

**§297.5      Memo on Preparing Letter for Use in Disability Claim**

**Re:      Preparing A Letter For Use In a Disability Claim**

**To:      Friends, Family & Associates**

You have been asked on behalf of someone you know, a claimant for disability benefits from the Social Security Administration, to write a letter about the claimant's condition that we can submit as evidence in the claim. This memorandum is designed to answer questions people often have about how best to prepare such a letter.

***To whom should I address the letter?***

Address it and send it to me:

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Write the letter as if you were simply writing an informative letter to a friend telling about the claimant's life. Please include your address and telephone number in case someone has questions; and don't forget to sign the letter.

***How do I start?***

A good place to start is by explaining your relationship to the person on whose behalf you are writing, how long you've known him or her, and how often you get to see or talk with him or her.

***Are there any general guidelines?***

- \_\_\_ Tell the truth.
- \_\_\_ Don't exaggerate, but don't minimize the claimant's difficulties.
- \_\_\_ Write from personal knowledge -- your own observations.
- \_\_\_ Provide relevant details and examples but don't ramble.

**[Add this heading and paragraph when dealing with a date last insured problem:]**

***Are there any special issues I should look out for?***

Because of a peculiarity of this case, you need to discuss the claimant's capacity for doing things as it existed on or before **date last insured**. *Everything you describe should pertain to the period of time*

on or before **date last insured**. Also, please note that the claimant alleges that disability began as of **alleged onset date**. Thus, the most important period of time is between these two dates: **alleged onset date** and **date last insured**.

***What is the best approach?***

Your letter may be most helpful if you describe the side of the claimant's life you know best.

Rather than try to do too much, you might pick one or more of the following to write about:

- \_\_\_ Explain how the claimant has changed since becoming disabled, describing his or her life both before and after the disability began.
- \_\_\_ If you've observed the claimant having difficulty performing certain activities, tell about these.
- \_\_\_ Outline the claimant's limited daily activities.
- \_\_\_ If the claimant has a physical disability, describe difficulties you've observed with sitting, standing, walking, lifting, bending, etc.
- \_\_\_ If the claimant has mental limitations, describe difficulties understanding, remembering and carrying out instructions, and in responding appropriately to supervisors, co-workers or work pressures, etc. It helps to include specific examples that you've noticed.
- \_\_\_ Write about things you help the claimant with.
- \_\_\_ Tell about other things you know the claimant needs help with.
- \_\_\_ If pain is involved, you may have noticed difficulty concentrating, loss of concentration or attention, forgetfulness, a quick temper, avoiding other people, crying spells, or poor stress tolerance. These things often are good measures of how much pain a person has, and it is very helpful if people close to the claimant describe these observations in their letters.
- \_\_\_ If the claimant has good days and bad days, describe what the claimant does on a good day and what he or she does on a bad day. Estimate how many times per month the claimant has a bad day.
- \_\_\_ Sometimes a person's disability is what we call "episodic." That is, between episodes the claimant is fairly normal; but the episodes are severe enough and frequent enough

that the person would never be able to hold a job. If this is the claimant's problem, you can help by describing in detail an episode that you have observed and, if you know, estimating how often such episodes occur.

- \_\_\_ If you know that the claimant had a hard time trying to work, tell about these problems and how the claimant tried to cope.

***Is there anything that I shouldn't say?***

As long as you tell the truth, write from personal knowledge and don't exaggerate the claimant's difficulty, there really is nothing you shouldn't say. But here are a few tips:

- \_\_\_ Unless you have a medical background or have some other reason to know about the claimant's medical condition, don't write about medical issues. Leave these for the doctors.
- \_\_\_ Don't focus on the time when someone was hospitalized. People often think it is helpful to describe how bad things were when someone was hospitalized. But we have hospital records for that; and everyone would agree that a disability benefits claimant cannot work while hospitalized. Instead, we need your help describing the claimant's life during more ordinary times.
- \_\_\_ Don't try to play on the sympathy of the judge. The judge will find the claimant disabled based on inability to work, not because the claimant is a nice person or needs money, etc.
- \_\_\_ Don't write about the claimant's inability *to get* a job. The Social Security Act says that the only thing that matters is the claimant's ability *to do* a job.
- \_\_\_ Don't compare the claimant to others who seem less disabled but get disability benefits. Such comparisons don't help and may even give the wrong impression.
- \_\_\_ Don't draw conclusions such as that the claimant can't work or is disabled. We'll let the judge draw his or her own conclusions based on the facts and descriptions you provide.
- \_\_\_ Don't argue the case. Leave that to me.