

Table of Contents

Volume 1

PART I. TEXT

CHAPTER 1. INTERVIEWING THE CLIENT

- § 1:1 Pre-interview evaluation and screening
- § 1:2 Conducting the interview
- § 1:3 Post-interview evaluation of the claim
- § 1:4 Substantial gainful activity—Step one of the disability review process
- § 1:5 The severity requirement—Step two of the disability review process
- § 1:6 The Listing of Impairments—Step three of the disability review process
- § 1:7 Claimant's residual functional capacity—Step four of the disability review process
- § 1:8 The Grids—Step five of the disability review process
- § 1:9 Vocational expert testimony

CHAPTER 2. WORK-UP AND EVALUATION OF THE CASE

- § 2:1 Distinguishing the types of disability law
- § 2:2 Insured status computation
- § 2:3 Obtaining medical data and information
- § 2:4 Obtaining physician records
- § 2:5 Getting proper evaluation standard from physician
- § 2:6 Obtaining hospital records
- § 2:7 Obtaining other evidence of disability
- § 2:8 Obtaining objective evidence
- § 2:9 Evaluation of pain
- § 2:10 Obtaining employment or social security records where necessary
- § 2:11 Obtaining and reviewing social security file
- § 2:12 Having client evaluated where necessary
- § 2:13 Administratively initiated evaluation of the claimant
- § 2:14 Checking to see if client has filed other litigation
- § 2:15 Contacting lay witnesses regarding disability
- § 2:16 Travel expenses

CHAPTER 3. FILING THE CLAIM—PRE-HEARING STAGE

- § 3:1 Filling out initial disability forms
- § 3:2 Filling out work history report
- § 3:3 Completing the medical information form
- § 3:4 Powers of the district office
- § 3:5 Filing appearance as attorney
- § 3:6 Role of state agency
- § 3:7 Identifying and dealing with the appropriate state agency
- § 3:8 Utilizing state agencies for claimant's benefit
- § 3:9 Administrative determination
- § 3:10 Filing for reconsideration
- § 3:11 Standards of review on reconsideration
- § 3:12 Going to the district office to review and/or discuss the case
- § 3:13 Filing additional forms
- § 3:14 Supplying additional medical evidence
- § 3:15 Requesting further medical evaluation
- § 3:16 Pros and cons
- § 3:17 Administrative review process for adjudicating initial disability claims
- § 3:18 Role of attorney advisors as decision makers

CHAPTER 4. PRE-HEARING PREPARATION

- § 4:1 Filing request for hearing
- § 4:2 Choosing the forum
- § 4:3 Reviewing file thoroughly
- § 4:4 Evaluating Social Security file to see that it is complete
- § 4:5 Determining insured status date
- § 4:6 Clarifying issues on disability
- § 4:7 Presenting additional medical evidence
- § 4:8 Electing further medical examination
- § 4:9 Requesting further medical examination by the Social Security Administration
- § 4:10 Scheduling pre-hearing review with administrative law judge
- § 4:11 Discussing particular problems with the administrative law judge
- § 4:12 Dealing with possible judicial bias
- § 4:13 Conducting discovery
- § 4:14 Requesting subpoena
- § 4:15 Evaluating the case for the hearing

CHAPTER 5. THE HEARING

- § 5:1 Hearing procedures

TABLE OF CONTENTS

§ 5:2	Role of the administrative law judge
§ 5:3	Notice of the hearing
§ 5:4	Withdrawal of representation permitted only under extraordinary circumstances
§ 5:5	Appearance at the hearing
§ 5:6	Preparing for the hearing
§ 5:7	Reviewing medical history
§ 5:8	Reviewing prior work status
§ 5:9	Disability claim
§ 5:10	Clarifying type of disability
§ 5:11	Advising the claimant on dress, demeanor and procedures for the hearing
§ 5:12	Preliminaries at the hearing
§ 5:13	Examination of the claimant
§ 5:14	Making a record
§ 5:15	Questioning the medical expert if present
§ 5:16	Questioning the vocational expert
§ 5:17	Using lay witnesses
§ 5:18	Using other witnesses
§ 5:19	Summing up the case
§ 5:20	The policy of non-acquiescence

CHAPTER 6. POST-HEARING ACTIVITY

§ 6:1	Presenting additional evidence
§ 6:2	Worsening of condition
§ 6:3	Submitting post-hearing brief
§ 6:4	Brief on important legal issues—Trial work period
§ 6:5	Cessation of disability benefits
§ 6:6	Res judicata
§ 6:7	Reopening a prior determination
§ 6:8	Overpayments

CHAPTER 7. APPEALS COUNCIL

§ 7:1	How to appeal to the Appeals Council
§ 7:2	When to appeal the case
§ 7:3	Re-evaluate the case
§ 7:4	Submitting additional evidence
§ 7:5	Submitting a brief
§ 7:6	Development of case when client first appears after the hearing
§ 7:7	Oral argument before the Appeals Council
§ 7:8	Appeals Council remand
§ 7:9	Unfavorable decision by the ALJ after remand by the Appeals Council
§ 7:10	Receipt of unfavorable decision from the appeals council

- § 7:11 Own motion review by the Appeals Council of ALJ's reversal
- § 7:12 Appeals Council remand following court remand

CHAPTER 8. APPEALS TO UNITED STATES DISTRICT COURTS

- § 8:1 Access to judicial review
- § 8:2 Scope of judicial review
- § 8:3 Appealable issues
- § 8:4 Procedure: Filing a complaint
- § 8:5 Procedure: Filing a summons by mail
- § 8:6 Procedure: Obtaining an answer and transcript
- § 8:7 Preparing for oral argument
- § 8:8 Standard of review
- § 8:9 The brief
- § 8:10 Relief requested
- § 8:11 Claimant's response to a United States district court's decision
- § 8:12 Post Appeals Council strategy

CHAPTER 9. APPEAL TO THE UNITED STATES CIRCUIT COURTS

- § 9:1 Identifying appellate issues with merit
- § 9:2 Following the proper appellate procedure
- § 9:3 The record and due dates
- § 9:4 Knowing the appellate record
- § 9:5 Preparing the appellate brief
- § 9:6 Presenting oral argument
- § 9:7 Deciding whether to apply for certiorari in the United States Supreme Court

CHAPTER 10. ATTORNEY FEES

- § 10:1 Fees from the initial interview
- § 10:2 Reviewing time and activities after award
- § 10:3 Calculating the fee
- § 10:4 Claiming a fee
- § 10:5 Fee approval and collection
- § 10:6 Fee collection problems
- § 10:7 Fee under the Equal Access to Justice Act (EAJA)
- § 10:8 Section 406(b) fees

TABLE OF CONTENTS

PART II. DATA PACKET

**CHAPTER 11. SOCIAL SECURITY
DISABILITY CLAIMS DATA PACKET**

- § 11:1 Social security disability claims data packet cover sheet
- § 11:2 Social Security disability claims information sheets

PART III. PROCEDURES

CHAPTER 12. INTERVIEWING THE CLIENT

- § 12:1 Generally

**CHAPTER 13. WORK-UP AND EVALUATION
OF THE CASE**

- § 13:1 Attorney actions
- § 13:2 Legal assistant/legal secretary actions

**CHAPTER 14. FILING THE CLAIM: PRE-
HEARING STAGE**

- § 14:1 Generally

**CHAPTER 15. PRE-HEARING
PREPARATION**

- § 15:1 Generally

CHAPTER 16. HEARING

- § 16:1 Generally

CHAPTER 17. POST-HEARING ACTIVITY

- § 17:1 Generally

**CHAPTER 18. APPEALS COUNCIL
PROCEDURE**

- § 18:1 Generally

**CHAPTER 19. APPEALS TO UNITED
STATES DISTRICT COURTS**

- § 19:1 Generally

CHAPTER 20. APPEALS TO THE UNITED STATES CIRCUIT COURTS

§ 20:1 Generally

CHAPTER 21. COLLECTING ATTORNEY FEES

§ 21:1 Generally

PART IV. LETTERS AND FORMS

CHAPTER 22. LETTERS AND FORMS

I. LETTERS

- § 22:1 Letter requesting medical information (physician)
- § 22:2 Letter requesting medical information
(musculoskeletal)
- § 22:3 Letter requesting medical information (visual)
- § 22:4 Letter requesting medical information (heart)
- § 22:5 Letter requesting medical information (pulmonary)
- § 22:6 Letter requesting medical information (digestive)
- § 22:7 Letter requesting medical information (diabetes
mellitus)
- § 22:8 Letter requesting medical information (seizure
disorder)
- § 22:9 Letter requesting medical information (mental
problems)
- § 22:10 Letter requesting medical information (hospital/clinic)
- § 22:11 Letter requesting employer information
- § 22:12 Letter requesting medical information from
miscellaneous sources
- § 22:13 Letter of notice of representation to local SSA office
- § 22:14 Letter to state agency accompanying medical records
- § 22:15 Letter to social security office requesting copy of
reconsideration denial notice
- § 22:16 Letter requesting reconsideration
- § 22:17 Letter requesting updated medical information
(physician)
- § 22:18 Letter of notice of request for hearing
- § 22:19 Letter requesting hearing
- § 22:20 Letter to witnesses requesting presence
- § 22:21 Letter requesting review of hearing decision
- § 22:22 Letter requesting copy of exhibits
- § 22:23 Letter requesting 60 day extension of time to file
appeal

TABLE OF CONTENTS

- § 22:24 Letter requesting consolidation of claims/prior filings
- § 22:25 Letter requesting attorney fees and in support of fee petition (with sample fee petition)

II. FORMS

- § 22:26 Medical authorization form (physician)
- § 22:27 Medical authorization form (hospital/clinic)
- § 22:28 Witness information
- § 22:29 List of claimant's medication
- § 22:30 Social security disability claims act and explanation of claims process fact sheet for claimant
- § 22:31 Scope of attorney-client relationship agreement
- § 22:32 Scope of attorney-client relationship agreement (model fee language)
- § 22:33 Attorney fees and costs agreement
- § 22:34 Post-interview evaluation checklist
- § 22:35 Selected medical terms keyed to the listing of impairments
- § 22:36 Computation worksheet for insured status.
- § 22:37 Medical catchall report
- § 22:38 Claim development worksheet (claims report)
- § 22:39 Client instruction sheet
- § 22:40 Consolidation and summary of the medical evidence of record
- § 22:41 Assessment of claimant's physical residual functional capacity
- § 22:42 Assessment of claimant's mental residual functional capacity
- § 22:43 Assessment of claimant's vocational considerations
- § 22:44 Lay witness questionnaire
- § 22:45 Interview and hearing questions
- § 22:46 Listing of claimant's exertional and nonexertional impairments and evidentiary assessment of residual functional capacity
- § 22:47 Assessing the need for vocational testimony and formulation of hypothetical questions
- § 22:48 Checklist for closing arguments (making a record)
- § 22:49 Checklist of appealable issues for Appeals Council review
- § 22:50 Checklist of issues for District Court review
- § 22:51 List of appeal issues/pleadings
- § 22:52 Sample: Notice of appeal to United States Circuit Court
- § 22:53 Sample: United States district court order of judgment
- § 22:54 Sample: Proof of service (by mailing)
- § 22:55 Transcript order

SOCIAL SECURITY DISABILITY CLAIMS

- § 22:56 United States circuit court filing requirements
- § 22:57 Social security fee information
- § 22:58 Sample: Order approving attorney fee
- § 22:59 The musculoskeletal system normal range of motion values
- § 22:60 Mental impairments
- § 22:61 General physical examination

APPENDICES

- Appendix 1. Regulations

Volume 2

- Appendix 2. Regulations Regarding Appeal Procedure
- Appendix 3. Analysis of Case Pursuant to Social Security Regulations
- Appendix 4. Sample: Memorandum to Appeals Council
- Appendix 5. Sample: Complaint for Period of Disability Insurance Benefits, and a Copy of Each of Three Summonses Required
- Appendix 6. Sample: Plaintiff's Motion for Reversal or Remand
- Appendix 7. Sample: Complaint for Period of Disability Insurance Benefits and Supplemental Security Income, and Sample Proof of Service
- Appendix 8. Sample: Claimant/Appellant's Brief to United States Circuit Court
- Appendix 9. Sample: Plaintiff's Objections to Magistrate's Report and Recommendation
- Appendix 10. Appointment of Representative Form (SSA-1696)
- Appendix 11. Questionnaire for Children Claiming SSI Benefits (SSA-3881-BK)
- 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 14. Petition for Reauthorization to Charge and Collect a Fee for Services Before the Social Security Administration (SSA-1560)
- Appendix 14A. Identifying Information for Possible Direct Payment of Authorized Fees (SSA-1695-F3)

TABLE OF CONTENTS

Appendix 14B.	Request for Appointed Representative's Direct Payment Information (SSA-1699)
Appendix 15.	Request for Reconsideration (SSA-561-U2)
Appendix 16.	Request for Reconsideration—Disability Cessation Right to Appear (SSA-789)
Appendix 17.	Request for Hearing by Administrative Law Judge (HA-501-U5)
Appendix 18.	Disability Report—Appeal (SSA-3441-BK)
Appendix 19.	Request for Review of Hearing Decision/Order (HA-520-U5)
Appendix 20.	Physical Residual Functional Capacity Assessment (SSA-4734-BK)
Appendix 21.	Claimant's Guide to Hearing Testimony
Appendix 22.	Abbreviations and Symbols
Appendix 23.	Glossary of Medical Terms
Appendix 24.	Title II—Equal Access to Justice Act
Appendix 25.	Pertinent Social Security Rulings, Excerpts and Abstracts
Appendix 26.	Pertinent Acquiescence Rulings

Table of Laws and Rules

Table of Cases

Index