

When a Disability Claimant Passes Away Before Receiving Their Benefits

Will You Qualify for Survivors Benefits?

When a disability claimant passes away before their case is heard by an Administrative Law Judge (ALJ), specific members of their family may be eligible to receive survivors' benefits.

To be eligible for benefits, the deceased had to have worked and contributed to the Social Security system for up to 10 years, depending on the person's age at the time of death. The surviving family member(s) of very young workers may be eligible to receive benefits if the deceased worker was employed for 1½ years during the 3 years before his or her death.

Social Security will pay survivors' benefits to:

- A widow/widower – can receive full benefits at full retirement age, or reduced benefits as early as 60.



- A disabled widow/widower – as early as age 50.
- A widow/widower of any age who takes care of the deceased's child who is younger than age 16 or disabled, and receiving Social Security benefits.
- Divorced spouses under certain conditions.
- Unmarried children under 18, or up to age 19 if they attend elementary or secondary school full time. Under certain circumstances, benefits can be paid to stepchildren, grandchildren or adopted children.
- Children who were disabled before age 22 and remain disabled.
- Dependent parents age 62 or older.

The disability claims process is complicated. **It is always in your best interest to consult an experienced disability lawyer** who has handled survivor benefits cases like yours.

LaVan & Neidenberg, P.A. has represented thousands of disability claimants. We will protect your rights and fight for the benefits you need to be able to move on with your life.

Call us for a FREE case evaluation -1 (888) 234-5758.

INSIDE THIS ISSUE

- 1 When a Disability Claimant Passes Away
- 2 Vets: Don't Give Up on Your Claim
Disability Claim Tip
- 3 Calendar of Events
Did You Know?
Petition for Free Medical Records
Increase the Odds of Winning Your Claim

Vets: Don't Give Up on Your Disability Claim!

It is a fact that the Department of Veterans Affairs' (commonly referred to as "the VA") disability compensation process is long and arduous. The wait times alone are enough to drive anyone mad, but what happens to your spirit when your disability claim or service connection is denied time and time again? Would you just give up on your claim or would you continue to fight after your first, second, or even *third* denial?

Most veterans would probably lose hope and start to believe that maybe their condition isn't as bad as they think it is. Or, that their injuries might not be related to their military service. While it is discouraging to receive a denial notice from the VA, you should never give up on your claim and here's why:

In September of 2008, our firm took on the case of a Vietnam veteran who suffered from physiological problems as a result of his military service. Over the years, this Vietnam vet checked in and out of private and VA mental facilities never once requesting from the VA the disability benefits he rightfully deserved for his injuries.

During a conversation with a social worker, she recommended he apply for VA disability benefits. He immediately took her advice and started an application, but the VA refused to acknowledge his injuries as service connected under the program's guidelines.

Before contacting our firm, he had appealed 3 denials.

Life is all about Timing...

Luckily, for this veteran, he refused to give up on his claim. After seeing one of our firm's television advertisements, he contacted us to schedule a free evaluation of his claim.

After listening to his case's unique circumstances, we felt confident that we could get the VA to right their wrong and award this courageous vet the benefits he deserved for his years in the military.

This November he received another letter from the VA only this time it was the letter he had been waiting for all these years – a disability benefits awards letter with 100%

DISABILITY CLAIM TIP:

SUBSTANCE ABUSE WILL HARM YOUR DISABILITY CLAIM

Learning to live with a disability can be physically and emotionally trying – it's hard to predict how it will affect one's psyche. Some may find strength in their impairment and rally around a cause that inspires others in similar situations to do the same, while many individuals will fall into a deep depression at the very sight of what they have lost. Everyone manages their life's stressors differently and one coping mechanism may be to repress feelings with alcohol or drugs.

But, if you are contemplating starting a disability claim (or are in the middle of one) you will need to seek alternative methods of coping – FAST. An alcohol or drug addiction is a sure-fire way to have your disability claim red-flagged. Especially since alcohol and certain drugs can produce [mood/affective disorders](#) and psychotic symptoms.

Here's an example of how an addiction to alcohol can harm your disability case: if you are a claimant who suffers from major depressive disorder and an addiction to alcohol, a judge might say that if you were to stop drinking and receive treatment for your addiction, you would no longer feel depressed and consequently, deny your claim.

After you have sought treatment for your addiction, you will need a letter from your treating physician or alcohol/drug treatment program stating that you are clean and the date you stopped using.

Visit the [Resources](#) section of our website for links to organizations that offer in-person and online support groups and other assistance programs.

disability rating! Our client was extremely grateful for the positive outcome. Not only does he feel vindicated, but he feels his time spent in the military did not go in vain.

We can't take away your pain, but we can fight for what is rightfully yours! [Schedule your FREE legal consultation today – 1-888-234-5758.](#)

CALENDAR OF EVENTS

GET READY FOR THE NEW YEAR!

As 2009 draws to a close, we look to the New Year for a better tomorrow. Many will resolve to get physically fit, think more positively, exercise more patience, or be a better son, daughter, sister, brother, or friend. Whatever you choose to do in 2010 to improve your life, we hope that you are successful in your journey.

The entire staff at LaVan & Neidenberg, P.A. would like to wish you and your family a healthy and Happy New Year!

MARTIN LUTHER KING DAY – JANUARY 18, 2010

The Law Offices of LaVan & Neidenberg P.A. will be open on Martin Luther King Day. However, our firm will not forget what Dr. King stood for.

Our staff strives to embody Dr. King's concept of "somebodiness" everyday in everything that we do. Like Dr. King, we believe everyone is important and should be treated equally. *Happy Birthday Dr. King!*

DID YOU KNOW THAT...

- You may be eligible for help with home heating and or cooling bills? Find out how the [low income home energy assistance program \(LIHEAP\)](#) can help keep you and your family safe and healthy during times of extreme weather.

SIGN OUR PETITION FOR FREE MEDICAL RECORDS!

LaVan & Neidenberg is sponsoring a petition to change medical records fees in the State of Florida. Currently, patients and their representatives are required to pay up to \$1 per page to obtain a copy of their own medical records. The Firm's legislative initiative proposes to **make medical records FREE for all individuals applying for disability benefits.**

Please join us in our fight for free access to medical records for the disabled and [sign our petition](#) today! Thank you for your support!

How to Increase the Odds of Winning Your Disability Claim

Follow Your Doctor's Orders!

The Law Offices of LaVan & Neidenberg understand that while it may be difficult to stay on top of your doctor's appointments and prescribed medications – whether it's because you can't afford the visits or medications, or, you don't like the way the drugs make you feel – you should try your hardest to stay compliant with your doctor's orders. This means you must: **take your prescription drugs as directed; attend physical or mental therapy sessions; see a specialist** for your condition; etc.

A judge will view your compliance favorably and **take into consideration your efforts to get better** – even if your efforts are fruitless and your condition has not improved or has worsened.

Often times, a judge will deny a claim if the claimant did not comply with the treatment or medication that was prescribed. The fact that the claimant had no means by which to obtain treatment or their medication is generally irrelevant to a judge.

What if My Medication Makes Me Feel Worse?

Drugs have side-effects – some are mild, others are severe. There is no telling how your body will react to a particular drug. However, **if your medication(s) is making you physically or mentally ill, tell your doctor immediately.** He or she may be able to prescribe another drug with less side-effects. If you've tried more than 1 drug for the same issue and you still feel sick, **ask your doctor to write a statement explaining why and when he or she suspended your prescription.**

LaVan & Neidenberg, P.A. – We Fight for Your Rights

Our firm will ensure that your disability claim file contains the facts about your unique situation including a record of your prescription drugs and how they affect you.

Our legal team is adept at handling the complex details of a disability case and will help you navigate every step of the process.

Do you have questions about your disability claim? [Contact The Law Offices of LaVan & Neidenberg at \(888\)234-5758.](#)