

## Social Security Administration Important Information

Notice of Padro et al. v. Astrue Class Action Settlement  
And 60 Day Deadline to Ask for a New Hearing and Decision

### **You May Be Eligible For A New Hearing And Decision On Your Disability Claim – Please Mail Us The Enclosed Form Within 60 Days After You Get This Notice**

Our records show that you received an unfavorable or partially favorable decision between January 1, 2008 and [*date of final approval*] on a claim for Social Security Disability Insurance Benefits and/or Supplemental Security Income. Your decision was issued by one of the following five Administrative Law Judges (ALJs): Michael D. Cofresi, Seymour Fier, Marilyn P. Hoppenfeld, David Z. Nisnewitz, and Hazel C. Strauss, at the Queens, New York Office of Disability Adjudication and Review.

On [*date of final approval*], the United States District Court for the Eastern District of New York approved a settlement in the class-action lawsuit *Padro et al. v. Astrue*. This lawsuit challenged unfavorable and partially favorable decisions on claims for disability benefits made by the ALJs named above.

Because of the settlement, you may be eligible for a new hearing and decision on your claim. The new decision would be made by an ALJ who is not one of the ALJs named above or, in certain circumstances, by an attorney advisor or the Appeals Council.

You may be eligible for a new hearing and decision unless:

- You appealed the decision you received from one of the ALJs named above to a United States District Court, and:
  - The United States District Court affirmed the ALJ’s decision, and you did not have a motion to alter or amend the Court’s judgment pending as of [*date on which the settlement becomes effective*]; or
  - The United States District Court remanded your claim, the Court’s order said the claim did not need to be assigned to a different ALJ, and you did not have a motion to alter or amend the Court’s judgment pending as of [*date on which the settlement becomes effective*]; or
- You were already found eligible for all benefits for which you could be eligible based on the claim decided by one of the ALJs named above; or

- You already received a new decision on your claim by an ALJ who is not an ALJ named above; or
- The claim decided by one of the ALJs named above is pending with a different ALJ (other than the five ALJs named above) at the time you return the enclosed form.

This notice explains what you must do if you want a new hearing and decision on the disability claim that one of the ALJs named above decided between January 1, 2008 and [*date of final approval*].

### **How To Ask for A New Hearing and Decision**

To ask for a new hearing and decision, you must fill out the enclosed request form. **You must do this even if you have appealed your decision to the Appeals Council.**

You must mail the enclosed form back to us **within 60 days** after you get this notice. We will assume that you got the notice 5 days after the date of the notice, unless you show that you got the notice later. We have included an envelope for you to use.

**If you do not respond within 60 days, you may lose your chance for a new hearing and decision.** We will not consider a late request unless you show you had a good reason for not responding in time.

### **What We Will Do If You Ask For A New Hearing And Decision**

If you send back the form, we will check to see if you are eligible for relief under the settlement.

If you are eligible, and an appeal of your claim is pending in a United States District Court, we will contact you, or your attorney if you have one.

If you are eligible, and you do not have an appeal pending in a United States District Court, we will write to tell you that we are sending your claim to an ALJ for a new hearing and decision. The new decision will be made by an ALJ who is not one of the five named above or, in certain circumstances, by an attorney advisor or the Appeals Council.

If you are not eligible for a new hearing and decision, we will send you a notice that tells you why.

**If You Have Any Questions**

If you have any questions about this notice, please visit or call your local Social Security office, or call Social Security’s toll-free phone number at 1-800-772-1213. If you are deaf or hard of hearing, please use our TTY number at 1-800-325-0778. More information about the *Padro et al. v. Astrue* settlement is also available on our website at [website address]. If you call or visit an office, please have this letter with you. It will help us answer your questions.

If a representative was helping you with your claim for disability benefits, you should contact that person to let him or her know about this notice. If we have information about your representative, we will send that person a copy of this notice. That person’s name will also be listed below.

You can also contact the Urban Justice Center, the lawyers who brought the *Padro et al. v. Astrue* lawsuit, by writing to them at Urban Justice Center, Padro Class Counsel, 123 William Street, 16th Floor, New York, NY 10038, or calling them at (646) 459-3068.

Enclosure(s):

*Padro et al. v. Astrue* Request Form  
Return Envelope

cc:

[*Representative of Record*]

[*Representative Payee*]

**Padro et al. v. Astrue - Request Form**  
(Request for Retrospective Relief)

**IMPORTANT**  
Return This Form Within 60 Days  
If You Want A New Hearing And Decision

[Name]  
[Address]  
[City State Zip]

[Date]  
[Social Security Number]

If you want a new hearing and decision, please sign and date this form and return it in the enclosed pre-paid envelope within 60 days after you get this notice.

I want a new hearing and decision.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

If your address is different from the one shown above, please write your correct address.

\_\_\_\_\_  
ADDRESS (Number and Street, Apartment Number, Post Office Box, or Rural Route)

\_\_\_\_\_  
CITY AND STATE

\_\_\_\_\_  
ZIP CODE