

THE ECONOMIC CRISIS AND SOCIAL SECURITY DISABILITY

By David F. Chermol, Esquire

Times are hard. People are losing their jobs and new ones are not being created. It does not look like things will be getting better any time soon. So what does this mean for the Social Security disability system? I have some very definite opinions on that based on my many years of experience both inside SSA and as a private attorney.

Unlike many European countries, the social safety net in the United States is not so large. Many of the programs and subsidies that exist for the unemployed in Europe have no comparable substitute in the United States. As a result, many of the people in need of such programs or subsidies are crammed into the Social Security disability system. With the economy worsening, SSA's disability workload is certain to grow dramatically. This is particularly true because the baby boomers (the largest generation in this country's history) are reaching their disability prone years.

With an ever expanding workload and fewer resources available to address it, SSA will be facing a crisis. Because it takes so much more effort to issue a decision denying benefits than to issue one allowing benefits, the ultimate outcome to me is clear. In the end, SSA is going to have to start granting benefit applications on a very large scale. The Agency's history confirms that this is so.

So what cases will be affected by this tendency to be more permissive in granting benefits? Probably all cases, but one particular type of case may benefit from this new policy in a disproportionate manner. I strongly believe that it will be the disability applications filed by those over 50 years of age which are singled out for particularly favorable treatment. The reason for this is that the rules set forth in SSA's regulations favor disability for those over 50 years of age. SSA can easily become more permissive in allowing benefits in such cases because of the way the regulations are written. Granting benefits for those over 50 will not cause much dissent. Combined with an administration intent on expanding the social safety net in these terribly difficult times, I believe that this will start happening sooner rather than later.

So how can this benefit you as an individual? If you are considering applying for disability benefits, especially if you are over 50 years of age, you should find a good attorney to help you through the process. You will want an attorney who really

knows the system and how to make your case stand out as one deserving of an easy allowance.

Times are tough and just getting worse. In these circumstances, it is important to maximize whatever opportunities you have to protect the financial well being of yourself and your family.