

§191 Form: Letter to Claimant Following Initial Interview — Below Hearing Level

Client Name
Street Address
City, State Zip

Re: Disability Case

Dear **Client's Name**:

Enclosed is a copy of my letter notifying the Social Security Administration (SSA) that I will be representing you [and a copy of your Request for Reconsideration]. Also enclosed for your records are a copy of our contract and your copy of the Appointment of Representative form.

Please review the contract again. If you have any questions about any of the contract's provisions, please telephone my office and ask to speak with me personally.

This letter attempts to answer some questions people often have about their disability cases. Please read the letter now and keep it as a reference.

How long will it take for a determination to be issued?

It varies a lot. It usually takes only a few months for a denial to be issued. Sometimes it takes less than one month. It often takes longer for a decision to be issued finding you disabled.

Do you think we have a chance of winning?

I am always hopeful. However, less than 40 percent of people who apply are found disabled at the initial or reconsideration stages. Although this does not mean that I will not try to win your case at this level, do not be discouraged if we receive a denial notice. I agreed to represent you because I thought you had a good case. It may be necessary to go to a hearing to win your case.

What happens when I get a denial notice?

The first thing you need to do is make sure that I received a copy. It is necessary for you to do this because the Social Security Administration frequently fails to send me a copy of the determination. If I do not get a copy of the notice from Social Security, I won't know that a decision has been made on your case unless you tell me. Therefore, please telephone me when you get the notice of determination in your case. I will then send you the necessary forms to sign for appealing.

Do I need to get medical records or reports for my representative?

No. You don't have to get any medical records or reports yourself. In fact, it's better if you do not even try to get such things unless I ask you to.

But what if my doctor gives me a report?

If you happen to get something such as a disability form completed by your doctor for an insurance company, etc., be sure to send me a copy.

Should I send anything to the Social Security Administration?

No. As a rule, do not send anything of any substance to the Social Security Administration without your representative seeing it first. The only exception to this rule is if SSA asks you to sign medical consent forms, you may sign them and send them directly back to SSA. I don't need to see those.

Will I have to fill out any additional forms?

Sometimes SSA will send you a form to complete about your daily activities, etc. Sometimes SSA asks you to complete other forms that ask about your symptoms. If you want to discuss a form with me before completing it, please call me; but here's the advice I always give: Be truthful. Don't exaggerate; but don't minimize your problems either. Include plenty of details and examples that show your limitations; but don't go on and on. Complete any form as soon as possible after you get it and send it to me. I'll review it and forward it to SSA.

Will SSA ask me to see one of their doctors?

Sometimes SSA will ask you to see a private doctor who is paid by SSA for what they call a "consultative examination." However, the quality of such examinations varies widely. SSA's rules state that your own doctor can perform such an examination if your doctor is able to do it and agrees to accept the payment offered by SSA. If SSA wants to send you for a consultative examination, we may ask that your own doctor do this exam. If you get a notice to go to a consultative examination, please telephone us to make sure we received a copy of the notice.

What will my representative do to represent me at this stage?

I will review your case. I will figure out what we need to prove to win your case and figure out how to prove it. I will make sure that the Social Security Administration gets the necessary medical records and other records. I will obtain reports from your doctors, if necessary.

Should I telephone my representative whenever I see a doctor?

No. It is not necessary to telephone me to tell me about *routine* medical care. But keep track of the dates of all medical treatment from now on. I will gather this information from you when we request your hearing; and I may periodically request updated medical information from you.

Under what circumstances should I telephone my representative?

If one of the following things happens, please telephone me:

- * There is a dramatic change in your condition - for the worse or the better.
- * Your doctor gives you a **new** diagnosis of your medical condition.
- * You start seeing a **new** doctor.
- * You are hospitalized.
- * You go back to work.
- * You change your address and/or telephone.
- * Someone from SSA contacts you.
- * You get a notice asking you to attend a consultative examination.
- * You get a letter from SSA that you don't understand.
- * You get a notice from SSA telling you that you are or are not disabled.

But if at any time you have a question about your case, please telephone me.

Sincerely,