

The Silver Formula for Success: How to “Guarantee” Your Disability Claim is Approved

**By
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Dedication

This book is dedicated to the following important individuals in my life:

To my parents who, by their advice and actions, tried to teach their children the importance of honesty, hard work, and empathy for those in need.

To my wife, Cindy, my partner and best friend, for her encouragement and support of my efforts to help the disabled community and educate other similarly inclined attorneys and legal professionals and for her competence and success in leading our negligence department.

To our son Joe Silver, a graduate of Duke Law School, who was successfully pursuing a career in Intellectual Property and Privacy in Washington, D.C., for returning to Philadelphia and developing an expertise in Disability Law. We have been greatly assisted by his administrative leadership and technical support, as well as his success before the many Administrative Law Judge hearings he argues each week. I am especially proud of his recent appointment by the Chancellor of the

Philadelphia Bar Association as Co-Chair of its Disability Law Section.

To Stephanie Imbesi, our Senior Disability attorney and former Director of the Social Security Administration's South Jersey hearing office for her wise counsel, brilliant advocacy and writing skills and especially for her dedication to our disabled clients.

To the other hardworking and intelligent attorneys, paralegals and various personnel in our office who share our passion for the disabled and who, over the last 30 years, have patiently answered our phones, tirelessly sought to obtain all necessary evidence, vigorously advocated at thousands of hearings, and who wrote countless well reasoned briefs to gain the disability benefits to which our clients were legitimately entitled.

Foreword

Thank you for requesting this book. Within it, I hope to share with you some important information about the Social Security system that I have learned since I began practicing in this field over 40 years ago. Each year I wonder to myself, if the Social Security Administration would just make the right determination early on, there would be no need for people to hire lawyers to obtain these benefits. But regardless of the changes that the Administration implements each year, many, if not most, deserving claimants are wrongfully denied. And sadly, over the last few years, more people are being denied than ever before.

Let me begin by briefly describing my introduction to this area of the law and the fortuitous events which have allowed me to enjoy a lifetime of practice in a very meaningful field. As we like to say in our office, we do well by doing good.

I graduated from Rutgers University Law school in 1972. I was fortunate to serve a judicial clerkship with the Honorable Michael Patrick King, a Judge in the Appellate Division of the Superior Court of New Jersey. Judge King honed my writing skills;

allowed me to experience both trial and appellate practice; showed me what judges consider in making their decisions; and encouraged me to be respectful, but never to fear the judiciary or back down when pursuing a valid argument.

After this valuable clerkship, I was hired by a medium-sized law firm in South Jersey, which eventually grew to almost 50 lawyers. The firm only represented union workers in employment, accident and Workers' Compensation cases. Shortly before I arrived, the firm started to see something different--Social Security disability claims. It was a brand new field, and there was not even a textbook to refer to. The first week at the firm, a young partner assigned his hearings to me for the following week. He offered me a one sentence definition of disability—"the inability to work for 12 continuous months because of a medically determinable impairment"-- and said that I probably knew how to ask questions and that would be enough. Well I certainly didn't think that was enough! I studied disability law as much as I could, gathered whatever medical records I could find and attempted to use common sense to convince the judges that I had to appear in front

of that my clients were in fact disabled and entitled to disability benefits.

Now to be perfectly transparent, the two gentlemen I was asked to represent had good work histories, were over 50 years of age, had done hard physical labor, pursued consistent medical treatment, and had doctors who documented their injuries and limitations. It didn't hurt that the cases were also assigned to two kindly judges. Not long after, I received favorable decisions in both cases. The young partner circulated the results to my new employers with his impression that "the kid seems to know how to do disability law." Sometimes it doesn't hurt to get lucky, and as my late mother would remind me, the harder you work the luckier you often get.

After a few years at the firm, I was lucky again, this time to find a very capable woman to be my wife. She also happened to be a lawyer working as in-house counsel for a large insurance company, who believed that if I hung out a shingle I could develop a practice and eventually earn a living. Around the same time, the Supreme Court of the United States made an important decision for little guys like me, that lawyers had the legal right to

ethically advertise their services. At the time, I had a friend since sixth grade who was the News Director at the KYW radio station, an all news format. We had very little money, other than the few thousand dollars that we had received as gifts from our wedding. I asked my friend what inexpensive time he could sell to me. The least costly purchase, he explained, was from one to five in the morning, which I could buy for \$10 a minute. He was surprised when I accepted that timeslot, as the station's audience was quite reduced during that period. But it accommodated my financial situation, and was consistent with what my clients had been telling me over the last few years: They couldn't sleep because of their medical problems or their concern as to how they would pay the bills when they couldn't work.

It took a few weeks until I received any response. I'll never forget the first call. The man on the phone said he had "a dream," didn't know what I did, but something told him to call me in the middle of the night and that I'd be able to help. He was disabled, had been denied disability benefits and needed to appeal. The one-minute commercial I had written essentially said if you can't work because of an accident or illness and

you had been denied by Social Security, you need to appeal and I could help. Over the next few months, the commercial started to work its magic and by the time we had spent all our wedding gifts, I was busy trying disability cases every day.

I won't go into detail about all of our advertising efforts over the next four decades, but suffice it to say that I went from radio, the Yellow Pages, newspapers and eventually to TV. My goal was to uncover the dirty little secret that Americans were entitled to disability benefits if they were in fact disabled, especially if they had a good work record. And folks who did not have a good work record, but were medically disabled and destitute, also were entitled to a similar program, Supplemental Security Income. For whatever reason, the Social Security Administration never aired public service announcements informing citizens of their right to these benefits. Moreover, when deserving applicants completed the government forms, they were often shocked to learn that the government did not deem them entitled. I think their mindset was, "How can I fight City Hall?"

Around that time, I learned about an advocacy group that was forming to educate lawyers who wanted to pursue Social Security disability cases. The group was called the National Organization of Social Security Claimants' Representatives (NOSSCR). I joined the group for one of their first meetings in Washington, D.C. and soon was given the assignment of organizing all the disability cases in my geographical area, called the Third Circuit. The outline was published and I gave my first talk before the growing legal disability community. Shortly thereafter, I was asked to be the Representative for the states of Pennsylvania, New Jersey and Delaware to the NOSSCR board. Eventually, I was elected President of this organization, which had grown from about one hundred practitioners when I joined, to almost 5,000 when I became president. I also founded the Philadelphia Bar Association's Disability Law section, where practitioners meet monthly to learn about the local judges and experts in the disability field, as well as the never ending revisions and updates to its regulations and procedures. Later, I was able to lobby for legislation to shorten waiting periods, increase benefits and obtain reasonably priced medical records so that Social Security

claimants could prove their disability to the Administration.

Over the years, our firm has grown to one of the largest disability practices in the Philadelphia area and I am proud of the way we have been beating "City Hall" and winning disability benefits for most of the individuals we have been fortunate to have represented. Our Google rating, based on over 150 reviews during the last two years, has us averaging 4.8 out of 5.0.

In this short book, I will try to explain how the Social Security Administration's disability program is supposed to work and what you need in order to prove your case. I hope that this will be helpful to you and to people you know who have been wrongly denied their benefits. We have always maintained a policy of free initial consultations, so if you have any questions about your eligibility, I hope you won't hesitate to call our office or visit our website.

It is my genuine hope that this information will help you learn the

*important things that you should --
and should not -- do when pursuing a
Social Security Disability claim.*

Thank you for your interest in this publication, and thank you for providing me with a lifetime of tremendous gratification in helping deserving individuals get the financial and medical help to which they are entitled.

I would also like to express my gratitude to our Paralegal Manager, Lorie Shane, whose collaboration in writing this book has proven invaluable, and to Debbie Yondorf, our Office Manager of more than 30 years who, in her own right, has become an expert in disability law, to the continuing benefit of all the clients and staff with whom she shares her wisdom.

Respectfully,

Mike Silver

Attorney at Law

Background: The Social Security Administration's Disability Program

The Social Security Administration was developed in 1935 under Franklin D. Roosevelt's New Deal, to provide retirement and survivor benefits. However, it wasn't until 20 years later, on August 1, 1956, that President Dwight D. Eisenhower signed into law amendments to the act that established the Social Security Disability Insurance program. Our focus at Silver & Silver is to help those who qualify to obtain disability benefits.

One of the most difficult realizations a hard-working, independent person can make is the fact that he/she can no longer work at a full-time job due to physical and/or mental impairments. No one plans for this. It is the reason why many people resist applying for disability benefits. But it is nothing to be ashamed of. That is why this program was developed as a "safety net"—so that, in the unforeseen circumstance that you develop an impairment(s) that makes it impossible for you to work—you have support for you and your family.

Obtaining Social Security Disability benefits can be a tedious process that does not happen overnight

for most people. Initial applications are usually denied, as are requests for reconsideration. After a request for a hearing, more time passes before an actual face-to-face meeting before an Administrative Law Judge occurs. And once a disability onset date has been established, there is a five-month “waiting” period during which benefits are not paid. These are some of the many reasons why it is important to apply early, before your situation becomes desperate.

The following advice will show you how you can make sure that your medical records reflect the difficulties you are having so that a convincing argument can be made to support your claim.

But first, some basic information about how the Social Security Disability system works. There are two basic programs—**SSDI (Disability Insurance Benefits) and SSI (Supplemental Security Income)**.

Disability Insurance Benefits (SSDI or DIB)

Just like any other insurance policy, disability insurance is obtained by paying premiums. In the

case of Social Security Disability Insurance, these premiums are withheld from your paycheck in the form of FICA taxes. As long as you continue paying into the fund, you remain insured. When you stop paying the premiums because you stop working, your coverage eventually lapses. Generally, your coverage ends within five years after you stop working. To receive disability benefits, you have to prove that you were disabled prior to the date your insurance ended.

There are two basic elements that you need to meet to show eligibility. The first is that you must prove that you have been or will be unable to work for 12 consecutive months or more at a level of what Social Security calls “Substantial Gainful Activity.” The second is that you often must show that you have a physical or mental impairment proven through medical evidence that demonstrates you are unable to perform ANY full-time work—not just what you did in the past.

The amount of benefits you would receive varies from person to person depending on how much was paid into Social Security through FICA taxes.

Supplemental Security Income (SSI)

Supplemental Security Income (SSI) is the other program, similar to SSDI in that the same evidence of disability must be proven; however, this program provides financial assistance to those who have not worked long enough or recently enough to meet the insured status requirements discussed above.

Your income must be very low and the value of your total assets (not including your house or car) must not exceed particular limits. For the year 2020, the amount is \$2,000 for a single person or \$3,000 for a couple.

The amount of monthly benefits depends upon one's household income. As household income rises above a certain amount, the amount of the SSI payment begins to decrease.

SSI is also available for children who have medical conditions that Social Security deems serious enough to be considered disabling, in that they may cause developmental delays or difficulty in school. For purposes of determining how much a child is due, part of the income of the parent or parents is deemed to be the child's income.

The Disability Determination Process

1) Submit an Application

This can be accomplished in a number of ways. You can go to your local Social Security office (if open—check first, most have been closed as a result of the pandemic) and apply in person. If you are over 50 years old and “appear” to have a disabling condition that a non-doctor would recognize, such as a pronounced limp or inability to sit for more than 20 minutes, this method may be preferred. The person who helps with your application will, unbeknownst to you, take notes about your appearance and whether you seem to have difficulty getting around, sitting, or even focusing on the task at hand, as well as your ability or inability to answer questions about your medical problems, treating physicians, work history, etc. We would strongly urge that you have a friend or relative who is familiar with your condition bring you to the Social Security office and help you to answer these questions.

You can also call Social Security at 1-800-772-1213 and set up a time to file an application by phone, from the comfort of your own home. During this phone call, you will be asked the same questions

you would have been asked in person. It is important to have all your information available at the time of the scheduled call, i.e., addresses of doctors, medications, work history, etc.

Finally, if you have a computer and you are computer savvy, you can go online at the Social Security Website, www.ssa.gov, and submit your application. This method is a bit tedious and should only be used if you are comfortable using a computer. We have had a number of claimants who became frustrated with this method, especially if they had to walk away before completing the application. At times, people thought they had submitted the application when, in fact, they had not finalized answering all of the questions. As a result, the Social Security Administration would not consider the claim filed and would take no action on it.

As a general rule, especially now when almost all offices are closed, I would encourage most applicants to apply by phone. If you have any questions about how to apply, feel free to call us. This is an important way you can obtain meaningful assistance from an attorney.

No matter which way you apply, the same questions will be asked. They will want to know the contact information for the doctors you see; the medications you take, and what, if any side effects you have experienced; and if you have been hospitalized or had any testing done. They will ask you about your work history, and if you have not worked long enough or recently enough, they will ask you about money that comes into your household and other resources, such as funds in a bank or retirement account, or life insurance policies.

Once you have submitted your application, your claim will be transferred to the Bureau of Disability Determination for review. They will send you forms to complete that ask about your activities of daily living and what you did at all your jobs for the last fifteen years. They will review the medical records from the doctors you listed in the application, and they will often send you to one of their doctors, if they feel that they need more information. During this pandemic period, you will not be penalized for refusing to attend an in-person physical exam. But, if you feel comfortable attending, it might enhance your chance of being approved. Most psychological examinations scheduled by Social

Security can be accomplished via telemedicine from your computer or phone. After this, you will receive either an approval of benefits or a denial.

2) Reconsideration

If you are denied, you have 60 days to Request Reconsideration. An initial denial does not mean that you will not eventually be able to obtain benefits. Most people are denied at the initial level.

When a Request for Reconsideration is filed, your claim goes to a different adjudicator to be looked at from a fresh perspective. The entire process basically starts again and may consist of reviewing updated medical records, completing more forms and possibly attending another appointment with a Social Security doctor.

3) Request a Hearing

Unfortunately, most people are also denied at the Reconsideration level and must file a Request for Hearing before an Administrative Law Judge. The deadline for this request is also 60 days from the date of the denial letter.

We believe its vitally important, whether you use our firm or another experienced disability firm, to be represented at a hearing. Social Security Rulings and Regulations change almost on a monthly basis. In addition, the requirements of each individual judge can vary widely. Only an experienced Social Security lawyer familiar with the judges in your city will be intimately familiar with each judge's personality and preferences during the hearing. And, most importantly, only an experienced disability attorney can obtain and marshal the necessary medical evidence to prove your case. Additionally, a good disability attorney will prepare you and possibly your witness with the types of questions that your assigned judge will likely ask to question you about your claim. And finally, in the unfortunate event you are denied by the judge, only an experienced disability attorney will be in a position to advocate for a reversal of the decision by timely and effectively appealing.

The hearing gives you and your attorney the opportunity to explain to the judge why you cannot do any full-time work. There will usually be a vocational expert at the hearing and, sometimes, a medical expert will attend.

At our firm, we strongly encourage attending hearings in person, so that the judge can get a good sense of both your disability and credibility. The next best hearings are done by video.

Unfortunately, during this pandemic period, the Social Security Administration is only offering telephone hearings. While this is not our preference, we continue to experience a high rate of success with even these "phone" hearings. In the alternative, you can insist on a live hearing whenever Social Security chooses to resume them. As of the time of this publication, Social Security has just announced that video hearings will begin to be offered in the Fall of 2020.

Most times, you will not get a decision on the day of the hearing. Instead, the judge will render his/her decision in writing, which can take days to months depending on the particular judge and the current state of the backlog in a given hearing office.

4) Appeals Council

If the Judge issues an Unfavorable Decision, your attorney should review the decision very carefully to decide if the judge made any significant legal or factual mistakes in the decision. If so, you can ask the Appeals Council to review the decision.

Though the chances of winning at the Appeals Council are very low, this is a required step in order to later file in Federal Court where the chance of success improves substantially.

Unfortunately, the Appeals Council process can take many months and a "win" at the Appeals Council level usually means a remand for a new hearing before the same Administrative Law Judge. In addition, you will not be able to file a new application until the Appeals Council decision is made. If the Appeals Council declines to review the ALJ decision, you can file a new application for benefits, alleging disability after the prior Administrative Law Judge's decision.

5) Federal Court

If the Appeals Council denies your case, you have the option of suing the Social Security Administration in Federal Court for a reversal of the decision or a new hearing. This is a very labor-intensive process, which requires an in-depth review of all testimony and exhibits and a detailed brief, often 15 to 30 pages long, which can take an attorney up to a full week to prepare. There is a \$400 filing fee to appeal to the Federal Court. The filing fee can be waived, however, by filing what is called an *in forma pauperis* petition alleging that the individual appealing does not have the funds to file an appeal.

Now, let us offer you some advice that we have gleaned over the last 40 plus years of experience with the Social Security Administration that should help you be successful with a claim.



The Silver Formula for Success for Winning your Social Security Benefits: The Seven Important Steps To Obtaining Your Benefits



Step 1: Your Medical Record

The foundation of a successful Social Security Disability claim is solid supporting medical evidence from your treating doctors, demonstrating your symptoms and complaints, medication and treatment, and most importantly the reasons you continue to be unable to work.

Treat Early and Often

You should consult a doctor as soon as your medical condition keeps you from working if you have not done so earlier. Social Security will not take your word for it that you can't work because of an impairment—they will want to see what the doctors have to say. If your doctor suggests any diagnostic tests such as X-rays, MRIs or psychological testing, it is very important that you

obtain this testing as soon as possible. If your family doctor suggests that you seek specialist care, for example, a pulmonologist for your asthma or a psychiatrist for your depression, it is necessary to obtain this treatment as soon as possible. Even if your doctor does not specifically make this recommendation, you should consider seeking a specialist's opinion if one or more of your conditions, in and of itself, renders you disabled. These are the kinds of records that will make or break your disability case.

While you can always go to an emergency room, this should not be the only source of your care. You should consider an ER visit a serious warning that you need to come under the care of a doctor who will understand all of your conditions, prescribe the correct treatment, and/or refer you to necessary specialists.

If you do not have medical insurance and cannot afford treatment for yourself, you should attempt to apply for Medicaid with your local Department of Welfare. Also, there are clinics that offer sliding-scale fees. You can also receive treatment at emergency rooms if your condition is severe enough to require a visit to the ER, such as cardiac or stroke symptoms, inability to breathe, a fracture

or serious laceration, or other life threatening accident or illness.

Follow Reasonably Prescribed Treatment

If you fail to follow the treatment recommended by your doctors, Social Security will presume that you have no desire to get better and will deny your claim. If you disagree with your doctor's recommendations, you may want to obtain a second opinion.

Also, if your doctor recommends a course of treatment that may worsen your condition or, at the very least, not help at all, i. e., surgery, make sure that your doctor documents the chances of success/failure in your medical record. Social Security does not require that you undergo risky or experimental treatment, only that you follow reasonably prudent and conservative mainstream medical advice. Unfortunately, Social Security will often give little credence to alternative or non-traditional medical care.

Explain Your Pain and Limitations in Detail

One of the best ways to document your pain or other limitations is to describe your experience in

detail to your doctor so that this information is included in your medical record.

For example, let your physician know exactly where the pain starts and if it spreads to other parts of your body and what the pain prevents you from doing. For example, an effective explanation would include details such as how the pain prevents you from bending over and/or twisting. Describe the pain's location, intensity (0-10), frequency, and type, i.e., stabbing, sudden, chronic, etc. The pain might prevent you from sitting for a specific amount of time or the medications prescribed may make you feel dizzy or tired. You should mention that you need help with certain activities of daily living such as dressing yourself or cooking meals if, in fact, you do.

Keep Personal Logs

Some impairments lend themselves to personal journaling to keep track of pain better than others, and many times, your doctor will suggest that you keep a diary, journal or calendar. If, for example, you have migraine headaches, you should document the date and time of each headache and the details, i.e., if it includes an aura, its

intensity and the length of time it lasted. Additionally, note your recovery experience—how you felt after the headache and how long it took to feel better and continue with normal activities. Were you confined to the house and/or bed for the whole day? It is also very important to keep records like this if you have a seizure disorder but do not seek medical treatment after every seizure.

Treat with Specialists

The documentation from a physician who specializes in your particular impairment will often be the more persuasive evidence to an adjudicator and/or judge than a general primary care doctor. Some examples of specialists are:

Illness or Area**Specialty**

Arthritis or Fibromyalgia

Rheumatologist

Brain and Nerves; Headaches

Neurologist

Heart

Cardiologist

Lungs

Pulmonologist

Mental Health

Psychiatrist or
Psychologist

Kidneys

Urologist or
Nephrologist

Diabetes

Endocrinologist

Feet

Podiatrist

Skeletal System

Orthopedist

Cancer

Oncologist

Ask your primary care physician about your specific problems and for a specialist's recommendation.



Step 2: Do not Wait Too Long to Apply

When you and your doctor believe that you will not be able to return to work for a period of 12 months or more, file for benefits immediately.

If you are eligible to receive Disability Insurance benefits, meaning you worked long enough and recently enough, you will eventually be able to obtain retroactive benefits for a period prior to submitting your application (as long as you were not working at the time). Usually, this is not more than 12 months prior to the date of your application.

If you are eligible for Supplemental Security Income benefits, the earliest payable month is the month after the application is filed. So, for every month that you don't apply, you could be losing much needed benefits.

If you are eligible for private Short (STD) or Long Term (LTD) disability benefits from either a private policy you purchased or as a benefit from your last employer, we strongly urge you to make that application, preferably before you terminate your employment. Sometimes, if you are no longer employed you cannot apply for STD or LTD

benefits, even if your disability began prior to your termination.



Step 3: Appeal Your Denial in a Timely Manner

If you have already applied for benefits and you have been denied, you have the right to appeal within 60 days from the date of the denial letter.

If you wait more than 5 days after the 60-day period, the likelihood is you will have to reapply. If you fail to appeal on time, you may have to start the application process over again from the beginning. As you might have guessed, the process of obtaining Disability benefits is not a fast one, so it would be unfortunate to have to start over. Also, you could permanently lose the back-due benefits that you would have been able to obtain otherwise, as retroactive benefits are limited to 1 year prior to the date of application in SSDI cases and to the application filing date in SSI cases.

Remember that the law is filled with strict time limitations and notice deadlines!



Step 4: Avoid Illegal Drugs and Alcohol Use

The use of illegal drugs or alcohol makes it more difficult to obtain benefits. Your attorney would need to prove that you would be disabled even if you were not using drugs or alcohol in order to be successful. In addition, the abuse of alcohol and/or illegal drugs can harm your credibility as a claimant. If you had a drug or alcohol problem and you are able to avail yourself of a detox program, either in-patient or out-patient, it is vital that the records show you have been drug or alcohol free, as verified by random testing and notations in your medical records. Continuing and regular attendance at AA meetings is often helpful evidence of sobriety.

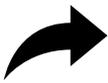


Step 5: Consistency

Your credibility (honesty/believability) as a claimant is built upon the consistency of statements you make to Social Security personnel in the form of your initial application and forms completed for the disability adjudicators, in addition to statements you make to doctors, employers, friends, family, your attorney, and the Administrative Law Judge who hears your case. You should also make sure information and pictures on your social media accounts are consistent with your alleged disability. For example, people alleging disabling back conditions should not maintain Facebook posts of skiing or other vigorous activities, even if they were last done months or years earlier. It is not unusual for Social Security personnel to review an applicant's Facebook posts.

Your limitations will only be credited if they appear consistently throughout your health records and other available personal history. Keep in mind that a Social Security Disability claimant's limitations are generally only considered as serious as reported to the doctors. Be careful when returning

to your physicians to accurately describe your current condition. For example, when the doctor asks, "How are you?" that you don't reflexively answer, "Fine."



Step 6: Bring a Witness to your Hearing

There are times when a judge will allow you to bring a witness into your hearing. If you have a doctor who has known you for a long time or a school counselor who is familiar with your learning disabilities, or a drug counselor who can testify as to your adherence to a program, these people may be able to assist you at your hearing. A letter from these individuals can also be helpful to your case and saves the professional time since they will not need to travel to your hearing. A neighbor or relative who is familiar with your problems can also act as a helpful witness.

While witnesses are utilized in only about 10% of hearings, it is very helpful to have a friend or relative accompany you to the hearing to either testify or provide moral support. The judge will often ask you how you arrived at the hearing and it is always helpful (if truthful) to say that your spouse or friend drove you to the hearing office.

Also, some people freeze up at their hearings and can't explain their problems in a coherent way, even if they have reviewed with their attorney before the hearing the type of questions usually asked. That is why it is so important to have a trusted individual accompany you, so that if you can't explain your problem, the witness can do it for you.

Finally, if you have difficulty traveling alone or on public transportation, then plan ahead to have a friend or relative bring you—just not showing up for your hearing or arriving late is not the way to go!



Step 7: Don't Attempt to Represent Yourself

The chances of winning your case without the help of an attorney are unlikely. An experienced attorney will make sure that Social Security has all medical, vocational and other relevant documentation to prove your case. Social Security law is complex, and an attorney will apply your situation to the regulations to make the best argument in support of your claim. As mentioned previously, there is almost always a vocational expert present at the hearing, and an experienced

Social Security attorney knows which questions to ask of this individual.

Lastly, an attorney will make sure you get ALL the benefits to which you are entitled. For example, Social Security will often choose an arbitrary or incorrect date for the onset of your disability. It is often necessary to challenge such an error, as it could result in a substantial decrease in the amount of back due benefits to which you may be entitled. While it may not necessarily be a faster process if you hire an attorney, the chances of winning your case and receiving all of the benefits you deserve increase greatly when you hire an experienced Social Security Disability attorney.

Hiring an Attorney

There are many reasons why someone might be hesitant to hire a lawyer when they are disabled-- unfamiliarity with the complexities of the disability system, a belief that one's case is a "slam dunk winner," or fear of unaffordable costs, to name a few.

First, disability law *is* complex, and all the more reason to seek counsel. Second, if it were such a "slam dunk", why wasn't it approved initially? And finally, Social Security has a number of very strict rules concerning how much an attorney can charge. Generally, there is no fee unless you are successful. Also, in most instances, an attorney is not permitted to charge more than 25% of past due benefits. And successful applicants always have a right to have the Judge review an attorney's charge in the event of a dispute.

At the very least, you should contact a lawyer for a free consultation. If you contact us at Silver & Silver with a question or problem, even if we know we cannot represent you, we will still try to answer your questions or we will refer you to another lawyer or government agency that can help you.

What is most important is hiring the RIGHT attorney. You need an attorney and staff that will handle your case from beginning to end with the personal attention you require. It pays to hire an attorney local to where you live rather than a national firm, as a local attorney who has worked with the judges in the area knows what those judges require and each judge's idiosyncrasies.

How do I Decide if I Should File a Claim for Social Security Disability?

If you honestly believe that you cannot do any sort of work on a full-time basis due to your impairments and you have been treating with a doctor for these problems, you should definitely apply. We realize that this can be one of the hardest decisions for a formerly hardworking person to make, but you should know that if you later improve, you can return to work and do not have to stay on Social Security forever. Social Security benefits are provided under the law and you have earned the right to pursue them if you are injured or ill. However, the sensible way to determine whether you should apply is to consult

with an attorney who can evaluate the strength of your claim.

So How Can We Help You?

All you need to do is make that first call or computer inquiry. Once you have had the chance to speak with one of our knowledgeable employees, we have found that the frustration and feeling of helplessness melts away and you will be more confident moving forward.

We think our clients also appreciate the opportunity to talk to us at **no charge** and with **no pressure!**

We GUARANTEE to treat every single client with the respect, attention, and dignity that each person deserves.

Our goal is to create an environment where you feel comfortable talking with a knowledgeable and experienced Social Security Disability attorney about your concerns, legal options and any other questions you may have.

Our Offer to You

After you have made that initial phone call and provided us with your basic information, an attorney will call you to discuss your options. We can set up an appointment for you to come into our office for a free consultation, or we can do it over the phone—whatever is most convenient for you. Whichever way you decide to go, this comprehensive interview will help you determine:

- 1) if you meet Social Security's basic criteria for receiving disability benefits;
- 2) if you have an appeal due; and
- 3) if you are taking the proper steps to get the medical care you need to have a winnable claim.

You are under no obligation. We are here to help! That is our personal guarantee to you.

Other Services

Our firm practices in a number of other areas of law in addition to Social Security Disability. Please let us know if you would like to discuss any other legal matters including Short or Long Term private disability, Employment issues, Personal Injury claims, or Workers' Compensation law. We have a team of attorneys and paralegals who are experienced and eager to help you. And if we don't practice the type of legal work you need, we will gladly assist you in finding competent counsel in the specialty you require.

Employment Law



If you have been mistreated at work, denied a promotion, suspended, or fired due to your race, sex, religious beliefs, age, sexual orientation, or disability, you may have a claim for employment discrimination. At Silver & Silver, our experienced team of wrongful termination attorneys is dedicated to helping our clients in Delaware County, Montgomery County, and throughout the Philadelphia, PA, area obtain the justice and compensation they deserve when it comes to employment discrimination.

Personal Injury Law



A personal injury can be severe and have a devastating effect on your health, ability to earn income, and your future in general. After a personal injury, you must get a capable and experienced personal injury law firm on your case. At Silver & Silver, we are the serious injury lawyers to call in Delaware County, Montgomery County, Philadelphia, PA, and throughout the tri-state area.

Workers' Compensation Law

If you have been injured at work, then you need an experienced workers' compensation attorney by your side who is prepared to advocate for your rights and understands the intricacies of the Pennsylvania Workers' Compensation Act and its regulations. The skilled workers' comp lawyers at Silver & Silver know the law and are dedicated to helping clients achieve their desired legal results.



If you live in Montgomery County, Delaware County or Philadelphia, PA, and have recently suffered an injury while on the job, do not hesitate to contact one of our workers' comp lawyers today so we can start preparing your case immediately.

Thank you for taking the time to read through this introductory manual and sharing its content with your friends and family. Should you have any questions, please contact us at your convenience. We strive to respond to all inquiries within 24 hours. While we hope you never need us, please be assured that in the event of a legal problem, we will do our utmost to obtain the best results possible for you.

Come Visit us at:

**42 W. Lancaster Avenue
Ardmore, PA 19003
(*Appointments currently
required*)**



OR

Contact Us by Phone:

Office: 610.658.1900 or 1.800.94SILVER
(1.800.947.4583)



OR

Email: info@silverandsilver.com



www.silverandsilver.com

ABOUT THE AUTHOR

Mike Silver is the Founding Partner of the Disability, Personal Injury and Employment Firm of Silver and Silver, which he started with his wife in 1981. He is the only attorney in Southeastern Pennsylvania to be selected as a Super Lawyer in the Disability field from 2004 - present. In 2000, Silver & Silver was selected Best Small Business by the Main Line Chamber of Commerce and Main Line Today named Mike its 2004 Person of the Year.

Mike brings a long history of leadership experience in working with a number of non-profit agencies. He was elected President of the National Organization of Social Security Claimants' Representatives in 1990, and testified before the U.S. House of Representatives seeking ways to make the disability system more equitable. In addition, Mike founded and was Chair of the Philadelphia Bar Association's Disability Law Committee from 1995 – 2004; served as Chair of the Arthritis Foundation of Eastern Pennsylvania from 2003 to 2006; and Advocacy Chair for Eastern Pennsylvania and Chair of the Jingle Bell Run from 2002-2014. He also served as President of the Rotary Club of Ardmore and Chair of the Ardmore Initiative. Mike and his wife Cindy reside in Bryn Mawr. They have three grown sons.