



SOCIAL SECURITY DISABILITY

Disability is something most people don't like to think about. But the chances that you'll become disabled probably are greater than you realize. Studies show that a 20-year-old worker has a 1-in-4 chance of becoming disabled before reaching full retirement age. This handout provides basic information about Social Security Disability and your rights.

WHAT DOES SOCIAL SECURITY MEAN BY DISABILITY?

The definition of disability under Social Security is different than other programs. Social Security pays only for total disability. **No benefits are payable for partial disability or for short-term disability.**

"Disability" under Social Security is based on your inability to work. You are considered disabled under Social Security rules if:

- You cannot do work that you did before;
- The Social Security Administration (SSA) decides that you cannot adjust to other work because of your medical condition(s); **and**
- Your disability has lasted or is expected to last for at least **one year** or to result in death.

This is a strict definition of disability. Social Security program rules assume that working families have access to other resources to provide support during periods of short-term disabilities, including workers' compensation, insurance, savings and investments.

HOW TO APPLY

Online at www.socialsecurity.gov

By telephone at 1-800-772-1213

In Person at your local Social Security Office

WHAT IF YOU'RE DENIED?

If you disagree with a decision made on your claim you have the right to file an appeal within 60 days of the decision.

For QUESTIONS about your rights in a Social Security Disability case contact:

- The Social Security Administration at 1-800-772-1213
- NCAJ Disability Advocacy Section (DAS) Member at www.ncaj.com/findalawyer
- The National Organization of Social Security Claimant's Representatives Lawyer Referral Service at 800-431-2804

SSA FOLLOWS A **5 STEP PROCESS** TO DETERMINE IF YOU MEET THE REQUIREMENTS OF DISABILITY:

1. Are you working?

If you're working and your earnings average more than a certain amount each month, you generally will not be considered to be disabled. The amount changes each year. If you're not working, or your monthly earnings average to the current amount or less, the agency then looks at your medical condition.

2. Is your medical condition "severe"?

For you to be considered to have a disability by Social Security's definition, your medical condition must significantly limit your ability to do basic work activities—such as lifting, standing, walking, sitting, and remembering—for at least 12 months. If your medical condition isn't severe, you will not be considered to be disabled. If your condition is severe, proceed to step three.

3. Does your impairment(s) meet or medically equal a Listing?

The list of impairments (the Listings) describes medical conditions that are considered severe enough to prevent a person from completing substantial gainful activity, regardless of age, education, or work experience. If your medical condition (or combination of medical conditions) isn't on this list, the agency looks to see if your condition is as severe as a condition on the list. If the severity of your medical condition meets or equals the severity of a listed impairment, the agency will decide that you have a qualifying disability. If the severity of your condition doesn't meet or equal the severity level of a listed impairment, the agency goes on to step four.

4. Can you do the work you did before?

At this step, SSA decides if your medical impairment(s) prevents you from performing any of your past work. If it doesn't, they will decide you don't have a qualifying disability. If it does, they'll proceed to step five.

5. Can you do any other type of work?

If you can't do the work you did in the past, SSA looks to see if there's other work you can do despite your impairment(s). They consider your age, education, past work experience, and any skills you may have that could be used to do other work. If you can't do other work, they will decide that you're disabled. If you can do other work, they'll decide that you don't have a qualifying disability.



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