

What if I have no doctor at the time SSA is reviewing my case?

It is very important that you find a doctor as soon as possible. If you recently moved and have not obtained a new doctor, you must do so as soon as possible. Many cases are reviewed by SSA because of the lack of medical treatment. SSA will assume that you are not going to the doctor because you got better. If you are having severe medical problems or a medical emergency, you should go to the hospital emergency room. But as soon as possible; thereafter, you should find a doctor. Many cessation cases can be stopped if proper measures are taken early on. Seek legal assistance as soon as possible.

About FloridaLawHelp.org

FloridaLawHelp.org is administered by Florida Legal Services, Inc. and is produced in cooperation with Pro Bono Net and the legal services organizations and government agencies throughout Florida and the United States.



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This brochure is for general education only. It is not intended to be used to solve *individual problems*. If you have specific questions, see an attorney.

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To locate your local legal aid or legal services office, please visit us on the web at

www.floridalawhelp.org

Your local legal aid or legal services office can be located through either the "Find Local Help" or "Directory" links.

If you don't have access to the internet, consult your local Directory Assistance for the number of the legal aid or legal services office nearest to you.

Special thanks to Community Legal Services of Mid-Florida, Inc.

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**What To Do
When
Social
Security
Decides Your
Disability Has
Ended**



How will I know that the Social Security Administration is reviewing my case for medical improvement?

The Social Security Administration (SSA) reviews disability cases for medical improvement about every four to five years. You will know when your case is being reviewed because, you will receive a notice in the mail that Social Security is reviewing your case and asking for you to complete forms and return them by a certain date.

What if SSA finds I got better after their initial review?

You have sixty (60) days to appeal by filing a Request for Reconsideration—Cessation of Disability. BUT you have only ten (10) days to appeal it and request that your benefits continue while you appeal. You can get the necessary forms to appeal the cessation notice at your local Social Security office. You must specifically request that your benefits continue and ask for the form to check and sign requesting same. You may request that not only your benefits continue but your dependents' benefits as well. Failure to timely make this request may result in the loss of benefits while you fight the cessation decision.



What do I do when I receive the notice from SSA?

It would be to your benefit to seek legal assistance as soon as possible, even upon receipt of this notice. Many cases result in findings of medical improvement and benefits stop because the client fails to properly and timely respond to this notice and/or subsequent ones or the client completes the questionnaire incorrectly.

In completing the forms, it is important to be truthful and accurate in your reporting. For example, if you are asked how much walking you can do, do not guess but actually measure in time how many minutes/hours you can walk before you need to stop and rest.

It is also important that you disclose all of your current and past medical providers. SSA will then obtain their records to verify that your impairments continue to render you disabled. Because SSA reviews cases periodically, it is important that you continue to complain to your doctor about all of your impairments and how they make you feel each and every time you see the doctor. You know that you did not get better and so does your doctor; however, if SSA reviews the records and they stop referencing your impairments, SSA will assume you got better.

Should I request a hearing on Reconsideration?

Yes, you should also contact an attorney as soon as possible to assist you in this appeal. If you contact Community Legal Services, we will evaluate your case for merit and undertake representation if we believe we can help.

Will any new medical problems be considered by SSA in the cessation case?

Yes, any and all impairments suffered by you must be evaluated and considered in determining whether you have had medical improvement, which would allow you to return to work at a substantially gainful level. You should submit all medical evidence documenting all of your impairments to SSA. If you are unable to obtain the medical records, SSA will obtain them for you as long as you have completed the medical authorizations allowing them to do so and have provided them with the medical provider's information.

What if my doctor is supportive of my continuing disability case?

If your doctor indicates that he believes you remain totally disabled, it certainly would not hurt if his treatment notes actually stated just that. What is particularly helpful is when a doctor sets out your specific limitations, such as how much standing, walking, sitting, lifting, reaching, handling and the like, you are able to do at a time or on a sustained basis over an average work day. Your doctor can be a great asset in your case.

What if my doctor is not supportive of my case?

You should consider changing doctors if you believe your doctor is not understanding the extent of your impairments. A doctor who is unsupportive of you can hurt your case. You should try to communicate with your doctor just how your impairments are affecting you on a daily basis. If your doctor does not listen or does not believe you, you should consider changing doctors.