

AUTHOR'S INTRODUCTION

2025 Edition

The Social Security Disability Claims Handbook is one of the most comprehensive treatises available to assist attorneys, paralegals, and claimants' representatives in navigating the Social Security disability claims process. In fact, prior editions of this volume have been cited by District Courts around the country more than a dozen times. As a young associate more than 20 years ago, this was one of the first volumes handed to me by my managing partner. Through its practical advice, clear explanations and wealth of forms and resources, I quickly learned to navigate the challenges of Social Security Disability law. Now, with my own busy practice and tens of thousands of cases navigated before the administration and in federal court, it's time to return the favor. Taking on the responsibility to update and maintain the relevance of this key resource has been an exciting honor and a welcome challenge.

This work continues to offer a comprehensive examination of the claims process that should simplify the steps needed to help claimants obtain the benefits they need.

The 2025 Edition continues to modernize the advice throughout with updates to the text aimed at aligning with modern practice. Over the last year, Social Security has been more active than usual. I have attempted to focus on substantive changes and have avoided indexing some of the press releases dealing with internal changes to the administration, particularly those that do not, yet, impact the practice of assisting claimants pursue their needed benefits. I continue to monitor these closely and recommend the same for readers as, in 2025, Social Security is once again a focal point of news and renewed bipartisan political interest. Of interest, many of the more recent changes in policy have come, not from the regulatory rulemaking process (although several proposed rules first discussed in the 2024 edition of this publication have since become final), but rather in subregulatory guidance, with the publication of new Social Security Rulings and "Emergency Messages." The former is binding on the agency, while the Courts have found the latter to be only informative. Perhaps the biggest change, and I would argue almost as significant as the elimination of the "treating physician rule" in 2017 was the issuance of Social Security Ruling 24-3p. This Ruling, which is discussed at length, reduces Social Security's reliance on the Dictionary of Occupational Titles for vocational determina-

tions, and opens the door to any data source that is well-validated. It is critical that representatives learn the contours of this Ruling and revise their approaches to rebutting vocational testimony at the hearing level. I will continue to monitor the development of how this rule is applied in the courts as some critical questions, such as the availability of post-hearing development and issue preclusion at the Appeals Council and District Court levels have not yet been tested. Additional changes for 2025 include:

- Ongoing Updates to Social Security’s Overpayment Recovery Procedures, see § 1:0:25;
- Updates to Social Security’s evaluation of COVID-19, and its policy guidance when evaluating “Long Covid,” see § 1:0:50;
- Updates to the process for the payment of fees and the registrations of representatives and, for the first time, entities such as law firms to receive direct payment of fees, see §§ 1:1. 1:5;
- Update covering finalized rules eliminating certain resources in the consideration of “in kind” support and maintenance for SSI beneficiaries, see § 1:23;
- Updates to the way Social Security evaluates earnings using payroll data sharing with payroll vendors, see § 2:13;
- Updates to Social Security’s evaluation of musculoskeletal disorder listings, and its extension of guidance recognizing the prevalence of telehealth continuing since the pandemic, see § 2:25;
- Substantial updates to the evaluation of Vocational issues as discussed above, as well as the reduction of the period considered “past relevant work” from 15 to 5 years, see §§ 2:41, 6:4;
- Updates to Social Security’s rules regarding ways to attend a hearing and when certain types of hearings may be objected or consented to, see § 3:14.

Thanks to my fellow attorneys Jennifer and Elizabeth and my paralegal of more than 20 years, Melissa, who have stood strong in a chaotic season of change in Social Security practice and gave me the room to dive into these issues as I focused on this text. Special thanks to my editor Wendy Sigillo, who has a brilliant eye for detail, is easy to work with, and has been instrumental in her collaboration throughout the writing in making this volume all it can be.

I welcome any suggestions to improve future volumes of this work as we continue to update the text and modernize the advice and resources in this volume and invite any readers to reach out to me directly any time if you need advice or would like to share your own experience helping claimants navigate the difficult path

to benefits. You can reach me directly with inquiries at rich@brossfrankel.com.

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