

Preparing for a Social Security Disability Hearing

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A hearing in front of an Administrative Law Judge is the last and most important phase of the Social Security Disability application process. At this point, most applicants have waited two years, if not longer, since their initial application for disability benefits. Once a hearing has been scheduled, it is still not too late to hire an attorney, however, the more time you give the representative to prepare, the better your chances of winning. Hiring an experienced attorney, especially one who frequently attends disability hearings in your area and is thus familiar with the local judges, will highly increase your chances of winning. Because each judge has his or her unique way of evaluating and weighing the evidence, an attorney familiar with these differing approaches will be in the best position to prepare you for the a favorable outcome.

The Importance of Medical Treatment

Once you have found an experienced representative, he or she should discuss with you the importance of consistent and recent treatment records. Your medical records will be the most important piece of evidence used to evaluate and prove your disability. Without a diagnosis from your doctor and ongoing treatment for any resulting symptoms, attaining disability benefits will be very difficult. Oftentimes, clients have medical evidence going back many years, which although this may still be considered, usually does not hold as much weight as recent medical treatment. It is important that your medical records goes back to the date you initially claimed you became disabled, if not, at least a year prior to the date your hearing is scheduled. It is also important that you don’t have frequent and long gaps in medical treatment. This may show an inconsistency of your condition, or call into question the severity of your impairments.

Obtaining Your Medical Records

Once your hearing is scheduled, your representative will start requesting medical records on your behalf and will then submit them to your Social Security file. It is very important that a client thoroughly communicates to his representative all places of treatment, including emergency room visits. Also, because it can sometimes take a few weeks before treating facilities finally process the requests for records, it is imperative that clients do not wait until the very last minute to hire representation. An attorney needs sufficient time to gather, organize and submit the medical evidence, while also allowing enough time for the Judge to review it in advance of hearing.

Completing a Medical Source Statement

Although medical records are a necessary element to proving disability, they may sometimes not be enough. A medical source statement is a short form completed by your treating physician

which helps to explain in more detail the limitations caused by your disability and impairment. It narrows down your ability to sit, stand, lift, carry and concentrate within the parameters of an eight hour work day, as well as taking into consideration your very specific symptoms as they relate to your illness. Although this form will usually strengthen one's argument for disability, it is not mandatory nor required for a favorable outcome.

What happens the day of the hearing?

It is natural to be nervous and anxious before an actual hearing, as this is not something one does often and of course, there is much at stake. Usually, preparation with an attorney should help ease most of the worry and anxiety. An attorney should explain the nature of the hearing and guide the client on how to most effectively and genuinely illustrate the severity of the impairments and their resulting limitations. The client should feel confident going into the hearing knowing there will be no surprises on the big day. Because the hearing is absolutely the last chance to prove one's disability, and because it is such a lengthy process to start over, it is best practice to do it right the first time around. An experienced, knowledgeable and dedicated attorney will be your best asset and partner at this stage of the game.