

THE 3 MOST COMMON MISTAKES IN SOCIAL SECURITY DISABILITY CASES

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I am often asked what are the most common mistakes I have seen in Social Security disability cases. I can think of quite a few cases where mistakes were made and deserving people got no benefits. There are three common mistakes people make in these cases. I want to highlight these mistakes because they are entirely too common, even though they are easily avoided.

First mistake: not having a lawyer. In some of my prior articles, I have talked about this issue. You do not want to go through this process alone. There are a thousand ways to lose or harm your case that you just cannot know about if this is your first (or even your tenth) time through the Social Security disability system. Deserving people miss out on benefits all of the time because they did not have a highly trained advocate in this area of the law on their side. From the completion of forms to the gathering of evidence, a skilled disability lawyer can assist you at every step of the process.

Second mistake: not appealing an unfavorable decision. The Social Security disability adjudication system sometimes seems like it is built to discourage people. At the initial stages of the process you should expect to be denied. Most cases are denied at this stage. The mistake people make is they give these initial denials too much credit. In all likelihood, your case was not seriously reviewed before you were denied. You can be almost certain that important medical evidence is missing from the record. If you believe you are disabled, you should always appeal a denial. Yet if you look at the statistics, hundreds of thousands of people every year get an initial denial and just give up. This can be heart-breaking because in many instances too much time has passed to do anything about such an earlier denial. Interestingly, this second mistake is really caused by the first mistake. If you had gone through the process with a lawyer from the beginning, then you would have filed an appeal. A lawyer would know that your chances of winning after an initial denial are very good and would have appealed your case immediately. So again, getting good representation when you apply for Social Security disability allows you to avoid the two most common mistakes.

Third mistake: not going for medical treatment. There are many reasons why people do not go for medical treatment. Sometimes it is due to money issues. However, either through Welfare or free clinics some level of regular medical care is usually possible. Sometimes people do not continue with treatment because they have a chronic condition and they feel that treatment has not gotten

them any better. This is a huge mistake. On the medical side, although you may not get cured, staying in treatment consistently allows your medical providers to try out different treatment modalities which often can at least decrease your symptoms. On the legal side, you have essentially doomed your Social Security disability case. Every year millions of people apply for disability. So obviously just saying you are disabled will never be enough. The people who win benefits are those who have stayed in treatment, even if it was not very effective, and can point to a medical record showing their attempts to get better. Through being consistent with treatment and getting the support of your medical providers, you make it very hard for SSA to deny your claim.

If you are applying for Social Security disability benefits, make sure you avoid these three common mistakes. That way you have a strong chance of getting all of the benefits you deserve.