



Social Security

The Appeals Process

Beginning August 1, 2006, for claims in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont

www.socialsecurity.gov

The Appeals Process

Social Security wants to be sure that every decision made about your Social Security or Supplemental Security Income (SSI) claim is correct. We carefully consider all the information in your case before we make any decisions.

When we make a decision on your claim, we send you a letter explaining our decision. If you do not agree with our decision, you can ask us to look at your case again. This is called an appeal. There are several levels of appeal, and if you are not satisfied with the decision at one level, you can appeal it to the next level.

When you ask for an appeal, we will look at the entire decision, even those parts that were in your favor. If our decision was wrong, we will change it.

When and how can I appeal?

If you wish to appeal, you must make your request in writing within 60 days from the date you receive our letter. We assume you receive the letter five days after the date on the letter, unless you can show us you received it later. The letter we send you will tell you how to appeal the decision.

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How does the appeals process work?

If you first filed a disability claim on or after August 1, 2006, and you disagree with our decision about your disability, you have three levels of appeal. They are evaluation by a federal reviewing official, hearing before an administrative law judge and review in federal district court.

Federal reviewing official

A federal reviewing official who had no part in the original decision will do a thorough review of all the evidence in your record, plus any additional information that you provide. The reviewing official will not meet with you in person. When this review has been completed, you will receive a letter explaining why the federal reviewing official agrees or disagrees with the first decision.

Hearing

If you disagree with the federal reviewing official's decision, you may ask for a hearing. The hearing will be conducted by an administrative law judge who had no part in the first decision or in the federal reviewing official's decision.

The hearing is usually held within 75 miles of your home. The administrative law judge will notify you of the time and place of the hearing.

You and your representative, if you have one, may come to the hearing and explain your case in person. You may look at the information in your file, and you can send in new information.

The administrative law judge will question you and any witness you bring to the hearing. Other witnesses, such as medical or vocational experts, may give us information at the hearing. You or your representative also may question the witnesses.

It is usually to your advantage to attend the hearing. If you do not wish to do so, you must tell us in writing that you do not want to attend. Unless the administrative law judge believes your presence is needed to decide the case, he or she will make a decision based on all the information in your case, including any new information given.

In certain situations, we may hold your hearing by a video conference rather than in person. We will let you know ahead of time if this is the case. With video hearings, we can make the hearing more convenient for you.

Often, a video hearing can be scheduled faster than an in-person appearance. Also, a video hearing location may be closer to your home. That might make it easier for you to have witnesses or other people accompany you.

After the hearing, we will send you a letter and a copy of the administrative law judge's decision. If you are not satisfied with the administrative law judge's decision, your next appeal is to federal district court.

NOTE: *We have created a decision review board to look at administrative law judge decisions to make certain that they are correct. If your case is selected for this review, the board may agree with the administrative law judge's decision, modify it or possibly change the decision. If that happens, you will be notified of any changes in the original decision you received.*

Federal court

If you disagree with the decision of the administrative law judge, you may file an action in federal district court.

What about other claims?

The appeals process is slightly different if you:

- First filed your claim before August 1, 2006, and you disagree with our decision about your disability; or
- Filed your claim at any time, and you disagree with our decision about any other part of your claim.

Your appeals levels are reconsideration, hearing before an administrative law judge, and reviews by the Appeals Council and federal court.

Reconsideration

A reconsideration is a complete review of your claim by someone who did not take part in the first decision. We will look at all the evidence submitted when the original decision was made, plus any new evidence.

Most reconsiderations involve a review of your files without the need for you to be present. But when you appeal a decision that you are no longer eligible for disability benefits because your medical condition has improved, you can meet with a Social Security representative and explain why you believe you still have a disability.

Hearing

If you are not satisfied with the reconsideration decision, you may ask for a hearing. The hearing will be conducted by an administrative law judge who had no part in the first decision or the reconsideration of your case. The hearing will generally follow the same process as it does in an appeal of a denial for medical reasons on claims filed on or after August 1, 2006. (See “Hearing” on pages 3-5.)

Appeals Council review

If you disagree with the hearing decision, you may ask for a review by Social Security’s Appeals Council.

The Appeals Council considers all requests for review, but it may deny a request if it believes the hearing decision was correct. If the Appeals Council decides to review your case, it will either decide your case itself or return it to an administrative law judge for further review.

If the Appeals Council denies your request for review, we will send you a letter explaining why your request is being denied. If the Appeals Council reviews your case and makes a decision itself, we will send you a copy of the decision. And, if the Appeals Council returns your case to an administrative law judge, we will send you a letter and a copy of the order.

Federal court review

If you disagree with the Appeals Council decision, or if the Appeals Council decides not to review your case, you may file an action in a federal district court. The letter we send you about the Appeals Council action also will tell you how to ask a court to look at your case.

Will my benefits continue?

In some cases, you may ask us to continue paying your benefits while we make a decision on your appeal. You can ask for your benefits to continue when:

- You are appealing our decision that you can no longer get Social Security disability benefits because your medical condition is not disabling; or
- You are appealing our decision that you are no longer eligible for SSI payments or that your SSI payment should be reduced or suspended.

If you want your benefits to continue, you must tell us within 10 days of the date you receive our letter. If your appeal is turned down, you may have to pay back any money you were not eligible to receive.

Can someone help me with my appeal?

Yes. Many people handle their own Social Security appeals with free help from Social Security. But you can choose a lawyer, a friend or someone else to help you. Someone you appoint to help you is called your representative. We will work with your representative just as we would work with you.

Your representative can act for you in most Social Security matters and will receive a copy of any decisions we make about your claim.

Your representative cannot charge or collect a fee from you without first getting written approval from Social Security. If you want more information about having a representative, ask for *Your Right To Representation* (Publication No. 05-10075) or find the publication on our website.



Contacting Social Security

For more information and to find copies of our publications, visit our website at **www.socialsecurity.gov** or call toll-free, **1-800-772-1213** (for the deaf or hard of hearing, call our TTY number, **1-800-325-0778**). We can answer specific questions from 7 a.m. to 7 p.m., Monday through Friday. We can provide information by automated phone service 24 hours a day.

We treat all calls confidentially. We also want to make sure you receive accurate and courteous service. That is why we have a second Social Security representative monitor some telephone calls.



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