PART I. UNDERSTANDING THE SOCIAL SECURITY PROCESS

CHAPTER 1. OVERVIEW OF THE SOCIAL SECURITY PROCESS

§	1:0.25	Update to overpayment recovery procedures
§	1:0.50	COVID-19 related-changes implemented by SSA
§	1:1	Overview of the Social Security system
§	1:2	SSA governance
§	1:3	Direct deposit
§	1:4	Disclosure of official records and information; Access to and correction of records
§	1:5	Representative's role; Appointment; Rules of conduct; Use of electronic services
§	1:6	SSA's suggestions for the best practices for claimants' representatives; Appointed Representative Service (ARS)
§	1:7	Equal Access to Justice Act
§	1:8	Summary of fee authorization process
_	1:9	Collecting fees—Generally
	1:10	—Fee petition process—Gisbrecht v. Barnhart
§	1:11	—Fee petition process
§	1:12	—Fee agreement process
§	1:13	— —User fee
§	1:14	—HALLEX provisions on fee agreements
_	1:15	—Fee petitions for initial and reconsideration cases
§	1:16	—Fees when appealing partially favorable decisions
§	1:17	—Fees in continuing disability reviews
§	1:18	—SSI and concurrent (Title II and Title XVI) cases
§	1:19	Seeking fees under 42 U.S.C.A. § 406(b) following a Federal Court remand or reversal
§	1:20	Timing of Motion for Fees under 406(b)
§	1:21	Fee agreements and multiple representatives
§	1:22	Registration requirements for representatives to receive direct payment of approved fees
§	1:23	Basic Social Security programs
§	1:24	Program uniformity rules; termination of DSI program in Region 1
§	1:25	Applicability of the ADA to disability determinations
§	1:26	Workers' compensation offset

- § 1:27 Unemployment insurance benefits
- Travel expenses § 1:28

CHAPTER 2. PROCEDURE FOR

DETERMINATION OF DISABILITY				
§ 2:1	In general			
§ 2:2	Penalties for false or misleading statements			
§ 2:3	Fraud and similar fault			
§ 2:4	Initial determinations; Eligibility for disability benefits			
§ 2:5	—Social Security Disability Insurance			
§ 2:6	—Supplemental Security Income			
§ 2:7	—Children's Supplemental Security Income			
§ 2:8	—Disabled widow's benefits			
§ 2:9	—Disabled adult child benefits			
§ 2:10	Disability defined			
§ 2:11	State agencies' functions			
§ 2:12	Overview of evaluation of applications for disability			
0.0.10	benefits (sequential evaluation process)			
§ 2:13	Substantial gainful activity			
§ 2:14	Special rules in evaluating substantial gainful activity for the self-employed			
§ 2:15	Considerations for returning to work (trial work period, unsuccessful work attempts, and reentitlement, calculating earnings)			
§ 2:16	Application of standards to children applying for SSI benefits			
§ 2:17	Application of standards to young adults (age 18 to 25)			
§ 2:18	Dedicated savings accounts and installment payment of large past-due SSI benefits; Representative payees			
§ 2:19	Restrictions on SSI eligibility of noncitizens			
§ 2:20	Restrictions on eligibility for fleeing felons and probation violators			
§ 2:21	Severe impairment			
§ 2:22	Pain as an impairment			
§ 2:23	Alcoholism and drug addiction as an impairment			
§ 2:24	Listing of Impairments			
§ 2:25	Musculoskeletal disorders			
§ 2:26	Hearing impairment			
§ 2:27	Respiratory impairment			
§ 2:28	Cardiovascular impairment			
§ 2:29	Digestive disorders			
§ 2:30	Skin disorders			
§ 2:31	Neurological disorders; mental harm and migraine headaches			
§ 2:32	Primary headache disorders			
§ 2:33	HIV infections (AIDS)			

§ 2:34

Obesity

§ 2:35	Hematological disorders and cancer (malignant neoplastic diseases); Sickle cell
§ 2:36	Interstitial cystitis
§ 2:37	Endocrine disorders; diabetes
§ 2:38	When to consider past relevant work and vocational
3 2.00	factors
§ 2:39	Composite jobs
§ 2:40	Residual functional capacity
§ 2:41	Vocational considerations
§ 2:42	Medical-vocational guidelines
§ 2:43	Exertional and nonexertional limitations
§ 2:44	Specific limitations that erode the sedentary
	occupational base
$\S 2:45$	Mental, psychological, and psychiatric impairments
§ 2:46	Traumatic brain injuries
$\S 2:47$	Schizophrenia spectrum and other psychotic disorders
§ 2:48	Anxiety and obsessive-compulsive disorders
§ 2:49	Autism spectrum disorder
§ 2:50	Neurodevelopmental disorders
§ 2:51	Eating disorders
§ 2:52	Somatic symptom and related disorders
§ 2:53	Personality and impulse control disorders
§ 2:54	Trauma- and stressor-related disorders
§ 2:55	Chronic fatigue syndrome
§ 2:56	Congenital disorders that affect multiple body systems (non-mosaic Down syndrome)
§ 2:57	Visual disorders and blindness
§ 2:58	Review of continuing disability or blindness
§ 2:59	Ticket to Work and Work Incentives Improvement Act of 1999
§ 2:60	Need to follow prescribed treatment

CHAPTER 3. PROCEDURE IN SOCIAL SECURITY CASES

3:1	In general
3:2	Service of process
3:3	Application for benefits
3:4	Subsequent applications
3:5	Interim and retroactive benefits in disability and SSI cases
3:6	Initial determination on application for benefits
§ 3:7	Reconsideration process
3:8	Experimental elimination of reconsideration phased out
3:9	Discovery; Subpoenas
3:10	Right to counsel

SOCIAL SECURITY DISABILITY CLAIMS HANDBOOK

§ 3:11	Hearings before an administrative law judge
§ 3:12	Submission of evidence
§ 3:13	Bias, misconduct, or discrimination by an administrative law judge
§ 3:14	Ways to attend a hearing before an Administrative Law Judge: Video teleconference hearings; telephone testimony and online video hearings
§ 3:15	OHA policy statement on use of language supplied by claimants and representatives in preparation of fully favorable decisions (February 1995)
§ 3:16	Oral bench decisions
§ 3:17	Presentation of the case at the hearing
§ 3:18	Interpreters
§ 3:19	Reopening and revising determinations and decisions
§ 3:20	Expedited appeals process
§ 3:21	Pre-effectuation review of decisions by the Appeals
	Council
§ 3:22	Appeals Council review
§ 3:23	Expedited processing of critical cases
$\S 3:24$	Compassionate allowances
$\S 3:25$	Court remand cases; Remand vs. reversal
§ 3:26	Types of remands
§ 3:27	Application of circuit court law (acquiescence)
§ 3:28	Appeals council process improvement action plan
§ 3:29	Judicial review
§ 3:30	Scope of judicial review
§ 3:31	Issue preclusion
§ 3:32	Practice guide: Walkthrough of online application— Third party

PART II. ESTABLISHING A LAW OFFICE SYSTEM FOR PROCESSING SOCIAL SECURITY CASES AND MEDICAL RECORDS

CHAPTER 4. LAW OFFICE MANAGEMENT

	I I III II II III OI I I C
§ 4:1	In general
$\S 4:2$	Library and research materials
§ 4:3	Forms library
§ 4:4	Referrals
§ 4:5	Initial client inquiries
§ 4:6	Conferences with the client
§ 4:7	Office management
§ 4:8	Files and filing systems
§ 4:9	Docket control

§ 4:10	Initial contact with the Social Security Administration
§ 4:11	Time and expense management
§ 4:12	Methods of time keeping
§ 4:13	Sample itemized work-performed sheet
§ 4:14	Obtaining experts
§ 4:15	Preparation for hearings
§ 4:16	Considerations for comprehensive practice

management system

CHAPTER 5. PHYSICIANS AND MEDICAL RECORDS

§ 5:1	In general
§ 5:2	Relationship with the physician
§ 5:3	Effective use of the physician
§ 5:4	Consultative examinations:
§ 5:5	Use of independent medical examinations
§ 5:6	The psychiatric or psychological professional
§ 5:7	Analysis of medical records
§ 5:8	Abstract of medical/psychological records
§ 5:9	Evaluation of medical and other opinion evidence
§ 5:10	Treating physician (source) rule—Claims filed before
	March 27, 2017

CHAPTER 6. EFFECTIVE USE OF VOCATIONAL AND LAY WITNESSES

§ 6:1	In general
§ 6:2	Cases requiring vocational expert testimony
§ 6:3	Scope and content of vocational expert testimony
§ 6:4	Addressing vocational expert testimony
§ 6:5	Vocational expert's fees
§ 6:6	Use of lay witnesses

PART III. FORMS, LETTERS AND CHECKLISTS

CHAPTER 7. FORMS FOR LAW OFFICE MANAGEMENT

I. OFFICE AND LIBRARY PREREQUISITES

§ 7:1	Request for SSA forms
§ 7:2	Letter to United States Government Printing Office
	requesting publications
8 7.3	Letter to NOSSCR requesting membership

II. CASE MANAGEMENT

- § 7:4 Master case file list
- § 7:5 Docket control sheet
- § 7:6 Monthly tally
- § 7:7 Research sheet
- § 7:8 Case summary sheet
- § 7:9 Deposition checklist
- § 7:10 Interrogatory checklist
- § 7:11 Request for issuance of subpoena
- § 7:12 Hearing checklist
- § 7:13 Disability hearing guide for administrative law judges

III. REFERRALS

- § 7:14 Letter to NOSSCR requesting referrals
- § 7:15 Letter to specialties listing services
- § 7:16 Letter to legal aid association requesting referrals

IV. CLIENT INQUIRIES AND CONFERENCES

- § 7:17 Telephone checklist
- § 7:18 File memo
- § 7:19 Preconference letter to client
- § 7:20 Initial interview questionnaire
- § 7:21 Interview questionnaire
- § 7:22 Pain questionnaire
- § 7:23 Client's background and daily life questionnaire
- § 7:24 Interview checklist
- § 7:25 Sample interview file memo
- § 7:26 Letter to claimant's former employer requesting information
- § 7:27 Post-conference letter to client
- § 7:28 Case analysis checklist

V. ATTORNEY FEE CONTRACT

- § 7:29 Fee contract
- § 7:30 Fee contract (another form)
- § 7:31 Fee contract (another form)
- § 7:32 Fee contract (another form)
- § 7:33 Telephone authorization

VI. TIME AND EXPENSE MANAGEMENT

- § 7:34 Time keeping—Calendar system
- § 7:35 —File-notation system
- § 7:36 Expense letter to client
- § 7:37 Expense letter to client (another form)

xxii

RECORDS

§ 7:38 Expense docketing—Individual:	docketing—Individual file
--------------------------------------	---------------------------

VII.	VOCATIONAL	/REHARII	ITATIVE	EXPERTS

§ 7:39	Letter to source of vocational experts
§ 7:40	Letter to vocational expert
§ 7:41	Professional qualifications sheet
§ 7:42	Credentials checklist
§ 7:43	Letter to the administrative law judge requesting
	appointment of vocational expert
§ 7:44	Questionnaire for vocational expert
§ 7:45	Vocational expert data sheet
§ 7:46	Vocational expert data sheet (another form)
§ 7:47	Vocational expert data sheet (another form)
§ 7:48	Vocational expert data sheet (another form)
§ 7:49	File memo on vocational data

application questions CHAPTER 8. FORMS FOR MEDICAL

§ 7:50 Client questionnaire for new clients with third party

§ 8:1	Medical authorization
§ 8:2	Medical authorization (another form)
§ 8:3	Letter to doctor requesting records
§ 8:4	Letter to doctor requesting report
§ 8:5	Letter to doctor requesting report (another form)
§ 8:6	Letter to psychiatrist or psychologist requesting report
§ 8:7	History and diagnosis
§ 8:8	Present physical disabilities
§ 8:9	Analyzing medical records checklist
§ 8:10	Client request for records under the HITECH ACT
§ 8:11	Sample questions to medical provider on
	"supportability"

CHAPTER 9. SOCIAL SECURITY DISABILITY CLAIMS FORMS

I. DISABILITY APPLICATIONS

§ 9:1	Application for a Social Security card (SS-5)
§ 9:2	Application for disability insurance benefits—Adult (SSA-16)
§ 9:3	Statement of claimant or other person—Supplement to application
§ 9:4	—Direct deposit information
§ 9:5	Statement of claimant or other person (SSA-795)
§ 9:6	Application for supplemental security income (SSA-8000-BK)

SOCIAL SECURITY DISABILITY CLAIMS HANDBOOK

§ 9:7	Application for child's insurance benefits (SSA-4-BK)
§ 9:8	
§ 9:9	
§ 9::	
§ 9::	
§ 9:1	•
§ 9:1	
§ 9:1	4 Statement of household expenses and contributions (SSA-8011-F3)
§ 9::	5 Employer report of special wage payments (SSA-131)
§ 9::	6 Farm arrangement questionnaire (SSA-7157)
§ 9:1	7 Farm self-employment questionnaire (SSA-7156)
§ 9:1	8 Supplemental statement regarding farming activities of person living outside the United States (SSA-7163A)
§ 9:1	
§ 9:2	0 Partnership questionnaire (SSA-7104)
§ 9:2	1 Government pension questionnaire (SSA-3885)
§ 9:2	
§ 9:2	
§ 9:2	V 1 1
§ 9:2	· -
§ 9:2	· ·
§ 9:2	-
§ 9:2	
§ 9:2	9 Work history report (SSA-3369-BK)
§ 9:3	0 Work-activity report (self-employed person) (SSA-820-BK)
§ 9:3	
§ 9:3	
§ 9:3	3 Advance designation of representative payee (SSA-4547)
§ 9:3	4 Medical source opinion of patient's capability to manage benefits (SSA-787)
§ 9:3	5 Statement of care and responsibility for beneficiary (SSA-788)
§ 9:3	
§ 9:3	
§ 9:3	
§ 9:8	

Table of	F CONTENTS
§ 9:40	Physician's report on adult with allegation of human immunodeficiency virus (HIV) infection (SSA-4814)
§ 9:41	Request for reconsideration (SSA-561-U2)
§ 9:42	Mental residual functional capacity assessment (SSA-4734-F4-SUP)
§ 9:43	Physical residual functional capacity assessment (SSA-4734-BK)
§ 9:44	Request for waiver of overpayment recovery (SSA-632-BK)
$\S 9:45$	Plan for achieving self-support (SSA-545-BK)
§ 9:46	Discrimination complaint (SSA-437-BK)
§ 9:47	Claims for amounts due in the case of a deceased beneficiary (SSA-1724)
§ 9:48	Application for special benefits for World War II veterans (SSA-2000-F6)
§ 9:49	Letter to Disability Determination Services (60 day diary)
II. D	ISCOVERY
8 9.50	Interrogatories to doctor

- § 9:50 Interrogatories to doctor§ 9:51 Interrogatories to vocational expert with cover letter

III. HEARINGS

§ 9:52	Letter requesting file
§ 9:53	Letter notifying of appointment of representative
§ 9:54	Statement of claimant regarding representation
§ 9:55	Appointment of representative (SSA-1696)
§ 9:56	Claimant's revocation of the appointment of a representative (SSA-1696-SUP1)
§ 9:57	Representative's withdrawal of acceptance of an appointment (SSA-1696-SUP2)
§ 9:58	Request for hearing by administrative law judge (HA-501-U5)
§ 9:59	Request for administrative law judge (ALJ) hearing or review of dismissal (OMHA-100)
§ 9:60	Request for administrative law judge (ALJ) hearing or review of dismissal—Multiple claim attachment
§ 9:61	Notice regarding substitution of party upon death of claimant (HA-539)
§ 9:62	Disability report—Appeal (SSA-3441-BK)
§ 9:63	Waiver of timely written notice of hearing (HA-510)
§ 9:64	Letter informing client of hearing
§ 9:65	Waiver of your right to personal appearance before administrative law judge (HA-4608)
§ 9:66	Subpoena (HA-511)
§ 9:67	Pre-hearing analysis
§ 9:68	Claimant's recent medical treatment (HA-4631)

§ 9:69	Claimant's medications (HA-4632)
§ 9:70	Claimant's work background (HA-4633)
§ 9:71	Evidence checklist
§ 9:72	Waiver of claimant to examine additional evidence
§ 9:73	Cross-examination of vocational expert
§ 9:74	Letter informing client of favorable decision
§ 9:75	ALJ bench decision checklist
§ 9:76	Letter informing client of denial
§ 9:77	Request for review of hearing decision/order (HA-520-U5)
§ 9:78	Continuing disability review report (SSA-454-BK)
§ 9:79	Notice of continuing disability review
§ 9:80	Request for reconsideration—Disability cessation righ to appear (SSA-789)
§ 9:81	Summary of evidence (SSA-887)
§ 9:82	5-day letter to Judge

IV. FEE PETITION

§ 9:83	Letter to administrative law judge enclosing petition
§ 9:84	Petition for authorization to charge and collect a fee for services before the Social Security Administration (SSA-1560)
§ 9:85	Request for business entity tax payer information (SSA-1694)
§ 9:86	Identifying information for possible direct payment of authorized fees (SSA-1695-F3) (Archived by SSA)
§ 9:87	Representative registration (SSA-1699)
§ 9:88	Objection to appearing by audio or agency video (Form HA-55)
§ 9:89	Agreement to appearing by online video (HA-56)
§ 9:90	Hearing format objection/consent statement

CHAPTER 10. FORMS FOR FEDERAL DISTRICT COURT APPEALS

§ 10:1	Procedure checklist
§ 10:2	Appeals checklist
§ 10:3	Civil cover sheet
§ 10:4	Complaint
§ 10:5	Summons
§ 10:6	Acknowledgment of receipt of complaint
§ 10:7	Motion to proceed in forma pauperis
§ 10:8	Affidavit
§ 10:9	Order
§ 10:10	Motion for judgment on the pleadings

APPENDIX

Appendix A. Selected Provisions from the Code of Federal Regulations

Table of Laws and Rules
Table of Cases
Index