

# What Happens at a Social Security Hearing in Virginia?

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You have gone through the initial denial for Social Security Disability and you have gone through the reconsideration. The next step in the appeal process is the hearing before a Social Security Judge. What happens at this hearing before the Social Security Disability Judge?

FIRST, your file of information has been collected and is bound in a folder for viewing prior to the hearing. This folder will contain the medical information gathered so far, your history of earnings, and the questionnaires you have filled out for Social Security. This folder will also contain the prior decisions by Social Security on your case. It is essential to review this folder prior to the hearing because it contains the evidence that will determine your case. Any additional medical information, you want to present can be presented up until the hearing however, it is best to present it at least one week before the hearing.

SECOND, you will receive a notice regarding the hearing usually about 30 days in advance. This notice will also notify you if a medical advisor or vocational expert will be present at the hearing.

THIRD, the judge will ask for a vocational expert to be present if there are issues in your case regarding transferable skills, your past work skills, non exertional impairments, and what other types of work you may be able to do. The vocational expert is a person trained in vocational issues with a degree in that field.

FOURTH, the judge may ask a medical expert to be at the hearing if your case involves a complex medical issue. The medical expert will be a physician who has reviewed your medical file.

FIFTH, if the judge does not call for a vocational expert or medical advisor, then the only other person in the hearing room will be the judge's assistant who will record the testimony given at the hearing.

SIXTH, the judge or your representative will ask a series of standard questions and your testimony will be given under oath. These questions will focus on your education, work experience, impairments, symptoms, medications, side effects of medications, activities of daily living, etc. Most hearings do not last more than an hour. The judge will also hear testimony from any witnesses you have brought about the effect your impairments have had on your ability to function.

SEVENTH, after you and your witnesses testify, the judge will then often take the testimony of a vocational expert. The expert will testify regarding the skill level of your past relevant work. The judge then may ask the expert a series of hypothetical questions. For example, the judge may say assuming a hypothetical person like Mr. John Doe has the residual functional capacity to do perform low stress sedentary work, are there jobs in significant numbers within those restrictions? Generally, if the vocational expert can suggest jobs Mr. Doe can still do despite his impairments, then Mr. Doe will probably not receive benefits. In more rare situations if a medical advisor is present, the judge will ask the medical advisor questions about your condition. Your representative will be allowed to cross examine the vocational expert and/or the medical expert.

EIGHTH, after all the testimony, the judge will allow the claimant's representative to make a final argument. Then, the record will close. Usually, the judge will not announce his decision at the time of the hearing. Instead, he will mail the decision to the claimant and his/her representative within 30 days of the hearing. The decision will summarize the medical evidence and the testimony. It will either be "favorable" or "unfavorable." If the judge feels the medical record is incomplete, he/she may ask for a Social Security Doctor to do a further examination of the claimant. The judge will then hold the record open for this examination.

NINTH, if the decision is unfavorable, your case can be appealed further to the Appeals Council but one should strive to win your case before the judge because the Appeals Council rarely reverses the Social Security Judge.

TENTH, if you win, your decision will be forwarded on to the processing center and you will start receiving benefits usually within 60 days. If you have provided Social Security your bank information, your benefits will be directly deposited to your bank account.

In conclusion, the hearing before a Social Security Judge can involve complex issues regarding your work history, your impairments, and your future prospects. The hearing can involve testimony from expert witnesses. It is utter folly to represent yourself in this proceeding. As someone once said, "He who represents himself has a fool for an attorney." You need to obtain the services of an experienced Social Security Attorney after your case is denied at the initial level.

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