

Social Security Disability Practice

Volume One

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Summary of Contents

Preface: How to Use This Book and Other Tips for Improving Your Social Security Disability Practice

VOLUME 1

1. Initial Client Contact

- §100 “Disabled” — A Term of Art
- §110 Determining Disability Under the Regulations and Rulings
- §120 Medical-Vocational Guidelines
- §130 Social Security Disability and SSI: Nondisability Requirements and Other Differences
- §140 Special Disability Programs
- §150 Appeal Process
- §160 Before Initial Interview
- §170 Initial Interview
- §180 After Initial Interview — Hearing Stage
- §190 After Initial Interview — Below Hearing Stage

2. Prehearing Procedure

- §200 Hearing Preparation — Theory of the Case
- §210 Obtaining Medical and Other Documentation
- §220 Obtaining and Dealing With Opinion Evidence
- §230 Analysis of Medical Impairments
- §240 Mental Impairments, Listings §§ 12.00-12.10
- §250 Pain and Other Symptoms and Their Impact on Residual Functional Capacity

VOLUME 2

- §260 Proving a Case for a Claimant Under Age 50
- §270 Preparation Tips
- §280 Preparation Tips as the Hearing Date Approaches
- §290 Preparing Witnesses to Testify

3. The Hearing

- §300 Hearing Procedure
- §310 Claimant’s Testimony
- §320 Lay Witnesses
- §330 The Government’s Medical Expert
- §340 The Government’s Vocational Expert
- §350 Closing Argument
- §360 Post-Hearing Development
- §370 *Res Judicata*, Administrative Finality and Reopening
- §380 Deceased Claimants
- §390 Hearing Checklist

4. Following a Favorable Decision

- §400 Check the Decision and Contact Your Client
- §410 Peculiar Problems in Concurrent Cases
- §420 SSI Issues
- §430 Calculating the Amount of Back Benefits
- §440 Payment Issues
- §450 Fleeing Felons
- §460 Post-Entitlement Issues
- §470 Overpayments
- §480 Continuing Disability Review and Termination of Eligibility for Disability Benefits

5. Appeals Council

- §500 Appeals Council: The Decision to Appeal
- §510 Requesting Review by the Appeals Council
- §520 Arguing Your Case to the Appeals Council
- §530 Substantive Issues
- §540 Appeals Council Action on Favorable Decisions
- §550 After Receiving an Appeals Council Denial Decision
- §560 Appealing an ALJ Denial Decision After Federal Court Remand

6. Federal Court Review

- §600 Considerations Prior to Filing
- §610 Initiating the Civil Action: Procedure
- §620 Post-Filing Procedure
- §630 Practice Before U.S. Magistrate Judges
- §640 Remedies: Remand and Reversal
- §650 Substantive Issues
- §660 If You Lose

7. Attorney's Fees

- §700 The Fee Agreement Process for Approval of Attorney Fees
- §710 Payment of the Fee Under the Fee Agreement Process
- §720 The Fee Petition Process
- §730 Submitting a Fee Petition and Obtaining a Fee Authorization From SSA
- §740 Fee Issues Applicable to Both the Fee Agreement Process and the Fee Petition Process
- §750 Attorney Fees in Federal Court
- §760 Equal Access to Justice Act (EAJA)
- §770 EAJA Time Limit
- §780 EAJA Sample Pleadings
- §790 Payment of EAJA Fees

Detailed Contents

VOLUME 1

Preface: How to Use This Book and Other Tips for Improving Your Social Security Disability Practice

1. Initial Client Contact

- §100 “Disabled” — A Term of Art**
 - §101 Regulations and Rulings
 - §102 Statutory Definition
 - §103 Role of SSA’s Informal Policy Statements
 - §104 Role of Federal Court Decisions
 - §105 Acquiescence Rulings
 - §106 A Nonadversarial Administrative System
 - §107 Informal Procedures
 - §108 SSA: A Bureaucracy
 - §109 Citations
- §110 Determining Disability Under the Regulations and Rulings**
 - §111 Diagram: Disability Decision and Sequential Evaluation Process
 - §112 The Sequential Evaluation Process — Overview
 - §113 Step 1: Substantial Gainful Activity
 - §114 Step 2: The Severity Step
 - §115 Duration Requirement
 - §116 Step 3: Listing of Impairments
 - §117 Step 4: Past Relevant Work
 - §118 Step 5: Other Work
 - §119 Summary and Exceptions
- §120 Medical-Vocational Guidelines**
 - §121 Maximum Residual Functional Capacity
 - §121.1 Chart: Maximum RFC Possible for Disability Finding
 - §122 Age
 - §123 Education
 - §124 Work Experience
 - §125 Full or Wide Range of Work
 - §125.1 Definition of Medium Work From SSR 83-10
 - §125.2 Definition of Light Work From SSR 83-10
 - §125.3 Definition of Sedentary Work From SSR 83-10
 - §126 RFC for Less Than Full Range of Sedentary Work
 - §126.1 Alternate Sitting and Standing From SSRs 83-12 and 96-9p
 - §127 Nonexertional Limitations
 - §128 Transferable Work Skills
 - §129 Medical-Vocational Guidelines as Framework for Decision-Making
- §130 Social Security Disability and SSI: Nondisability Requirements and Other Differences**
 - §131 Social Security Disability — Worker’s Insured Status
 - §132 SSI
 - §133 Retroactivity of Applications and Waiting Period
 - §134 Other Differences
 - §135 Chart: Social Security Disability and SSI Compared
 - §136 Eligibility of Aliens

§140 Special Disability Programs

- §141 Social Security Disability — Disabled Adult Children
- §142 Social Security Disability — Widow(er)s and Surviving Divorced Spouses
 - §142.1 Form: Determining Prescribed Period and Controlling Date for Widow's Claim
- §143 Social Security Disability — Blindness
- §144 SSI Blind
- §145 SSI Children

§150 Appeal Process

- §150.1 Disability Service Improvement (DSI)
- §151 Initial and Reconsideration Determination
- §152 Hearing
- §153 Differences Between State Agency Determinations and Hearing Decisions
 - §153.1 Charts: State Agency and ALJ Disability Decisions Compared
- §154 Appeals Council Review
- §155 Federal Court
- §156 Diagram: The Appeal Process and Outcomes
- §157 Diagram: How Long Does Appeal Process Take?
- §158 Good Cause for Late Filing

§160 Before Initial Interview

- §161 Office Policy Considerations
- §162 One Approach to Dealing With Disability Cases
- §163 Telephone Contact
- §164 Literature for Prospective Clients
 - §164.1 Memorandum: Common Questions About Applying for Disability Benefits
- §165 Form: Social Security Disability Telephone Intake
- §166 Form: Letter to Prospective Client
- §167 Form: Claimant Questionnaire
- §168 Form: Claimant Psychiatric Questionnaire
- §169 Office Organization
 - §169.1 Databases
 - §169.2 Paralegals

§170 Initial Interview

- §171 Observe the Claimant
- §172 Determine Claim Type and Procedural Issues
- §173 Use Denial Letters to Determine Why Claim Was Denied
- §174 Analyze Claimant's Answers
 - §174.1 Use Interview and Analysis Forms to Evaluate Claimant's Case
- §175 Interview Form
 - §175.1 Form: Analysis
- §176 Look for Problem Areas and Opportunities
 - §176.1 Onset Date
 - §176.2 Unsuccessful Work Attempts
 - §176.3 Working Claimants, Closed Period of Disability and Trial-Work Period
 - §176.4 Prior Applications
 - §176.5 Cases Where SSA Misinformation Deters Applying
 - §176.6 Receipt of Unemployment Compensation Benefits
 - §176.7 Americans With Disabilities Act Claims
 - §176.8 Evaluate the Listing of Impairments
 - §176.9 Past Relevant Work
 - §176.10 Education
 - §176.11 SSI Issues: Gifts, In-Kind Support, Loans and Assets
 - §176.11.1 Form: Sample SSI Cash Loan Agreement
 - §176.11.2 Form: Sample In-Kind Loan Agreement (Living in the Household of Another)
 - §176.11.3 Form: Sample In-Kind Loan Agreement With Person Outside the Household (7th and 2nd Circuits Only)

- §177 Begin Hearing Preparation at Initial Interview
 - §177.1 Educate Claimant About Disability Law
 - §177.2 Put Claimant at Ease About Hearing Process
 - §177.3 Record Claimant's Strengths and Weaknesses as a Witness
 - §177.4 Identify Potential Witnesses
 - §177.5 Daily Diary
 - §177.6 List Things to Do
 - §177.7 Form: Intake Action Sheet
 - §177.8 Form: Monthly Headache Diary
- §178 Necessary Forms
 - §178.1 Consent Forms
 - §178.2 SSA Forms
 - §178.2.1 Form: Appointment of Representative (SSA-1696-U6)
 - §178.2.2 Form: Request for Hearing (HA-501)
 - §178.2.3 Form: Disability Report — Appeal (SSA 3441)
 - §178.2.4 Form: Authorization to Disclose Information to the Social Security Administration (SSA-827)
 - §178.2.5 Form: Consent for Release of Information (SSA-3288)
 - §178.3 Attorney Fees Contract
 - §178.3.1 Form: Two-Tiered Fee Agreement
 - §178.4 Direct Payment of Attorney Fees
 - §178.4.1 Form: Registration for Appointed Representative Services and Direct Payment (SSA-1699)
 - §178.4.2 Form: Identifying Information for Possible Direct Payment of Authorized Fees (SSA-1695)
 - §178.4.3 Form: Request for Business Entity Taxpayer Information (SSA-1694)
 - §178.5 Appointed Representative Services — Online Access to Clients' Electronic Files
 - §178.6 Requirement That Appeals Be Filed Online
 - §178.7 Changing Your Address With SSA
- §179 Begin Keeping Time Records
- §180 After Initial Interview — Hearing Stage**
 - §181 Form: Letter to Claimant Following Initial Interview — Hearing Stage
 - §182 Form: Initial Letter to Hearing Office (When Request for Hearing Has Already Been Filed)
 - §183 Form: Initial Letter to Social Security Office (With Alternative Language — Enclosing Request for Hearing or Request for Hearing Filed Via Internet)
 - §184 Form: Letter to Social Security Office Transmitting Form SSA-1695
- §190 After Initial Interview — Below Hearing Stage**
 - §191 Form: Letter to Claimant Following Initial Interview — Below Hearing Level
 - §192 Form: Initial Letter to SSA — No Appeal Due, Case Below Hearing Level
 - §193 Form: Initial Letter to SSA (With Alternative Language — Enclosing Request for Reconsideration or Request for Reconsideration Filed Via Internet)
 - §194 Form: Claimant's Consultative Examination Questionnaire
 - §195 Form: Memorandum to Claimant Re: Completing Function Report

2. Prehearing Procedure

- §200 Hearing Preparation — Theory of the Case**
 - §201 Obtaining a Copy of the File and Submitting Evidence
 - §201.1 Obtaining a Copy of the File — Cases Below the Hearing Stage
 - §201.2 Submitting Evidence — Cases Below the Hearing Stage
 - §201.3 Obtaining a Copy of the File — Cases at the Hearing Stage
 - §201.4 Submitting Evidence — Cases at the Hearing Stage
 - §201.5 Working With an Electronic Disability File
 - §201.6 Decrypting a CD-ROM Containing an Electronic Disability File
 - §202 Contents of the Disability File

- §203 Section A: Payment Documents / Decisions
 - §203.1 Disability Determination and Transmittal
 - §203.2 Form: Disability Determination and Transmittal (SSA-831)
 - §203.3 Form: POMS DI 26510.045 — Regulation Basis Codes
 - §203.4 Chart: DDS Medical Specialty Codes
 - §203.5 eCAT: Disability Determination Explanation
- §204 Section B: Jurisdictional Documents and Notices
 - §204.1 Denial Letters
 - §204.2 Request for Reconsideration and Hearing
- §205 Section D: Non-Disability Development
 - §205.1 Application for Benefits
 - §205.2 Full DIB Review Sheet (DIBWIZ)
 - §205.3 Sample: Full DIB Review Sheet (DIBWIZ)
 - §205.4 Earnings Record and Insured Status
 - §205.5 Sample: Earnings Comp Determination
 - §205.6 Correcting an Earnings Record
 - §205.7 POMS RS 02201.008 — Exceptions to the Statute of Limitations
 - §205.8 Form: Request for Correction of Earnings Record (SSA-7008)
- §206 Section E: Disability Related Development
 - §206.1 Disability Report
 - §206.2 Work History Report
 - §206.3 Disability Report — Appeal
 - §206.4 Daily Activities Questionnaire
 - §206.5 Form: Disability Report (SSA-3368)
 - §206.6 Form: Disability Report — Field Office (SSA-3367)
 - §206.7 Form: Work History Report (SSA-3369-BK)
 - §206.8 Form: Function Report — Adult (SSA-3373)
- §207 Section F: Medical Records
 - §207.1 Residual Physical Functional Capacity Assessment
 - §207.2 Form: Residual Functional Capacity Assessment (SSA-4734)
- §208 Analysis of Hearing Exhibit File
- §209 Form: Initial File Review Action Sheet
- §210 Obtaining Medical and Other Documentation**
 - §211 Hospital Records
 - §211.1 Veterans Administration Hospital
 - §212 Doctors' Records
 - §212.1 Physicians, Osteopaths, Podiatrists, Optometrists
 - §212.2 Psychologists
 - §212.3 Chiropractors
 - §213 Physical and Occupational Therapists
 - §214 Pharmacies
 - §215 Insurance Carriers
 - §216 Former and Current Employers
 - §216.1 Form: Employment Questionnaire
 - §216.2 Form: Monthly Wage Information
 - §217 Vocational Rehabilitation Agencies
 - §218 Law Enforcement Agencies
 - §219 Other Sources
 - §219.1 Social Welfare Agencies
 - §219.2 Other Attorneys
 - §219.3 Schools
- §220 Obtaining and Dealing With Opinion Evidence**
 - §221 The Claimant's Doctor
 - §221.1 Hearing Testimony by the Treating Doctor
 - §221.2 Taking the Doctor's "Deposition"
 - §221.3 Specific Questions

- §221.4 General Medical Report
- §221.5 Medical Opinion Forms
- §221.6 Form: Medical Source Statement of Ability to Do Work-Related Activities (Physical)
- §221.7 Form: Medical Opinion Re: Ability to Do Work-Related Activities (Physical)
- §221.8 Form: Letter to Treating Source Transmitting RFC Questionnaire
- §221.9 Form: Medical Opinion Regarding Physical Capacity for Work
- §221.10 Memorandum: The Role of the Treating Doctor in Social Security Disability Determinations
- §221.11 Form: Physical Medical Source Statement
- §222 State Agency Doctors
- §223 Consultative Doctors — Hired by SSA
- §224 Consultative Doctors — Hired by You
- §225 Vocational Experts — Hired by You
- §226 Vocational Experts Called by the ALJ
- §227 Medical Expert
- §230 Analysis of Medical Impairments**
 - §230.1 Form: Bladder Problem Medical Source Statement
 - §230.1.1 Form: Interstitial Cystitis Medical Source Statement
 - §230.2 Form: Lupus (SLE) Medical Source Statement
 - §230.3 Form: Chronic Fatigue Syndrome Medical Source Statement (Short Version)
 - §230.3.1 Form: Chronic Fatigue Syndrome Medical Source Statement (Long Version)
 - §230.4 Form: Dizziness Medical Source Statement
 - §230.5 Form: Post-Cancer Treatment Medical Source Statement
 - §231 Musculoskeletal System, Listings §§ 1.00-1.08
 - §231.1 Form: Listing § 1.04A — Spinal Nerve Root Compression
 - §231.1.1 Form: Listing § 1.02A — Major Dysfunction of a Weight-Bearing Joint
 - §231.1.2 Form: Listing § 1.02B — Major Dysfunction of a Major Peripheral Joint
 - §231.1.3 Form: Listing § 1.03 — Reconstructive Surgery or Surgical Arthrodesis of a Major Weight-Bearing Joint
 - §231.1.4 Form: Listing § 1.04B — Spinal Arachnoiditis
 - §231.1.5 Form: Listing § 1.04C — Lumbar Spinal Stenosis
 - §231.2 Form: Lumbar Spine Medical Source Statement
 - §231.3 Form: Fibromyalgia Medical Source Statement
 - §231.4 Form: Arthritis Medical Source Statement
 - §231.5 Memorandum: Fibromyalgia, Chronic Fatigue Syndrome and Objective Medical Evidence Requirement for Disability Adjudication
 - §231.6 Form: Cervical Spine Medical Source Statement
 - §232 Special Senses and Speech, Listings §§ 2.00-2.09
 - §232.1 Form: Meniere's Disease Medical Source Statement
 - §232.2 Form: Letter to Doctor re: Vision When Claimant Limited to Sedentary Work
 - §232.3 Form: Vision Medical Source Statement
 - §232.4 Form: Vision Impairment Medical Source Statement
 - §233 Respiratory System, Listings §§ 3.00-3.11
 - §233.1 Form: Pulmonary Medical Source Statement
 - §233.2 Form: Sleep Disorders Medical Source Statement
 - §234 Cardiovascular System, Listings §§ 4.00-4.12
 - §234.1 Dealing With Exercise Tolerance Test Results
 - §234.2 New York Heart Association Standards
 - §234.3 Form: Cardiac Medical Source Statement
 - §234.4 Form: Cardiac Arrhythmia Medical Source Statement
 - §235 Digestive System, Listings §§ 5.00-5.08
 - §235.1 Form: Crohn's and Colitis Medical Source Statement
 - §235.2 Form: Hepatitis C Medical Source Statement
 - §236 Hematological Disorders, Listings §§ 7.00-7.17
 - §237 Skin Disorders, Listings §§ 8.00-8.08
 - §237.1 Form: Skin Disorders Medical Source Statement

- §238 Endocrine Disorders, Listing § 9.00 and Obesity
 - §238.1 Form: Diabetes Mellitus Medical Source Statement
 - §238.2 Form: Obesity Medical Source Statement
- §239 Neurological, Listings §§ 11.00-11.19
 - §239.1 Form: Seizures Medical Source Statement
 - §239.2 Form: Headaches Medical Source Statement
 - §239.3 Form: Stroke Medical Source Statement
 - §239.4 Form: Multiple Sclerosis Medical Source Statement
 - §239.5 Form: Myasthenia Gravis Medical Source Statement
 - §239.6 Form: Parkinson's Disease Medical Source Statement
 - §239.7 Form: Peripheral Neuropathy Medical Source Statement
 - §239.8 Form: Postpolio Sequelae Medical Source Statement
 - §239.9 Form: Reflex Sympathetic Dystrophy (RSD)/Complex Regional Pain Syndrome (CRPS), Type 1 Medical Source Statement
 - §239.10 Form: Muscular Dystrophy Medical Source Statement
- §240 Mental Impairments, Listings §§ 12.00-12.10**
 - §241 Procedure for Evaluation of Mental Impairments
 - §241.1 Form: Psychiatric Review Technique (SSA-2506-BK)
 - §242 Mental Impairment "B Criteria" Outline
 - §242.1 Marked Restriction of Activities of Daily Living
 - §242.2 Marked Difficulties in Maintaining Social Functioning
 - §242.3 Marked Difficulties in Maintaining Concentration, Persistence or Pace
 - §242.4 Repeated Episodes of Decompensation, Each of Extended Duration
 - §243 Practice Tips — Meeting the Mental Listings
 - §243.1 Form: Mental Impairment Questionnaire (Listings)
 - §244 Mental Retardation
 - §244.1 Onset Before Age 22
 - §244.2 An Additional Severe Impairment
 - §244.3 Equaling the Listings
 - §244.4 Borderline Intellectual Functioning
 - §245 Assessing Mental Residual Functional Capacity
 - §245.1 Chart: DSM-III Axis V
 - §245.2 Chart: DSM-IV Axis V
 - §245.3 Form: Medical Source Statement of Ability to Do Work-Related Activities (Mental)
 - §245.4 Form: Mental Residual Functional Capacity Assessment (SSA-4734-F4-Sup)
 - §245.5 Form: POMS DI 24510.060 — DI 24510.065 Mental RFC Assessment
 - §245.6 Form: POMS DI 25020.010 — Mental Limitations
 - §245.7 Form: Medical Opinion Re: Ability to Do Work-Related Activities (Mental)
 - §245.8 Form: Mental Impairment Questionnaire (RFC and Listings)
 - §245.9 Form: Mental Medical Source Statement
 - §246 Evaluating Ability to Work Based on Mental RFC
 - §247 Stress and Mental Impairments
 - §248 Somatoform Disorders
 - §248.1 Form: Somatoform Impairment Questionnaire (RFC and Listings)
 - §249 Drug Addiction or Alcoholism
 - §249.1 Chart: Is Drug Addiction or Alcoholism a Contributing Factor Material to the Determination of Disability?
 - §249.2 Form: POMS DI 90070.050 Drug Abuse or Alcoholism Material Determinations
- §250 Pain and Other Symptoms and Their Impact on Residual Functional Capacity**
 - §251 Symptoms and the Severity Step
 - §252 Symptoms and the Listing of Impairments
 - §253 A Medically Determinable Impairment that Could Cause the Claimant's Symptoms
 - §254 Evaluating the Intensity and Persistence of Symptoms — The Role of Objective Evidence and Other Evidence

- §255 Issue: Is the Impairment Reasonably Consistent With the Objective Evidence?
- §255.1 Form: Doctor's Opinion Re: Consistency of Symptoms and Limitations
- §256 Evaluation of Medical Opinions
- §257 Credibility of the Claimant
- §258 Impact of Symptoms on RFC
- §259 Summary: Proof of Pain or Other Symptoms

VOLUME 2

2. Prehearing Procedure (continued)

§260 Proving a Case for a Claimant Under Age 50

- §261 Illiteracy
- §262 Inability to Communicate in English
- §263 Postural and Manipulative Limitations
 - §263.1 Manipulative Limitations
 - §263.1.1 Form: Manipulative Limitations Medical Source Statement
 - §263.2 Postural Limitations
- §264 Visual Impairment
- §265 Environmental Restrictions
 - §265.1 Form: Environmental Limitations Medical Source Statement
- §266 Mental Impairments
- §267 Part-Time and Sporadic Work
- §268 Some Additional Possibilities

§270 Preparation Tips

- §271 Learn SSA's Approach to Vocational Issues
 - §271.1 Chart: Physical Limitations and Their Effects on Ranges of Work
- §272 Form: POMS DI 25020.005 and DI 25020.015 — Functional Limitations and Their Effects on Ranges of Work — Physical and Environment Limitations
- §273 Memorandum to Claimant Re: Working While Your Disability Claim Is Pending
- §274 Impairment-Related Work Expenses
 - §274.1 Memorandum Re: Impairment-Related Work Expenses (IRWE)
- §275 Obtain Information From Your Client
- §276 Form: Letter to Client re: Hearing Date
- §277 Form: Recent Medical Treatment and Examination
- §278 Imperfect Medical Compliance and Failure to Follow Prescribed Treatment
- §279 ODAR'S May 2009 "Best Practices for Claimants' Representatives"

§280 Preparation as the Hearing Date Approaches

- §281 Ask for a Prehearing Conference
- §282 Request an On-the-Record Favorable Decision
- §283 Never Waive a Hearing
- §284 Request Subpoenas
- §285 Submit Additional Evidence
 - §285.1 Office Instructions for Submitting Hearing Exhibits
- §286 Prepare a Hearing Brief or Proposed Decision
 - §286.1 Form: Proposed Findings and Decision
 - §286.2 Form: Prehearing Memorandum Worksheet
 - §286.3 SSA's Findings Integrated Template (FIT) Instructions
 - §286.4 FIT Template: Adult Fully Favorable Proposed Decision
- §287 Prepare Notes for the Hearing
- §288 Form: Social Security Hearing Sheet
- §289 Objections to Hearing Issues

§290 Preparing Witnesses to Testify

- §291 Form: Activities Questionnaire
- §292 Preparing Your Client to Testify
 - §292.1 Allay Your Client's Fears
 - §292.2 Explain the Theory of the Case
 - §292.3 Explain the Hypothetical Nature of Disability Evaluation
 - §292.4 Minimize Medical Testimony From the Claimant
 - §292.5 Neither Exaggerate Nor Minimize Testimony About Pain or Limitations
 - §292.6 Avoid Rehearsing Testimony
 - §292.7 Encourage Testimony Filled With Examples and Anecdotes
 - §292.8 Explain the Mechanics of Issuing a Written Decision
 - §292.9 Rules for Testifying
- §293 Memorandum: Testifying at Your Disability Hearing
- §294 The Importance of Lay Witness Testimony Is Recognized by SSA and the Courts
- §295 Arrange for Lay Witness Testimony
- §296 Sample: Letter to Lay Witness
- §297 Written Statements From Lay Observers
 - §297.1 Form
 - §297.2 Content
 - §297.3 Illustration
 - §297.4 Other Tips
 - §297.5 Sample: Memorandum on Preparing a Letter for Use in a Disability Claim
 - §297.6 Sample: Memorandum on Preparing a Letter for Use in a Disability Claim Involving a Mental Impairment
- §298 Prehearing Checklist

3. The Hearing

§300 The ALJ Hearing

- §300.1 Disability Service Improvement (DSI)
- §301 Prehearing Orders
- §302 Hearing Issues
 - §302.1 Hearing Issues in Court Remand Cases
- §303 Just Before the Hearing
- §304 Hearing Procedure
 - §304.1 ALJ's Opening Statement
 - §304.2 Video Hearings
 - §304.3 Telephone Testimony by Expert Witnesses
 - §304.4 Persons Present in the Hearing Room
 - §304.5 Making Your Own Recording of the Hearing
 - §304.6 Objections to ALJ's Questions
- §305 Objections to Exhibits
 - §305.1 Unsigned "Reports of Contact" With Physicians
 - §305.2 Denial of Right to Cross-Examine Authors of Adverse Medical Reports
 - §305.3 Consultative Physician Reports
- §306 Claimant Representative's Opening Statement
- §307 Order of Testimony
- §308 Claimant's Experts
- §309 Burden of Proof

§310 Claimant's Testimony

- §311 Background, Age, Education and Vocational Training
- §312 Work Experience
- §313 Medical History
- §314 Current Treatment

- §315 Physical Symptoms
 - §315.1 Pain
 - §315.2 Shortness of Breath
 - §315.3 Fatigue
- §316 Mental Symptoms
 - §316.1 Use DSM-IV as an Outline for Questioning
 - §316.2 Stress
- §317 Mental Residual Functional Capacity
- §318 Physical Residual Functional Capacity
 - §318.1 Sitting
 - §318.2 Alternate Sitting, Standing and Walking
 - §318.3 Standing
 - §318.4 Walking
 - §318.5 Lifting and Carrying
 - §318.6 Postural Limitations
 - §318.7 Manipulative Limitations
 - §318.8 Traveling
 - §318.9 Good Days/Bad Days
- §319 Daily Activities
 - §319.1 Background and General Description
 - §319.2 Activities of Daily Living
 - §319.3 Social Functioning and Leisure Activities
 - §319.4 Personal Care
 - §319.5 Examples of Limited Activities
- §320 Lay Witnesses**
 - §321 Limit the Number of Witnesses
 - §322 Screen Witnesses and Pick the Best
 - §323 Prepare Witnesses But Do Not Rehearse Testimony
 - §324 Seek Testimony From Observation; Avoid Conclusory Testimony
 - §325 Corroborative Testimony
 - §326 Before and After Testimony
 - §327 Anecdotal Testimony
 - §327.1 Seizures
 - §327.2 Breathing Impairment
 - §327.3 Pain
 - §328 Interference With Work
 - §328.1 Coworker Testimony
 - §328.2 Company Disability
- §330 The Government's Medical Expert**
 - §331 Purpose of Medical Expert Testimony
 - §332 Procedure
 - §333 ALJ's Direct Examination of Medical Expert in a Mental Impairment Case
 - §334 Critique and Objections to ALJ's Direct Examination
 - §335 Meeting the Listings
 - §336 Equaling the Listings
 - §337 Residual Functional Capacity Testimony
- §340 The Government's Vocational Expert**
 - §341 Vocational Issues
 - §342 Proper ALJ Questions to VE
 - §343 Improper ALJ Questions to VE
 - §344 Improper VE Testimony
 - §344.1 Americans With Disabilities Act — Associate Commissioner's Memorandum
 - §345 Prepare Your Own Hypothetical Questions for the VE

- §346 Use of Dictionary of Occupational Titles (DOT)
 - §346.1 Physical Exertion Levels
 - §346.2 DOT Specific Vocational Preparation and Skill Level
 - §346.3 Example of the Use of the DOT: Nurse Assistant
 - §346.4 Pages From DOT
 - §346.5 Example of the Use of Materials That Supplement the DOT: Surveillance-System Monitor
 - §346.6 The DOT and Sedentary Work
 - §346.7 Some Popular Jobs Which Are Not Sedentary Unskilled Jobs in the DOT
 - §346.8 Use of the DOT in Cross-Examining a Vocational Expert
 - §346.9 Submit a Rebuttal Opinion
- §347 Past Relevant Work
 - §347.1 Make Sure the Prior Job Really Was Relevant Work
 - §347.1.1 Relevant Work Period
 - §347.2 The Functional Demands and Job Duties of the Occupation as Generally Required by Employers Throughout the National Economy
 - §347.3 When a VE Testifies That a Claimant Can Do His Former Job as He Performed It
 - §347.4 A Past Job Need Not Exist
- §348 Using the Grids as a Framework for Decision-Making
 - §348.1 Erosion of the Occupational Base
 - §348.1.1 Chart: Analysis of the Light Occupational Base
 - §348.1.2 Chart: Unskilled Light Occupations — Manipulative Limitations
 - §348.2 Basic Rules for Using the Medical-Vocational Guidelines as a Framework for Evaluating Cases Involving Exertional Impairments
 - §348.3 Using the Medical-Vocational Guidelines for Evaluating Impairments of Claimants Under Age 50
 - §348.4 The RFC of Alternate Sitting and Standing
 - §348.5 Using the Medical-Vocational Guidelines as a Framework for Evaluating Solely Nonexertional Impairments
 - §348.6 Court Decisions on Framework Analysis
 - §348.7 Questions to the Vocational Expert Laying a Foundation for Argument Concerning Using the Grids as a Framework
 - §348.8 Questions for Vocational Expert About Numbers of Sedentary Unskilled Jobs Within Claimant's RFC
 - §348.8.1 Form: Request for Subpoena *Duces Tecum* to Vocational Expert With Attachment
 - §348.9 Questions for the Vocational Expert About the RFC for Alternate Sitting and Standing
- §349 Transferable Skills
 - §349.1 Definition of Skill
 - §349.2 No Skills Develop From Unskilled Work Nor May Skills Be Transferred to Unskilled Work
 - §349.3 Skills vs. Traits
 - §349.4 Skills Acquired vs. Skills Transferable
 - §349.5 Determining Transferability
 - §349.6 Different Standards of Transferability for Different Ages
 - §349.7 Examples of Jobs Discussed in SSR 82-41
 - §349.8 A Significant Range of Work
 - §349.9 Questions for the Vocational Expert About Transferable Skills
- §350 Concluding the Hearing and Closing the Record**
 - §351 Closing Argument by Claimant's Representative
 - §352 ALJ's Closing Statement
 - §353 Post-Hearing Development
 - §354 Close the Record
 - §355 Consultative Exam Ordered by ALJ
 - §356 Post-Hearing Interrogatories to Medical or Vocational Expert
 - §357 Proffer to Attorney

- §358 Right to Cross-Examine Authors of Adverse Post-Hearing Reports
- §359 Inquiries About Status
- §360 ALJ Decision and After**
 - §361 Bench Decision
 - §362 Bench Decision Checksheet (Form)
 - §363 Submit a Proposed Decision to the ALJ
 - §364 Writing a Favorable Decision at the Request of the ALJ
 - §365 Submitting New Evidence to the ALJ After a Denial Decision
- §370 Res Judicata, Administrative Finality and Reopening**
 - §370.1 Overview
 - §370.2 *Res Judicata* and Administrative Finality Compared
 - §370.3 “Reopening Is Discretionary”
 - §371 The Time Limit
 - §372 Reopening for “Any Reason” Within Twelve Months
 - §373 Reopening for Good Cause
 - §373.1 New and Material Evidence
 - §373.2 Clerical Error
 - §373.3 Error on Face of Evidence
 - §374 Reopening at Any Time
 - §374.1 SSR 91-5p: Good Cause for Missing the Deadline to Appeal Because of Mental Incapacity
 - §375 Jurisdiction to Reopen
 - §376 Implied Request for Reopening
 - §377 *Res Judicata* Dismissals
 - §378 Circumstances Where *Res Judicata* Does Not Apply
 - §379 *Res Judicata* or Administrative Finality Invoked by Claimants
- §380 Deceased Claimants**
 - §381 Social Security Disability Substitute Parties
 - §382 SSI Substitute Parties
 - §383 Form: Notice Regarding Substitution of Party Upon Death of Claimant (HA-539)
 - §384 Form: Claim for Amounts Due in the Case of a Deceased Beneficiary (SSA-1724)
- §390 Hearing Checklist**
 - §391 At the Hearing
 - §392 After the Hearing

4. Following a Favorable Decision

- §400 Check the Decision and Contact Your Client**
 - §401 Favorable Decision Checklist
 - §402 Form: Favorable Decision Summary/Worksheet
 - §403 Sample: Letter to Title II Claimant After Receipt of Favorable Decision
 - §404 Sample: Letter to Concurrent Claimant After Receipt of Favorable Decision
 - §404.1 Sample: Letter to Concurrent Claimant After Receipt of Favorable Decision — SSI Stops
 - §404.2 Sample: Letter to SSI-Only Claimant After Receipt of Favorable Decision
 - §405 Sample: Letter to Social Security Office Requesting Copies of SSI Notices
 - §406 Sample: Letter to ALJ re: Failure to Issue Order Approving or Disapproving Fee Agreement
 - §407 Sample: Notice of Intent to File Fee Petition
 - §408 The Bad Address Problem
 - §409 Amending the Decision
- §410 Peculiar Problems in Concurrent Cases**
 - §411 The Odd Way That SSA Processes SSI When There Are Concurrent Applications
 - §412 Check for SSI Eligibility During the Five-Month Waiting Period During Which No Social Security Disability Benefits Are Payable
 - §413 Determining SSI Eligibility After the Five-Month Waiting Period

	§414	Consider the State Supplement
	§415	The Impact of Welfare Recoupment
	§416	The Strange Case of the SSI Eligible Couple
	§417	What Is the Lawyer's Duty to Advise Withdrawing an SSI Application?
	§418	Form: Request for Withdrawal of Application (SSA-521)
	§419	SSI Benefits Should Be Recalculated After Payment of Attorney Fees
§420		SSI Issues
	§421	SSI Income: Anything in Cash or In-Kind
	§422	In-Kind Support and Maintenance
	§423	The One-Third Reduction Rule: Living in Another Person's Household
	§424	The Presumed Value Rule
	§425	Informal Cash and In-Kind Loans
	§426	POMS SI 01120.220D — Policy — Requirements for a Bona Fide Informal Loan
	§427	POMS SI 00835.482A and B — Loans of In-Kind Support and Maintenance
	§428	Retrospective Budgeting
	§429	Installment Payment of SSI Back Benefits
§430		Calculating the Amount of Back Benefits
	§431	Form: Past-Due Benefits or Attorney Fees Worksheet
	§432	Date of Entitlement
	§433	Claimant's Benefit Amount
	§434	Auxiliary Benefits
	§435	Closed Period
	§436	Disabled Widow(er)'s Benefits
	§437	Workers' Compensation and Public Disability Benefit Offset
	§438	Only Certain Public Disability Benefits Are Included in the Offset Calculation
	§439	Suspension of Payment When the Claimant Goes to Jail
§440		Payment Issues
	§441	When It Takes Too Long for Benefits to Be Paid
	§442	Dealing With SSA by Telephone
	§443	Underpayments
	§444	Chart: OCO Manager and Deputy Telephone and Fax Numbers
	§445	Chart: Program Service Center Addresses and SSN Jurisdiction
	§446	Chart: Program Service Center Phone Numbers
§450		Fleeing Felons
§460		Post-Entitlement Issues
	§461	Memorandum to Claimant Re: Working Part-Time After You've Been Found Disabled by SSA
§470		Overpayments
	§471	A Legal Challenge to the Overpayment — Appeal
	§472	Request Waiver of the Overpayment
	§473	Fault
	§474	Defeat the Purposes of Title II/Title XVI
	§475	Against Equity and Good Conscience
	§476	Overpayment Recovery Questionnaire
	§477	Form: Request for Waiver of Overpayment Recovery or Change in Repayment Rate (SSA-632)
	§478	Adjustment or Recovery of Overpayment
	§479	Compromise Payment
§480		Continuing Disability Review and Termination of Eligibility for Disability Benefits
	§481	Benefit Continuation
	§482	Face-to-Face Reconsideration Hearings
	§483	The Continuing Disability Review Evaluation Process — Overview
	§484	Chart: CDR Evaluation Process Summary Chart From POMS DI 28005.010
	§485	Points of Comparison and Cessation Month
	§485.1	Chart: Cessation Month POMS DI 28005.205
	§486	Is There Medical Improvement?
	§487	Is Medical Improvement Related to Ability to Work?

- §488 Exceptions to Medical Improvement
- §489 When Medical Improvement Is Found Related to Ability to Work
 - §489.1 Chart: Is DAA Material? From POMS DI 28005.040
- §490 Cessation of Benefits Because of Performance of Substantial Gainful Activity
- §491 Recipient Eligible for Trial Work Period?
- §492 Will SSA Conduct Medical Review During Trial Work Period?
- §493 At Conclusion of Trial Work Period
- §494 Extended Period of Eligibility/Reentitlement Period
- §495 Expedited Reinstatement
- §496 Working SSI Recipients

5. Appeals Council

§500 Appeals Council: The Decision to Appeal

- §501 The Final Step of Administrative Review
- §502 Should You Appeal?
- §503 Exhaustion of Administrative Remedies
- §504 Develop a Legal Theory for the Appeal
- §505 The Harmless Error Rule
- §506 Starting Over With a New Application
- §507 Filing a New Application While the Earlier Application Is Pending at the Appeals Council
 - §507.1 SSR 11-1p: Permission Required to File New Application While the Earlier Application Is Pending at the Appeals Council
 - §507.2 Subsequent Application Pending Before SSA While the Earlier Application Is Pending in Federal Court
 - §507.3 Pipeline Cases
- §508 Appealing the Partially Favorable Decision
- §509 Appealing Denial of Reopening Request

§510 Requesting Review by the Appeals Council

- §511 Time Limit for Requesting Appeals Council Review
- §512 Form: Request for Review of Hearing Decision
- §513 Extension of Time to Request Review
- §514 Extension to Submit Evidence and a Brief
- §515 Communicating with the Appeals Council
 - §515.1 Public Inquiries Staff
 - §515.2 Appeals Council Branch, Circuit Jurisdiction and Fax Numbers
 - §515.3 Appeals Council Ombudsman
- §516 Obtaining Evidence From the Appeals Council

§520 Arguing Your Case to the Appeals Council

- §521 Uses of the Hearing Recording
- §522 Oral Argument
- §523 Standards for Appeals Council Review
 - §523.1 Abuse of Discretion
 - §523.2 Error of Law
 - §523.3 Substantial Evidence
- §524 Submitting New Evidence to Appeals Council
 - §524.1 Submitting New Evidence in DSI Cases From SSA's Boston Region
- §525 Effective Briefing
 - §525.1 Be Brief
 - §525.2 Be Careful
 - §525.3 Emphasize Legal Error But Tell a Story
 - §525.4 Deal With Substantial Evidence Issue
 - §525.5 Focus Your Argument: Summarize, Explain and Conclude

- §525.6 Write for Your Audience: The Analyst and the ALJ
 - §525.7 Address All the Issues
 - §525.8 Write Clearly and Concisely
 - §525.9 Cite Exhibits With Page Numbers
- §526 Remand Policy
- §527 Sample Briefs
 - §527.1 Sample Brief: Disabled Adult Child Benefits
 - §527.2 Sample Brief: Date Last Insured Problem
 - §527.3 Sample Brief: Closed Period ALJ Decision
 - §527.4 Sample Brief: Multiple Errors
 - §527.5 Sample Brief: Proper Evaluation of Treating Doctor Opinions and New Evidence
- §530 Substantive Issues**
 - §531 Reopening by the Appeals Council at the Claimant's Request (HALLEX I-3-9)
 - §532 Dealing With ALJ Dismissals
- §540 Appeals Council Action on Favorable Decisions**
 - §541 Own Motion Review
 - §542 Reopening by the Appeals Council
- §550 After Receiving an Appeals Council Denial Decision**
 - §551 When AC Fails to Consider Brief or New Evidence
 - §552 Extension to File in Federal Court
- §560 Appealing an ALJ Denial Decision After Federal Court Remand**

6. Federal Court Review

- §600 Considerations Prior to Filing**
 - §601 Is There a Final Decision of the Commissioner?
 - §602 Standard of Review
 - §603 The Role of the Federal Courts
 - §604 Analyzing the Case
- §610 Initiating the Civil Action: Procedure**
 - §611 Filing and Service of Summons and Complaint
 - §611.1 Addresses for Service of Process on Commissioner
 - §612 Sample: Complaint
 - §613 Filing *In Forma Pauperis*
 - §614 Sample: Application and Affidavit for Leave to Proceed *In Forma Pauperis*
 - §615 Sample: Order Granting Leave to Proceed *In Forma Pauperis*
 - §616 Filing Checklist
 - §617 Service Checklist
 - §618 Calendar Tips
- §620 Post-Filing Procedure**
 - §621 Answer
 - §622 Motion for Summary Judgment Under Sentence Four of 42 U.S.C. § 405(g)
 - §623 Motion for Remand for Consideration of New Evidence
 - §624 Effective Briefing
 - §625 Research Tips
- §630 Practice Before U.S. Magistrate Judges**
 - §631 Whether to Consent to Magistrate Judge Jurisdiction
 - §632 Specific Objections Required to Magistrate Judge Recommendation
 - §633 Time Limit for Objections to Magistrate Judge Recommendation
- §640 Remedies: Reversal With and Without a Remanding for Rehearing**
 - §641 Reversal Without Remanding for a Rehearing
 - §642 Voluntary Remand and Remand Instead of Default Judgment
 - §643 Remand to Evaluate New Evidence

- §644 Sentence-Four Reversals With Remanding for a Rehearing
- §645 Appealability of Remand Orders
- §646 Procedure at SSA on Remand
- §647 Court Procedure Following Sixth Sentence Remand
- §648 Court Procedure Following Fourth Sentence Remand
- §650 Substantive Issues**
 - §651 The Law of the Case
 - §652 Treatment of Evidence Submitted to Appeals Council
 - §653 *Post Hoc* Rationalizations
- §660 If You Lose**
 - §661 Rule 59(e) Motion
 - §662 Appeal to Court of Appeals

7. Attorney's Fees

- §700 The Fee Agreement Process for Approval of Attorney Fees**
 - §701 Conditions for Fee Agreement Process
 - §702 The Lesser of 25% of Past-Due Benefits or \$6,000
 - §703 Possible Additional Fee Agreement Provisions
 - §704 Timely Submission of the Fee Agreement to SSA
 - §705 Exceptions to the Fee Agreement Process
 - §706 Approval of Fee Agreement
 - §707 Administrative Review if the Decision Maker Disapproves the Fee Agreement
 - §708 Changing the Terms of a Fee Agreement
 - §709 Law Firms, Paralegals and Multiple Representatives
 - §709.1 SSA Answers to NOSSCR: Fee Agreements and Multiple Representatives
- §710 Payment of the Fee Under the Fee Agreement Process**
 - §711 Notice and Right to Object
 - §712 Procedure on Administrative Review of the Fee
 - §713 Objection by the Decision Maker
 - §714 Objection by the Claimant or Auxiliary
 - §715 Objection by Attorney
 - §716 Problems With Partially Favorable Decisions
 - §716.1 Problems With Subsequent Applications
 - §717 Avoid Excessive Fees
 - §718 Erroneous Fee Payments
 - §719 If You Are Fired or Withdraw
- §720 The Fee Petition Process**
 - §721 The Myth of the 25% Limit on Attorney Fees
 - §722 Summary of Fee Petition Process Rules
 - §723 Possible Fee Arrangements
 - §724 Fees May Be Paid in Advance
 - §725 SSA's Rules for Evaluating a Fee Request
 - §726 SSA's Rules Are Insufficient to Determine a Fee
 - §727 Two-Tiered Fee Agreement and the Fee Petition Process
- §730 Submitting a Fee Petition and Obtaining a Fee Authorization From SSA**
 - §731 Keep Good Time Records
 - §732 How to Submit a Fee Petition
 - §733 Form: Petition to Obtain Approval of a Fee for Representing a Claimant Before the Social Security Administration
 - §734 Where to Send a Fee Petition
 - §734.1 Form: Fee Petition Transmittal Flag
 - §735 When to Submit a Fee Petition

- §736 Wait for Payment of Auxiliary Benefits
- §737 Submit a Written Argument for Approval of Fee
- §738 Obtaining Fees in Excess of \$10,000
- §739 Appealing a Fee Authorization
- §740 Fee Issues Applicable to Both the Fee Agreement Process and the Fee Petition Process**
 - §741 How to Calculate Past-Due Benefits
 - §742 Payment of Attorney Fees in SSI Cases
 - §743 Calculating a Percentage Fee in an SSI Offset Case
 - §744 Other Offsets
 - §745 Obtaining Reimbursement for Expenses
 - §746 Fee Approval Regulations Do Not Apply in All Circumstances
 - §747 Coping With SSA's Failure to Withhold Attorney Fees
 - §748 The User Fee
- §750 Attorney Fees in Federal Court**
 - §751 A 25% Limit on Attorney Fees in Federal Court
 - §752 To Set a Fee, Federal Courts Look First to the Contingent Fee Contract, Then Test It for Reasonableness
 - §753 Attorney Fees in SSI Cases Are Regulated
 - §754 Coping With SSA's Failure to Withhold and Pay Court-Approved Attorney Fees
 - §755 Fees for Representation Before Both the Federal Court and SSA
 - §756 Maximizing Your Fee and Minimizing Bureaucratic Hassle
 - §757 Sample: Motion for Authorization of Attorney Fees
 - §758 Form: Federal Court Fee Contract
- §760 Equal Access to Justice Act (EAJA)**
 - §761 Legislative History of the EAJA
 - §762 Prerequisites for Awarding Attorney Fees
 - §763 Prevailing Party
 - §764 Meaning of "Substantially Justified"
 - §765 Calculation of Attorney Fees and Expenses Paid Under EAJA
 - §766 EAJA Fees for Time Spent Representing Claimant on Remand
 - §767 Time on EAJA Motion and Appeal of EAJA Denial
 - §768 Applications for Fees Under EAJA and 42 U.S.C. § 406
 - §769 Attorney's Duty to Bring EAJA Applications in Appropriate Cases
- §770 EAJA Time Limit**
 - §771 Court Reversal With or Without Remand for Rehearing Pursuant to Sentence Four of 42 U.S.C. § 405(g)
 - §772 Court Reversal With or Without Remanding for Rehearing Based Upon a U.S. Magistrate Judge Recommendation
 - §773 Stipulated Reversal With or Without Remanding for Rehearing
 - §774 Remands Under the Sixth Sentence of 42 U.S.C. § 405(g)
 - §775 Circuit Court of Appeals Cases
- §780 EAJA Sample Pleadings**
 - §781 Sample: EAJA Motion for Award of Attorney Fees (Fourth Sentence Remand)
 - §782 Sample: Plaintiff's Affidavit and Assignment of EAJA Fee
 - §783 Sample: Plaintiff's Attorney's Affidavit (Fourth Sentence Remand)
 - §784 Sample: Memorandum Supporting EAJA Motion
 - §785 Sample: Motion for Judgment (Sixth Sentence Remand)
 - §786 Sample: EAJA Motion for Award of Attorney Fees (Sixth Sentence Remand)
 - §787 Sample: Plaintiff's Attorney's Affidavit (Court Reversal Case Also Asking for Approval of 42 U.S.C. § 406(b) Fees)
 - §788 Sample: Plaintiff's Attorney's Affidavit (Sixth Sentence Remand)
- §790 Payment of EAJA Fees**
 - §791 Payment by Mandatory Direct Deposit
 - §792 Dealing With Payment Delays
 - §792.1 EAJA Fee Payment Contacts
 - §793 Payment of Costs and Expenses
 - §794 Form: Attorneys and Legal Organizations ACH Vendor/Miscellaneous Payment Enrollment Form

Appendices

1. Guide to Important Social Security Rulings and Acquiescence Rulings
2. Sources of Information
3. *Dictionary of Occupational Titles*
4. Vocational Expert Self-Study Guide, Part 4, The Hearing
5. Unskilled Sedentary Occupations
6. Definitions
7. Social Security Administration Telephone Numbers and Addresses
8. *Vocational Expert Handbook*, pp. 9-25
9. *Medical Expert Handbook*, pp. 11-29
10. “Professional Responsibility and Social Security Representation: The Myth of the State-Bar Bar to Compliance With Federal Rules on Production of Adverse Evidence,” by Robert E. Rains, 92 *Cornell Law Review* 363 (2007), used with permission.
11. Glossary
12. Annual SSI, Medicare, COLA, SGA, TWP and Earnings for QC Amounts Since 2000

Index

Preface

How to Use This Book and Other Tips for Improving Your Social Security Disability Practice

Learn the Five-Step Sequential Evaluation Process. The five-step Social Security disability sequential evaluation process provides the framework for most arguments to the Social Security Administration about your client's disability. This book is organized around the five-step process. See §§110-119 and 20 C.F.R. § 404.1520. Take time to learn how the five steps work. Because the process is *sequential*, if a claimant can be found *not disabled* at any step other than step three, the claimant does not get to proceed to the next step.

Read the First Three Chapters. If you are new to Social Security disability law, sit down and read the first three chapters of this book. This should give you a reasonably good grasp of the unique and often peculiar rules governing this area of practice. You can peruse the other chapters and appendices later, as issues come up.

Use the Forms With Care. This book is absolutely filled with useful forms. The residual functional capacity forms, in particular, are great time savers. You may copy these forms directly out of the book or use the CD that comes with this book to adapt them for your word processing program. But beware, forms may need to be modified to address the specific issues in a particular case. A form cannot cover every possible situation. For example, a properly completed interview form will always have comments written in the margins about your client's case.

All of the forms in this book are in use in the author's office, but we are constantly modifying them for individual cases. Sometimes we like a modification so much, we incorporate it into the form. If you make any especially useful modifications, we would appreciate a copy so we can publish improvements.

Check Out the Charts. The charts provide useful summaries of disability concepts. The chart at §121.1 summarizes rules from the Medical Vocational Guidelines. From this chart you can quickly determine what exertional limitations a claimant must have in order to win a disability case. The chart at §135 summarizes differences between the Social Security disability and SSI programs. The chart at §271.1 shows how particular limitations affect ranges of work, and the chart at §349.6 summarizes the different standards for transferability of skills for different ages and exertional levels. The author keeps a copy of this chart in his briefcase for use in questioning vocational experts at hearings.

Do Not Neglect the Appendices. There is a wealth of material in the appendices. The author often begins research on disability issues with Appendix 1, an index to Social Security Rulings. Appendix 8 is an excerpt from the manual given by SSA to medical experts to prepare them to testify. Reading this manual may help prepare you to cross-examine a medical expert. Appendices 4 and 7, excerpts from manuals given by SSA to vocational experts, are required reading when you are preparing to cross-examine a vocational expert (even though they were published by SSA years ago). Appendix 5 is the complete list of unskilled sedentary occupations from the current edition of the *Dictionary*

of Occupational Titles. (There are so few of these occupations that vocational experts tend to come up with other jobs which they will testify that they know from “experience” to be unskilled sedentary occupations.) Appendix 9 is a 2007 law review article by Professor Robert E. Rains which tackles the ethical issue that haunts all social security disability practitioners: Must you submit an adverse medical report?

You Will Need Basic Reference Materials. This book provides a place to start. It cannot be used successfully without also reading the regulations and rulings themselves. You can order from the Superintendent of Documents a hard copy of 20 C.F.R. Parts 400-499, which in many circumstances is easier to use than the Internet version. You will also need access to Social Security Rulings and Acquiescence Rulings since 1981, a good medical dictionary and a medical textbook, all of which can be found on the Internet. *See* Appendix 2.

About the Author

Thomas E. Bush has represented Social Security disability claimants since 1977 when he spent a year as a VISTA attorney with the Milwaukee Indian Health Board. At the end of 1977, he opened his own law office. Since then his law practice has concentrated more and more on Social Security disability representation. At present, Bush practices almost exclusively in this area.

Bush received his law degree from the University of Wisconsin where he also did graduate work in Chinese history. He has regularly written and spoken about Social Security disability issues to other lawyers, advocacy groups and the general public. Two brochures he has written, “Social Security Disability and SSI Claims—Your Need for Representation” and “Preparing for Your Social Security Disability or SSI Hearing,” are in use all over the country.

A member of the National Organization of Social Security Claimants’ Representatives (NOSSCR) since 1980, he served on the Board of Directors from 1988 to 2001. He was the President of NOSSCR for the 1997-98 term.

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