

## Will You Be Found Disabled by Social Security?

### 5-Step Sequential Evaluation Process

When you apply for Social Security disability benefits, an Administrative Law Judge (ALJ) will look at the specifics of your situation to determine if you meet Social Security's eligibility standards. To do this, they rely on the [5-Step Sequential Evaluation Process](#).

Each step of the process is designed to gauge the impact your impairment(s) has on your overall life and ability to work. If you can engage in "substantial gainful activity" (SGA), you may not be eligible for disability benefits. However, a [disability attorney](#) can work with you to **gather convincing medical evidence that proves you cannot perform any work at the SGA level so you are found disabled.**

***Our firm is unique in that we have your treating physicians complete special medical evaluation forms that will clearly present your limitations to an ALJ.***

### Substantial Gainful Activity

[SGA](#) is defined by the number of hours you work and income you earn for a job. For example, a non-blind



individual who earns approximately \$1,000 or more per month in 2010 is considered to be making SGA.

Most disability attorneys will evaluate your claim for free and [help you determine if you qualify for benefits](#).

### 5-Step Sequential Evaluation Process

1. Are you engaged in substantial gainful activity? If not, proceed to Step 2.
2. Do you suffer from any severe impairments that more than minimally restrict your ability to work? And, are these impairments expected to last for 12 consecutive months. If yes, proceed to Step 3.
3. Does your condition "meet or equal" a condition as defined by Social Security's "[Listing of Impairments](#)?" If yes, proceed to Step 4.
4. Does your condition prevent you from performing any of your past jobs done within the last 15 years on a competitive basis? If yes, proceed to Step 5.
5. Does your condition prevent you performing any jobs that exist in the national or regional economy<sup>1</sup>? If yes, you are disabled according to the Social Security Administration's guidelines.

<sup>1</sup>If your last position included physical labor you are now unable to perform, but you have prior experience at a desk job or would be fit to work a desk job that is commonly available, you may not qualify for disability benefits.

**[Schedule your FREE consultation now - 888-234-5758.](#)**

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# VA's Expedited Claims Adjudication (ECA) Initiative: Friend or Foe?

For wounded and disabled veterans in desperate need of a financial lifeline, the promise of an “expedited claim” for VA disability benefits is likely to be an offer that seems too good, and practical, to turn down. At a superficial glance, the VA's relatively new [Expedited Claims Adjudication \(ECA\) Initiative](#) could be taken as a proactive solution to the backlog of unanswered Veterans' Disability Benefits claims that currently clog the system.

Unfortunately, as with most things in life, if it seems too good to be true it probably is. While the ECA Initiative ostensibly promises to make your life easier as you pursue your veterans' disability claim—the 1<sup>st</sup> paragraph offers to “**speed up the processing of [your] claim for a final VA decision as soon as possible**”—it may serve as a **detriment in your fight for fair disability compensation from the Department of Veterans' Affairs.**

If you are a disabled veteran, who has applied for disability benefits, or your disability claim has been denied and you are preparing to appeal the VA's decision, you probably have concerns about the long wait times, not to mention routine denials, experienced by most veterans. Perhaps you've even been offered a chance to sign an ECA agreement or waiver, or received a form in the mail from the VA.

**It's important to exercise extreme caution when faced with an ECA agreement or any similar waiver of your rights.** This program, which has been launched in 4 Regional Offices (RO) across the country, has a profound impact on your rights to collect your disability benefits. First, know that **the ECA agreement and waiver requires that you be [represented by an attorney](#)** or the Veteran's Service Organization (VSO).

Before signing anything, it is critical that you have a clear understanding of how the ECA Initiative affects your disability claim, both in the short- and long-term. It is a lengthy document, with no shortage of confusing language and complicated legalese. Our firm has been fielding many questions related to the ECA Initiative. We will gladly answer yours. Click to [submit your question](#).

**Below are a few of the key aspects of the ECA waiver you should be aware:**

- **Limits the number of appeals** you can submit
- **Imposes specific and limited time constraints** on how long you have to appeal a denial
- **Lessens the burden on the VA** by significantly reducing the amount of evidence they are required to examine when considering your disability claim.

## DISABILITY CLAIM TIP:

### DON'T MISS YOUR CONSULTATIVE EXAM

During the process of applying for Social Security Disability benefits, it is fairly common for Security Social to request that you undergo a Consultative Exam (CE).

A CE can be scheduled to look at your mental or physical impairments and may include several diagnostic tests. Any diagnostic testing performed during your CE will depend on the combination of your severe impairments and any additional testing as ordered by Social Security.

#### What Happens at a Consultative Exam?

Your CE will be **performed by a private doctor who is contracted by Social Security.** The exam is not intended to give you medical treatment, but to gain a general understanding of the severity of your impairment(s).

Social Security will send the doctor responsible for your CE **some of your medical records**. **This may work to your disadvantage** if your claim file does not contain compelling medical evidence from your treating physicians.

**At LaVan & Neidenberg, we build a solid case for you** so that in the event a private doctor reports that you *can* work based on the limited information they were given by Social Security, a complete review of your medical records and evaluation forms will clearly demonstrate that you cannot.

That being said, you can and should **tell the doctor about the full extent of your impairments and how they affect your life and ability to work.**

The good news about a CE, is that if Social Security requests one, it means they are actively working on your claim.

#### Do I have to attend my CE?

If you receive a letter from Social Security telling you a CE has been requested, **it is absolutely imperative that you appear at your scheduled exam.** Not appearing at a requested CE can result in your disability claim being denied by Social Security for “failure to cooperate”.

Don't let this small step stand in the way of your disability benefits. **Our firm will help you prepare for your appointment** and even reschedule the date and time of your CE if it presents a scheduling conflict for you. [Contact us today – 1-888-234-5758.](#)

Though we understand the appeal of something that offers a quick-fix to a long and arduous process, you shouldn't have to sacrifice your rights in exchange for your disability benefits, particularly if those benefits are less money than what you are entitled to receive.

LaVan & Neidenberg will not ignore this type of injustice toward our country's veterans. Our mission is to protect your rights and best interests.

**If you have questions or need assistance with your disability rating or claim, contact 1-888-234-5758.**

## CALENDAR OF EVENTS

### **DAYLIGHT SAVING TIME BEGINS – MARCH 14, 2010**

In 2007, Daylight Saving Time (DST) was extended one month and begins – for most of the United States – at **2 a.m. on the second Sunday in March** and lasts until 2 a.m. on the first Sunday of November.

### **ST. PATRICK'S DAY – MARCH 17, 2010**

St. Patrick's Day is celebrated by the Irish and Irish at heart in big cities and small towns alike with parades, "wearing of the green," music and songs, Irish food and drink, and activities for kids such as crafts, coloring and games. It's a time for fun. Some communities even go so far as to dye rivers or streams green!

### **Spring Begins – March 20, 2010**

March 20, 2010, is a date that most of us recognize as symbolic of changing seasons. As we welcome spring, people south of the equator are actually gearing up for the cooler temperatures of autumn.

### **DID YOU KNOW THAT...**

- One of the biggest reasons we change our clocks to Daylight Saving Time (DST) is that it reportedly saves electricity? DST has the sun setting 1 hour later and therefore reduces the period between sunset and bedtime by 1 hour. This means that less electricity would be used for lighting and appliances late in the day. We may use a bit more electricity in the morning because it is darker when we rise, but that is usually offset by the energy savings in the evening.

### **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!

## Vets: Hepatitis C May Be A Service-Connected Disability

### **VA-Issued Air Gun Inoculations**

New evidence proves that some **service members and veterans were placed at risk for contracting hepatitis C while serving their country.** The veterans were exposed to the blood borne pathogen through the use of improperly administered air gun inoculations.

This appalling health issue came to light in 2002, when a female veteran, who served on active duty from February 1976 to April 1980, was diagnosed with hepatitis C in 2002. She revealed that the **air guns used for inoculating soldiers at the time of her service were not properly cleaned—or not cleaned at all—between uses on soldiers.** In 2008, the veteran won her claim, and the VA now acknowledges that there is indeed a connection between the air gun inoculations and hepatitis C.

**Because of this grievous oversight by VA officials and medical personnel, countless servicemen and women were exposed to incurable diseases, such as hepatitis C.** As such, veterans who suffer from hepatitis C may be eligible for service-connected disability benefits.

What does this mean for you? If you are a veteran who suffers from hepatitis C, and you were inoculated with an air gun during your service, you may be eligible for [veterans' disability benefits](#).

This case also serves as a warning for any veteran who received a military-issued air gun inoculation at any point of their service, that you should get tested for hepatitis C. This devastating disease often displays no visible symptoms, even as it works to destroy your liver and degrade your overall health. Your doctor can work with you to address your health concerns and start you on a course for treatment.

**If you a veteran who received an air gun inoculation and you have been diagnosed with hepatitis C, you may be entitled to receive disability benefits.** A [qualified disability attorney](#) can work with you as you navigate this relatively new issue in VA disability claims and fight to get the benefits that you need to treat your health condition.

If you are a disabled veteran who has been denied disability compensation by the VA, [contact LaVan & Neidenberg](#). We can appeal your rating decision and fight for your rights. You are entitled to certain programs and benefits based upon your VA rating decision so [contact our veterans' disability rights firm today](#).