

"SOCIAL SECURITY SAID I DIDN'T NEED A LAWYER"

By David F. Chermol, Esquire

I have heard this many times from a lot of clients. Usually, they say this to me after they have been denied and their case is now a total mess. If a Social Security employee gives you advice like this, I want you to ask yourself two questions:

If you were involved in a lawsuit, would you ask the other side's lawyer for advice? If you were arrested and the police told you that you did not need a lawyer, would you believe them?

Hopefully your answer to the two questions above is a definite "No!" Well, it's a similar situation in dealing with Social Security disability. Sometimes Social Security's employees tell people applying for disability that they do not need a lawyer. However, those employees are giving you bad advice that could cost you dearly in time and money.

As one of my colleagues said to me recently, "When an SSA employee says that, what they mean is that this person doesn't need benefits." The SSA employee is giving you bad advice, either intentionally or by accident. Whichever of those two possibilities it is, the bottom line is that the people at SSA are not on your side. You need an experienced aggressive advocate who is looking out for your interests during this challenging process.

It is true that you are not legally required to have a lawyer during the disability process. Of course you are not legally required to have a lawyer if you get sued or are arrested either. You always have the choice to represent yourself. However, the stakes are very high in these disability cases. Medical coverage and life-sustaining benefits hang in the balance. Do you really want to chance it?

The disability adjudication process is not easy. On average, we have to contact a field office at least six times before they acknowledge that we are representing someone. Paperwork that we submit is routinely lost, sitting on someone's desk, or just thrown in the trash. Every single form, step, and event in the process is a battle. If you do not have someone at your side to help, it is an uphill battle and one which you will probably lose.

Sometimes when an SSA employee gives this advice, they are well-meaning. They think they are "saving" the person money. The SSA employee may figure that it is obvious that this person is disabled. However, the reality is that obviously disabled people

are denied nearly as often in this process as people with weak claims. After-the-fact trying to undo damage done by a person who was originally representing themselves is arduous and causes significant delays.

Many SSA employees say you don't need a lawyer because they know that most attorneys will not help people in filing their applications. That is certainly true in general. However, there are firms, like ours, which help people at every step of the process. Our support at these crucial early stages can often decide the outcome of your case. Some SSA employees just don't understand that deserving people are denied all of the time due to sloppy or imperfect paperwork. You need someone who is on your side during this process and you can be absolutely certain that SSA's employees are not.

In the end, you need to look out for your best interests and get a professional to help you win your disability case. Don't let Social Security or anyone else tell you otherwise.