

Build a case that wins you benefits

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Social Security Disability Tip Sheet

Qualifying for Social Security disability is an arduous process that can require reams of paperwork and meticulous medical documentation.

But with a clear understanding of the process and help from family, your doctors and a good attorney, it's possible to successfully navigate the system and be awarded disability benefits.



Here are 6 key points you need to understand

1) Someone with MCI may be eligible for disability, but not based on that diagnosis alone

Some illnesses automatically qualify for disability benefits, but MCI isn't one of them. Social Security will want proof that your cognitive impairment prevents you from doing the work you've done in the past — or other kinds of work.

2) The claims process can be a long grind, so be ready for that

In rare cases, a person may be approved within three or four months, but it's normal for it to drag on anywhere from 16 months to two years or more.

3) You're not required to have an attorney, but it's recommended

Most people with MCI who manage to get all the way through the process and secure benefits would agree that being represented by an attorney is the way to go.

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4) Choose an attorney who specializes in disability claims

To find a qualified attorney near you, check with The National Organization of Society Security Claimant's Representatives (NOSSCR). It's a specialized bar association for attorneys who handle Social Security disability claims.

You can call the organization at (800) 431-2804, and they will refer you to attorneys in your area.

Visit the NOSSCR website here: <https://nossr.org/>

5) Most disability attorneys offer a free consultation and work on a contingency basis

That means you don't pay anything up front, and the attorney only gets paid if she or he wins benefits for you.

The rules of the Social Security Administration say an acceptable fee is 25 percent of the back benefits, to a maximum of \$6,000. This would be a one-time fee, and the payment is sent by Social Security to the attorney based on the amount of benefits.

Some attorneys may charge more, based on a fee petition where they charge for their time, but that must be approved by the Social Security Administration.

6) Have a team behind you. Along with an attorney, your chances of winning disability benefits can be helped greatly by three other key allies:

A doctor to help you complete a Residual Functional Capacity (RFC) form. That's a detailed work history which demonstrates you're no longer able to handle your current job or do other jobs you've held over the past 15 years.

A neuropsychologist to document your cognitive impairment. Neurological testing is expensive, but usually necessary to provide the kind of proof that Social Security is looking for.

A family member or trusted friend or advocate to help out and be part of the team as you go through this process.

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There are five steps to the Social Security disability claims process.

Step 1 — Show that you're not working or not earning an average of more than \$1,270 a month. (That limit is periodically adjusted.)

Step 2 — Show you have an impairment that's kept you from working for a year or is likely to keep you from working for a year.

Step 3 — Show you have an impairment that's on the Social Security list of impairments, or your impairment is equal in severity to an impairment on the list.

If you can prove those three things to the satisfaction of Social Security, you'll be awarded benefits at Step 3. However, that's the exception. Most likely, you'll move on to the final two steps.

Step 4 — Show you are unable to handle the work you were most recently doing, or any work you've done for the past 15 years.

Step 5 — Show there isn't any type of job you're still able to do, given your age, education, skills and restrictions.

Those are stringent requirements, but if you meet them, you'll be awarded benefits at Step 5.

If you're denied at any step along the way, you can ask for reconsideration, and if they deny that as well, then you would go to a hearing before an administrative law judge. At that stage, if you don't already have an attorney, you should seriously consider getting one. Going before a judge without legal representation would put you at a significant disadvantage.

It's a long, daunting process. But if you stick with it, methodically document your claim and demonstrate you meet the qualifications, you can succeed, just as many people with mild cognitive impairment have done before you. Best of luck to you on this difficult but achievable quest.