

Social Security Denied my Application for Disability Benefits

If the Social Security Administration denied your application for disability benefits and you disagree with that decision, you must file an appeal. If you do not appeal, the decision to deny your claim will become final. If you do not appeal, you can reapply, but you may lose out on benefits, and you will need to show that your condition is different/worse than when SSA denied your benefits the last time.

How Do I Appeal the Social Security Decision?

The instructions on how to appeal are in the denial notice/letter that you got from Social Security. You can also get information about the appeals process at <https://www.ssa.gov/appeals>. It is very important that you do not miss the appeal deadline. Your denial letter from Social Security will tell you your appeal deadline. You generally have **65 days from the date on the notice** to file your appeal. If you miss that deadline, you will have to show that you had good cause for filing your appeal late.

.....

1. First denial – File a Request for Reconsideration:

A reconsideration is a complete review of your claim by someone who did not take part in the first determination. Social Security will look at all the evidence that they used in the first decision, plus any new evidence that you give to them. You generally have 65 days from the date on the notice to file your appeal. If you miss that deadline, you will have to show that you had good cause for filing your appeal late.

You can file a Request for Reconsideration in the following ways:

- Call SSA at 1-800-772-1213, Monday through Friday from 7 AM to 7 PM. Tell them that you want to appeal the decision issued in your case. They can send you the forms you need to fill out and return, and/or set up an appointment for you at your local Social Security office.
- Download the appeal forms at www.ssa.gov/forms. You will need to print out the forms, fill them out, then mail or drop them off at your local Social Security office.
- Walk in to your local Social Security office and speak to a representative in person. They can give you the forms to fill out, and can set up an appointment if you need help.
- Appeal online at <https://secure.ssa.gov/iApplsRe/start>. This process will take you through all of the forms you need to file.

.....

2. Second denial – File a Request for an Administrative Law Judge hearing

If you disagree with the Reconsideration decision issued by Social Security, you must then ask for an Administrative Law Judge (ALJ) hearing. The ALJ will be someone who did not have anything to do with the denials already issued in your case. You can read about the hearing process at <https://www.ssa.gov/appeals>.

You generally have 65 days from the date on the notice to file your appeal. You can file an appeal by following any of the steps listed above. You can find the forms you need to file at <https://www.ssa.gov/forms/ha-501.html>. Once you file your appeal, Social Security will transfer your file to the Office of Hearings Operations (OHO) to schedule a hearing. They will send you a notice at least a month before your hearing is scheduled. It may take many months to get a hearing.

.....

How Do I Find a Lawyer to Represent Me?

Generally, you can hire a lawyer to represent you in your Social Security case **without having to pay an upfront fee**. Most Social Security lawyers collect their fee at the end of the case. If the lawyer helps you win benefits, Social Security will then take 25% of any lump sum amount they award you and pay it directly to the lawyer for their fee. Social Security will then pay you the rest of the lump sum. Your ongoing disability payments will not be affected. You do not have to hire a lawyer, it is your decision if you want to hire one.

You can find a lawyer who specializes in Social Security cases in many ways. You can talk to family and friends, you can look on the internet or you can call a lawyer who has commercials on tv. You can also call the Lawyer Referral Service at your local Bar Association (a professional organization for lawyers). They will give you the name of 1-2 lawyers in your area who represent people in Social Security cases. If the first lawyer you call does not accept your case, you can call more lawyers.

- (513) 723-2050 Brown/Clermont County: Clermont County Bar Association
- (513) 896-6671 Butler County: Butler County Bar Association
- (513) 381-8359 Clinton/Hamilton/Highland/Warren County: Cincinnati Bar Association