

Lesson 8 - Expediting Cases



Why Expedite a Disability Case?

In this final lesson you'll learn a few little-known secrets that speed up the SSA disability process. *Why is this important?*

- For the SSA employee, expediting a disability claim is beneficial because the DO and DDS Examiner must move cases through the system to maintain his/her rank and pay. Anything you do to speed things along will be invaluable to SSA staff.
- Of course, fast processing is good for your client because the quicker the decision, the sooner he/she can start collecting benefits. Also, a rapid decision from SSA can help speed up client access to other services such as Medicare. Many state welfare and adult or child protection agencies will not provide assistance to a claimant until SSA has made a disability decision. For someone in this situation, expediting the process can be critical.
- Successfully expediting cases helps you build your business image and reputation – and, of course, you get paid sooner! The downside is that a quick decision may reduce your fee. Keep in mind that as an advocate you are working for the benefit of the client, not yourself!

Expediting in the First Client Contact

Here are a few tips for eliminating time wasters during a first client contact:

- Briefly explain your service and tell the potential client what you want to accomplish in the initial interview.
- Ask questions that help you determine the claim's potential viability.
- Allow the potential client to tell his/her story, but do not let it become an epic. Directly ask for information you need to properly assess the case.
- Note any **red flags** in the client interview or case assessment alerting you to possible problems. Examples of red flag issues are:

- a) Very old onset dates
- b) No medical sources
- c) History of incarceration
- d) Already has a representative
- e) Still working full-time
- f) No mailing address
- g) No personal phone number

- Interview the potential client thoroughly before committing to the case.
- Prepare to accept a case ahead of time by having everything you need at hand (the Information Package, Guidance Package, a brochure, Acceptance Letter, Business Card, etc.). When you're prepared, signing up a new client is just a matter of sending out the appropriate materials.

Expediting on the Initial Level

If you enter a case on the Initial Level, working closely with your client speeds up the process. Use him/her as the main source for documentation. You can instruct him/her to get copies of all the records for you or you can get them directly from the sources with the claimant's written permission.

Even if you reject the case at this level, encourage the claimant to collect copies of his records for possible use later. Remember, Case Development is the major bottleneck in the disability process, responsible for at least half of the total case processing time. If the claimant has the records ready, development time is greatly reduced.

Expediting on an Appeal Level

As the client's authorized representative, you have the option of choosing how to process the case. You can jump in and make things happen or you can sit back and let the process bump along at its own pace. Many attorneys and others not trained by us use the passive approach to case processing causing the case to move like cold molasses. You can succeed using this passive approach, but you'll have a less satisfied customer. Expediting cases at all levels can give you a tremendous marketing edge over the competition.

Expediting at the 1st Appeal Level

When beginning the 1st appeal or recon, find out from your client if there have been any

additional medical visits, new medical sources or new allegations since the decision. Use signed releases to get copies of the new evidence directly and have the client and SSA make the same request. If the client is scheduled for a medical appointment (consultative examination) for his impairment, have him request a copy of the doctor's report at the visit. This action can act to move the case forward.

1st appeal cases can be review by an examiner or a Review Officer with a hearing. This process alone will speed up the decision. Make sure you send SSA a signed Form 1696. Once you're official, you can simply call and find out who has the case. At the 1st appeal level, SSA uses Form 3441 to list any additional medical sources since the last decision. SSA will recover these documents if you let them know they exist. Don't assume that SSA knows anything about your client's case. Be willing to inform SSA of any changes in the case.

Avoid Irrelevant Evidence

Requesting evidence not directly related to the case wastes time. Having SSA seek out new evidence that isn't relevant to the case can seriously slow down the appeal process without adding any substance to the case. If your client has seen a medical source since the last denial decision, decide if this evidence is relevant. If the visit was a quick checkup or medication renewal, ignore it unless some important discovery is listed in the evidence. Additional evidence at the 1st appeal level is only useful if it helps your client appear more disabled. If the new or additional evidence adds nothing to the case, don't waste your time.

Submit Relevant New Evidence Quickly

Do not become careless and ignore new evidence that might reverse a denial decision just because you want to speed up the case. If your client has been hospitalized or seen by a doctor after a disability decision has been rendered and the information is relevant to the case, get copies immediately! If possible, have your client get copies, as he/she can get them faster than anyone else. Explain to the client why you are making a request for him to acquire the evidence. Don't use this approach if the client cannot afford to pay for the records. In this instance, let SSA get the records.

Usually, the claimant or representative can get information to SSA much faster than SSA can get it for themselves. One of the most important skills to learn in this business is how to get stuff from SSA when you need it. Some tips:

- Provide SSA with the exact name and dates of additional evidence.
- To get copies of the client's file, go to the DO and make your own copies.
- Always bring ID and a signed Form 1696 when visiting an SSA office.

Expediting at the 2nd Appeal or ALJ Level

Speeding up the case process on the ALJ level is similar to expediting at reconsideration appeal. When you receive a negative reconsideration decision, use the sixty-day appeal window to acquire new evidence, modify the case and draft your formal argument. Then request the appeal. SSA requires that your formal argument be submitted **within** ten days of the appeal request. This is SSA's way of expediting the process. But, its affect on you is less time to prepare the formal argument. If you develop the case before requesting the appeal, your preparation window is much larger. Make sure your client has signed all the appropriate forms before you begin work.

If you represented the case on the initial or 1st appeal level, you will already have most of the materials you need to create your new formal argument. In this situation, modify the argument to specifically address the reasons given for the reconsideration denial.

Face-to-Face Hearings

We previously pointed out that requesting an on-the-record review speeds things up by eliminating the wait for a hearing. It can take many months for a hearing to occur. There are some cases in which it is to your client's advantage to have a face-to-face hearing:

- Your client's case is strong and he/she is willing to attend the hearing.
- Your client is visibly disabled, which can cause the ALJ to go beyond the evidence in deciding for an allowance.
- The issues of the case are best presented in person.

Whether you opt for a hearing or not, be sure to make it as easy as possible for the ALJ to review case evidence by listing all sources and events in chronological order. A cover sheet containing the claimant's pertinent data is also helpful. Place your formal argument at the top the client's folder as a quick case summary.

Keep in mind that an ALJ can make a favorable decision in a disability case based on factors beyond SSA's policy. He/she is empowered to make gut-level decisions, making the ALJ level the best level to win a borderline case. Only at this level can subjective factors such as claimant physical appearance, witness testimony, emotional and/or financial pleas, come into play.

All other methods for expediting an ALJ appeal depend upon the individual case characteristics. For example, cases with only one allegation that is fully documented typically take less time than complex cases involving multiple impairments.

While you want to be as efficient as possible, be patient and follow whatever course is in your client's best interest. *Remember, the ALJ appeal is your best chance to win the case!*

Speeding up a Consultative Examination

SSA can request that the claimant attend a consultative medical examination at any case level. You can potentially speed up this process in three ways:

1. **Eliminate the procedure altogether!** Find out SSA's concern to determine if it can be addressed with existing evidence.

Example: Your client Amos has asthma and SSA requests a pulmonary function test because the claimant's attending physician never ordered this test. Request that the be performed by the claimant's attending physician, then personally collect a copy of the test results. Send a copy of the PF test to the ALJ for a decision. Otherwise, the ALJ can remand a case back to the DO or DDS for further development.

2. If you can't avoid an additional procedure or if you believe it will help your case, try to get the examination or tests done by your client's attending physician or a specialist who is independent of SSA. In most cases, SSA will still pay for the examination. If SSA orders a consultative examination without consulting you, try to get it rescheduled with a physician who agrees with your perspective of your client's condition.

3. Make sure your client attends the examination as scheduled - even if you have to make arrangements to get him/her there yourself! The sooner SSA gets the exam results, the sooner the case will be adjudicated. Also: A missed examination without justification is grounds for a denial on the basis of a "**failure to attend**" or "**failure to cooperate.**"

The Imminent Death Case

Some time ago, SSA's disability program experienced a huge case-processing problem. Cases were moving through the system so slowly that people were dying before receiving benefits. SSA's solution was to create a case category that at the time was dubbed the "**Teri case**". This category is also known as an imminent death or presumptive disability case.

A **Teri Case** is defined as a case where the claimant's impairment is expected to result in death. Any case that SSA designates as an imminent death or Teri case gets immediate attention. Imminent death cases are often recognized early in the disability process and will be adjudicated at the DO.

To qualify as a Teri case, the claimant's condition must be so severe that death is expected to occur within one year or less. If your client has a condition that fits this definition, request that the case be designated an imminent death case. Do this by sending a letter to the appropriate DO or DDS briefly explaining why this designation is warranted.

Client Updates are Good Business!

Your clients will love you if you make the effort to keep them informed. However, communicating updates can take time and add additional work to your schedule. To address this issue, we created an automated client update tool inside of your Olivia software. Each

time you complete a decisive action, like an interview or an assessment, simply click the Progress Meter button that represents the action completed. This tool not only enables you to tell at a glance where you are in a case, it also sends an update to your clients control panel.

What's Next? (We're Not Done Yet!)

You've now completed the basic portion of your advocate training program and you are well on your way to starting your new career. Now it's time to experience a case. Please turn your attention to the "Mechanics of Case Processing" article provided in this segment. It will take you through a typical case within your Olivia software.

When processing a case, you will perform certain actions all the time. These actions are:

- The case Interview (I)
- The Case Assessment (A)
- Intake (I)
- Case Development (D)
- Vocational Analysis (V)
- Case Evaluation (E)
- Creation of the Strategy and/or Argument (A)
- Case Decision (D)
- Billing (B)

Turn to the segment "Mechanics of Case Processing" and let's quickly walk through each of the above listed processes. We will not discuss case details in this article, just the mechanics.