

When Social Security Denies Your Claim...

You should always file an appeal.

If you have received a notice of denial from the Social Security Administration (SSA) indicating that your request for disability benefits has been denied, **DON'T GIVE UP** and **DON'T START A NEW APPLICATION!**

Starting a new application when you've been denied benefits is a common mistake. Often times, people will start a new application because they believe it is the same as appealing a denial. By filing a new application you are starting your claim over and you may lose out on benefits.

If you're within the deadline to appeal the SSA's decision (60 days from the date stamp on the Decision, plus a 5-day grace period), you should always file an appeal.



It Is Your Right To File An Appeal

By exercising your right to appeal you may eventually have your case heard by an Administrative Law Judge (ALJ). A formal hearing gives you the opportunity to explain your medical condition to the judge and will increase your chances of being approved for continuing and past due disability benefits.

How To File An Appeal

You can request an appeal by calling Social Security directly at 1.800.772.1213. Social Security will mail you the Request for Reconsideration ([SSA-Form 561](#)). In addition, you must complete the Disability Report Appeal ([SSA-Form 3441](#)).

LaVan & Neidenberg can simplify the appeals process and increase your chances of a receiving a formal hearing by completing these forms on your behalf. Our attorneys have years of experience arguing disability cases in front of ALJ, including, cross-examining SSA medical and vocational experts.

Visit our [Social Security Disability](#) practice page for more information or [contact us](#) for a FREE evaluation of your case. We can't take away your pain, but we can lift your spirits and help you through this challenging administrative process.

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Does Your VA Disability Rating Match Your Disability?

To understand disability ratings we must first understand how the Department of Veterans Affairs (VA) evaluates service-connected injuries. The VA evaluates service-connected injuries on a scale of zero to 100% in increments of 10%. They examine the medical evidence you submit with your claim and then assign a “rating”. Most conditions receive a rating below 100%. In fact, the largest category of veterans on the compensation scale is at 10% disability. A rating of 30% or less would only entitle a vet to a one-time lump-sum severance payment after being discharged.

At times, a veteran may be rated at 0%, meaning there is evidence of a service-connected condition, but it does not impair the veteran. An example is a minor scar. This 0% rating, though not compensable, can be beneficial, since it may raise the veteran's priority in other VA programs, such as health care eligibility. In addition, it may be reviewed for a higher rating if the condition worsens.

Disability Rating Disparities Are Common

In 2007, Congress mandated that the Department of Defense erect a Physical Disability Board of Review to re-examine the ratings of those service members separated from the military since September 11, 2001. These veterans will have the opportunity to have their disability ratings reviewed to ensure fairness and accuracy.

History has shown us that disability ratings vary wildly, with Air Force officers consistently getting the highest disability ratings, and the lowest going to enlisted Marines and soldiers – troops bearing the brunt of combat injuries in Iraq and Afghanistan.

An even closer look at the numbers reveals that the VA often gave much higher ratings than the Department of Defense for the same injuries or illnesses, even though both used the same ratings schedule.

You Fought for Our Freedom – Let Us Fight for Your Rights to a Fair Disability Rating

At LaVan & Neidenberg, we know the critical aspect of any veteran's disability claim is strong medical evidence.

SOCIAL SECURITY DISABILITY TIP:

ATTEND PHYSICAL/MENTAL EXAMINATIONS APPOINTMENTS

Once your claim reaches Disability Determination Services (DDS) and the evidence of record has been reviewed, the DDS examiner may need more information about your condition to determine whether you meet the agency's disability requirements. This may include having you attend consultative examinations.

Should you attend?

Without a doubt, yes! And, send DDS the confirmation/authorization form immediately after receiving the notice to confirm that you will keep the appointment as scheduled.

Remember, Social Security has closed many claims for non-compliance such as, ignoring their requests for more information and not attending agency scheduled appointments.

“But, the appointment date or time is inconvenient...”

If for any reason you cannot keep your appointment as scheduled, do the following immediately:

- Contact DDS to request a new appointment

Bring the following with you to your appointment:

- Photo ID
- All prescribed medications
- Eye glasses and hearing aids
- An interpreter, if necessary
- A notepad and pen to document the following:
 - Who performed the examination (was it a nurse or a doctor)?
 - How long did the examination take?
 - Did they evaluate all of your conditions?

Lastly, have your notes about the consultative examination notarized. Be sure to provide your disability attorney or advocate with a copy of your notes.

Our staff is highly trained on gathering the best documentation to support your disability claim and get you the rating you deserve for your physical or psychological impairment.

Did you know that you can continue to receive disability payments at your current rating while we fight to get you a higher rating? **Contact us for details – 1-888-234-5758.**

CALENDAR OF EVENTS

VIETNAM TRAVELING MEMORIAL WALL – OCTOBER 15-19

2300 SW College Rd., Ocala, FL 34474

Visit a traveling memorial to the fallen heroes of the Vietnam War. The Traveling Wall is a 3/5 scale replica of the Vietnam Memorial in Washington DC. Call Palm Chevrolet in Ocala, FL for more information.

DISABILITY MENTORING DAY – OCTOBER 21

Students, employers and educators will take part in a day set aside to increase awareness and prepare students with disabilities to enter the work world. Contact the American Association of People with Disabilities for details.

VETERANS DAY - NOVEMBER 11, 2009

Veterans Day will be observed on Wednesday, November 11. Honor the veterans in your hometown by attending parades and other festivities. Check out your local newspapers for more information.

DID YOU KNOW THAT...

- There are approximately 23,400,000 living veterans?
- Only 36% of all veterans take advantage of the benefits and services offered by the VA?
- 87% of veterans making use of VA services are men?

(Source: 2009 Report of VA Benefits and Services)

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

Make sure all deadlines are met!

This may sound extreme, but one of the most damaging actions you could take against your [Social Security Disability](#) claim is taking NO action, or missing a deadline. It is extremely critical that you adhere to any and all deadlines set by the SSA throughout the [claims process](#).

For example, if the DDS examiner assigned to your case sends you a letter requesting more information or a call back within a specified number of days, you should do everything in your power to comply. Similarly, if you receive a denial letter and are given 60 days to take action, you should gather the necessary paperwork and file an appeal within the 60 days allotted.

Failure to meet Social Security's deadlines can result in your claim being closed, which means you will have to start a new application for disability benefits. That's right! You'll be back at square one of this grueling process.

At LaVan & Neidenberg we keep our clients informed and remind them of any and all deadlines and appointments set by Social Security. **Our disability attorneys will build a successful disability claim and increase your chances of winning.**

LaVan & Neidenberg, P.A.

Protecting the Rights of the Disabled

Our firm's attorneys combine focused knowledge in federal and private insurance disability law, litigation experience and a constant commitment to our clients.

We have evaluated thousands of disability claims with the Social Security Administration and Department of Veterans Affairs. Our legal team is adept at handling the complex system involved in a disability case and will help you navigate every step of the process. Our winning record speaks for itself – we have obtained over \$400 million in benefits for our clients.

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