

## ATTORNEY FEES

The Law Firm of Sullivan & Kehoe, LLP handles Social Security Disability cases on a contingency basis and is paid only if it is successful in obtaining benefits on your behalf. Fees must be approved by a judge and are withheld from retroactive benefits. Fees are limited to no more than 25% of the lump sum that you receive. Future benefits are not affected by attorney fees.

## ABOUT OUR FIRM

Sullivan & Kehoe, LLP was formed in 2002 when Michael T. Sullivan and Francis P. Kehoe merged their practices.

### Michael T. Sullivan, Esq.

A graduate of St. Francis College and St. John's University School of Law, Michael T. Sullivan is a former Senior Staff Attorney with the Office of Hearings and Appeals of the Social Security Administration. He has been in private practice handling Social Security Claims since 1980. He is a member of the New York State, Nassau County and Suffolk County Bar Associations, the Brehon Law Society, and the National Organization of Social Security Claimant's Representatives.



### Francis P. Kehoe, Esq.

A graduate of Adelphi University and Fordham University School of Law, Frank Kehoe joined Michael T. Sullivan in practice in 1995 after working with a litigation firm in Brooklyn, New York. Frank is a member of the New York State, Nassau County and Suffolk County Bar Associations, the Brehon Law Society, and the National Organization of Social Security Claimant's Representatives.



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## SULLIVAN & KEHOE<sup>LLP</sup> ATTORNEYS AT LAW

# FACTS REGARDING YOUR SOCIAL SECURITY DISABILITY CLAIM

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# WHAT IS SOCIAL SECURITY DISABILITY?

The Social Security Act provides two benefit programs for disabled persons: Social Security Disability (SSD) and Supplemental Security Income (SSI).

## Social Security Disability

Social Security Disability is available to individuals who have contributed to a Social Security account. These individuals earn "quarters of coverage" based on their contributions. To meet the required number of quarters, an individual usually must work five (5) out of the last ten (10) years. There are some allowances for younger persons who have not had the opportunity to work for that long.

## Supplemental Security Income

Supplemental Security Income is a need-based program for individuals who are not covered by the SSD program. These benefits are determined based on individual income and assets. The standard in determining whether an individual is disabled for this program is the same as the SSD program.

## Who is "Disabled?"



To be eligible for either of the above benefits, individuals must demonstrate that he or she is "totally disabled." This means they must prove they have a physical or mental

impairment (or a combination of impairments) severe enough to prevent them from performing substantial gainful activity (any regular paying job) for at least twelve (12) consecutive months.

The requirement is not whether an individual would be offered a job, but whether there are jobs available that he or she could perform. There are certain allowances



for individuals of advanced age allowing for a more realistic look at age, education and experience in meeting this test.

# SOCIAL SECURITY CLAIM PROCESS

## The Application

To begin a Social Security Claim, an individual must file an application with the Social Security Administration. Our staff will help in the preparation of that claim and explain the process in detail. It is important that the application is thoroughly completed with the appropriate information.



## The Denial

Unfortunately, an individual should expect that his or her application will be denied. This should not be discouraging as the vast majority of



these claims are denied at the initial application. It is imperative that an individual who truly feels that he or she is disabled appeal this decision within sixty (60) days of the denial.

## Request for Hearing

If an individual is denied, he or she is entitled to request a hearing before a Federal Administrative Law Judge. It is very important during this appeal that the individual's medical records be thoroughly compiled and organized. They should be presented to the Administrative Law Judge in a clear and concise way, highlighting the appropriate Social Security regulations.

## The Hearing

The hearing is the most crucial stage of the appeal process, but there is no need to be nervous or apprehensive about it. The Administrative Law

Judge who presides over the hearing will take testimony under oath, but in an informal manner. This is a private hearing usually held in a small hearing room with only the Judge, the hearing assistant, the claimant's attorney, and the claimant attending.

All the medical records that have been submitted will be admitted into evidence and the testimony of the claimant will be taken concerning the alleged conditions and limitations the individual may have in the work place. Occasionally, the Judge may call in a "vocational expert" to testify about the possibility of training an individual for a different job.

It is important that the Administrative Law Judge be given a clear picture of not only an individual's diagnosis, but also of the limitations he or she is suffering with. The Administrative Law Judge will understand that in certain cases, an individual may be able to suffer through one day of work, but would not be able to hold down employment five days per week.

## The Decision

The Administrative Law Judge will not announce a decision at the hearing. A written decision will be sent, usually within four (4) to six (6) weeks. If the decision is favorable, the claimant will normally begin receiving benefits after a short period. If the decision is not favorable, an appeal to the Appeals Council must be filed within sixty (60) days.



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