



JOSEPH L. RAY, PLLC

ATTORNEY AND COUNSELOR AT LAW

DO YOU QUALIFY FOR SOCIAL SECURITY DISABILITY?





ABOUT ATTORNEY AT LAW
JOSEPH L RAY

I am a Social Security Disability attorney serving Southeastern North Carolina with an office in Tabor City. For over 25 years, I have helped people in Southeastern North Carolina navigate the application process and file any necessary appeals to receive the benefits in which they are entitled.

If you are injured or diagnosed with an illness that prevents you from continuing your employment, you may be eligible to receive monthly payments from the Social Security Administration as part of their Social Security Disability Benefits program. Continue reading this guide to determine whether you qualify.

100 E 4th St, Tabor City, NC 28463
(910) 653-2273/ www.josephlray.attorney

Serving the following Southeastern North Carolina Counties:

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Southport
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Columbus County
Whiteville
Tabor City

Robeson County
Lumberton
Pembroke
Red Springs
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Saint Pauls

In this guide, you will learn:

1

The factors the Social Security Administration (SSA) considers when reviewing your application.



2

What to do if your application is denied and the multi-layer appeals process.



3

How I can help you navigate this long, complex process to get the benefits in which you are entitled.





FACTORS CONSIDERED BY THE SSA

The Social Security Administration (SSA) processes millions of applications each year. The SSA has a complex 4 step process that considers your responses to the following questions:

1. Are you gainfully employed?
2. Do you have a medical condition that prevents you from performing your job?
3. Is your medical condition recognized by the SSA as an automatic qualifying condition for benefits?
4. Can you perform some other type of work that will constitute gainful employment?

Main Factor #1: Income Requirements

You may be denied SSD/SSI if you earn more than \$1500 per month. Income from investments does not count toward this income limitation.

Main Factor #2: Failure to Adhere to Treatment Plan

If you are not doing everything in your power to heal and improve your condition by following all medical treatment plans, then the SSA may determine you do not qualify for benefits.



Main Factor #3: Type of Medical Condition Rendering You Disabled

If your injury is temporary, i.e. likely to resolve itself within a year, then you may be denied benefits as this program is intended for those with significant long-term disabilities.

Your chances of qualifying for benefits is greater if your medical condition falls on the SSA’s approved list of medical disabilities; however, other conditions may still apply. We will need to review your medical records to determine the strength of your case.

Classes of Diseases and Conditions that the Social Security Administration Recognizes as Disabling

Cardiovascular System	Heart disease, angina, peripheral artery disease and anemia
Digestive System	Liver dysfunction or transplants, inflammatory bowel disease, ulcerative colitis and short bowel syndrome
Endocrine Disorders	Diabetes, pituitary and thyroid disorders
Genitourinary System	Chronic renal disease

Hematological
Disorders

Sickle cell disease, coagulation defects and other conditions that affect your blood and blood-producing organs

Immune System
Disorders

Problems with antibody production, certain cellular deficiencies and immune deficiency disorders like HIV/AIDS

Malignant
Neoplastic
Diseases

Cancerous tumors that may metastasize

Mental Disorders

See comprehensive list on the next page

Musculoskeletal
System

Trauma to the joints and spine as well as amputations, soft tissue damage and other fractures

Neurological
Disorders

Brain tumors and epilepsy, Parkinson's disease, trauma to the central nervous system and to the spinal cord

Respiratory
System

Asthma, cystic fibrosis, lung transplants and sleep-related breathing disorders

Senses and
Speech

Significant decrease or loss of sight, speech and hearing

Skin Disorders

Dermatitis, bullous (blistering) diseases and chronic infections of the skin and mucous membranes



Mental Health Conditions the SSA Considers Disabling

Organic disorders. Organic mental disorders such as delirium, dementia, and mental diseases such as Alzheimer's.

Psychotic disorders. Mental illnesses, like schizophrenia and paranoia, fall under this category. In some cases, these disorders may automatically qualify you once they are diagnosed and you may qualify for a Compassionate Allowance, which will enable you to start collecting Social Security Disability much sooner.

Affective disorders. Mood disorders, such as depression and bipolar, which are not the direct result of brain abnormalities often fall under this category.

Mental retardation. Learning disorders often qualify an individual for Social Security Disability.

Anxiety related disorders. Both continuous and episodic anxiety related disorders may qualify you for Social Security Disability benefits, if it can be demonstrated that they make it impossible for you to work. Panic attacks and other forms of abnormal fears and phobias are all considered.

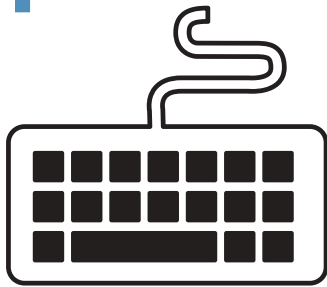
Somatoform disorders. Mental illness which displays itself in symptoms of illness or injury for which there is no discerning cause.

Personality disorders. Many mental illnesses fall under this category, which is defined by deviant inner experience and behavior which does not fit in with society as a whole. Common personality disorders include obsessive-compulsive disorder and passive-aggressive disorder.

Substance addiction disorders. This includes both alcoholism and drug addiction (prescribed and illegal substances).

Autistic/ Pervasive developmental disorders. Mental disabilities which affect communication, cognitive skills, behavior, and social skills.

The Application



So let's consider that you may be eligible for benefits.

What should you do to begin the process?

As soon as you become disabled, you can apply for disability benefits. There are time constraints to file or appeal a claim that has been denied, so do not delay in starting the application process.

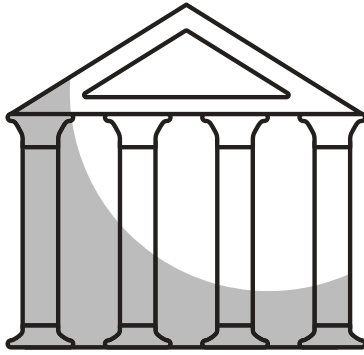
Applicants wishing to apply for disability benefits can provide their information to the Social Security Administration in a variety of ways:

- An in-person interview at the nearest SSA office
- An interview by phone
- An at-home interview, conducted by a field rep
- Online, using the SSA's website

When do Benefits Begin?

It is not uncommon to be denied numerous times before being awarded benefits. Various factors affect the length of time it takes to begin receiving benefits. Many claims will require an experienced attorney to navigate the appeals process.





The Appeals Process



Medical Records and Opinions

To prepare for an appeal, I will help you gather all of your medical records from numerous providers so that we can review a comprehensive picture of your medical condition. I will also request that your providers write an opinion about your specific situation and condition because this helps to better describe the information found in the medical records.

Work and Earnings History

We will also review your work history and skill set to evaluate your ability to work. The SSA will have a vocational expert attempt to find a way for you to find gainful employment. I will make sure that the opinion rendered by the SSA's vocational expert is not setting you up for unrealistic expectations.

Reconsideration

Once you receive a denial of your claim, you file for reconsideration using Form SSA-561 or Form SSA-789. You must ask in writing for reconsideration within 60 days of the date you receive the written notice of the initial determination.

What is an ALJ?

a trier of fact who both presides over trials and adjudicates the claims or disputes involving administrative law

Hearing by Administrative Law Judge

I will help you request a hearing before an administrative law judge (ALJ) by filing Form HA-501 (Request for Hearing by Administrative Law Judge).

You have the option to either appear at the hearing or have it via a video-conference. If you live more than 75 miles away from the location of the hearing, I can help you get a government reimbursement for your travel expenses.

The ALJ may want you to receive additional medical examinations. I will also help make sure you are reimbursed for those expenses as well. This hearing is much more informal than a typical court appearance, but the hearing is recorded in its entirety. Often the ALJ will review all the evidence and then mail a decision to us.



The Appeals Council



If the Administrative Law Judge (ALJ) also denies your claim, we still have additional options to pursue. We will file a Form HA-520 to request a hearing before the Appeals Council.

This is mainly a technical review designed to determine whether there were any errors in the hearing before the ALJ. The Appeals Council will only review a case based on additional evidence if it is new, material, related to the period on or before the hearing decision, and there is a reasonable probability the evidence would change the outcome of the decision.



Federal Court

If the Appeals Council issues a decision or denies your request for review of an ALJ's decision and you disagree with the action of the Appeals Council, a civil action must be filed with the appropriate U.S. District Court located in either Greenville, Elizabeth City or Raleigh.

The U.S. District Court will review the evidence and the final Agency decision. The District Court may send the case back to the Agency, and the ALJ may be ordered to hold a new hearing and issue a new decision.



Amount of Benefits How Much?

If it is determined that you are in fact eligible for benefits, the next factor is determining how much the payments should be.

Social Security Disability is an income-based program meaning that the amount you receive in benefits is determined by the credits earned from your previous earnings.

Those who earned more in their careers qualify for higher disability benefits than those with lesser earnings. If you have not worked long enough to earn the necessary credits, you will not qualify for SSDI; however, you may still qualify for SSI, which is not income-based.

What is the Difference Between

SSDI and SSI?



Both SSI and SSDI disability programs offer cash benefits for disabled individuals, but the financial eligibility requirements are very different.

SSI disability benefits are available to low-income individuals who have either never worked or who haven't earned enough work credits to qualify for SSDI. Disabled people who are eligible under the income requirements for SSI are also able to receive Medicaid.

Social Security Disability Insurance is funded through payroll taxes. SSDI recipients are considered "insured" because they have worked for a certain number of years and have made contributions to the Social Security trust fund in the form of FICA Social Security taxes. SSDI candidates must be younger than 65 and have earned a certain number of "work credits".



Contact Us

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NC 28463

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The application and appeals process for Social Security Disability benefits can be long and complex.

Do not give up.

Allow me the opportunity to help you navigate the system using my legal knowledge and experience to help you get the most you deserve.

Schedule a consultation with me right away.