



O'Donnell, Weiss & Mattei, P.C.

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Why So Many People Are Denied Social Security Benefits

Most people believe that it is difficult to obtain Social Security Disability Benefits at the time of the initial application. The statistics show that only 36% of the people applying for Social Security Disability (SSDI) are approved at the application level. Although discouraging, the percentage increases significantly to approximately 73% at the appeal level before an Administrative Law Judge (ALJ). Most of the successful applicants appearing before an ALJ are represented by an attorney.

The reason most claims lose at the application level or even the ALJ level is that neither the applicant nor their medical provider understand the criteria that the law establishes for disability. Many fine doctors will say that their patient cannot work, yet if not asked the correct questions, the doctor's records may not support a finding of total disability. Doctors are trained to diagnose and treat their patient's symptoms and are not analyzing the specific functional limitations that are a part of Security's Listing and other criteria.

The sad reality is that if denied at the application level, the claimant in Pennsylvania may wait for over a year to have their case heard by an ALJ. For that reason, people who believe themselves to be unable to do any substantial gainful work are encouraged to seek the advice of an attorney before making their initial application. If the person has applied and has been denied initially, good preparation for the ALJ Hearing may result in an early decision without the need for a Hearing.

The key to success within the Social Security Disability system is preparation and persistence. Remember that over 2 million people apply for SSDI every year. In Pennsylvania, over 340,000 workers currently receive disability. Although your local Social Security Office has many people who are able and willing to help, they do not represent you and are doing their best to simply manage the volume of work coming across their desk. A person who believes themselves in need of Social Security Disability Benefits can consult with an attorney at O'Donnell, Weiss & Mattei, P.C. without charge. Payment to an attorney for legal services in any Social Security Disability matter is regulated and limited by Social Security law.

Preparing to Meet With Your Social Security Disability Attorney

Preparing for the initial conference can be confusing. The most important element in preparing for your initial conference is willingness to be open and honest about all of your medical conditions. In addition, you will find the following helpful:

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Attorney Spotlight

[David S. Kaplan, Esq.](#), grew up in Collegeville and is a graduate of Perkiomen School, Ursinus College and The University of Pittsburgh School of Law. He has been a member of OWM since 1983 and resides in Chester County with his wife, Diana.

Mr. Kaplan is active in the Collegeville Rotary as Past President and, most recently, Assistant Governor. He has been a leader in many community organizations and Montgomery Bar Assn. Committees and currently chairs the Montgomery Conflict Mediation Center. He authored the Estate Mate Planner with the Executor's Guide, now incorporated into the OWMLAW website.

Mr. Kaplan's areas of concentration are Estate Planning/Administration, Social Security Disability and Family Law. He is also an active mediator.

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If you have previously filed for SSDI, bring all documents that you have received from the Social Security Administration.

List all doctors, hospitals and other medical providers that you have visited in the past 5 years. Try to remember when you have visited them.

List the jobs you have had for the last 15 years and the date when you last worked.

If available, bring your last annual statement from the Social Security Administration.

If there is a close relative or friend who can accompany you to your meeting with your attorney, their presence will be helpful.

Visit Areas of Practice, [Social Security Disability](#), for a user-friendly form to help you organize for the first visit are available.

The material in this publication was created as of the date set forth above and is based on laws, court decisions, administrative rulings and congressional materials that existed at that time, and should not be construed as legal advice or legal opinions on specific facts. The information in this publication is not intended to create, and the transmission and receipt of it does not constitute, a lawyer-client relationship.

UPCOMING EVENTS

Read Legal Ease every other Sunday in the Pottstown Mercury.

See Legal Talk, brought to you by OWM, on PCTV, Tuesdays at 8:30 on Channel 28, and Thursdays at 9:30 p.m. on Channel 98.

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