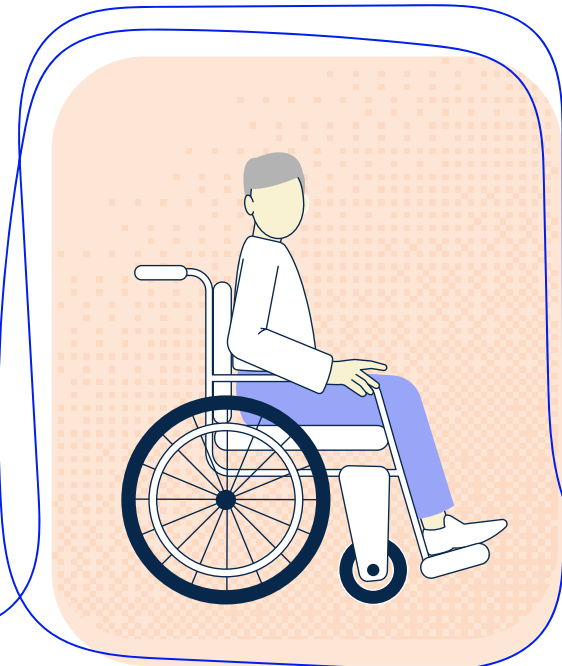
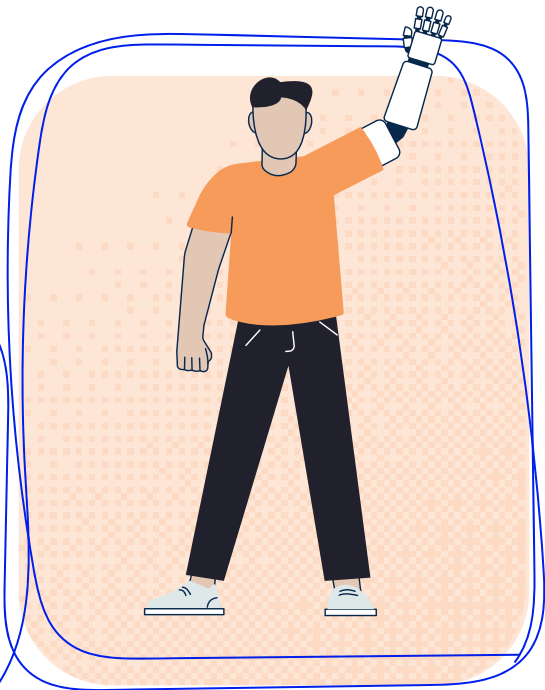
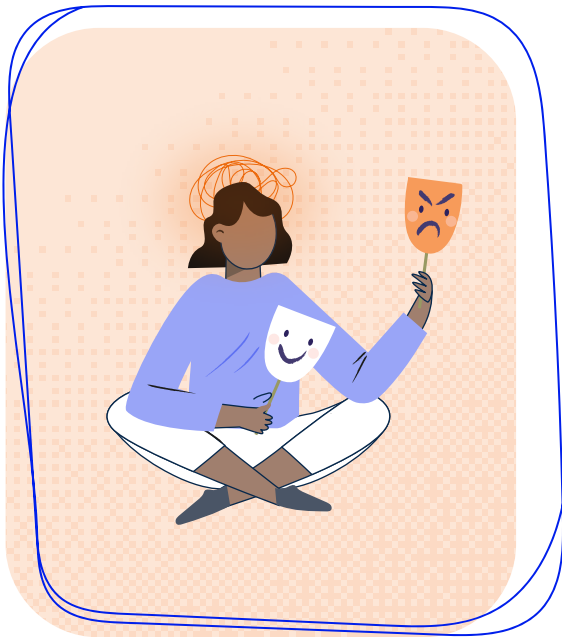


Navigation Security Disability Benefits

A STEP-BY-STEP GUIDE



Contents

Introduction: You Are Not Alone on This Path	04
What is Social Security Disability? Understanding the Basics	06
Could I Be Eligible? Understanding the Basics	11
Getting Ready: Gathering Your Information	16
The Application Process: Step-by-Step	21
The Importance of Medical Evidence	28
Understanding the Decision & Timelines	33
What if I'm Denied? The Appeals Process	38
Getting Help: Representatives & Advocates	43
Other Helpful Resources	00
Glossary of Common Terms	00

Things to Remember



Social Security Administration (SSA) Information

Local SSA's Telephone:

Local SSA's Address:



Personal Information

Claim Number (Social Security Number):

Attorney's Name:

Attorney's Phone:

Attorney's Fax:

Attorney's Address:

Introduction:

You Are Not Alone on This Path

Dealing with a health condition that prevents you from working is incredibly challenging, affecting not just your physical well-being but also your financial security and peace of mind. Here at Shook & Stone, serving our community we understand the weight of this burden and the complexities of navigating the Social Security Disability (SD) system.

Founding partners John Shook and Leonard Stone built this firm with a core commitment: to provide strong, experienced, and compassionate advocacy for those facing difficult times. As Leonard Stone puts it, the goal is to achieve the best possible outcome for every client, and as John Shook emphasizes, experience truly matters when tackling complex disability claims. We believe that when you're unable to work due to a disability, you deserve dedicated support to help you secure the benefits you've earned.

The SSD application process can often feel overwhelming, filled with confusing rules, deadlines, and paperwork. That's precisely why we've created this resource booklet. Our aim is to demystify the process, provide clear, step-by-step information, and empower you with knowledge as you consider applying for or appealing a denial of benefits.





Think of this guide as a starting point on your journey. While it offers valuable information, please remember it is not a substitute for specific legal advice tailored to your unique situation.

At Shook & Stone, we combine our deep understanding of Social Security law with a "Nevada Tough" determination to fight for the rights of our clients. We are here to answer your questions, guide you through the process, and stand beside you every step of the way. **You don't have to face this alone.**

Disclaimer: *This booklet contains general information about the Social Security Disability application process. It is intended for informational purposes only and does not constitute legal advice. Laws and regulations can change, and every case is unique. For legal advice regarding your specific circumstances, please contact Shook & Stone or another qualified attorney.*

What is Social Security Disability?

Understanding the Basics



When a serious illness or injury prevents you from working, the financial stress can quickly become overwhelming. You might wonder how you'll pay your bills or support your family. This is where Social Security Disability benefits can provide a crucial safety net. But what exactly are they?

The term "Social Security Disability" generally refers to two different federal programs managed by the Social Security Administration (SSA), both designed to provide financial assistance to people who are unable to work due to a significant medical condition:



Social Security Disability Insurance (SSDI)

1



Supplemental Security Income (SSI)

2

Let's break down each one.

A. Social Security Disability Insurance (SSDI):



—— Insurance You've Earned

Think of SSDI like an insurance policy you've paid for. Throughout your working years, if you've had jobs where you paid FICA taxes (Social Security and Medicare taxes, usually deducted automatically from your paycheck), you were essentially paying "premiums" into the Social Security system. SSDI provides benefits to you (and potentially certain family members) if:

- You have worked long enough and recently enough under Social Security to earn sufficient "work credits."
- You have a medically determinable physical or mental impairment that prevents you from engaging in **Substantial Gainful Activity (SGA)** – essentially, significant work activity earning above a certain monthly amount (this amount changes yearly).
- Your condition is expected to last for at least 12 continuous months or result in death.

SSDI benefits are based on your lifetime average earnings covered by Social Security, not based on your current household income or assets. It's an earned benefit based on your contribution to the system through your work history.

B. Supplemental Security Income (SSI):



—— Support Based on Financial Need

SSI, on the other hand, is a **needs-based** program. It's designed to help aged (65+), blind, and disabled people who have very limited income and resources, regardless of their prior work history.

You might be eligible for SSI if:

- You meet the same strict medical disability criteria as required for SSDI (or you are age 65+ or legally blind).
- Your monthly income falls below a certain threshold set by the SSA (this includes earnings, other benefits, and sometimes support from family).
- Your countable assets or resources (things you own, like savings accounts or stocks, excluding your home and usually one car) are below a very low limit (\$2,000 for an individual, \$3,000 for a couple, as of recent years – these figures can change).

Because SSI is based on financial need, your work history is not a factor in eligibility. It's funded by general U.S. Treasury funds, not the Social Security trust funds paid into by workers.

Key Differences Summarized:



SSDI: Based on your Work History and FICA tax contributions. Like an insurance program you paid into.



SSI: Based on your Financial Need (limited income and resources). Like a safety net program.

Can You Get Both?

Yes. Some individuals may qualify for both SSDI and SSI simultaneously. This often happens if your SSDI benefit amount is very low (due to lower past earnings or limited work history) and you also meet the strict income and resource limits for SSI. This is sometimes called receiving "concurrent benefits."

Who Decides?

The Social Security Administration (SSA) is the federal agency responsible for determining eligibility and managing payments for both SSDI and SSI. While the financial and work history requirements differ, the **medical standards** used to determine disability for adults are the same for both programs.

The Goal: Providing Stability

The fundamental purpose of both SSDI and SSI disability benefits is to provide a source of monthly income when a severe, long-term medical condition prevents you from supporting yourself through work. Understanding which program(s) you might qualify for is the first step in navigating the application process – a process the team at **SHOOK&STONE** is here to help you with.



Could I Be Eligible?

Understanding the Basics



Now that you know what Social Security Disability benefits are, the next step is understanding if you might be eligible. Eligibility for SSD benefits involves meeting specific requirements set by the Social Security Administration (SSA). It can seem complicated, but it generally boils down to two main areas: medical eligibility and, for SSDI, work eligibility.

A. Medical Eligibility – Does Your Condition Qualify?

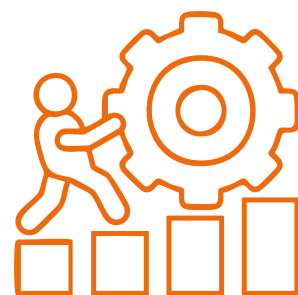


This is the core requirement for both SSDI and SSI disability benefits. The SSA has a strict definition of disability for adults:

- You must have a **medically determinable physical or mental impairment** (or a combination of impairments). This means your condition must be diagnosable through accepted medical tests and findings.
- Your impairment(s) must be **severe** enough to significantly limit your ability to perform basic work activities (like walking, sitting, standing, lifting, carrying, remembering information, concentrating, or interacting with others).

- Your condition must have lasted, or be expected to last, for a continuous period of **at least 12 months**, or be expected to result in death. Short-term disabilities do not qualify.
- Your impairment(s) must prevent you from engaging in **Substantial Gainful Activity (SGA)**.

What is Substantial Gainful Activity (SGA)?



SGA refers to performing significant physical or mental work activities for pay or profit. The SSA uses specific monthly earnings guidelines to gauge this. **As of 2025, SGA is generally defined as earning more than \$1,600 per month for non-blind individuals.** (Note: This amount usually increases slightly each year. Different limits apply for blind individuals). If your medical condition prevents you from working and earning above this SGA level, you may meet this part of the definition.

It's About Your Limitations, Not Just Your Diagnosis

Having a specific diagnosis, like arthritis or depression, doesn't automatically mean you qualify. The critical factor is how your condition **limits your ability to function and work.**

The SSA will assess:

- What you can still do despite your limitations (your Residual Functional Capacity or RFC).

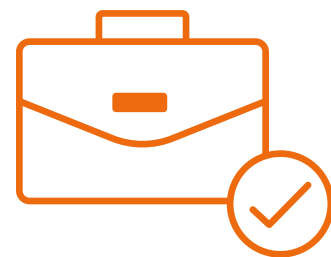
- Whether your limitations prevent you from doing the work you did previously.
- Whether your limitations prevent you from adjusting to other types of work, considering your age, education, and work experience.

What About the "Blue Book"?

You might hear about the SSA's "Listing of Impairments," sometimes called the "Blue Book." This document lists medical conditions that the SSA considers severe enough to prevent an individual from performing SGA, provided certain specific criteria are met. If your condition meets or equals the requirements of a listing, you may be approved based on medical factors alone.

However, it's crucial to know: Many people who are ultimately approved for benefits do not meet a specific Blue Book listing. If your condition isn't listed or doesn't meet the exact criteria, the SSA will continue to evaluate your overall functional capacity (RFC) to determine if you can perform your past work or any other work that exists in significant numbers in the national economy.

B. Work Eligibility –



—— Have You Worked Enough for SSDI?

This requirement applies **only to SSDI** (Social Security Disability Insurance), the program based on your work history. SSI (Supplemental Security Income) does not have a work history requirement.

To be eligible for SSDI, you must have worked long enough and recently enough under Social Security to earn the required number of "**work credits.**"

How Work Credits Work:

- You earn work credits by working and paying FICA (Social Security) taxes on your earnings.
- The amount of earnings needed for one credit changes slightly each year. **In 2025, you generally earn one credit for approximately every \$1,750 in earnings.**
- You can earn a maximum of **4 credits per year.**

How Many Credits Do You Need? The number of credits needed depends on your age when your disability began:

- **General Rule:** Most adults need **40 credits** total, with **20 of those credits earned in the 10 years immediately preceding** the start of their disability.
- **Younger Workers:** If you become disabled at a younger age, you may need fewer credits. For example, those

disabled before age 24 might qualify with just 6 credits earned in the 3-year period before disability onset.

Check Your Record! The easiest and best way to see if you meet the SSDI work requirements is to check your official Social Security record. You can do this by:

- Creating or logging into your secure "**my Social Security**" **account** online at **www.ssa.gov**.
- Your online statement shows your year-by-year earnings history, confirms if you have enough credits for SSDI, and provides personalized estimates of your potential benefit amount.

Navigating the Rules

Determining whether you meet both the medical and work eligibility rules can be complex. SSA regulations are detailed, and how they apply depends heavily on your individual circumstances. Here in Nevada, the team at Shook & Stone has extensive experience helping individuals understand these requirements and build the strongest possible case for the benefits they deserve.



Getting Ready:

Gathering Your Information



(Information current as of April 2, 2025)

Before you dive into filling out the Social Security Disability application, taking the time to gather specific information upfront can make the entire process much smoother and potentially faster. Think of it as building a solid foundation for your claim. Having these details organized and ready will help ensure your application is complete and accurate, reducing the chance of delays.

Use the checklists below to gather the essential documents and details the Social Security Administration (SSA) will likely need. Starting this now, even before you formally apply, is highly recommended.

A. Personal Information



- **Your Full Legal Name:** Include any former names or maiden names you have used.
- **Date and Place of Birth:** Having a copy of your birth certificate is helpful, though not always required initially.
- **Social Security Number (SSN):** This is crucial. Make sure you have your SSN readily available.

- **Spouse/Children Information:** If you are married or have minor children, gather their full names, dates of birth, and Social Security numbers. This information may be needed as they might potentially qualify for auxiliary benefits if your claim is approved.
- **Bank Information (for Direct Deposit):** If your application is approved, benefits are typically paid via direct deposit. Have your bank account number and the bank's routing number handy (you can find this on a check or by contacting your bank).

B. Medical Information



—— (The Most Critical Part!)

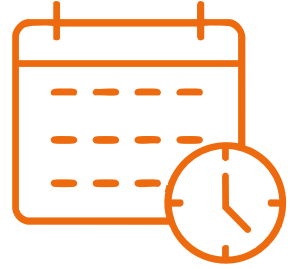
This section is vital, as your claim depends heavily on medical evidence. Be as thorough as possible.

- **Your Diagnosed Conditions:** List **every** physical and mental health condition that limits your ability to work, even those you don't consider your primary problem. Sometimes the combination of conditions is key.
- **Medical Providers:** For each doctor, specialist (cardiologist, psychiatrist, orthopedist, etc.), therapist, counselor, hospital, clinic, or other healthcare facility where you've received treatment for your conditions:

- Name of provider or facility
 - Full Address
 - Phone Number
 - Patient ID number (if you know it)
 - Approximate dates of treatment (first visit, last visit, dates of hospitalizations or surgeries). Go back at least one year, often further depending on when your disability began.
- **Medications:** Create a detailed list of **all** medications you currently take (prescription and regular over-the-counter medications):
 - Name of medication
 - Dosage and how often you take it
 - Name of the doctor who prescribed it
 - The reason you take each medication
 - Note any significant side effects you experience.
- **Tests and Treatments:** Jot down the dates and locations of significant medical tests (e.g., MRIs, CT scans, EKGs, blood work, psychological testing), surgeries, physical therapy, occupational therapy, counseling sessions, or hospitalizations related to your conditions.
 - **Medical Records:** While the SSA will request records directly from the providers you list, it can be very helpful if you have copies of important documents like diagnostic test results, reports from specialists, hospital discharge summaries, or letters from your

C. Work History

—— (Generally the Past 5 Years)



The SSA needs to understand the work you've done to determine if you can still perform those jobs or adjust to other work. Be detailed!

- **List of Jobs:** For each job you held in the 5 years before you became unable to work due to your condition(s):
 - Job Title
 - Employer's Name and Address
 - Dates of Employment (Month/Year started and Month/Year ended)
 - Hours worked per day and days worked per week
 - Rate of Pay (starting and ending, specify hourly or salary)
 - **Detailed Description of Duties:** This is very important! Don't just list the job title. Think about what you actually did all day. For example:
 1. How much time did you spend sitting vs. standing vs. walking?
 2. How much weight did you lift or carry? How often? (e.g., "lifted boxes up to 50 lbs several times a day," "constantly carried items under 10 lbs").
 3. Did you need to bend, stoop, kneel, or climb? How often?
 4. Did the job require good eyesight, hearing, or fine manipulation with your hands?

5. Did you supervise others? Use machinery or tools?
Write reports? Handle customer service?

6. **Be specific!**

- **Other Benefits/Claims:** Note any information about applying for or receiving Workers' Compensation, private disability insurance benefits (like Long-Term Disability from an employer), or other related benefits.

D. Education and Training



- Highest grade level of school you completed (e.g., 11th grade, High School Diploma/GED, Bachelor's Degree).
- Information about any vocational school, specialized job training, or certifications you've received.

Putting It All Together

Gathering these details might seem like a lot, but having this information organized before you start your application (whether online, by phone, or in person) will save you significant time and hassle.

- **Start Early:** Don't wait until the last minute. Begin compiling this information now.
- **Be Thorough:** It's better to have too much detail than not enough. If you're unsure about exact dates,

provide your best estimate. Accuracy is important.

- **Keep Copies:** Make copies of any documents you gather for your own records.

Having this information prepared is also extremely helpful when you discuss your situation with the experienced team at Shook & Stone. It provides us with a clear picture of your medical background and work history right from the start, allowing us to better assess your claim and advise you on the next steps.

The Application Process:

Step-by-Step

You've gathered your information – now you're ready to officially apply for Social Security Disability benefits. While the process involves several steps and requires attention to detail, understanding the path forward can make it feel much more manageable. This section outlines how to apply and what generally happens next.



A. How to Apply for Disability Benefits



You have three main options for submitting your application:

1. Online (Recommended): This is often the most convenient way to apply for SSDI (and sometimes SSI, depending on your situation).

- **Website:** Go to the official Social Security Administration website: www.ssa.gov
- **Benefits:** You can apply from home at any time, save your progress and return later, and avoid travel or potential waiting times at an office.
- **What you can do online:** Apply for SSDI, and in many cases, you can also start the SSI application process online. The site will guide you.

2. By Phone: You can apply or start the process by calling the SSA directly.

- **Number:** Call SSA's national toll-free number: 1-800-772-1213 (TTY 1-800-325-0778).
- **Process:** An SSA representative can help you complete the application over the phone or schedule an appointment for them to call you back or for an in-office visit. Be prepared for potential hold times when calling.

3. In Person: You can apply at your local Social Security office.

- **Location:** You can find your nearest office (serving areas like Spring Valley, Las Vegas, and surrounding communities) by using the office locator tool on the SSA website (www.ssa.gov/locator/).
- **Recommendation:** It's highly recommended to **call the toll-free number first to schedule an appointment** before visiting an office. This can significantly reduce your waiting time.

B. What Happens After You Apply?

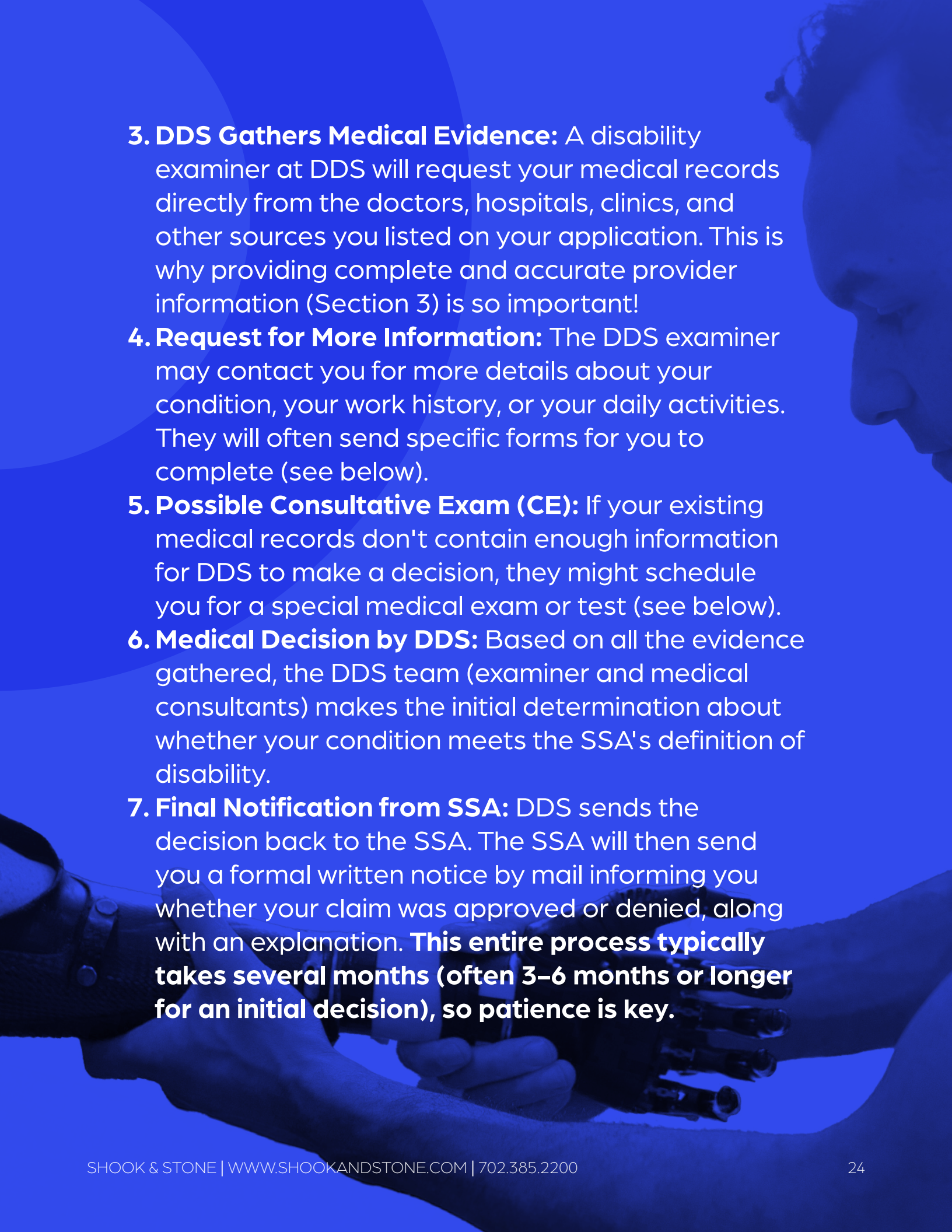


—— (A Simplified Overview)

Submitting the application is just the beginning.

Here's a general look at the stages your claim will go through:

- 1. Initial SSA Review:** The SSA first reviews your application for basic non-medical eligibility requirements. For SSDI, this includes checking if you have enough work credits. For SSI, they look at your income and assets.
- 2. Medical Review Sent to State Agency (DDS):** If the basic requirements are met, the SSA sends your case file to a state agency that handles medical decisions for the SSA. In Nevada, this agency is called the **Disability Determination Services (DDS)**.

- 
- 3. DDS Gathers Medical Evidence:** A disability examiner at DDS will request your medical records directly from the doctors, hospitals, clinics, and other sources you listed on your application. This is why providing complete and accurate provider information (Section 3) is so important!
- 4. Request for More Information:** The DDS examiner may contact you for more details about your condition, your work history, or your daily activities. They will often send specific forms for you to complete (see below).
- 5. Possible Consultative Exam (CE):** If your existing medical records don't contain enough information for DDS to make a decision, they might schedule you for a special medical exam or test (see below).
- 6. Medical Decision by DDS:** Based on all the evidence gathered, the DDS team (examiner and medical consultants) makes the initial determination about whether your condition meets the SSA's definition of disability.
- 7. Final Notification from SSA:** DDS sends the decision back to the SSA. The SSA will then send you a formal written notice by mail informing you whether your claim was approved or denied, along with an explanation. **This entire process typically takes several months (often 3–6 months or longer for an initial decision), so patience is key.**

C. Important Forms You May Need to Complete



Beyond the initial application, be prepared to receive and complete additional questionnaires from the SSA or DDS. Filling these out thoroughly and promptly is crucial. Common forms include:

- **Adult Function Report (Form SSA-3373):** This vital form asks detailed questions about your daily life – how you handle personal care (dressing, bathing), prepare meals, do chores, shop, get around, manage finances, pursue hobbies, and interact socially. Crucially, explain how your medical condition limits these activities. Don't just say what you do; describe the difficulty, pain, assistance needed, or things you can no longer do.
- **Work History Report (Form SSA-3369):** This form gathers detailed information about the jobs you held in the past 5 years, focusing on the physical and mental demands (lifting, standing, sitting, concentrating, following instructions, etc.). Use the information you gathered in Section 3. This helps SSA understand your past work and whether you could still perform it.

D. What is a Consultative Examination (CE)?

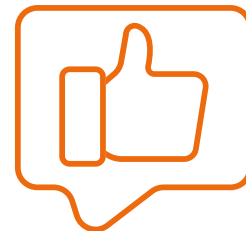


Sometimes, the DDS needs more current or specific medical information than your records provide. In these cases, they may ask you to attend a medical examination or test, called a Consultative Examination (CE).

- **Paid for by SSA:** You do **not** have to pay for this exam. SSA covers the cost.
- **Purpose:** The CE provider (a doctor contracted by SSA) performs an examination or test focused on gathering the specific information DDS needs – perhaps related to your ability to sit/stand/walk, your mental capacity, or the severity of a specific condition. It's usually not a treatment visit.
- **Attendance is Required:** You **must** attend your scheduled CE appointment. If you cannot make it, contact DDS immediately to explain why and try to reschedule. Failure to attend without a good reason can lead your claim to be denied based on insufficient evidence.



E. Tips for a Strong Application?



- **Be Thorough:** Answer every question as completely as possible. Use the detailed information you gathered earlier.
- **Be Honest and Consistent:** Provide accurate information. Don't exaggerate, but do not minimize your symptoms, pain, or limitations. Your descriptions should be consistent across different forms and with your medical records.
- **Focus on Limitations:** Explain how your medical conditions affect your ability to perform tasks – at work and in daily life. Give specific examples. (e.g., "Need help getting dressed due to shoulder pain," "Can only concentrate for 10–15 minutes before needing a break due to medication side effects").
- **Meet Deadlines:** Return any requested forms or information to SSA/DDS by the deadline provided. Keep track of dates.
- **Keep Copies:** Make and keep copies of your application and all forms you submit for your records.

The application process demands careful attention. Completing forms accurately and providing detailed information about how your disability impacts your life is key. The team at Shook & Stone is experienced in guiding Nevadans through this process, helping ensure your application is presented clearly and effectively.

The Importance of Medical Evidence



If there's one thing to take away about applying for Social Security Disability, it's this: medical evidence is the absolute cornerstone of your claim. While your own description of your symptoms and limitations is important, the Social Security Administration (SSA) must have objective medical proof documented by qualified healthcare professionals to determine that you meet their strict definition of disability. Remember, the standard requires a "medically determinable impairment." Without sufficient medical evidence, your claim cannot be approved, no matter how severe your condition feels to you.

A. Why Consistent Medical Treatment Matters



Seeing your doctors, specialists, therapists, or other healthcare providers regularly is crucial for several reasons:

- **Creates a Record:** Each visit generates medical records – notes, test results, treatment plans – that document your condition, its severity, and how it impacts you over time. This documented history is exactly what the SSA needs to evaluate your claim.

- **Shows Ongoing Issues:** Consistent treatment demonstrates to the SSA that your condition is serious enough to require ongoing medical attention and hasn't resolved.
- **Tracks Limitations:** Regular visits allow your doctors to observe and record your symptoms and limitations as they persist or change, providing valuable evidence of your functional capacity.

Avoids Questions: Long gaps in treatment can raise questions for the SSA. They might wonder if your condition improved, if it was truly severe, or why you weren't seeking care if you were unable to work. While there can be valid reasons for gaps (like cost or lack of insurance – which you should be prepared to explain), consistent care provides the strongest support for your claim.

B. Your Doctor's Role (Important, But SSA Decides)



Your treating doctor plays a vital role in providing information, but it's important to understand their specific function in the SSD process:

- **Provider of Records:** Your doctor's primary role is to supply the SSA/DDS with your complete and accurate medical records when requested.
- **Documenter of Condition:** It's crucial that your doctor clearly documents your diagnoses, symptoms, objective findings from exams and tests, treatments prescribed, your responses to treatment, and any side effects in their clinical notes.

- **Potential Source of Opinions:** Your doctor may be asked (by you, your representative like Shook & Stone, or the DDS) to provide a statement about your specific functional limitations – what you can physically and mentally still do despite your impairment (e.g., how long you can sit/stand, how much you can lift, whether you have trouble concentrating or interacting with others).

Important Note: *While your doctor's opinion is valuable, especially if well-supported by their own records, the final decision about whether you meet the SSA's disability standard rests solely with the SSA. A simple note stating "Patient is disabled" is generally not enough. The SSA makes the decision based on all the evidence in your file according to their specific rules and regulations.*

C. What Makes Medical Evidence Strong?



The SSA looks for specific types of evidence to support a disability claim:

- **Objective Findings:** This is evidence that can be medically observed or measured, such as:
 - X-rays, MRIs, CT scans, EMGs, EKGs
 - Blood test results
 - Clinical examination findings (e.g., doctor documenting muscle weakness, swelling, limited range of motion, positive results on specific orthopedic tests)
 - Psychological or neuropsychological test results
 - Biopsy results

- **Detailed Treatment History:** Records showing all treatments tried (medications, injections, surgeries, therapy), your body's response to those treatments, and any side effects you experienced.
- **Longitudinal Record:** Evidence showing your condition has persisted (or is expected to persist) for at least 12 months. Records documenting the progression of your condition over time are very helpful.
- **Specialist Reports:** Findings and opinions from specialists who treat your specific conditions (e.g., rheumatologists, cardiologists, neurologists, psychiatrists) often carry significant weight.
- **Well-Supported Functional Opinions:** Statements from your treating physician(s) describing your specific work-related limitations (your Residual Functional Capacity or RFC) can be very persuasive if the opinions are consistent with and supported by the objective medical findings and treatment notes in their records.

D. Tips for Strengthening Your Medical Evidence



- **Communicate with Your Doctors:** Let your main treating doctors know you are applying for Social Security Disability. Explain that the SSA will need their records.
- **Be Specific About Symptoms:** At every appointment, clearly tell your doctor about all your symptoms, the pain you experience, and the limitations you face in daily life. Don't downplay your struggles – accurate documentation is key.
- **Follow Prescribed Treatment:** Try to follow your doctor's treatment recommendations. If you cannot (due to side effects, cost, etc.), discuss this with your doctor so the reasons are documented.

- **Consider Specialist Care:** If appropriate for your condition, seeking evaluation and treatment from a specialist can provide strong diagnostic evidence.
- **Ensure Provider Information is Correct:** Double-check that the provider names, addresses, and phone numbers you gave the SSA on your application are accurate so DDS can successfully request your records.

Building a comprehensive medical record is perhaps the single most important factor in a successful disability claim. At Shook & Stone, we understand the type of detailed medical evidence the SSA requires. We work with our clients and their healthcare providers to help ensure that the necessary documentation is obtained and presented effectively to support their claim for benefits.



Understanding the Decision & Timelines

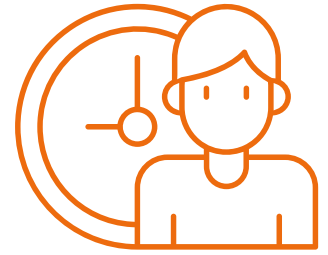
Okay, here is a draft for Section 6 of the Shook & Stone SSD resource booklet, covering decisions and timelines.

Section 6: Understanding the Decision & Timelines

After you've submitted your application and supporting documents, the waiting period begins. Waiting for a decision on your Social Security Disability claim can be one of the most stressful parts of the process. Understanding the typical timelines and what to expect in the decision notice can help manage expectations.



A. How Long Does It take?



—— Managing Expectations

It's important to know upfront that the Social Security disability process is generally **not fast**.

- **Initial Decision Timeframe:** While it varies depending on factors like the complexity of your case, how quickly your medical records are received, and SSA/DDS workloads, you should typically expect to wait **3 to 7 months (and sometimes longer)** for an initial decision on your application.
- **Why So Long?** The time is needed for the SSA and the state Disability Determination Services (DDS) in Nevada to perform necessary steps: verifying non-medical eligibility, requesting and receiving extensive medical records from all your providers, having examiners and medical consultants carefully review all the evidence against SSA's strict rules, and potentially scheduling Consultative Exams (CEs).

Patience is necessary during this stage. You can check the status of your application online through your "my Social Security" account on the SSA website (ssa.gov). While frequent calls won't speed up the decision, you can contact the SSA if the processing time significantly exceeds the typical estimates.

B. The Decision Notice



Approval or Denial

Eventually, you will receive a formal letter from the Social Security Administration by mail. This letter will notify you of the decision made on your claim. Keep this notice in a safe place! There are two main outcomes:



**Your Claim is
Approved.**

1



**Your Claim is
Denied.**

2

C. If Your Claim is Approved



Receiving an approval notice (often called an Award Letter) is wonderful news! This detailed letter will contain important information you need to understand:

- **Confirmation of Approval:** It will clearly state that you have been found disabled according to SSA rules.

D. If Your Claim is Denied



Receiving a denial notice can be incredibly discouraging, but it's vital to understand two things:

1. Initial Denials Are Very Common: Many people who ultimately receive benefits are denied at the initial application stage. Don't give up hope if you believe you qualify!

2. The Notice Contains Critical Information:

Read the denial letter very carefully. It will tell you:

- **Reason for Denial:** The SSA must explain why they denied your claim (e.g., they believe your condition isn't severe enough, you can still do your past work, you can adjust to other work, you are earning over the SGA limit, or they lacked sufficient evidence).
- **Your Right to Appeal:** The notice will clearly state that you have the right to appeal this decision.
- **THE APPEAL DEADLINE:** This is the most critical piece of information. You typically have only **60 DAYS** from the date you receive the denial notice to file an appeal. The SSA assumes you receive the notice 5 days after the date printed on it, making the effective deadline **65 DAYS FROM THE DATE ON THE NOTICE.**

ACTION REQUIRED: If you are denied and want to appeal, you **MUST** act quickly. Missing this strict 60-day deadline usually means you lose your right to appeal that

decision and would have to start the entire application process over again, potentially losing out on significant back benefits.

Understanding Your Notice

Whether approved or denied, carefully read any notice you receive from the SSA. If you are unsure about what it means, seek clarification. If you receive a denial, pay immediate attention to the appeal deadline.

The team at Shook & Stone regularly helps our Nevada clients understand these complex notices. If your claim is denied, we can explain the reasons, assess the strength of your case for an appeal, and ensure that the crucial appeal paperwork is filed correctly and **on time**.

What If I'm Denied

The Appeals Process

Receiving a denial notice for your Social Security Disability claim can be deeply disappointing and frustrating, especially when you know you cannot work. However, it's crucial to remember: an initial denial is NOT necessarily the final word. Many claims that are initially denied are later approved through the appeals process. The key is to understand the steps involved and act quickly.



A. The Most Important First Step



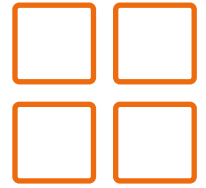
— Act Quickly!

If you disagree with the SSA's decision to deny your claim, you have the right to appeal. But you **MUST** act fast.

- **The Critical Deadline:** As mentioned before, you generally have only **60 DAYS** from the date you receive the denial notice to file an appeal. The SSA allows 5 days for mailing, so effectively, your deadline is **65 DAYS FROM THE DATE PRINTED ON THE DENIAL NOTICE**.
- **Don't Delay:** Missing this deadline can mean losing your right to appeal that specific decision. You would likely have to start the entire application process over from the beginning, which could result in losing eligibility for months or even years of past-due benefits (back pay).
- **How to Appeal:** Your denial notice will include instructions on how to appeal. Often, the easiest way is online through the SSA website (ssa.gov). You can also file by mail or by contacting your local Social Security office.



B. The Four Levels of Appeal



The SSA has a structured, multi-level appeals process. You generally must complete each step before moving to the next if you continue to be denied.

1. Level 1: Reconsideration

- **What it is:** This is a complete review of your claim by a *different* team (examiner and medical consultants) within the Nevada Disability Determination Services (DDS) – people who were not involved in the initial decision.
- **How it works:** You submit a request for reconsideration, along with any new medical evidence gathered since the initial denial. The review is typically done by looking at the documents in your file; there is usually no in-person meeting.
- **Outcome:** DDS will issue a new decision. While it's a required step, it's worth noting that many claims are also denied at the Reconsideration level.

2. Level 2: Hearing by an Administrative Law Judge

- **What it is:** If your Reconsideration is denied, you can request a hearing before an Administrative Law Judge (ALJ). ALJs work for the SSA but are independent decision-makers.
- **Why it's crucial:** This level is often considered the most important stage of the appeals process and frequently offers the best chance for approval. It's your opportunity to present your case directly to a judge.
- **How it works:** You attend a hearing (often held at an SSA hearing office serving the Las Vegas/Spring Valley area,

though video hearings are also common). You can testify about your conditions, limitations, and daily life. You can submit new evidence. Your representative (like an attorney from Shook & Stone) can present arguments, question you to highlight key aspects of your case, and, importantly, question any medical or vocational experts the ALJ calls to testify.

3. Review by the Appeals Council (AC)

- **What it is:** If the ALJ denies your claim, you can ask the Appeals Council (AC) to review the ALJ's decision. The AC is based centrally, not in local offices.
- **How it works:** The AC primarily looks for legal or procedural errors made by the ALJ or situations where the ALJ's decision wasn't supported by substantial evidence in the record. The AC does not typically re-weigh the evidence or consider new facts about your condition (unless it relates to the time period the ALJ decision covered).
- **Outcome:** The AC can deny your request for review (letting the ALJ decision stand, which happens frequently), decide the case itself (rare), or send the case back (remand) to the ALJ for further action.

4. Level 4: Federal Court Review

- **What it is:** If you disagree with the Appeals Council's decision (or their refusal to review your case), the final step is to file a civil lawsuit against the Social Security Administration in the U.S. District Court.
- **How it works:** This is a formal lawsuit where a federal judge reviews the administrative record to determine if the SSA's final decision followed the law and was supported by substantial evidence. It typically does not involve new testimony. Filing a federal court appeal requires specialized legal knowledge and representation.

C. Why Consider Representation for Your Appeal?



While you can navigate the appeals process alone, it becomes increasingly complex, especially at the ALJ hearing level and beyond. Having an experienced representative can significantly improve your chances of success. Here's why:

- **Knowledge:** Experienced representatives (like the attorneys at Shook & Stone) understand SSA's complex rules, regulations, and procedures.
- **Evidence Development:** They know what kind of medical evidence is persuasive and can help you gather and submit it effectively.
- **Hearing Strategy:** They can prepare you for your hearing testimony, develop legal arguments, and skillfully question vocational and medical experts called by the ALJ.
- **Handling Complexity:** They manage deadlines, file necessary paperwork, and communicate with the SSA on your behalf.
- **Higher Level Appeals:** They can draft legal briefs required for Appeals Council and Federal Court reviews.

Representation often works on a contingency fee basis, meaning the representative is paid only if you win your case, taking a percentage of your back benefits (capped by law).

Don't Give Up

Appealing a denial takes time and persistence, but it's often the path to securing the benefits you need. Remember the critical 60-day deadline for each appeal step.

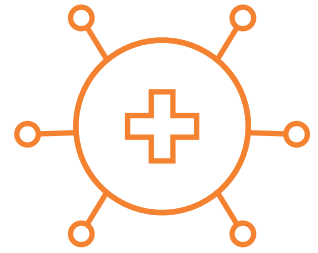
At Shook & Stone, we have helped many Nevadans successfully navigate the challenging Social Security appeals process. If your claim has been denied, contact us promptly to discuss your options and how we can fight for you at every level of appeal.

Getting Help: Representatives & Advocates

Navigating the Social Security Disability system, with its complex rules, strict deadlines, and extensive paperwork, can feel overwhelming – especially when you're already coping with a serious health condition. The appeals process, in particular, can become quite technical. The good news is that you don't have to go through it alone. Professional help is available, and choosing to work with a representative can significantly ease the burden and potentially improve your chances of success.



A. Who Can Help You?



There are primarily two types of professionals authorized by the SSA to represent claimants:

- 1. Disability Lawyers:** These are attorneys licensed to practice law (regulated by organizations like the State Bar of Nevada) who specialize in Social Security Disability cases. They have legal training and experience navigating the SSA's regulations and the appeals process, including court proceedings if necessary. The team at Shook & Stone consists of experienced disability attorneys.
- 2. Qualified Non-Attorney Representatives:** These are individuals who are not lawyers but have passed a rigorous SSA examination, meet specific educational requirements, carry liability insurance, and have undergone a background check. They are specifically certified by the SSA to represent claimants and often possess deep knowledge of SSA rules and procedures.

Both lawyers and qualified non-attorney representatives can provide valuable assistance throughout your claim process.

B. How Can a Representative Help?

An experienced representative acts as your advocate and guide. They can assist in many ways, including:

- **Evaluating Your Case:** Analyzing the strengths and weaknesses of your claim based on SSA rules.
- **Gathering Crucial Evidence:** Knowing what medical records and opinions are most persuasive and helping you obtain them from your doctors.
- **Communicating with SSA:** Handling phone calls, responding to letters, and submitting documents to the SSA and DDS on your behalf.
- **Meeting Critical Deadlines:** Tracking and ensuring all forms and appeals are filed correctly and on time – this alone can prevent your claim from being dismissed on a technicality.
- **Developing a Strategy:** Building the strongest possible case by highlighting evidence that supports your disability claim under SSA regulations.
- **Preparing You for Your Hearing:** If your case goes before an Administrative Law Judge (ALJ), your representative will explain the process, help you prepare your testimony, and anticipate questions the judge might ask.
- **Representing You at the ALJ Hearing:** Presenting your case effectively, questioning you to elicit important testimony, and skillfully cross-examining any medical or vocational experts the ALJ may call.
- **Handling Higher-Level Appeals:** Drafting legal arguments and briefs if your case needs to go to the Appeals Council or Federal Court on your behalf.
- **Reducing Your Stress:** Allowing you to focus on your health while they manage the complex legal and procedural aspects of your claim.



C. How Are Representatives Paid? (Contingency Fees)

Worries about cost should not prevent you from seeking help. Most disability representatives work on a contingency fee basis. This means:

- **Paid Only If You Win:** The representative only receives a fee if they win your case and you are awarded past-due benefits (back pay).
- **Percentage of Back Pay:** The fee is typically calculated as a percentage of the back pay you receive – usually **25%**.
- **Capped by Law:** Importantly, the total fee amount is **capped by the SSA**. As of recent years, this cap has been \$7,200, but **this amount is set by SSA and can change**. Your representative cannot charge more than the SSA-approved amount from your back pay.
- **No Back Pay = No Fee (Usually):** If you win your case but are not awarded any back benefits, or if you do not win your case at all, you generally owe the representative no fee for their time and effort.
- **Potential Minor Costs:** You might be responsible for small out-of-pocket expenses, such as the cost for your doctors to copy your medical records. Be sure to clarify this during your consultation.
- **Free Initial Consultation:** Nearly all disability representatives, including Shook & Stone, offer a free, no-obligation initial consultation to discuss your case, explain their services, and review the fee agreement.

D. How to Find Representation

- **Contact Experienced Firms Directly:** Reach out to law firms with a strong focus on Social Security Disability law, like Shook & Stone here in Nevada.
- **State Bar Referral:** The State Bar of Nevada offers a lawyer referral service that may be able to connect you with qualified attorneys.
- **NOSSCR:** The National Organization of Social Security Claimants' Representatives (NOSSCR) provides an online referral service (www.nosscr.org) to help find qualified disability attorneys and non-attorney representatives across the country.
- **Local Resources:** Check with local Legal Aid societies or non-profit organizations in the Las Vegas/Spring Valley area, although their resources and eligibility criteria may vary.
- **Ask for Referrals:** Friends, family members, or even your doctors might know of reputable representatives.

Tip: *When choosing a representative, ask about their experience specifically with Social Security Disability cases and appeals. Find someone you feel comfortable with and trust to handle your claim.*

Is Representation Right for You?

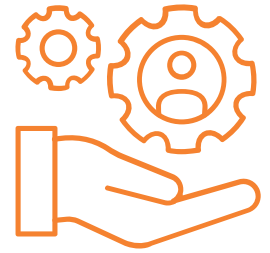


While the SSA does not require you to have a representative, navigating the system – particularly the appeals process – can be challenging. Having skilled legal help on your side can make a significant difference in presenting your case effectively and maximizing your chances of approval. The experienced disability attorneys at Shook & Stone are dedicated to providing knowledgeable and compassionate representation to Nevadans seeking the Social Security benefits they deserve.

Other Helpful Resources

Applying for Social Security Disability benefits is often just one part of managing life with a significant health condition. While your disability claim is pending, or even after approval, various other resources can provide vital support for your health, finances, and overall well-being. This section highlights key official SSA resources and types of community support you may find helpful here in Nevada.

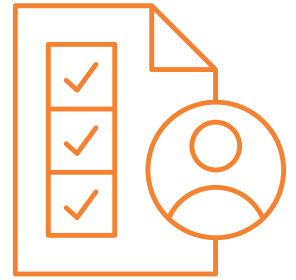
A. Official Social Security Resources



These are your primary sources for information directly from the Social Security Administration:

- **SSA Website (www.ssa.gov):** This is the official source for comprehensive information about all Social Security programs. You can find publications, forms, answers to frequently asked questions, policy details, and online tools.
- **"my Social Security" Account:** Creating a secure personal account at www.ssa.gov/myaccount is highly recommended. Through your account, you can:
 - Check the status of your application or appeal.
 - Review your earnings record and estimated future benefits.
 - View your Social Security Statement.
 - Set up or change direct deposit information (if approved).
 - Update your contact information.
- **SSA Toll-Free Number:** For questions or assistance you can't find online, you can call the SSA directly at **1-800-772-1213** (TTY **1-800-325-0778**). Representatives are available during business hours, though be prepared for potential wait times.

B. Local and Work Eligibility



—— (Nevada / Clark County)

Many essential support services are organized at the state and local levels. We encourage you to explore what's available in your community (Spring Valley, Las Vegas, Clark County). Here are some types of resources to look for:

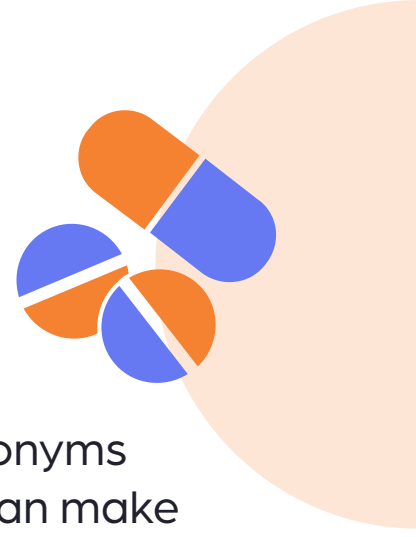
- **State/County Social Services:** You may be eligible for other government assistance programs. Search for "Clark County Social Service" or the "Nevada Division of Welfare and Supportive Services (DWSS)" to learn about applying for:
 - SNAP (Supplemental Nutrition Assistance Program / Food Stamps)
 - Medicaid (health insurance for eligible low-income individuals and families)
 - TANF (Temporary Assistance for Needy Families)
 - Energy Assistance Programs
- **Food Banks and Pantries:** If you need help affording groceries, search for "food banks Las Vegas," "food pantry Spring Valley," or check with organizations like Three Square Food Bank, which partners with many local distribution sites.
- **Housing Assistance:** Various programs may offer help with rent, utilities, or finding affordable housing. Search for "Clark County housing assistance," "Nevada Housing Division," or specific programs like Emergency Rental Assistance or Section 8 housing vouchers.

- **Community Health Clinics:** For affordable medical or dental care, especially if you lack insurance, look for Federally Qualified Health Centers (FQHCs) or community clinics. Search terms like "community health centers Las Vegas" or check the Nevada Primary Care Association website.
- **Mental Health Services:** Coping with a disability can take an emotional toll. Seek support through county or state resources. Search for "Clark County mental health services" or the "Nevada Division of Public and Behavioral Health." Remember the national **988 Suicide & Crisis Lifeline** is available 24/7 by calling or texting 988.
- **Disability Support Groups:** Connecting with others facing similar challenges can be very helpful. Look for local chapters of national organizations related to your specific condition (e.g., Arthritis Foundation, National Multiple Sclerosis Society, National Alliance on Mental Illness – NAMI Nevada) or general disability support groups in the area.
- **Vocational Rehabilitation (VR):** If and when you feel ready to explore returning to work in some capacity, the Nevada Bureau of Vocational Rehabilitation offers services like counseling, training, job placement assistance, and other support for individuals with disabilities seeking employment.

Finding Help is a Sign of Strength

Navigating life with a disability often requires tapping into multiple sources of support. Don't hesitate to reach out to these organizations to see if you qualify for assistance. While Shook & Stone focuses on helping you secure your Social Security Disability benefits, we strongly encourage our clients to utilize all available community resources to support their health and stability during this challenging time.

Glossary of Common Terms



The Social Security Administration uses many acronyms and specific terms. Understanding this language can make the disability process less confusing. Here are definitions for some common terms used throughout this booklet and by the SSA:

- **AC (Appeals Council):** The third level in the SSA appeals process. The AC reviews decisions made by Administrative Law Judges (ALJs), primarily looking for legal or procedural errors.
- **ALJ (Administrative Law Judge):** An independent judge who works for the SSA and conducts hearings for disability claims denied at the Reconsideration level (the second level of appeal).
- **Back Pay (or Past-Due Benefits):** Benefits owed to a claimant for the months between their date of entitlement to benefits and when their regular monthly payments actually begin.
- **Blue Book (Listing of Impairments):** The informal name for the SSA's "Listing of Impairments." This is a list of medical conditions considered severe enough to potentially qualify for disability benefits if specific medical criteria outlined in the listing are met. Meeting a listing is one way to be found disabled, but not the only way.
- **CE (Consultative Examination):** A physical or mental health examination requested and paid for by the SSA (through the DDS) when they need more medical information to make a decision on your claim.
- **CDR (Continuing Disability Review):** Periodic reviews conducted by the SSA after benefits are approved to determine if a beneficiary continues to meet the medical requirements for disability.

- **Claimant:** The person who applies for Social Security benefits.
- **DDS (Disability Determination Services):** The state agency (in Nevada and other states) that works under federal guidelines to make the initial medical eligibility decisions for Social Security Disability claims.
- **EOD (Established Onset Date):** The specific date the SSA determines that your disability began, based on the evidence provided. This date affects when you are entitled to benefits and any potential back pay.
- **FICA (Federal Insurance Contributions Act):** The U.S. law requiring payroll taxes to fund Social Security and Medicare. Paying FICA taxes earns you work credits for SSDI eligibility.
- **Medical Evidence:** Documents and records from doctors, hospitals, clinics, therapists, and other healthcare providers (e.g., exam notes, test results, imaging reports, opinions) used to prove the existence and severity of your medical condition(s).
- **RFC (Residual Functional Capacity):** An assessment made by the SSA (based on medical evidence) of the most you can still do in a work setting despite your physical and/or mental limitations (e.g., how much you can lift/carry, how long you can sit/stand/walk, your ability to concentrate).
- **SGA (Substantial Gainful Activity):** Performing significant work activity for pay or profit. The SSA sets a specific monthly earnings limit to define SGA (this amount typically changes each year). Earning over the SGA limit generally means you are not considered disabled under SSA rules.
- **SSA (Social Security Administration):** The independent agency of the U.S. federal government that administers the Social Security programs, including retirement, survivors, disability (SSDI), and Supplemental Security Income (SSI) benefits.
- **SSDI (Social Security Disability Insurance):** A federal disability insurance program for individuals who have worked long enough and recently enough, and paid Social Security (FICA) taxes on their earnings. Benefit amounts are based on past earnings.

- **SSI (Supplemental Security Income):** A federal needs-based program providing financial assistance to aged (65+), blind, or disabled individuals who have very limited income and resources, regardless of their work history.
- **Work Credits:** Units used by the SSA to determine eligibility for SSDI benefits. You earn work credits (up to 4 per year) by working and paying FICA taxes on your earnings. The number of credits needed depends on your age when disability begins.

Refer back to this glossary whenever you encounter an unfamiliar term in SSA notices or other communications related to your disability claim.



SHOOK & STONE

INJURY AND DISABILITY LAWYERS

