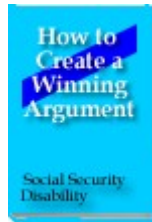


Tips When Writing an Argument



When creating a formal argument, always keep the following rules in mind:

1) Keep it fairly short! A memorandum should not exceed seven pages in length no matter how complex the case. A formal argument is read by a disability examiner, hearings officer or administrative law judge.

These individuals are extremely busy and will not take the time to read lengthy or convoluted arguments. Keeping your argument under three pages makes it easy for an SSA employee to review and use your argument in their decision. The easier it is on the SSA reviewer, the more likely he is to accept your conclusions.

2) Identify yourself as the authorized representative of a case. SSA regulations state that only a person can represent another individual in a disability claim. A company cannot represent a case. Therefore, your company letterhead is always of secondary importance to SSA.

3) Start your argument with client information. That is, provide information that specifically identifies the client by name, Social Security number, chief complaints, past employment and the application level.

4) The Date Last Insured (DLI) should only be used if the client has a DLI in the past. For example, if the client's DLI is 1/1/04, this means that the client must be found disabled on or before 1/1/04 in order to receive benefits. If the client's onset date is 2/1/03, and the DLI is 1/1/04, you must acquire the medical evidence dated from 2/1/03 - 1/1/04.

The client must be found disabled from the period of 2/1/03 - 1/1/04 in order to receive benefits. If the client is allowed for this period, he will then be reviewed for disability from 1/1/04 to present. If the client alleges a continued disability after his DLI, this time frame can only be considered after disability is proven prior to the DLI date. A DLI in the past occurs in about 10-15% percent of all

disability claims.

5) Opening language should include the client's age, education level, primary and secondary diagnosis, description of physical and or mental limitations derived from the client's symptoms.

6) Medical sources used in creating your argument should be listed with names and dates of the reports. List all doctor' reports, hospital admissions and discharge summaries, laboratory tests, x-rays, nursing notes, ADL and questionnaire forms used in creating your argument.

7) Discuss the case level in more detail. If the client's case is on the reconsideration or ALJ level, indicate this in your argument. List any additional medical sources added since the previous decision. State what SSA's previous decision in the case was, and why they came to their conclusion.

For example, SSA denied the initial case because they felt the client could perform the duties of his past work despite his impairments. State your disagreement with SSA's decision and then state why you disagree. Example, SSA failed to consider an important medical source or finding, the progressive nature of the client's disorder, the effects of a secondary diagnosis, etc.

8) Identify and discuss the effects of the client's primary diagnosis using the medical evidence to support your opinion.

9) Identify and discuss the effects of the client's secondary diagnosis using the medical evidence to support your opinion. If the client has three or more serious disorders that cause further limitations, don't hesitate to use these impairments to further restrict his RFC.

Remember, you can create your own RFC based on the symptoms suffered by the claimant. SSA will only agree with your RFC if you use the medical evidence to support each limitation within the RFC you create.

10) Discuss vocational issues. For example, if the client's primary past work was as a carpenter, you must briefly describe the physical demands of that job as described by the claimant. Then show how the claimant's physical symptoms relate to his limitations.

Then show how or why the claimant's limitations prevent him from performing the duties of his primary past work as a carpenter. Then using this same approach, begin arguing that the claimant 's physical restrictions also prevent

other less demanding work.

See Sequential Analysis chart. Use the medical evidence to prove and support the existence of an impairment, its symptoms and limitations that prevent sustainable employment related activity.

11) Summation: The summation is often overlooked by disability advocates. This is a big mistake! Often, a Social Security evaluator will use the summation of your argument to gauge the overall strength of your case.

Use a summation at the end of every argument you create. It should be three to five paragraphs in length, sum up all key issues in the case, should clearly state your conclusions and request the case outcome you desire. Don't be shy or ambiguous. It is important that you directly ask for an allowance determination in the case.

More Argument Suggestions

a) Be bold, concise and clear when discussing the case. Example: Claimant is no longer capable of performing the duties of his past work. This example states your exact position on the issue of past work.

b) Try to avoid making ambivalent statements like- I believe the claimant would have problems with his past work.

c) Make your summation follow the same subject flow pattern as your argument.

d) Place most important conclusions into the last paragraphs of the summation.

Example: When one considers the limiting effects of all impairments suffered by this claimant, it becomes clear that the claimant is **not capable** of sustaining any type of work. This decision was made with consideration of the claimant's age, education and what we feel is a fair and realistic description of the claimant's physical and mental limitations. (This is a good place to insert an optional vocational rule number). The evidence clearly supports a residual functional capacity of less than sedentary work, which would result in an allowance determination.

e) Tell SSA exactly what you want!

As the authorized representative for Mr./Ms. I am respectfully requesting that this claimant be found disabled and awarded Social Security disability benefits with an onset date set on or about. Thank you for your compassionate consideration.