

The Social Security Administration (SSA) Appeals Process

INFORMATION FOR CASE WORKERS AND APPLICANTS

If Social Security denied your application for disability benefits, you may request an appeal. Social Security has four appeal levels. This document discusses the first two levels: Reconsideration and Administrative Law Judge Hearing.

SSA Appeals Process

Overview

If Social Security denied your application for disability benefits, you may request an appeal. Social Security has four appeal levels:

- Reconsideration
- Hearing by an Administrative Law Judge
- Review by the Appeals Council
- Federal Court Review

When can I appeal?

Your request must be in writing and received within 60 days (about 2 months) of the date you receive the decision letter from Social Security. If your request is late, you will need to submit a *“good cause for late filing request”* to SSA. Your representative can help you write this letter.

Reconsideration

A reconsideration is a complete review of your claim by someone who did not take part in the first decision. Social Security will look at all the evidence submitted for the original decision, plus any new evidence.

Who can help with my reconsideration?

You have the right to obtain help at any stage of the appeal process. A SOAR-trained caseworker or another representative can help you through a reconsideration level appeal.

- Someone you appoint to help you is called your representative. SSA will work with your representative just as they would work with you. Your representative can act for you in most Social Security matters and will receive a copy of any decisions SSA makes about your application.

What can I expect during reconsideration?

Social Security will review your disability application. A person who did not take part in the first decision will review all records from your original application and any new information you provide. You should continue to attend all your regular appointments and any exams Social Security schedules for you. When Social Security decides your reconsideration, you and your representative will get a letter explaining the decision. If your reconsideration is approved, Social Security will contact you to start payments.

Administrative Law Judge (ALJ) Hearing

If you disagree with the reconsideration decision, you may request a hearing. The hearing will be conducted by a judge who had no part in the original decision or the reconsideration of your case. Before the hearing, the administrative law judge will review all the records from your initial application and reconsideration, and any new evidence you or your representative submit.

Who evaluates the claim?

The Administrative Law Judge (ALJ) will use the information from your case to make a decision. ALJs can use the expertise of **MEDICAL EXPERTS** and **VOCATIONAL EXPERTS** to help decide your case.

- **MEDICAL EXPERTS** (ME) are doctors who review all the medical records in your application before the hearing. The ALJ will ask the ME questions about your condition(s) at the hearing.
- **VOCATIONAL EXPERTS** (VE) are professionals who review the information in your claim and give their opinion on your ability to do past work or other types of work.

Who can help with my hearing?

If you do not feel comfortable representing yourself at an ALJ hearing, you can have someone else represent you. If your SOAR case worker is unable to assist, you may want to get help from an attorney or non-attorney representative. Many legal aid centers and law school legal clinics provide free services to help you through your ALJ hearing. You can also hire a private attorney, law firm, or non-attorney representative. Your representative cannot charge or collect a fee from you without first getting written approval from Social Security.

Generally, the fees representatives charge cannot be more than \$6,000. Most representatives who charge for their services will only collect fees if your claim is approved. A representative may also collect additional fees for out-of-pocket expenses incurred during the time they represented you.

What can I do before my ALJ hearing?

It can take several months for SSA to schedule an ALJ hearing. During this time, you should continue attending all your regular appointments. Continue to follow the prescribed treatment from your doctor and other healthcare providers. Let your SOAR caseworker or other representative know about any new appointments or medication.

Setting the Manner of Appearance

- After you submit your hearing request, OHO will mail you a *Notice of Ways to Attend a Hearing package* which provides information about how you can appear at a hearing along with two forms:
 - Objection to Appearing by Audio or Agency Video (submit to SSA within 30 days if you object to having your hearing by audio/telephone and/or agency video)
 - Agreement to Appearing by Online Video (submit only if you agree to appear at your hearing by online video)
- To learn more about all of the hearing options, you can watch the video "[Ways to Attend Your Social Security Hearing Before a Judge](#)" or visit "[Hearing and Appeals](#)" on SSA's website.

What happens at an ALJ hearing?

At the hearing, the ALJ may ask you questions about your conditions and work history. You have the right to bring personal witnesses to your hearing. During your hearing, the ALJ may question you, your witnesses, your representative, and the ME and VE. You and your representative will also have a chance to speak and ask questions. Social Security will send you a letter once the ALJ decides your appeal.

What happens after an ALJ hearing?

If the ALJ approves your appeal, you will begin receiving benefits. If the ALJ denies your appeal, you can move to the Appeals Council (AC) level, file a new claim, or end the application process. You can discuss each option with your representative.

Representative and Legal Resources

American Bar Association

- The [American Bar Association](#) can help you locate the bar association for lawyers in your state

National Organization of Social Security Claimants' Representatives (NOSSCR)

- [NOSSCR](#) provides referrals to attorneys and non-attorney representatives in your local area
- Phone: 800-431-2804
- Email: nosscr@nosscr.org

National Association of Disability Representatives (NADR)

- <https://www.nadr.org/search/custom.asp?id=1689>
- NADR provides referrals to attorneys and non-attorney representatives in your local area
- Phone: 1-800-747-6131

State or Local Legal Aid

- Legal Services Corporation (LSC)
- <https://www.lsc.gov/what-legal-aid/find-legal-aid>
- Provides information about LSC-funded state or local legal aid agencies
- Phone: 1-202-295-1500

LawHelp.org

- <https://www.lawhelp.org/>
- Helps people find free legal aid programs in their communities

Law School Legal Clinics

If there are Law Schools in your community, search to see if they offer legal clinics with supervised law students.