

§181 Form: Letter to Claimant Following Initial Interview — Hearing Stage

Client's Name
Street Address
City, State Zip

Re: Disability Case

Dear **Client's Name**:

Enclosed with this letter please find the following:

- A copy of my letter notifying the Social Security Administration that I will be representing you at your hearing;
- Your copy of the Appointment of Representative form; and
- A copy of our contract.

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 when they are going to have a disability hearing. Please read the letter now and keep it as a reference.

How long will it take for a hearing to be held, a decision to be issued and for benefits to be paid?

It varies a lot. Lately, some hearings have been held only a few months from the date a person requests a hearing; but most hearings seem to take longer to be scheduled. After the hearing, it often takes two to three months, as a general rule, for a decision to be issued. After that, if we win, it takes a month or two for current benefits to start being paid. From the date of the decision it can take from one to five or six months for all back benefits to be paid. Thus, all this takes a long time, much longer than it should. I've discovered that there are few opportunities for a representative to speed things up. About all I can do is try not to slow things down.

How will I be notified of when my hearing is?

You should hear from me first. The judge's assistant will telephone me before scheduling your hearing to make sure I don't have any conflicts on my calendar. As soon as I hear from the judge's assistant, I'll send you a letter. After you get the letter from me, you'll get a Notice of Hearing from the judge.

What happens if I get a Notice of Hearing before I get a letter from my representative telling me about the date?

It may be that someone failed to call me about your hearing. So, if you get a Notice of Hearing before you get a letter from me telling you the date of your hearing, **call me immediately**.

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.

What if the Judge sends me a form to be completed by my doctor?

Sometimes a claimant may be sent a form to be completed by a doctor concerning how much work the claimant can do. If the judge sends you a form to be completed by your doctor, telephone me so that we can discuss how to deal with this. I may want you to send the form to me; but call me first so we can discuss it.

Should I send anything to the judge?

No. As a rule, do not send anything of any substance to the judge without your representative seeing it first.

Should I send my representative the "acknowledgement" that comes with the Notice of Hearing?

No. There will be a paper sent to you with your Notice of Hearing that you must mark to indicate that you'll be coming to the hearing. This paper is called an Acknowledgement of Notice of Hearing. You may send the "acknowledgement" directly back to the judge. I don't have to see it. But don't send anything else to the Social Security Administration without me seeing it first.

Will I have to fill out any forms before my hearing?

Yes. Usually the judge will send you some forms to complete about recent medical treatment, what medications you're taking, etc. Complete these forms as soon as possible after you get them and send them to me. I'll forward them to the judge.

What will my representative do to prepare for the hearing?

I will review your social security file. I will figure out what we need to prove to win your case and how to prove it. I will get the necessary medical records and other records. I will obtain reports from your doctors, if necessary. And I will meet with you a day or so before your hearing to get you prepared to testify. I will also talk with any witnesses from whom we may want to present testimony at your hearing.

What can I do to help get ready for my hearing?

Think about who might be a good witness -- someone who knows you well, who knows all the problems you've been having lately and who can describe them for the judge. Most people use as witnesses their spouse, other family member or a close friend because usually they are the ones who know them the best and there really isn't anyone else. Such witnesses are fine. I think they are truthful, good witnesses; but sometimes a judge will think that close friends or family members bend over backwards to help a claimant. Therefore, often the very best witnesses are people who are not as close and who might be considered more objective. In the past my clients have suggested as witnesses former supervisors, co-workers, social workers, vocational rehabilitation counselors, ministers, landlords, neighbors, etc. If you have an idea for having someone like this to be a witness, call me about it when you receive the letter from me notifying you of your hearing date.

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 between now and the time we go to your hearing. When I send you the letter about your hearing date, I'll probably send you a form to complete to tell me about all of the medical care you've received since I first saw you.

Under what circumstances should I telephone my representative?

There probably will be little need for you to telephone me to discuss your case prior to the time I notify you of when your hearing will be held. However, 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 are hospitalized.
- * You go back to work.
- * You change your address and/or telephone.
- * Someone from SSA contacts you.
- * You get a letter from SSA that you don't understand.
- * You get a Notice of Hearing without first getting a letter from me telling you the date of your hearing.
- * You get a form from the judge to be completed by your doctor.

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

Sincerely,

Attorney
Enclosures