

AUTHOR'S INTRODUCTION 2025 EDITION

Social Security Disability Claims is designed to provide attorneys and other professionals who practice Social Security Disability law with a general guide to the practice and answer difficult questions.

In addition to an outline of the relevant law, this release of the text gives up-to-date Social Security Disability Forms and an explanation of how to file and appeal disability claims through the online process provided by the SSA. This edition gives valuable assistance in understanding SSA's most current Listing of Impairments, reviews recent changes to Social Security regulations, and continues to provide excellent advice on how to interview the claimant and prepare for an administrative hearing.

The SSA is moving away from conducting in-person hearings in favor of telephone or video hearings. In-person hearings gave the claimant the opportunity to meet the judge and the medical and vocational experts at the hearing. It also gave the judge and experts the opportunity to visualize the claimant's medical problems. Now, with the SSA offering the majority of hearings over the phone and by video, the judge can no longer visualize the claimant's medical issues.

As the claimant's representative, you will be given the option to tell your claimant and the hearing office what type of hearing your claimant wants. Do they want to proceed by telephone, video or in-person? If the claimant chooses a hearing by telephone it is scheduled more quickly. As the wait for a hearing is long, most claimants are choosing that option. You should be ready to inform the claimant as to the pros and cons of the different hearing options. Additionally, you will be asked at the hearing whether you are willing to proceed, for example, by telephone. If you agree, then you are waiving the claimant's right to appear by other means.

The SSA is moving away from in-person hearings and local hearing offices. They are now forwarding thousands of cases to the National Hearing Center. This means that a claimant's case will be conducted by telephone or video with a judge from the National Hearing Center. The SSA believes that holding hearings this way will eliminate the backlog of cases. So far, this is not true. But, it is less expensive for the SSA to hold hearings through

the National Hearing Center. Whether or not holding a hearing by telephone satisfies the claimant’s constitutional due process right is debatable. But, at this point, that is SSA’s plan.

The SSA raised the representative fee agreement cap to \$9,200 on November 30, 2024. Therefore, your attorney-client fee agreement should reflect the new \$9,200 cap on attorney fees. In order to receive direct payment of attorney fees you must first register with the SSA. If you need more information on representative registration visit www.socialsecurity.gov/ar or contact your local Office of Hearing Operations. Your local OHO can walk you through the process to become a registered representative in the SSA system. The SSA also now allows a law firm or entity to register to receive direct payment of an attorney fee. You can elect to do so. It is not a requirement. Review the requirements of entity registration under 89 Fed. Reg. 67542.

Additionally, medical definitions that are found in SSA’s listing of impairments and common medical terms that arise in disability claims have also been provided for the practitioner (see Appendix 23). Finally, there are new Social Security Rulings that the SSA published in 2024, including SSR 24-1p, 24-2p, and 24-3p. These new rulings all relate to how the SSA evaluates claims at step four and step five of the disability review process. Specifically, it is important to review SSR 24-3p, which discusses how a judge cannot rely on vocational expert testimony unless it is supported by occupational information. This issue will arise in every hearing you have before the SSA.

Hopefully, this publication will contribute to your efforts on behalf of people with disabilities and be a valuable tool for your practice.

Thank you for subscribing to Social Security Disability Claims. Whether you are a new practitioner or an experienced one, I hope you find the updated law, forms, and sample briefs helpful in representing the disabled individuals who need your legal expertise.

Some of the new and updated sections in this 2025 Edition include:

- § 1:4 Substantial gainful activity—Step one of the disability review process
- § 1:6 The Listing of Impairments—Step three of the disability review process
- § 3:2 Filling out work history report
- § 4:2 Choosing the forum
- § 4:6 Clarifying issues on disability
- § 6:4 Brief on important legal issues—Trial work period
- § 6:8 Overpayments

HIGHLIGHTS

- § 10:5 Fee approval and collection
- § 22:36 Computation worksheet for insured status
- § 22:51 List of appeal issues/pleadings
- § 22:55 Transcript order
- Appendix 10 Appointment of Representative Form (SSA-1696)
- Appendix 12 Work History Report (SSA-3369-BK)
- Appendix 13 Disability Report for Adults (SSA-3368-BK) and Disability Report for Children (SSA-3820-BK)
- Appendix 15 Request for Reconsideration (SSA-561-U2)
- Appendix 16 Request for Reconsideration—Disability Cessation Right to Appear (SSA-789)
- Appendix 18 Disability Report—Appeal (SSA-3441-BK)
- Appendix 22 Abbreviations and Symbols
- Appendix 25 Pertinent Social Security Rulings, Excerpts and Abstracts
- Appendix 26 Pertinent Acquiescence Rulings

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