



7 **COSTLY**
MISTAKES
that can
RUIN YOUR
SOCIAL SECURITY
DISABILITY CLAIM

George
Sink, P.A.

INJURY LAWYERS

By Attorney **George Sink**

**7 COSTLY MISTAKES
THAT CAN
RUIN YOUR
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DISABILITY CLAIM**

And How to Avoid Making Them

By

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7 COSTLY MISTAKES THAT CAN RUIN YOUR SOCIAL SECURITY DISABILITY CLAIM... AND HOW TO AVOID MAKING THEM

Thank you for buying or requesting this book. We at George Sink, P.A. Injury Lawyers believe you will find it helpful, and we would appreciate your comments.

If you have recently become disabled or if someone you care about has become disabled, chances are you're worrying about what to do next. You may also be feeling angry, frustrated, or just confused about the Social Security disability process.

You may be asking these questions: "Can I trust the government to take care of me? How do I deal with the Social Security Administration? Should I get a lawyer? Will I lose any benefits because I didn't follow the complex government rules?"

If any of these questions have occurred to you, then keep reading. Our hope is that this book will answer many of your questions, and that it will ease some of your stress and frustration.

The Social Security Administration oversees a number of programs designed to provide financial security to aging and disabled Americans. Unfortunately, the Social Security Administration's day-to-day operations have resulted in enormous backlogs of denied claims that are awaiting appeal hearings. This means that obtaining Social

Security disability benefits can be a long, complex and, at times, frustrating process, especially if you are also dealing with medical and financial issues.

If you are reading this book, chances are you or a loved one are either already in the process of trying to obtain Social Security benefits or you are considering your options for filing for benefits.

You may already have been denied benefits and are wondering why, after all your years of hard work and handing part of your paycheck over to the government, you are being denied benefits which are rightfully yours. You may be a spouse wondering why your partner has been denied disability benefits when he or she is clearly suffering from one or more very serious impairments. If you have had these thoughts, or if you are just interested in learning more about the Social Security disability claims process, read on, or call us for a free consultation at 1-800-772-1100.

We have written this book so that consumers could have good, solid information before hiring an attorney or dealing with the Social Security Administration. Okay, are you still a little suspicious? Are you still wondering why we wrote this book, and why we are giving it to South Carolina residents for free? Let me try to explain further.

Most attorneys require you to make an appointment, during which you would get some of the information that we are providing here. We believe that you should be able to have this information right now, and without any pressure.

Selecting an attorney to represent you is an extremely important step and one that should not be taken lightly.

We believe you should not undertake this step without a basic understanding of the disability benefits process. Also, this method of talking to you saves us time. We've packed a ton of information into this book, and it saves us and our employees the hours of time that it would take each day just to talk to all of the new potential clients who contact us. We cannot and we will not accept every case, and each day we turn down Social Security cases that simply do not meet our case selection criteria.

So, rather than cut you short on the phone, writing this book gives us a chance to tell you what you need to know so that you can make an informed decision about your Social Security disability case. Even if we do not accept your case, we still want you to be well-informed about the Social Security process so that you don't make these common mistakes.

We Are Not Allowed to Give Legal Advice in this Book!

Even though we may know many of the arguments that Social Security may make in your claim, we are not allowed to give legal advice in this book. We can offer suggestions and identify certain pitfalls and traps, but please do NOT take anything in this book to be legal advice. We can tailor make our advise to fit your case if you care to contact us.

Important Notice:

We do not want to interfere with any legal relationship you might have now. If you are already represented by a lawyer, this book may raise certain questions for you. Please discuss these questions with your lawyer. Each law firm does things a little differently, and small differences don't mean that we are right and your lawyer is wrong. If you are having a difficult time communicating with your lawyer, please sit down with him or her and try to work things out. In our view, it is usually better to work out problems and stay with your original lawyer than to switch lawyers part-way through your claim. Our firm normally does not accept cases in which another attorney has been involved. Please do NOT ask us to take your disability case away from another lawyer.

BASICS

We find that the best way to understand a complicated concept is to start with the basics. We will start by telling you about the types of benefits available to disabled citizens through the Social Security Administration.

From there, we will move on to the process of applying for and getting Social Security disability benefits.

Finally, we will reveal seven fatal mistakes that we see Social Security claimants make every day that prevent them from getting the benefits they deserve.

The Social Security Administration offers several types of benefits: Retirement Benefits, Survivors Benefits, Disability Insurance Benefits, and Supplemental Security Income. There are other financial and health care benefits that are offered through Social Security, but this book focuses on benefits for people who, because of a medical disability, are unable to work. To find out about other possible benefits, visit www.ssa.gov or call the Social Security Administration toll-free at 1-800-772-1213.

The following chart shows the differences in Disability Insurance Benefits (DIB) vs. Supplemental Security Income (SSI).

DISABILITY INSURANCE BENEFITS (DIB)
vs.
SUPPLEMENTAL SECURITY INCOME (SSI)

	DIB	SSI
What Is Considered a Disability?	Any physical or mental impairment that lasts 12 months or more that prevents you from working a full-time job	Same as DIB
Credit Requirements	Must have paid enough taxes into Social Security recently to be eligible	No credit requirements
Financial Limitations	If you are working part-time, you cannot earn over the level for substantial gainful activity (2014: \$1070/month)	Household income and assets on resources must meet certain income and resource limits.
How Much Can I Get?	Depends on how much you have paid into Social Security	Currently, \$721 individual, \$1082 per couple maximum per month, but this is decreased dollar for dollar by any income you have
Any Health Insurance Included?	Medicare: Eligible 2 years after you start receiving benefits	Medicaid: Eligible as soon as you are declared disabled
Can My Children Get Benefits?	Usually. Most children are entitled to a dependent's benefit. But there is a family maximum.	Not as a result of your disability. Children must have a disability of their own to qualify for SSI.

<p>Who are these Benefits For?</p>	<ul style="list-style-type: none"> -Anyone who has paid into SSA enough to be insured -Anyone who may be eligible on a spouse or parent's work record 	<ul style="list-style-type: none"> -Adults of retirement age -Disabled adults under retirement age -Disabled minor children
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RETIREMENT BENEFITS

Retirement benefits are available to those who have paid enough Social Security taxes (through income withholding) to be fully insured for retirement benefits. If you have worked and paid taxes on your income for a good portion of your life, you will almost certainly qualify for retirement benefits.

You are eligible to receive full retirement benefits when you have reached full retirement age. The full retirement age used to be 65. However, the full retirement age is rising.

Depending on when you were born, your full retirement age may be anywhere between 65 and 67. The following chart shows your full retirement age according to your year of birth.

Year of Birth	Full Retirement Age
1937 or earlier	65
1938	65 and 2 months
1939	65 and 4 months
1940	65 and 6 months
1941	65 and 8 months
1942	65 and 10 months
1943-1954	66
1955	66 and 2 months
1956	66 and 4 months
1957	66 and 6 months
1958	66 and 8 months
1959	66 and 10 months
1960 and later	67

You can opt to receive retirement benefits prior to reaching your full retirement age starting at age 62 ½ . However, you will receive a PERMANENT REDUCTION PENALTY in the amount of your monthly benefit for taking early retirement. The earlier you retire, the greater the amount of the reduction.

For example → Jim has worked his entire life in heating and cooling repair and decides it is time to call it quits when he turns 62 years old. He has always paid taxes into Social Security and decides he wants to go ahead and draw his retirement benefits. When he applies, the agent at the Social Security office doesn't tell Jim that his benefits will be permanently reduced. He begins drawing a retirement check in the amount of \$1280 per month. When Jim turns 65, his full retirement age, he finds out that his full retirement amount should be \$1600. However, he is not eligible to receive this monthly rate now. His monthly check will be \$1280 for the rest of his life. If he had waited to retire, he would be receiving \$320 more per month.

SURVIVORS BENEFITS

Survivors benefits are available to direct relatives of deceased workers who have paid enough money into Social Security to be insured for retirement and survivors benefits. (Again, you pay money into Social Security through monthly withholdings from your paycheck.)

Widows or Widowers

- Under age 50: You are not eligible to receive benefits unless you have a deceased spouse's minor child in your care.
- Age 50 – 59: Must be disabled and will receive a reduced benefit
- Age 60 – 64: No disability requirement, but you will draw a reduced benefit
- Age 65: No disability requirement and you are entitled to full benefit

Child Benefits

Children of a deceased OR disabled worker can receive benefits if they are:

- 1) The unmarried child of the deceased under 18 (up to age 19 if attending elementary or secondary school full time).

- 2) Adult children who have a disability that began prior to age 22

Children of a **deceased** worker are entitled to an amount equal to **75%** of the deceased worker's disability benefit. This is limited by a family maximum.

Children of a **disabled** worker are entitled to an amount equal to **50%** of the disabled worker's disability benefit. This is limited by a family maximum.

Dependent Parents Benefits

Benefits may also be payable to the parents of a deceased worker who lived in the deceased worker's care. If the parent was dependent on the child, he or she may be eligible to receive monthly benefits based on the child's work record.

DISABILITY INSURANCE BENEFITS

Disability Insurance Benefits are what most people think of when they hear the phrase "Social Security Disability." Disability Insurance was designed to provide disabled workers with income. It works like any other insurance policy.

In order to be eligible to receive benefits, you pay premiums every month by having taxes withheld from your paycheck. As long as you continue to pay your premium, you stay insured to receive benefits. Once you stop paying the premium (in other words, stop working or stop paying taxes), your coverage will eventually lapse or end.

Generally, your coverage will end within five years after the date you stop working. In order to receive Disability Insurance Benefits, you have to prove that you became disabled prior to the date your insurance lapsed.

You may be asking what it takes to prove that you are disabled. In order to prove you are disabled, you must show the following:

1. You have a physical or mental impairment or combination of impairments that can be shown through medical evidence;
2. This impairment or combination of impairments makes you unable to do **ANY** sort of work (**NOT JUST PAST WORK**) on a full-time basis; and in the national economy.
3. **YOU ARE UNABLE TO WORK FOR 12 CONSECUTIVE MONTHS** or more at a level of substantial gainful activity. (Social Security currently defines “substantial gainful activity” as earning more than \$1070 / month).

The amount of benefits you will receive each month depends on how long and how much you have paid into Social Security.

SUPPLEMENTAL SECURITY INCOME

Supplemental Security Income (SSI) is a program designed to provide financial assistance to those who are ineligible

for Disability Insurance or who are only eligible for a small amount but are nevertheless unable to work due to a physical or mental impairment and have very limited income and financial resources.

In order to be eligible to receive these benefits, your household income must be very low and the value of your total assets (not including your house or car) must not exceed \$2000 if you are single and \$3000 if you are married.

You must also prove that you are disabled. Again, in order to prove you are disabled, you must show the following:

1. You have a physical or mental impairment or combination of impairments that can be shown through medical evidence;
2. You are unable to do **ANY** sort of work (**NOT JUST PAST WORK**) on a full-time basis; and in the rational economy.
3. **YOU ARE UNABLE TO WORK FOR 12 CONSECUTIVE MONTHS** or more at a level of substantial gainful activity (Currently earning more than \$1070 / month).

The amount of monthly benefits you are entitled to depends upon the amount of your household income. As your household income rises above a certain amount, the amount of SSI you are due begins to decrease dollar for dollar.

SSI is also available to children who have medical conditions that Social Security deems serious enough to be considered disabilities. For purposes of determining how much a child is due each month, part of the income of the parent or parents is deemed to be the child's income.

THE DISABILITY DETERMINATION PROCESS

Initial Application

To be awarded disability benefits, you first have to assert your right to them. You do this by filing an application with the Social Security Administration.

You can apply in person, over the phone, or online – or George Sink P. A. Injury Lawyers can complete the online application for you!

George Sink Injury Lawyers Can Help You

When our office helps you with your claim for Disability Insurance Benefits, we can complete the online application for you. That way, you can get your claim started off right! In order to do this, we ask you to complete our forms, so that we have the best information to begin your application and fill out the reports that Social Security requires. If you would like our help starting your online application, just call us at 1-800-772-1100 to set up an appointment.

In Person

You can apply for Social Security Disability benefits in person by going to your local Social Security office. You should call 1-800-772-1213 to make an appointment. Under this option, you would meet with a claims representative in your local office.

Obviously, one drawback to this method is that it may be difficult for you to physically get to the Social Security office. If your claim is for Supplemental Security Income (SSI), this is your best bet. But if you have difficulty getting to the Social Security office, the next option may be more convenient for you.

Over the Phone

To apply over the phone, simply call Social Security at 1-800-772-1213. Social Security will collect some basic information from you and will arrange a telephone interview at a later date. Once the interview is finished, they will send you papers necessary to start your claim for Social Security benefits. You will need to look over the papers, sign them and return the papers to Social Security to complete your application.

Online

You can apply for disability benefits online at www.SSA.gov. Note, however, that only applications for Disability Insurance Benefits may be started online. If you may be eligible for Supplemental Security Income, you will need to apply for those benefits either in person at your local Social Security office or by calling Social Security at 1-800-772-1213. If you do apply online, and you have access to a printer, we suggest that you print out two important numbers as you work on the application. One is the “re-entry number.” This number will allow you to close the application session before you have finished and return to it later, without having to start the forms all over again.

So print that number or write it down.

Once you have completed the application, and pressed the “Submit” button, print out or write down the “Confirmation Number.” This is proof that you filed your application online. After you have filed it electronically, we recommend that you call Social Security to confirm that your application was received. When we file applications for our clients, we take care of all these details for you.

Once you have filed an application, Social Security will turn your application over to your state’s division of Disability Determination Services (DDS). This is an organization dedicated to evaluating Social Security claims and determining whether or not a person is disabled for purposes of receiving government benefits.

Social Security will ask you to fill out questionnaires about your medical condition and how it affects you on a daily basis. DDS may send you to appointments with physicians and/or psychologists for further evaluation of your condition. They will also gather your medical records and may talk to your friends or family about your limitations.

Once they have gathered and evaluated all of this information, a decision will be made as to whether or not you are disabled. Social Security will send you a letter informing you of its decision in writing. If you are approved, your benefits will be started. If you are denied, you will be notified and you must appeal to continue your claim.

Reconsideration

If your initial application is denied, you must file an appeal with the Social Security Administration. If you live in South Carolina, this appeal is known as a Request for Reconsideration. You cannot skip this step and go directly to a hearing. You must go through this process in order to have your claim properly heard. You have 60 days to file the appeal from the date of your denial decision.

Once you file this appeal, your claim goes through the same evaluation process it went through during the initial application. However, a different set of evaluators makes the decision. Only about 14% of all disability applications at this level of appeal are actually approved. If you are denied at this stage, you must file the next appeal in order to continue your claim.

This process is a little different for claimants in Alaska, Alabama, California, Colorado, Louisiana, Michigan, Missouri, New Hampshire, New York, and Pennsylvania where there is no reconsideration level in the Social Security process. If you live in any of those states and your initial application is denied, the next step is to file a request for a hearing.

Hearing

If your claim has been denied at the reconsideration stage (or, for Alaska, Alabama, California, Colorado, Louisiana, Michigan, Missouri, New Hampshire, New York, and Pennsylvania claimants, if your claim has been denied at

the initial stage), you now have the opportunity to request a hearing before an administrative law judge. This judge specializes in Social Security claims, and he or she is an expert in the laws and regulations involved in the disability process. The judge is also not bound by the previous denials in your case. He or she will evaluate all the medical evidence in your file and make a new decision in your case. You have 60 days to file the appeal from the date of your denial decision.

After you request a hearing, Social Security will schedule a date and time for you to appear in front of the administrative law judge. You will have the opportunity to tell the judge in person about the limitations your condition causes and how these limitations affect you on a daily basis. The judge may ask expert medical and vocational witnesses to testify about your limitations. After the hearing, the judge will normally issue his or her decision in writing. Many cases that are denied in the earlier stages are approved at the hearing level.

Appeals Council and Beyond

If your claim is denied by the administrative law judge, your case is NOT over. The Appeals Council has the authority to review unfavorable decisions from administrative law judges. If the administrative law judge made a legal or factual error that resulted in a denial of benefits, you have the option to ask the Appeals Council to either award your case or give you a new hearing. As of July 2011, except in limited circumstances, you will have to decide whether to appeal your claim to the Appeals Council or file a new claim for Social Security disability

benefits. This can be an important decision with lasting impact on the benefits you may be entitled to, and we recommend that you seek the advice of an attorney in making this decision.

7 COSTLY MISTAKES

COSTLY MISTAKE 1

Setting Up a Bad Medical Record

If you are sick or injured, only you truly know and experience the full extent of your limitations and your pain. Maybe you have had to alter your life significantly to accommodate your illnesses. Perhaps the pain you experience and the medication you take for your conditions make it difficult for you to focus.

While you will eventually have the chance to describe your illness and your limitations to disability examiners and an administrative law judge from your point of view, this is not enough to prove that you are disabled. The foundation of a successful Social Security disability claim is solid supporting medical evidence.

Treat Early and Treat Often

If your medical condition is bad enough to keep you from going to work, then it is bad enough for you to seek medical treatment. Consult a doctor as soon as possible. Do your best to keep all appointments with your doctors, therapists and counselors. Understandably, you may not even be contemplating filing for Social Security disability

benefits when you initially hurt yourself or fall ill, but the #1 thing you can do to strengthen your claim for Social Security disability benefits is to get regular medical care.

However, if you do not have medical insurance and cannot afford treatment for yourself, you should attempt to apply for Medicaid with your local Department of Social Services. Each state has a different program that provides medical coverage – and sometimes cash benefits – to the disabled. You may qualify for assistance from one of these state programs. The best way to find out whether you qualify is to apply.

You may also be eligible to receive care at a free or low cost medical clinic in your area. Finally, if you experience a medical emergency, you can also receive treatment at hospital emergency rooms.

Follow Reasonably Prescribed Treatment

Social Security law can prevent you from recovering benefits if you fail to follow the treatment recommended by your doctors. You may ask, “What if I disagree with the treatment that my doctor is recommending?”

First of all, you should remember that your doctor is a practicing expert in his or her field and, generally, physicians act in your best interest. However, no one is perfect. If you feel strongly that your doctor’s recommendations are wrong, you should talk with him or her about your feelings. You may also seek a second opinion from another doctor or specialist.

IN NO CIRCUMSTANCE should you completely disregard your physician's prescribed treatment while attempting to resolve your concerns.

Should your doctor recommend a course of treatment that has a chance of not improving your condition and may actually worsen your condition, such as surgery, you should make sure that your doctor documents the chances of success and/or failure of the treatment. If the treatment is not likely to improve your condition, Social Security will not hold it against you if you do not elect to follow through with the treatment.

Explain Your Pain and Limitations in Detail

One of the best ways to make your personal experience of pain or other limitations a credible part of the medical record is to describe these to your physician and to have them included in medical notes.

Here is an example of an explanation that is not effective:

“Doc, I hurt all over. The pain is everywhere. I can't do things like I used to. Nothing helps and I just feel like I'm walking around in a daze all the time.”

Although this lets the doctor know the patient is in pretty bad pain, it doesn't give any specifics about where or how much the pain limits the person. In most cases, the more specific the statements, the more believable they will be.

Here's an example of a more effective explanation:

“Doc, my pain is in my lower back and it sometimes goes down the back of both of my legs down to the knee. I can only bend over far enough to touch my knees and I can’t twist without any pain. I can only stand for about 20 minutes before I have to sit down and I can only sit for about 10 minutes unless I’m in a recliner. The pain medicine you gave me makes me tired and dizzy for most of the day. I generally fall asleep for a couple of hours every day.

I have to have help with getting dressed in the morning and I’m not able to do any housework other than light dusting.”

Of course, your explanation will focus on the particular limitations you experience. However, you should use this degree of detail when talking with your doctor. We are not advocating that you give your doctor a laundry list of limitations every time you have an appointment. However, you should be aware that you need to be detailed when describing your problems to your doctor.

Giving your doctor detailed information about your illness or injury and the impact it has on your daily life can be important to your personal health, as well as a potential Social Security claim.

Keep Personal Logs

Another method of making your personal complaints of pain and other limitations a credible part of the record is keeping a personal journal documenting your pain or other events associated with your impairment(s).

For example, a person suffering from seizures should document the date and time of each seizure occurrence along with the type of seizure, the intensity of the seizure, the recovery time and any other information relevant to the event. The same kind of log could also be used to record migraine headaches and episodes of any other worsening of bodily pain.

This method of keeping track of your pain makes your current complaints more credible and provides a tangible view of the ongoing severity of your condition.

Consult Specialists

Specialists are doctors who focus their individual practices on a particular area of medicine. These doctors deal with and generally have more expertise with a certain area of medicine than your primary care physician would.

Examples of such specialists are:

<u>Area or Illness</u>	<u>Specialty</u>
Arthritis or Fibromyalgia	Rheumatologist
Brain and Nerves	Neurologist
Heart	Cardiologist
Lungs	Pulmonologist
Mental Health	Psychiatrist
Kidneys	Urologist
Diabetes	Endocrinologist
Feet	Podiatrist
Bones	Orthopedist
Cancer	Oncologist

These are just a handful of examples of specialties. You should speak with your primary care physician about your particular problems to determine if consulting a specialist might be appropriate. The point is that a specialist's opinion regarding your particular condition may be helpful to a judge evaluating your Social Security claim. Getting an early initial diagnosis or a later confirmation of a previous diagnosis from a specialist will save a lot of headaches in making sure you have sufficient documentation of your conditions.

COSTLY MISTAKE 2

Waiting Too Long to Apply

Once you, through consultation with your doctor(s), have determined that you may be unable to work for a period of 12 months or more, you should file for benefits immediately. You could risk losing benefits to which you are legally entitled by waiting longer than necessary to apply.

If you are eligible to receive Disability Insurance Benefits, you can only recover retroactive benefits for the 12 month period prior to submitting your application for benefits. Therefore, if you wait more than a year from the date you stop working to apply for benefits, you risk losing more benefits with each month that passes.

Depending on how much you have paid into Social Security over the years, this could result in a loss of *thousands of dollars per month*.

If you are eligible for Supplemental Security Income, you are only eligible to receive benefits from the time of your application or the month after.

Therefore, it is especially important that you apply for benefits as soon as possible. Every month that you do not apply, you may be losing out on benefits to which you are entitled.

COSTLY MISTAKE 3

Waiting Too Long (or Failing) to Appeal

If you have already applied for Social Security disability benefits and you have been denied, you most likely received a letter notifying you of this denial. Toward the end of that letter, there is a paragraph telling you that you have the right to appeal your case. This paragraph states that you have 60 days from the date of the letter to appeal your claim.

If you fail to file an appeal on time, you may have to start the application process over from the beginning. This also means you will have to go back to the beginning of the waiting list. You may also permanently lose the right to much needed back benefits. **APPEALING A DENIAL BEFORE THE DEADLINE MAY PRESERVE YOUR RIGHT TO THE BENEFITS YOU DESERVE.** For

these reasons, when you learn of a denial of your application, you should appeal as soon as possible.

COSTLY MISTAKE 4

Using Illegal Drugs and/or Abusing Alcohol

Social Security claimants who use illegal drugs and/or abuse alcohol risk losing their entitlement to benefits. Social Security laws can prevent you from receiving disability benefits if your alcohol or drug use is a major factor causing your disability.

You may have heard of people receiving disability benefits for alcohol use in the past. However, federal laws have changed. Drug addiction and alcoholism are no longer considered disabilities that may be compensated with Social Security benefits.

Proving that drug and alcohol use is not a material cause of your disability is very difficult. It means that Social Security must be able to look at your case and determine that even if you were completely clean and sober, you would still be disabled. As you can imagine, this is very tough to do. It can be especially difficult in cases where there is a mental illness. Also, although it is possible to prove disability even with ongoing substance abuse, drug use and/or alcohol abuse tends to harm your credibility as a witness.

COSTLY MISTAKE 5

Failing to Cooperate with Social Security

During the Social Security disability process, representatives from Social Security may contact you by phone or by mail. They may ask you to fill out questionnaires regarding your work history, your present medical condition, or your day-to-day activities. They may even schedule an appointment for you with one of their doctors, an appointment Social Security calls a “consultative examination.”

Sometimes it seems as if you are repeating information you already gave to Social Security. However, these updates may be important to your claim. If you fail to cooperate with Social Security by completing these forms or attending the consultative examination, your application for benefits may be denied due to your own lack of cooperation and on account of the fact that the information you did not supply is missing from your file. That’s why it’s important for you to do your best to provide Social Security with all of the information they need to make a decision on your claim.

COSTLY MISTAKE 6

Making Inconsistent Statements

Your credibility as a medical patient and as a witness can make or break your Social Security disability claim. Your credibility is built upon many things including your age, education, work history, medical history, criminal history, family history, use of illegal drugs, abuse of alcohol, and many other variables. However, a cornerstone of credibility, particularly in the hearing room, is the consistency of your statements. Often, a Social Security claimant's case can rest on whether or not the administrative law judge believes that the claimant's limitations are as bad as he or she reports.

Consistency in the statements you make to Social Security personnel, to doctors, to employers, to friends, to family and to the administrative law judge builds a strong foundation for the credibility of your complaints.

However, inconsistencies in your statements can cause an administrative law judge to lose faith in the credibility of your claim, and to attack the credibility of your complaints in his or her decision, deny your claim and make winning on appeal more difficult.

Bottom line: be open and honest. The best way to be consistent is always to tell the truth.

COSTLY MISTAKE 7

Representing Yourself

One of the worst mistakes that Social Security claimants make is to represent themselves. We won't pretend that there are not some people who represent themselves and win their cases. However, we believe that the likelihood of winning your case is certainly smaller without the aid of an attorney.

You may be wondering what an attorney can do for you that you can't do for yourself. Well, an attorney can:

1. Make sure Social Security has all medical, vocational and other relevant documentation to prove your case.
2. Apply complex Social Security regulations to the unique facts of your case in order to make the best argument in support of your claim.
3. Look for the possibility of re-opening previous filings that you did not appeal, potentially resulting in more back benefits that you might never even know you were entitled to on your own.
4. Look for ways to expedite your hearing office decision, if feasible.
5. Represent you at a hearing before an administrative law judge, including cross-examining any medical and vocational experts that may be testifying.

6. Make sure you get ALL the benefits to which you are entitled.

So if a lawyer can do all the things that are listed above to help you with the claim, why wouldn't you hire one? Here are the main reasons why people don't hire a lawyer to help them in their disability claim:

1. They don't know if they really need a lawyer, so they are hesitant to talk to one.
2. They don't know a lawyer personally, so they don't bother to look for one.
3. They aren't sure if they can trust a lawyer, so they don't want to use one.
4. They think they cannot afford to hire a lawyer.

These reasons are not good ones. In spite of all the lawyer jokes you may have heard, there are many honest, hard working, and ethical lawyers who can help you deal with the Social Security Administration. While it is true that a lawyer will usually get a portion of the money you collect from back benefits, it is also true that a good lawyer can increase your chances of getting awarded benefits and sometimes can even increase your chances of getting a larger award.

You certainly should at least contact a lawyer who can provide useful information about Social Security's administrative process for awarding disability benefits.

Moreover, an attorney, based on his or her knowledge and experience with these claims, can help you understand if you have a valid claim. At George Sink Injury Lawyers we know the Social Security disability process can be overwhelming. If you call us with a problem or a question, even if we know we can't represent you, we'll still do our best to answer your questions or we'll refer you to another lawyer or to a government agency that may be able to help you.

Okay, now you've decided whether to hire a lawyer. If you do want to hire a lawyer, how do you choose the best one for you? Hiring a lawyer is easy. Hiring the RIGHT lawyer takes a little extra work. You see, there is as much difference between individual lawyers as there is between doctors, accountants, or other professionals. Choose carefully!

Some law firms handle Social Security claims as one small part of their practice. Their attorneys might do a few Social Security claims each year, but focus mostly on auto accidents, medical malpractice, family law, workers compensation, or other areas of law.

We focus our practice on disability claims for Social Security benefits. Because we have a large practice, everyone who works on your claim is familiar with disability claims because he or she handles them all day, every day. Social Security is what we do. There is a difference!

Here are 8 questions you might consider asking a law firm before hiring them:

1. Q: How much experience do you have in representing Social Security disability claimants?
2. Q: Who at your office will be assigned to my case?
3. Q: What are the qualifications and experience of the people (both attorneys and non-attorneys) assigned to handle the day-to-day duties of my case at your office?
4. Q: Who at your office will be communicating with the Social Security Administration on my case?
5. Q: Are you covered by a legal malpractice insurance policy?
6. Q: Have you ever been sued for legal malpractice?
7. Q: Does your firm always use a lawyer in Administrative Law Judge hearings, or do you sometimes use legal assistants?

First and Foremost....Be Honest With Yourself

We are not suggesting that you file a Social Security claim if you truly believe you are capable of working full-time.

If you believe that you'd be able to do some sort of work on a full-time basis, you can be fairly sure that the medical records are going to reflect that and you will ultimately be found not disabled, no matter how many appeals you file.

You should also be honest with yourself if you feel that you cannot do any sort of work. In other words, **YOU MUST LEAVE YOUR PRIDE AT THE DOOR.**

We realize that one of the hardest things to do is to admit that you need help. However, you must also realize that you are not alone and you have no reason to be ashamed.

These benefits are provided to you under law and you have earned the right to pursue them and obtain them.

However, we believe that part of your decision on whether or not to pursue disability benefits should be a consultation with an attorney for an evaluation of your claim.

SO HOW CAN WE HELP YOU?

In our practice, we've found that many people are **FRUSTRATED, SCARED, INTIMIDATED** and **UNSURE OF WHAT TO DO**. Sometimes people find it hard just to ask for help. Others may have already been intimidated or discouraged by the federal government or others they've been dealing with.

We've found that once we talk with people about their claim and the legal process, they feel much better and more at ease with the whole process. After talking with us, they understand what's fair, and they feel good about doing the right thing.

We think our clients also appreciate the opportunity to talk with us at **no charge**, and with **no pressure!** Our experienced attorneys and paralegals are available to provide free telephone consultations Monday through Friday from 8:00am to 7:00pm at 1-800-772-1100.

ONE THING YOU DON'T WANT IS TO BE PRESSURED!

We don't blame you in the least. We certainly don't like pressure either. That's why you must be careful and take the time to make the best decisions possible. You can't make a good decision if you are being **PRESSURED!**

One of the reasons we wrote this book is to see if we can assist you. We would like to tell you about your legal rights and to answer your questions without any pressure **AND FREE OF CHARGE!**

SO HERE IS WHAT WE WOULD LIKE TO OFFER YOU:

A FREE TELEPHONE INTERVIEW. We'll talk to you about your claim and discuss your legal rights **AND ANY CONCERNS YOU MAY HAVE.** We will answer any questions you have about our legal experience, the Social Security process, or your legal rights. It is our hope that during this interview we can help you with the following:

1. *Find out if you may meet Social Security's criteria for receiving disability benefits.*
2. *Find out if you are taking the proper steps to preserve your right to appeal.*
3. *See if you may be exposed to risks you may not know exist, and could spell disaster for you.*
4. *And LOTS MORE!*

Remember, you are under no obligation and no one will pressure you! We are here to help!

Our goal is to simply create an environment where you can speak to a person who has experience with this type of claim, and who has helped many others who, like you, have medical problems that make it difficult to keep up with the demands of work. Here you can speak with a lawyer. We understand that this can be a difficult time! You may be sick or injured, and worried about how you and your family will survive financially while you are unable to work. Undue stress and tension can make things much worse.

If this makes sense to you in any way, then you've probably got a few questions. Feel free to call while this is still fresh in your mind. Waiting any longer may just cause more stress or put you at greater risk. We would be happy to get you the information that may ease your mind.

Remember, Social Security law is filled with time limits and notice deadlines!

Why are we willing to do all this? We want you to see for yourself that there are lawyers out there who are honest, competent, and willing to work hard for your best interest. You may be wondering how we earn our money, and whether you will ever have to pay an hourly fee.

Well, you should understand that we only get paid when we collect money for our clients. We only get paid if you get paid. **So we have an incentive to devote ourselves to your case and fight for your rights to receive the kind of compensation you rightfully deserve!**

If you would like to take advantage of the free consultation, with no obligation, just give us a call. We will personally set time aside for us to talk. Thanks again for requesting this free book. We hope you have found it useful and interesting. We look forward to hearing your comments on this book.

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Suite A
Walterboro, SC 29488

Sumter*

207 A North Washington St.
Sumter, SC 29150

*Our offices in Florence & Sumter are presently unstaffed and available by appointment only. The attorney who will represent you is primarily based in Columbia or Charleston, but they or a representative will travel to meet with you anywhere in the state.

7 COSTLY MISTAKES THAT CAN RUIN YOUR SOCIAL SECURITY DISABILITY CLAIM

is written in plain English without the legal mumbo jumbo. This book is meant to be used by consumers to educate them to avoid mistakes in pursuing their disability claims.

This book helps guide claimants through the landmine of traps they face with Social Security Disability claims.

“It is my genuine hope that this information will help you learn the important things that you should - and should not - do when pursuing a Social Security Disability claim.

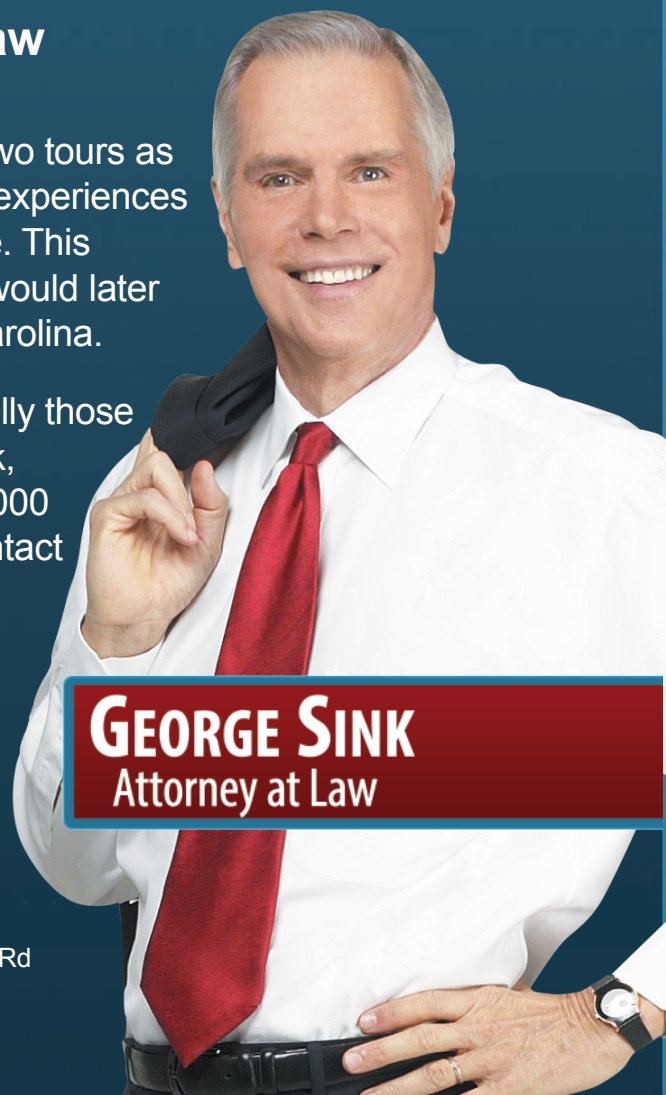
~ **George Sink, Attorney at Law**

Working as an inner city teacher and two tours as a Marine in Viet Nam were life changing experiences in George Sink's first years out of college. This reinforced his dogged determination he would later draw upon to help the people of South Carolina.

“I have a passion to help people, especially those who are hurting,” adds Sink. George Sink, P.A. Injury Lawyers, has helped over 35,000 injured people. If you would like help, contact us for a FREE consultation:

**1-800-849-SINK (7465)
www.sinklaw.com**

Information only. This material is not legal advice. Cases handled by a lawyer at George Sink, P.A., who principally practices in our Columbia - 1440 Broad River Rd, North Charleston - 7011 Rivers Ave, or Greenville - 530 Howell Rd office.



GEORGE SINK
Attorney at Law