

Five Critical Tips to Keep in Mind When Completing Disability Forms

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Perhaps one of the most confusing aspects of winning a Social Security (SSA) disability claim is completing the array of forms during the process.

A question you will inevitably ask is, "Does SSA look at my forms and can they alone win or lose my case?"

My experience is that SSA and/or judges don't usually approve your case based on what you say on the forms. However, they often use what is said in the forms to support a denial of your claim.

This is because if SSA or a judge is going to approve your claim, they will base it on more compelling objective evidence such as medical records and/or treating physicians' opinions regarding your inability to work.

Unfortunately, I have seen what appeared to be an innocent statement by a claimant be the evidence used by the judge to deny the claim.

The inherent problem you have as a claimant is twofold. First, with all due respect, you don't know what you need to prove in order to win your case. Second, you have spent the past several months or years consistently downplaying the severity of your medical problems to anyone you thought was listening (i.e. your employer, family, friends, doctors and SSA). Even though you are constantly in excruciating pain or exhausted; nobody wants to be viewed by others as a whiner. Sound familiar?

Studies consistently show that Americans are more productive and annually work longer hours than workers in any other country; consequently, it isn't fashionable to complain. Instead, Americans "grin and bear it" or we follow the British and keep the proverbial "stiff upper lip."

All too often, your denial mechanism rears its ugly head when you complete SSA forms. The result is that you consistently overstate what you are capable of doing and understate the severity of your symptoms and limitations. Does this also sound familiar?

The problem is that the aforementioned disability strategy may likely kill your chances of winning your SSA case without you even knowing it.

By following these tips when completing SSA's forms you should significantly reduce the likelihood of making a serious mistake that comes back to bite you in the you know what!

Tip #1 You're not Danielle Steele – Please don't write a Book!

Certainly you remember the advice your parents gave you as a teenager – the more you say, the more its gets you in trouble! This is not the time to become a novelist! This clearly applies to competing SSA forms.

SSA does not give you a lot of room to answer the questions and that is good. Limit your answers to the space that has been provided in the question and do not write in the margins or attach additional sheets of paper.

Always answer the question honestly, but keep your answers brief and to the point.

Tip #2 Presume you are having a bad day when providing answers

Remember, a critical issue in a social security disability case is always what activity level are you capable of sustaining on a regular and continuing basis (i.e. a 5 day work week). The issue is never what you can do for only one day. Clearly, almost everyone is capable of performing some activities for one day such that it would make them appear to be capable of working. Never forget...the issue is always what level of activity you can sustain on a daily basis, week after week.

Why should you assume you are having a bad day? Simply put, if you were back working on a sustained basis, most likely every day would be a bad day. Answering as if you're having a bad day is not only an honest answer but is also a more accurate assessment of what activity level you can sustain.

Following this tip will avoid the problem of overestimating what you are capable of doing. It will also keep your denial mechanism honest.

Tip #3 The Big Three - Always focus on the "frequency, severity and duration" of your symptoms and limitations

Another critical issue in a social security disability case is your symptoms and limitations (i.e. pain, fatigue,

concentration problems, inability to maintain any activity for a reasonable period).

Always remember, you are unable to work due to the frequency, severity and duration of your symptoms and limitations, and not due to a diagnosis.

You should mention all the diagnoses that have even a small impact on your inability to work, but you should use 5% of the allotted space to reference diagnoses and 95% to discuss The Big Three and how they limit not only your ability to work but also your ability to function on a daily basis.

Tip #4 Completely resist the urge to be the perfectionist you are!

Before you became ill you were probably an organized perfectionist who was incredibly productive. Everything in your life had its place; I know it kills you it is not that way now. However, this is not the time to be a compulsive, organized perfectionist! Please don't use SSA forms as a launching pad to organize your life.

One of the hallmark's of your inability to work is your concentration problems, memory impairment and brain fog. Your life is now an unorganized mess.

Guess what? SSA needs to see the real you and not a top notch administrative assistant who is articulate and possesses phenomenal organizational and typing skills. Please do not typewrite your answers. Always handwrite them even if your answers become illegible. The clarity of your handwriting and the way you answer the questions tells a lot about the severity of your concentration and memory problems.

Many clients tell me that little by little, it took them days to complete some SSA forms. Your goal should be to have your answers look like it took you days. In fact, if it did take you days, make sure you tell SSA that somewhere on the form.

I have an interesting story for you on this subject. Several years ago I represented a woman who was at one time an outstanding legal secretary. We eventually won her claim before a judge. However, before she retained me and prior to the judge, her claim was actually recommended for approval at an earlier level of review by SSA. Unknown to the client, SSA overturned its own decision and denied her claim.

Why? Because she did a marvelous job typing her answers on the forms. There were no typos and the forms were perfectly organized. A reviewing SSA psychiatrist was so impressed with her work he wanted to hire her! He concluded her memory and concentration problems could not be as severe as she was alleging. His opinion was the forms proved she was capable of performing a simple, sit down job and her claim was denied. We were fortunate to have a judge who overlooked the forms and instead listened to her entire story. However, you may not be so fortunate...so don't take any chances.

Tip #5 If psychological issues play even a small part in preventing you from working, you must allege them on the forms

Although the primary reason you are unable to work may be due to a physical diagnosis, don't overlook the psychological issues that often arise after years of dealing with chronic pain and fatigue. You want to win your case anyway you can, whether it is due to physical or psychological problems, or quite frequently, a combination of both.

My experience in successfully representing chronic pain and chronic fatigue clients all over the country suggests that psychological issues are frequently a significant factor in why many people are unable to work. To totally ignore this fact can be detrimental not only to your well being, but may also cause you to lose your SSA disability claim!

A Social Security judge recently told me that he hates it when a disability attorney "fails to give me several doors to use if I want to approve a case." He believes that using only one door for claim approval is tantamount to the "attorney driving their client off a cliff." I totally agree with the judge. Please don't let this happen to you; you have too much at stake!

What did the judge mean? Simply put, judges like to have several medical conditions to choose from if they want to approve your claim. For example, if a judge believes your claim is not strong enough to be approved based only on your physical diagnosis, they want the option to approve your claim based on another diagnosis, perhaps psychological.

What prevents the judge from simply approving it based on a psychological diagnosis? The problem is you never told SSA on any of the forms you completed that you believed a psychological condition was at least in part responsible for why you can't work!

Thus, a door that could have used to approve your claim does not exist; consequently, the judge has no choice but to deny your claim. This scenario is terribly unfortunate because your claim was denied when the judge was looking for a way to approve it!

The solution is to tell SSA early, often and consistently that you believe a psychological diagnosis plays a part in your inability to work. It is fine to state that it is "secondary to" or "as a result of" dealing with your chronic physical symptoms and limitations.

At the end of the day, you want to win your case anyway you can. I know this is true because all over the country I see it in my client's eyes on the day of the hearing. SSA's monthly benefit check and health insurance benefits mean the same to you regardless of what diagnosis was used to approve your claim.

Remember, proper preparation as well as understanding what you need to prove and how you need to prove it are critical to winning your case. By following these tips, you should avoid making a mistake that you later regret. Scott E. Davis is a social security disability attorney in Phoenix, Arizona and Las Vegas, Nevada. Mr. Davis represents clients throughout the United States. Although Mr. Davis has experience representing clients with a broad spectrum of physical and/or psychological disorders, the majority of his disability practice is devoted to representing individuals with chronic pain and chronic fatigue disorders. In almost every case, a fee is charged only if his client obtains benefits. Mr. Davis invites your questions and inquiries regarding representation via telephone (602) 482-4300, or email: info@scottdavispc.com.