

LEGAL EASE



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March 3, 2019

Wait times for Social Security disability hearings average 18 months

Various sources have reported that, although the wait times for Social Security Disability (SSD) hearings have improved, the national average is 538 days, although in some cities the wait time is significantly higher. Mike Stein, Sssistant Vice President at Allsup, a Social Security Disability representation company, indicated to *Globe News Wire*, that although the Social Security Administration (SSA) is doing better in decreasing wait times, they are still seeing an unacceptably long wait times for “people who have paid into these benefits.”

Why are so many people waiting for an Administrative Law Judge (ALJ) to make a determination on potential benefits? David S. Kaplan, Esquire, who handles SSD claims in the Offices of O'Donnell, Weiss & Mattei, P.C. (OWM Law), says that in his experience, most people do not seek representation at the initial application level. This comports with statistics that indicate that the majority of individuals (78 percent) seek assistance at the hearing level but only a minority (17.7 percent) have a representative at the initial time of application. Mr. Kaplan says that many do not understand the rules for applying initially, and do not have the level of documentation that is needed for a successful application. In 2017, only approximately 35 percent of applications were approved at the initial application level. Some individuals are denied twice before getting to the hearing level. In the meantime, many individuals have no income and some have no medical insurance making it very difficult to maintain any level of health or treat the underlying condition that resulted in being unable to work.

Mr. Kaplan noted that it will soon be more complicated to apply for SSD in Pennsylvania. Pennsylvania has been a model state that has been utilizing a method that bypassed the “reconsideration process” (a common step after an application is initially denied) which then took the applicant directly to the hearing level with an ALJ. Effective April 1, 2019, all applications which are initially denied must apply for reconsideration before requesting a hearing with an ALJ. It is logical to assume that the wait time for hearings will increase in PA due to the extra step of “reconsideration.” This again highlights the importance of consulting an experienced disability representative in this process.

Disability conditions that are properly documented can result in approval of an initial application. The individual must have been not working for five months and the approval of SSDI cases (not SSI) can be retroactive to one year from the date of the application. There are other rules that must be considered also.

If you are thinking of applying for Social Security Disability, consider calling David Kaplan, Esquire at OWM Law for a consultation.