

Lesson 2 - SSA Process Continued



The three adjudicative levels outlined in lesson one represent the disability process as experienced by the majority of claimants applying for Social Security disability benefits. In this lesson, I'd like to repeat the disability process again. This time we'll approach the disability process from an advocate's perspective.

The Client Interview

The Client Interview usually occurs on first contact with a new client. The purpose of the initial interview is to extract basic information about a claimant's case. This basic information will help you determine the viability of the case.

Case viability is extremely important in this business! The higher the case viability the greater your chance of winning the case. Viability can and should be determined as early in a case as possible. We suggest this evaluation begin during the opening segments of the initial client interview.

There are of course many ways to interview a Social Security disability applicant seeking representation. We've identified several techniques that have proven to bring greater efficiency to the initial interview process.

Scenario: Phone rings and client needs help with his Social Security disability claim. Where do you begin? We begin with a acute focus on the primary objective of the interview which is to accept or reject the case. Case acceptance is determined by case viability. Case viability must be continually assessed with each new piece of information provided by the client. Years of case processing experience has taught us that by executing an interview with a clear objective to determine viability, leads to better case acceptance decisions. Accepting weak cases is a big reason why some advocates fail.

Client's Contact Data

Avoid the possible inconvenience of a client disconnect by extracting a client's contact data early in the interview process. Contact data includes name, address, phone, email, etc.

Client's First Tier Data

First tier data would include a client's date of birth, primary job title, citizenship status and possibly the client's social security number. Please do not be discouraged if the client

refuses to give his SS number on the initial contact. Simply move on to the next set of required data and return to this element later in the interview if required.

Identify Case Disqualifiers

A case disqualifier is any factor that can help you determine the viability of a case. Viability is defined as the level of case winnability. Anything that interferes with your ability to win is considered a case disqualifier. Some of these disqualifying factors are

- Client is currently on benefits
- Client is still working
- Client already has a representative
- Client was incarcerated when impairment occurred
- Client received his disability while committing a crime
- The primary impairment involves drugs & alcohol

These and several other disqualifiers will quickly enable you to accept or reject a case without wasting valuable time. We discuss several other case disqualifiers in the Business Guide segment of your training program.

We have also built these case disqualifiers and much more into our Olivia [case management software](#). These disqualifiers are organized within the Olivia Case Assessor tool. This tool enables you to perform an automatic case assessment within 10 minutes or less. Olivia will store the data and provide you with an approximate percent chance of winning.

New advocates find the Olivia assessment tool to be invaluable because it helps them avoid accepting cases that cannot be won. When performing an interview, Olivia will also automatically alert you to the existence of any disqualifying factors.

Let's take a look at an Olivia training video showing you how to prepare for a client interview. An interview always begins by adding a new client to the Olivia software. Here is the Olivia Quick Start video showing you how this is done within your software.



The Case Assessment is the second step in the interview process. A case assessment is performed solely to determine case viability. To maintain a strong advocate business, you must avoid accepting weak or disqualified cases.

The Case Assessment process

If you did not notice any disqualifying red-flags during the interview, the assessment process will make sure. Since you're only paid for cases you win, the assessment process is critically important to your success as a Disability Advocate.

Much of the information you'll need to perform a case assessment will have already been extracted from the client during the client interview.

There are three assessment techniques:

1. **Manual** - Performed and analyzed manually by advocate with no assistive devices.
2. **Digital** - Performed by advocate, but analyzed by the Olivia Case Assessment algorithm.
3. **Client-generated** - Client begins assessment from your website using the Olivia Pre-Assessment plug-in.

A case assessment requires that you perform a question-and-answer interview with the client. These assessment questions directly qualify a case. (Assessment Form). The client's answers to these questions enable you determine if you should accept, guide or reject the

case.

It takes years of field experience and up to six hours of unpaid work per case to correctly assess a case the old manual way. For this reason, Disability Associates created an automated case assessment system that is located in your Olivia account. The Olivia Assessor allows you to quickly determine the approximate percent chance of winning the case.

The Olivia case assessment tool can also be used to generate additional income beyond case representation. This additional income approach is discussed in Training Module 10. Here is a look at the easy to use Olivia assessment tool.



There are several important considerations when assessing a case that go beyond client questions.

1. Case Type: A case can be an SSDI, SSI or Concurrent (SSDI concurrent with SSI) case type. There are more obscure case types like Black Lung that require a different approach to the assessment process. If you get a case like this, contact your Mentor for assistance. The SSDI case is the type most desirable and profitable for Disability Advocates.

How do you differentiate case types? The general rule of thumb is: If the claimant has

worked full or part-time for at least **five** of the last **seven** years, he/she is probably an SSDI case. If he/she has **not** worked in the last five years, the case will probably be a SSDI with a DLI (Date Last Insured) in the past or a regular SSI claim.

A concurrent case occurs when a person has worked sporadically, yet managed to earn enough quarters to be eligible for SSDI. SSI comes into play because this client may have no current income or assets that would prevent his eligibility for SSI. Remember, only SSA can make a final decision on the financial eligibility of a given client. Let SSA do its job.

2. Onset Date: Alleged Onset Date (AOD) is the date the client alleges his impairment stopped him from working. An Established Onset Date (EOD) is the date SSA establishes as the official onset date. Try to get evidence from at least 6 months prior to the date the disability began, except for an acute injury. SSDI cases have a six-month waiting period, which means that the claimant will not be paid benefits for the first six months from the onset date.

Using the contingency fee structure, you're paid according to the amount of the claimant's back benefit. It is to your advantage to wait until the onset date is at least three to six months in the past however, you would not refuse a case based on onset alone.

3. Duration: Duration is an important step within the Sequential Analysis (SA) process. It requires that the claimant's condition last or be expected to last for 12 continuous months. If the impairment did not meet this criteria, it would be immediately denied. Make sure that the claimant's impairment is expected to prevent all work for at least one year.

4. Work Activity: Make sure that the claimant has stopped working. It makes little sense to accept a case on an individual who is still working then ask SSA to accept your argument that he can't work.

You can still consider the case if the claimant is working under **special circumstances**. In a special circumstance environment, the claimant would be given a special tool, accommodation or time consideration that enables him to hold the job. This special circumstances must be specific to the client and not available anywhere else.

If a claimant is earning less than the current **Substantial Gainful Activity** (SGA) level, he/she might be eligible to apply for SSDI. SGA is a monthly dollar amount set each year by SSA. If the claimant is currently working full time at SGA or above, he/she is automatically disqualified for SSDI or SSI benefits.

The Client Intake Process

Accepting a Case - Intake Phase One

You've now interviewed and assessed the case. You've found nothing that would cause you to reject the case. You've determined that the case is viable and you're ready to begin the case intake phase.

With our approach to case processing, the intake or case acceptance process has two phases. Phase one involves sending the claimant an "Information Packet" of forms and other

materials for signing. The Info Pac can also contain instructions and documents needed to legitimize the advocate client relationship such as your contract. The claimant signs the SSA forms and your contract, returning them to you for additional processing.

Your Olivia Prime software contains a tool that will enable you to create an Info and Guidance Packet. Once created, these packets can be used with any client.

Accepting a Case - Intake Phase Two

I'm going to show you the old manual way to process a disability claim first. _ That way, if the computers rebel, we can keep on practicing.

When the client returns the signed information packet contents, you can begin Phase Two of the Intake Process. This phase has two objectives. These objectives are to start the application process and make you the client's authorized representative. _ Making these things happen require that you send the following materials to the client's SSA District Office on initial level:

1. Signed 1696 Authorization to Rep Form
2. Signed copy of your fee agreement or contract.
3. List of client's medical sources and dates seen.
4. Copy of any client evidence in your possession.
5. Cover letter introducing and identifying the client, you and the reason for the communication. In this case you are making application on the initial level.
6. The introduction letter establishes your client/advocate relationship. It should also provide SSA with your contact information and the claimant's primary diagnosis. Use it to request copies from SSA of any evidence they may have or receive in the case.

The SSA will notify you that you have been assigned as the client's authorized representative within two weeks. If you don't hear from SSA within two weeks, contact them to make sure they received your application.

Keep copies of everything! When sending material to SSA, use certified mail. SSA has a very high loss material rate.

The intake process accomplishes three important realities for the advocate:

1. _____ Reinforces you as the claimant's representative
2. _____ Allows you to access all case materials
3. _____ Forces SSA to cooperate with you.

Note: _ Applying online eliminates the need to execute all of the manual steps above. While most of the disability process is now performed online, cases are still processed manually in some areas. _ That is we must continue to teach the old paper approach no matter how digital the process may become. The lights can always go out forcing use to use paper and mail for signing or exchange.

The Case Development Process

Once you have accepted a case and officially made application with SSA, you can begin to develop the case by collecting the client's evidence, description of past work, Activities of Daily Living, etc. We'll cover these subjects later in the course. The Olivia Prime software has built-in tools to help you keep track of all case documents.

Case development also proceeds in phases. You cannot complete the development phase until you have all the claimant's available medical and vocational evidence in your possession. These materials will be used to create a case strategy and a formal argument on behalf of the client.

Case Evaluation: Phase One

Once you have received all appropriate and available evidence for a case, you're ready to perform a case evaluation. In a case evaluation, the representative reviews the medical evidence to determine if it is sufficient to support an argument for an allowance.

The evaluation phase is also the advocate's opportunity to bring together vocational, client generated and other assorted evidence that can also be used to support the client's case. Properly reviewing of medical evidence is the most challenging part of being a disability advocate. If you do not understand medical terms and disease states, don't worry, we have a solution called Key-Point Extraction. We'll get to it later in your course.

Argument Creation: Phase Two

Our Disability Associates CEO was part of the original SSA team that developed the current argument structure. Needless to say, we understand the mechanics of writing arguments that win cases. To make the argument process easier for you, we've created a training program within this course called the MemoWrite Composer. This mini-course will teach you the fundamentals of writing powerful case arguments on behalf of your clients.

We've also incorporated a full argument creation program within your Olivia software. It's called the MW Composer. The combination of our Memowrite mini-course and Olivia prime MW Composer will enable you to write masterful arguments that win cases. See video below:



A formal argument is usually three to six pages in length and contains references to the medical evidence used to create and support it. As you learn our unique key-point extraction approach to case evaluation, you'll also learn how to effectively argue a case using this approach.

Submitting an Argument

When your argument is complete, you will mail or electronically submit it to the SSA. Regulations require that the SSA accept and consider your argument before making a final decision.

Allowance Decision: If the decision is allowed, you have been successful on the first go-around. You then bill the client per SSA instructions. The Advocate Business Guide in Module 3 contains billing instructions within the fee information section.

Denial Decision: If the case is denied, determine if your client wants to appeal. We have already discussed the appeal levels: Reconsideration first, followed by the Administrative Law Judge Level. Our experience is that if a case isn't won by the ALJ Level, it will probably never be won.

Summation

In this lesson, you have been taken through a more detailed tour of the disability process from an advocate's perspective.

Assignment

Before taking the lesson two quiz, please read Chapter two of the Social Security Disability Guide. This chapter will provide you with additional details about the process.