

## THE LANGUAGE BARRIER AND SOCIAL SECURITY DISABILITY

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I hope you saw my partner's article last week about how Social Security is not just for retirement. It's also for people who are unable to work due to physical or mental problems.

But one of the things which prevents deserving people from getting the disability benefits they deserve is the language barrier. I was Social Security's senior disability lawyer in Philadelphia and served as a Special Assistant United States Attorney for the government. Time and time again I saw legitimately disabled people being denied benefits merely because of language difficulties. Ultimately I decided that this just wasn't fair and I wanted to do something about it. So I left Social Security and started my own private practice.

In my more than ten years of experience as a disability lawyer both for the government and in private practice, I have seen first-hand that the language barrier can often be the biggest obstacle to getting benefits. During the Social Security disability application process, the government bombards you with English-only forms and notices. Even if you are a native English speaker, these forms are confusing, lengthy, and difficult to understand. When English is a second language it makes it that much harder. In many cases, how you fill out these forms can be the difference between getting benefits or losing your case.

Sometimes even filing an application is a battle due to the language barrier. For example, a Russian-speaking client of ours recently went in on his own to file for SSI and Social Security disability benefits. Although his English is fairly good, he was confused by some of the technical terminology used by SSA and answered incorrectly some of the questions asked by SSA's interviewer. He was asked to fill out a large pile of confusing English-only paperwork and spent nearly two hours doing it. Yet when he left the Social Security office he walked out with two notices from SSA stating that he did not wish to file for benefits. When he came to our office, we offered to represent him and help him through the application process. However, he was a proud man and insisted on attempting to do it again on his own. The next we heard from his was a panicked call from his cell phone outside the Social Security office telling us that they would not let him apply. At that point he agreed to come in to our office, become our client, and we set up a telephone application appointment. With our Russian speaking staff, we were able to complete the telephone application process and his claim moved forward. This is just one of many examples where the

system mistreated a truly disabled individual merely because of language difficulties.

In another case, we recently had a client with Asberger's syndrome, depression, and intermittent paranoia. We had the client and his sister do a rough draft of some of the forms SSA asks you to complete. In the draft, the client made it sound like he had an extensive and complicated work history. Due to language issues, he could not understand precisely what the form was asking nor how significant this form was to his case. When I asked the client some follow up questions through our multi-lingual staff, I learned that he had earned only a total of \$9,000 over a period of 12 years for this work. I also learned that this job was really just something set up once in a while by a family friend to allow the client to work a little and feel some more self-worth. With this information we were able to accurately represent that this individual actually had no past relevant work history under SSA's rules, thus making it easier for him to receive SSI benefits. In addition, once I learned the true nature of this so called work history, I advised the family to have the client file for adult disabled child benefits on the earnings record of his deceased father. We were successful and now the family has the peace of mind to know that a seriously impaired family member will get the cash benefits and medical coverage that he so desperately needed.

In the end, the bottom line is that the forms Social Security makes you fill out when you file for disability can be a mine field. When you add to that the fact that English is a second language, it can be very dangerous to go through this process without legal representation. Don't let the language barrier stop you from getting the benefits that you deserve. Our multi-lingual staff can help you through this frustrating and confusing process. Our firm's phone number and address are listed in our advertisement on this page.