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How it Work's...

A person who becomes ill or injured and, as a result, is unable to work should take the following steps to apply for disability benefits:

1. Obtain appropriate medical care for the illness or injury. Appropriate medical information documenting the condition is essential.

2. File an application with any Social Security office. Just when to file a claim can be a tricky question because of the requirement of prequirement of proof that the disability must prevent a person from working for at least one full year. Applications may be filed by phone, mail, or in person. If the applicant has questions about completing the application or about the claims process, it may be helpful to consult with attorney Stephen L. Redisch his law firm concentrates in Social Security disability law.

3. The application will be sent to a Disability Determination Services (DDS) office. Based upon the application and available medical data, DDS will decide if the applicant qualifies. If the information provided to DDS is insufficient, the applicant may be asked to undergo an examination. Although DDS uses qualified physicians, these exams are sometimes criticized for being quick and superficial, perhaps because DDS is allowed to pay very little for them.

4. Once DDS makes a decision, SSA will adopt that decision and the applicant will receive a written notice - if the claim is approved, the notice will show the benefit amount and the month payments begin; if the claim is denied, the notice will state why.

5. In most cases, an initial claim for benefits is denied. Two levels of administrative appeal are available:

- If the claim is denied, the applicant may request a hearing before an administrative law judge (ALJ). Although some people choose to have legal counsel from the initial filing of a claim, representation by an attorney experienced in Social Security law is most important at the administrative hearing.
- If the ALJ denies the claim, the applicant may request a review by the Social Security Appeals Council.

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- After all administrative appeals are exhausted, the claimant may file an action in federal court. The time limit for each level of the appeal process, including administrative appeals and court actions, is 60 days from the date the applicant receives an unfavorable decision.

Applying for disability benefits can be a frustrating ordeal, but it need not be overwhelming. Simply knowing what to expect at each stage of the process and, where necessary, seeking the advice of competent medical and legal professionals, can reduce anxiety - that and a good dose of patience.