

I DON'T GO TO THE DOCTOR. CAN I GET DISABILITY?

By David F. Chermol, Esquire

Probably not.

If you do not treat regularly for your medical problems, you probably cannot win your case. There are some rare instances where this is not true. But generally you must be seeking active treatment for your condition to be considered disabled.

Many clients come to my office complaining of what they say are terrible medical problems. I ask how often they go to the doctor. They say never. I then tell them that they don't have much of a case. Regular treatment is probably the most critical factor which makes Social Security judges willing to find someone disabled.

Many times clients in this situation raise two points. First point: but there is no cure or effective treatment. The reality is that this doesn't matter. In order to feel comfortable finding you disabled, generally a judge is going to want to see that you go for treatment regularly. Even if the treatment does nothing for you, without it you cannot win your case. Social Security judges are going to want to see that you go for treatment regularly and that you have consistently complained about similar problems over a long period of time.

Sometimes clients tell me that they had a traumatic and terrible health problem 15 years ago. I ask whether they worked after that health problem. They say of course. I then tell them that they may have no case unless they can prove that their condition got much worse. Without treatment records from a doctor showing such a worsening, that may be impossible.

Second point: I don't have health insurance. This is a serious problem. Without health insurance you cannot get the treatment documentation that you need in order to win your case. There are no easy solutions to this problem. One option is to apply for Welfare and attempt to get Medicaid coverage through the state. If you have too much money or assets, this may not be possible. A second option is to buy health insurance. However, many clients cannot afford this. At that point, the only possible hope is to find a treatment center which will offer free medical care.

It is a stark reality, but generally unless you are going for treatment regularly you probably cannot win your disability case. Whatever the reason is for not getting such treatment, it is very unlikely that one of Social Security's judges will grant you

benefits in such a situation. Treatment is absolutely necessary.