

## What to do When Applying for Social Security Disability Gets Complicated

There are many people out there that have questions about the Social Security Disability process, how it works, if they qualify and what to do. If you are not familiar with the ins and outs of the Social Security Disability process, applying for benefits can be a pretty frustrating experience. If this is you, you are not the only one out there feeling that way. Here are some basic questions that we hear a lot and a few simple straight forward answers to those questions. Hopefully this will help you decide what your next step is going to be or at least where to look for help.

The question we probably hear more than any other is "How are Social Security Disability and Supplemental Security Income different? The truth is, there is a lot of difference between them. Social Security Disability is known as SSD and Supplemental Security Income is known as SSI. In reality, the only concept these two programs have in common is that they were both created for people with disabilities.

SSI is for those people that are disabled and have never worked or have not worked enough to qualify for SSD. This is a wide group, including children, mothers or fathers who stay at home, or people who worked before they were disabled, but did not pay enough into Social Security to qualify them for SSD benefits. SSI also is income based, so if you are married and your spouse makes too much money for the Social Security guidelines you could be denied even if you are disabled.

Social Security Disability works like this: you work, you pay taxes, and you pay for Social Security. Social Security keeps a statement on every individual that details how much money you made in the years you worked and how many "quarters" you have paid into the system. Once a person has qualified for SSD benefits, a Social Security record or statement will be provided to them annually. This statement will detail how much money you could receive if you became disabled and approved for Social Security Disability benefits. This statement also tells you your Date Last Insured often referred to as your DLI.

Q: "I would like to obtain a copy of my SSD record. How do I do this?"

A: You can contact your local Social Security Administration office and ask for a copy of this statement. You can also call the 800 number for the Social Security Administration and ask them for the pertinent information which would be how many quarters you have, what your DLI is, etc. You can find your local office by calling 1 800 772 1213 or going online to the Social Security Administration website.

Q: "Why dont I qualify for SSD when I worked the majority of my life?"

A: This is a situation that is different for every person. When you pay into Social Security it is almost like when you pay for health coverage. Insurance benefits will end after a certain time has elapsed since you last paid. It works the same way with Social Security. If you work for 25 years and you decide to take early retirement you are now not "paying" into Social Security. You only have a certain amount of time to file for SSD benefits before your coverage ends. If you are in this situation and your coverage has ended then you should consider applying for SSI.

Q: "Its my money! I worked and I paid into the system, why cant I get my money back?"

A: While you certainly have a point, the Social Security system just does not work this way. In order to be approved for Social Security Disability benefits (and get back some of the money you paid in), you must have been determined to be disabled. Paying into the system simply qualifies you for Social Security Disability.

Q: "I am currently receiving SSD benefits, but it is just not enough money. How do I get more?."

A: This is often what people say and this situation is understandable. Unfortunately when you are receiving Social Security Disability there is not a such thing as getting more money. Social Security Disability is very "all or nothing"; you are either approved and receive your full benefits, or you are not approved and do not receive a thing. There is only so much "money" in your "account" to be withdrawn. The concept is similar to having a bank account; you can withdraw funds only until a certain point, but when you are not working and no more is added, there is nothing left to draw out.

Q: "Before I went to jail, I was receiving Social Security Disability. Why do I no longer receive my benefits?"

A: When a person is incarcerated, they become a ward of the state, which pays for food, board, etc., During this time, your SSD benefits will automatically stop, and you will have to apply for benefits all over again when you are released. In this situation it may be a good idea to contact an attorney or professional that is familiar with this type of situation.

Q: "How long does this process take?"

A: The answer to this changes from applicant to applicant. As a general rule, pretty much every applicant will be rejected one or more times. Because of this, the application process generally takes anywhere from two to five years. If you are in the middle of this process, and have a hearing scheduled to evaluate your application, it is a good idea to speak with a professional who understands the ins and outs of the SSD process. Most Social Security professionals offer a free consultation, and will let you know up front whether or not they can take on your case.

Q: "My SSD application was approved, and I have been receiving benefits. Now they tell me they paid me too much and I have to pay them back." A: This can happen and it is referred to as an overpayment case. There are attorneys that handle this specific situation.

If any of the above things happen to you and you do not know what your next step should be, it is time to ask. Contact a local professional for a free consultation and just because one attorney does not want to take your case doesnt mean that another attorney wont. Shop for lawyers accordingly... some only take SSD or SSI cases, while others take all social security related cases. If you do not know how to find a Social Security lawyer or who you should speak to first, there is a referral agency for lawyers who work with Social Security cases. This agency is called the National Organization for Social Security Claimants Representatives, or NOSSCR. When you speak to NOSSCR, be sure to let them know your specific situation, such as a stoppage of payment of benefits (called a cessation), a claim of overpayment, etc., so they can refer you to the best professionals to take on your case.

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## About the Author

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