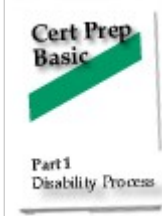


Lesson 3 - The SSA Application Process



In this lesson we will review more important terms and definitions associated with the Social Security disability application process.

Where can an applicant apply?

An applicant can apply online, by phone or at his/her local Field Office or Contact Station.

What does SSA Need for your Application?

Social Security needs a variety of materials from the claimant in order to properly process the application. Here is a short list of materials needed from the claimant in order to process the case:

For SSDI:

- Birth Certificate or Proof of Age
- Social Security Number
- Completed SSA Application for Disability Form
- Completed Disability Report Form - SSA Form 3368
- Completed Disability Work History Report Form - SSA Form 3369
- Completed Disability Report Form - SSA Form 3368
- List of Medical Sources used by claimant
- Release for Medical Records - SSA Form 827

For SSI

- Birth Certificate or Proof of Age
- Social Security Number
- Completed Disability Report Form - SSA-8000 BK
- List of Medical Sources Used
- Release form for Medical Records
- Employment Data
- Activities of Daily Living
- School Records

Disability Onset Date

There are two types of onset dates. The **AOD** (alleged onset date) and the **EOD** (established onset date). The AOD is the date the claimant alleges he became disabled. In an SSDI case, the claimant sets the AOD. But the SSA won't allow benefits for any time when the claimant was engaged in substantial gainful activity. The EOD is determined by SSA. The

EOD is the actual date used to establish benefit payments.

Acceptable Medical Source

For the purpose of evaluating a Social Security disability claim, SSA considers an acceptable medical source to be *Sources who can provide evidence to establish impairment(s)*. We need evidence from acceptable medical sources to establish whether you have a medically determinable impairment(s). Acceptable medical sources are:

Licensed physicians (medical or osteopathic doctors)

Licensed or certified psychologists

Licensed optometrists

Licensed podiatrists

Qualified speech-language pathologists

A chiropractor is an example of a medical source that cannot be used to make a final decision in a disability claim.

Acceptable SSA documentation options are:

Physician's Medical Reports

Hospital Records

Laboratory Reports, etc.

Factors that reduce benefit amount:

Any payments made to a claimant from a federal, state or local government that covers conditions that are not job related can affect benefits eligibility. An example would be payments made to a claimant from a local government assistance program.

Offset

Offset is a term used to describe the amount of benefit lost as a result of another disability insurance or retirement program.

Benefit Programs that do not reduce disability benefits:

- Veterans Administration benefits
- Federal benefits if the work done was covered by Social Security
- State and local government benefits if the work was covered by SSA.
- Private pensions or insurance benefits.
- Supplemental Security Income (SSI) benefits.

Access to client Evidence of Record

Under the Privacy Act, you or your authorized representative, have the right to examine federal government records pertaining to a claimant's case. The authorized representative is the person appointed by the claimant to represent the case. This acting representative can be any responsible person appointed by the claimant in writing.

Representative's Rights to Access

An authorized representative may request to see any and all records associated with his/her client's disability claim. The representative holds the same weight under law as the client in respect to record request or disclosure.

Record Disclosure with Consent

Disclosure of a claimant's personal evidence can only be done by consent. Consent must be in writing, be signed by the claimant or his/her authorized guardian, be dated and the exact data or contents specified. Social Security must obtain the claimant's consent to:

- contact a claimant's treating sources to request records.
- release a claimant's records, particularly his/her medical records and
- disclose information about a claimant's case to any third party.

Disclosure Without Consent

Under the U.S. Privacy Act, SSA can disclose a claimant's records without his/her consent in certain circumstances. The SSA must keep a record of all such disclosures. Permissible reasons are:

- Information is shared within an SSA agency on a need-to-know basis
- Information is shared to comply with a court order, State or Federal law.

Penalties for Disclosure without Consent

A claimant's privacy rights are protected under law. Under the Social Security Act, the following violations are punishable as misdemeanors by a fine of up to \$1,000 and/or a year in prison:

- disclosure by an SSA employee of any Social Security records except as permitted by Federal law.
- misrepresentation by anyone to obtain a claimant's records with the intent to elicit information regarding claimant's date of birth, employment, wages, or benefits.

Suing SSA for Disclosure Issues

A claimant or his/her representative may sue SSA over an issue associated with claimant record disclosure. The claimant can take this action if SSA:

- refuses to amend your Social Security record
- refuses to let claimant or representative view your record and/or obtain a copy of the claimant's records.
- fails to disclose that the claimant or rep disputed information in the claimant's file.
- fails to accurately maintain claimant's records.

If the court determines that the SSA acted intentionally or willfully, it may assess attorneys' fees, costs and actual damages sustained by the claimant.

Railroad Retirement Act

The Railroad Retirement Act (RRA) sets up a system of benefits for railroad employees and

their dependents and survivors. The RRA works with the Social Security Act to provide disability (as well as retirement, survivor, and dependent) benefits payable on the basis of a person's work in the railroad industry and in work covered by the Social Security Act.

Advocate Case Disqualifier

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 SSA disability benefits

Client is still working at SGA

Client already has a representative

Client was incarcerated during the period of disability

Client acquired his impairment during the commission of a crime

The primary impairment involves drugs & alcohol

You suspect the client is being dishonest

The claimant has no medical evidence in an SSDI claim

The claimant does not have a valid SSN

The above disqualifiers will quickly enable you to reject cases without wasting valuable time.

Summation

In this lesson we have provided you with more common disability terms and definitions associated with the application process. Pay close attention to these definitions as they are the currency used to pass the certification examination. Please begin the next lesson.