

§297.6 Sample: Memorandum on Preparing a Letter for Use In a Disability Claim Involving a Mental Impairment

Re: Preparing A Letter For Use In a Disability Claim Involving a Mental Impairment
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 providing your observations 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:

Write the letter as if you were simply writing an informative letter to a friend telling about the claimant's life. Write in your own words using language you would normally use.

Please include your address and telephone number in case someone has questions; and don't forget to sign and date 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 one another.

Are there any general guidelines?

- n Tell the truth.
- n Don't exaggerate, but don't minimize the claimant's difficulties.
- n Write from personal knowledge—your own observations, not what someone else has told you.
- n Provide relevant details and examples but don't ramble.

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:

- n Explain how the claimant has changed since becoming disabled, describing his or her life both before and after the disability began.
- n If you've observed the claimant having difficulty performing certain activities, tell about these.
- n Briefly describe how the claimant's disability has affected his/her ability to maintain social contacts, if applicable.
- n If the claimant has a history of being unable to participate in scheduled activities because of his/her disability, describe missed family dinners, weddings, reunions or other family occasions.
- n If the claimant has difficulty maintaining regular attendance or being punctual at scheduled activities, describe this problem and estimate how often it occurs.
- n If the claimant needs special supervision in order to sustain an ordinary routine, describe this in detail.
- n If the claimant has trouble performing at a consistent pace, describe this.
- n If the claimant is unable to complete a normal workday or workweek, describe this problem.
- n 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.
- n If there is difficulty maintaining socially appropriate behavior or adhering to basic standards of neatness and cleanliness, describe this problem.
- n If the claimant has difficulty traveling in unfamiliar places, describe incidents that demonstrate this.
- n Write about things you help the claimant with.
- n Tell about other things you know the claimant needs help with.
- n If you have noticed difficulty concentrating, inability to pay attention to simple things, forgetfulness, a quick temper, avoiding other people, crying spells, or poor stress tolerance, these things often are good measures of disability; and it is very helpful if people close to the claimant describe these observations in their letters.
- n If the claimant has good days and bad days, describe what s/he does on a good day and what s/he does on a bad day. Estimate how many times per month s/he has a bad day.

- n Sometimes a person's disability is what we call "episodic." That is, between episodes s/he is fairly normal; but the episodes are frequent enough that s/he 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, how often such episodes occur.
- n If you know that the claimant had a hard time trying to work, tell about these problems.

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:

- n 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 that for the doctors.
- n Don't focus on the ancient history of the claimant's problems, such as when the claimant was a child or, really, any time before the claimant became unable to work. We need your help describing the claimant's condition since around the time the claimant applied for disability benefits.
- n 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 patient cannot work while hospitalized. Instead, we need your help describing the claimant's life during more ordinary times.
- n Don't discuss your opinions about the *cause* of the claimant's problems. As long as we demonstrate that the claimant has problems, the ultimate cause does not matter and could become a distracting issue in the case.
- n 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 s/he is a nice person or needs money, *etc.*
- n Don't write about the claimant's inability *to get* a job. The Social Security Act says that the only thing that matters is a claimant's ability *to do* a job.
- n 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.
- n 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.
- n Don't argue the case. Leave that to me.