Security usually will not consider you disabled. The amount of your earnings changes each year. If you are not working, or if your monthly earnings average the current amount or less, the state agency then looks at your medical condition.

> **Step #2: Is your medical condition "severe"?**

For the state agency to decide that you are disabled, your medical condition must significantly limit your ability to do basic work activities -- such as walking, sitting and remembering -- for at least one year. If your medical condition is not that severe, the state agency will not consider you disabled. If your condition is that severe, the state agency goes on to step three.

> **Step #3: Is your medical condition on the List of Impairments?**

The state agency has a List of Impairments that describes medical conditions that are considered so severe that they automatically mean that you are disabled as defined by law. If your condition (or combination of medical conditions) is not on this list, the state agency looks to see if your condition is as severe as a condition that is on the list. If the severity of your medical condition meets or equals that of a listed impairment, the state agency will decide that you are disabled. If it does not, the state agency goes on to step four.

> **Step #4: Can you do the work you did before?**

At this step, the state agency decides if your medical condition prevents you from being able to do the work you did before. If it does not, the state agency will decide that you are not disabled. If it does, the state agency goes on to step five.

> **Step #5: Can you do any other type of work?**

If you cannot do the work you did in the past, the state agency looks to see if you would be able to do other work. It evaluates your medical condition, your age, education, past work experience and any skills you may have that could be used to do other work. If you cannot

do other work, the state agency will decide that you are disabled. If you can do other work, the state agency will decide that you are not disabled.

**Mistake #2: Failing to hire a lawyer.** Social Security will most likely deny your claim if you go through the process without hiring a lawyer. Most people who apply for Social Security Disability do not understand what is required to comply with the fine points and technicalities of the law. People hire accountants to make sure their tax returns comply with federal and state law. Likewise, people who are disabled should hire a disability lawyer to help them through the difficult claims process.

**Mistake #3: Failing to understand the full impact of your disability.** Some people downplay the extent of their disabilities, while others underestimate the effect of their disability on their daily lives. This is another important way a lawyer can help you through the disability process.

**Mistake #4: Overstating the impact of your disability.** Some people think they must exaggerate their symptoms to convince the judge their disability is serious. When you overstate your disability, you call into question your entire claim. Every piece of evidence becomes suspect. And, in the end, all you do is hurt yourself. While you need to explain your case thoroughly, make sure what you present is accurate.

**Mistake #5: Failing to be specific about your work history and the requirements of your job.** One key part of applying for disability benefits is making clear on your application what your employer expects you to do on the job, and then showing accurately and credibly why you cannot perform this work any longer. If you don't offer clear and convincing evidence about these two points, Social Security will deny your claim.

**Mistake #6: Failing to meet the appeals deadline.** The Social Security Administration denies nearly all initial disability applications. In their denial letter, they tell you how to appeal their decision. Their formal appeals process has three levels. If you are denied at any level, you have only 60 days to appeal to the next level. If you miss the deadline, you must start the process again from the beginning.

**Mistake #7: Failing to pursue your claim and, instead, just giving up.** The application process is long and cumbersome. Add to that your disability, and you may decide "It's just not worth it." Please don't give up. If you meet Social Security's requirements, you have earned the right to receive disability benefits. In addition, a finding of disabled is required to secure other financial support, such as Medicare benefits and retirement protection. Hiring a lawyer to represent you can make this application process much easier on you.

***You're Invited to Call or E-mail.***

“If your Social Security Disability claim has been denied -- if you want help filing your claim -- or if you have questions about your claim -- please don't hesitate to call me at **270-443-3131**. I'll be happy to help you in every way!” -- *Bard*

**BARD BRIAN, ESQ.**

**BARD BRIAN LAW OFFICES**  
West Kentucky's Disability Lawyer

222 Kentucky Avenue, Suite 10 ❖ Paducah, Kentucky 42003  
bardbrian99@msn.com ❖ www.bardbrianlawyer.com

**Please Call Today: 270-443-3131**