

Termination of Social Security Benefits Because of Medical Improvement

Every few years, Social Security will review your ongoing eligibility for disability benefits. They will look to see if your conditions have improved, and if you still meet the requirements to get disability payments. If Social Security decides that your condition has improved, they may decide to stop your benefits. This is called termination for medical improvement. If your child is getting disability benefits, Social Security will review their eligibility as well. The information in this document applies to the termination of both adult and child benefits.

How will I know if Social Security is reviewing my case?

Social Security will send you a letter telling you that they are reviewing your case. With that letter, they will send you a packet asking for information about your conditions, treating doctors, school, and your everyday activities. You should fill out those forms and return them to Social Security as soon as possible.

Social Security sent me a notice saying my benefits will be stopping. What should I do?

This is a termination notice. The notice tells you why Social Security is stopping benefits. It will also tell you when the benefits will stop. You will normally get two more months of benefits after the termination notice.

If you do not think that the benefits should stop, you should appeal the termination. You appeal by filing 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 have **65 days** from the date on the termination notice to file a Request for Reconsideration. If you do not understand any of the instructions on how to appeal, just do your best. The most important thing is to get the paperwork turned in to Social Security on time. **DO NOT WAIT TO APPEAL.**

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 Form SSA-789 at www.ssa.gov/forms. You will need to print out the Request for Reconsideration, fill it out, then mail or drop it 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.

Will my benefits continue during the appeal?

If you file want your benefits to continue while Social Security reviews your appeal, you must:

- File your Request for Reconsideration within 10 days of the date on the termination notice;
AND
- Write “I want my benefits to continue” on your Request for Reconsideration.

What happens after I file my Request for Reconsideration?

Social Security will review your case again. They will gather any new evidence that you have told them about. They will likely schedule you for an informal hearing with a Disability Hearing Officer. It may be a few months before this hearing is scheduled. You will get a notice from Social Security with your hearing date and time at least 10 days before the hearing. The notice will tell you if the hearing will be in-person, or via video conference.

What happens at a Disability Hearing Officer hearing?

This is called a hearing, but it is really more like a meeting. It is very informal, and takes place either in an office, or by a video call. Generally, it is only you and the Hearing Officer at this meeting. You can take someone with you if you want. Your child should not attend the hearing, even if Social Security is reviewing their benefits. Most people do not have a lawyer at this hearing.

At the hearing, the Disability Hearing Officer will ask you questions about your condition, treatment, daily life, and activities. If you have evidence that you have not yet given to Social Security, take it with you to the hearing. This may be medical evidence, school records, or anything else you want Social Security to know about.

The Hearing Officer will not give you a decision at the hearing. The hearing decision will come in the mail, attached to a Notice of Reconsideration.



I got a Notice of Reconsideration. What does it mean?

The Notice of Reconsideration is the decision on your appeal. The first page will tell you what Social Security has decided. The Disability Hearing Officer's decision will be attached to the Notice.

- **Disability Continues:** The Notice may tell you that Social Security has decided that you continue to meet the disability standards. That means the appeal is over, and your disability benefits will continue. You do not have to do anything else.
- **Disability has stopped:** Social Security may decide that you no longer meet the standards to get disability benefits. The Notice will tell you that Social Security thinks that your condition has improved, and you are no longer eligible for benefits.

If you think the decision is wrong, you will need to appeal again. You will file a Request for Hearing by Administrative Law Judge (ALJ). Follow the same steps listed earlier in this document about how to appeal. You have **65 days** from the date on the Notice of Reconsideration to file a Request for Hearing by ALJ.

If you want your benefits to continue until you get an ALJ hearing, you must file your appeal **within 10 days of the date** on your Notice of Reconsideration AND write "I want my benefits to continue" on your Request for ALJ hearing.



What happens after I ask for a hearing by an Administrative Law Judge?

Social Security will transfer your case to the Office of Hearings Operation. They may contact you to get more information about your case. They will send you a written notice of your hearing date. They will send this to you at least 75 days before the hearing.



Will Legal Aid help me with my case?

Legal Aid will not represent you in the hearing with the Disability Hearing Officer. However, we may try to find a lawyer to represent you at your Administrative Law Judge (ALJ) hearing.

Contact us immediately if the Notice of Reconsideration tells you that your benefits will be stopped. We will ask you to send us the Notice and the hearing decision that is attached. We will review the decision, and let you know if we will try to find a lawyer to represent you at the ALJ hearing.