

National Multiple Sclerosis Society

Social Security Disability Resources For Self Advocacy

Introduction

This guide is intended to help people with multiple sclerosis (MS) advocate effectively to obtain the Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits to which they are entitled.

To advocate successfully, you must show that your MS causes disability severe enough to prevent you from working. You must be able to present yourself not as the competent worker you once were but as a person who can no longer perform substantial gainful activity, as that term is defined by the Social Security Administration (SSA).

The National MS Society has prepared a detailed guidebook to help you decide whether applying for disability benefits is right for you and to help you navigate the complex application process. It includes information, helpful hints and useful worksheets. Entitled **Social Security Disability Benefits, A Guide for People Living with Multiple Sclerosis**, it is available online or from your chapter. Available at: http://www.nationalmssociety.org/government-affairs-and-advocacy/government-programs/social-security-disability/download.aspx?id=186 or call 1-800-344-4867.

Before you meet with your doctor or an SSA representative, understand the offered benefit, what lies ahead and what information you will need. Learn the vocabulary. The more you know, the easier it will be to state your case.

Do your research

- Use the National MS Society's Social Security Disability Benefits, A Guide for People Living with Multiple Sclerosis ("SSD Guide") to guide you through your course of action:
 - http://www.nationalmssociety.org/government-affairs-and-advocacy/government-programs/social-security-disability/download.aspx?id=186
- Find out what types of benefits are available to you from the government: http://www.socialsecurity.gov/dibplan
- Find out what types of benefits are available from your employer.
- Learn the criteria for qualifying for these benefits. Which criteria apply to you? The National MS Society SSD Guide will take you step by step through this process.
- Assess how much you would receive in benefits. Check the statement sent to you by SSA or use SSA's adult disability benefits calculator: www.socialsecurity.gov/planners/calculators.htm

Get organized before you apply.

- Find assistance if you need it.
- Determine what information you will need to apply.
- Begin to collect the information you will need for your application, and keep all materials in a folder.
- Keep a detailed journal. Information available at: http://www.nationalmssociety.org/government-affairs-and-advocacy/government-programs/social-security-disability/download.aspx?id=186 See pp. 11-13.

Meet with your doctor.

Once you have decided to apply for disability benefits and done your homework, make an appointment with your doctor to discuss your application. You will need your doctor's support.

What to say to your doctor

- Explain that you are applying for Social Security disability benefits because your symptoms prevent you from working. Tell your doctor everything that prevents you from working — every debilitating symptom. Don't be brave, don't put your best foot forward; you can tell your doctor things you would not tell your best friend.
- Since your doctor will be required to provide evidence of your disability, the more you tell him that he enters into his records, the better your chances are for being approved.
- Bring the National MS Society's guidebook, your folder of important documents, your journal, and any other relevant information with you to the appointment.
- If your doctor is not familiar with Social Security process, explain that medical evidence must substantiate your impairments and your inability to work. Give her a copy of the National MS Society's SSD Guide for Professionals available at: http://www.nationalmssociety.org/government-affairs-and-advocacy/government-programs/social-security-disability/download.aspx?id=514. At a minimum, provide your doctor with the sample letter and guidelines in your SSD Guide. If your doctor does not have a copy of the criteria for evaluating impairments caused by MS used by the SSA, give her a copy from either one of the National MS Society's guidebooks.
- At every visit, brief your doctor(s) on all of your medical issues or disabilities.

Prepare your application

You can begin the application process online or by calling Social Security at 1-800-772-1213. Download or ask for a starter kit to help you get ready for your disability interview or online application.

http://www.socialsecurity.gov/disability/disability_starter_kits.htm

- Review the MS Listing and Criteria Reference in your SSD Guide (Appendix E); refer to this information but describe your MS symptoms in your own words.
- Use the three worksheets in your SSD Guide to organize your medical history, describe your past jobs and articulate how your MS impairs your ability to work.
- Applying in person or by telephone has the advantage of giving you a direct contact person for your questions. Applying online allows you to work at your own pace.

How to handle an in-person interview

- Prepare by reviewing all the materials and worksheets you have assembled. Use this material and your journal to explain how your MS symptoms prevent you from working.
- In your journal, write down what you would like to say in the interview. As set out in the SSD Guide, main points could include:
 - I have a severe disability (or several severe disabilities) due to MS.
 - Due to this disability (these disabilities), I cannot work at all.
 - MS is an impairment that is on the Social Security Listing of Impairments.
 - I have a severe disability covered in at least one of the four MS Listing Criteria.
- Practice your speech until you feel comfortable talking about your personal circumstances.
- Be sure to bring all necessary materials with you. Make copies of everything you will submit to the SSA. Keep your originals.
- Ask for your SSA interviewer's contact information so that you can follow up later.

Find assistance if you need it

If the National MS Society guidebook does not give you enough confidence to tackle the initial application or interview process by yourself, or if your symptoms interfere with your ability to complete the tasks you need to do, consider ways to get the help you need to succeed.

Perhaps a friend or family member can help you collect and organize your work history and medical information. Ask someone to listen to you practice for your interview.

Your area National MS Society chapter may be able to recommend free professional assistance.

There is always the option of hiring an attorney or skilled representative to see you through the process; they will only be paid if your application is granted. Your chapter may help you identify lawyers familiar with MS or you may contact the National Organization for Social Security Representatives (NOSSCR). (See Resources below.)

If your application is denied, appeal. DO NOT ALLOW YOUR TIME TO EXPIRE OR YOU WILL BE BACK TO SQUARE ONE.

- Follow instructions in the SSA letter to appeal within 60 days.
- It is helpful to submit additional information to strengthen your case.
- Your chances of success are better at a hearing if you have a skilled representative presenting your case. If you hire a representative who charges for his services, he will only collect a fee if he obtains benefits for you. (See Resources below.)

Resources

1. The National MS Society has various resources to assist in this process. Call your chapter or visit the National MS Society Web site and begin your research here:

http://www.nationalmssociety.org/government-affairs-and-advocacy/government-programs/social-security-disability/index.aspx

- For you: Social Security Disability Benefits A Guide for People Living with Multiple Sclerosis. Available in hard copy by calling your chapter at 1-800-344-4867 or online at http://www.nationalmssociety.org/government-affairs-and-advocacy/government-programs/social-security-disability/download.aspx?id=186.
- For your doctor: Social Security Disability Benefits for People Living
 with Multiple Sclerosis A Guide for Professionals. Available in hard
 copy by calling your chapter at 1-800-344-4867 or online at
 http://www.nationalmssociety.org/government-affairs-and-advocacy/government-programs/social-security-disability/download.aspx?id=514.
- 2. General text on SSDI: **Nolo's Guide to Social Security Disability: Getting and Keeping Your Benefits** by <u>David Morton</u> III, <u>M. D.</u> (\$29.99). http://search.barnesandnoble.com/Nolos-Guide-to-Social-Security-Disability/David-Morton/e/9781413307641
- 3. Social Security Administration Web site: Link to: http://www.socialsecurity.gov/disability and http://www.socialsecurity.gov/disability and http://www.socialsecurity.gov/ssi
- 4. Contacts for finding professional assistance:

- Contact your chapter at 1-800-344-4867 for referrals to attorneys, legal services or other programs that provide assistance to people applying for public benefits.
- Ask your doctor about attorneys who have successfully represented other patients.
- Contact the National Organization for Social Security Claimants' Representatives: www.nosscr.org/refer.html or 1-800-431-2804.
- For more information about representatives and fees, visit: <u>www.socialsecurity.gov/pubs/10075.pdf</u> and www.ssa.gov/thirdparties.htm.