

Quick Guide to the SSDI Process

Information provided by:
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Types of Social Security Disability Benefits

- Social Security Disability Insurance (SSDI, SSD or DIB) — based on work history
- Supplemental Security Income (SSI) — based on financial need

Five-step Analysis for Determining Disability

- ***Are you working?*** The Social Security Administration (SSA) does not consider you disabled if you are engaged in “substantial gainful activity” (SGA).
- ***Do you have a severe impairment?*** Almost any impairment affecting one’s ability to work meets this requirement. Although a severe impairment does not necessarily mean you are disabled, this determination is necessary to proceed with the analysis.
- ***Do you have a listed impairment?*** The Social Security Administration maintains a list of severe impairments that would prevent a person from working regardless of age, education or previous work experience. If your impairment meets or equals any impairment on this list, the SSA considers you disabled. Otherwise, you must proceed with the next step.
- ***Can you perform your past relevant work?*** You do not qualify as disabled if you can perform your past relevant work, which includes any SGA you have performed in the past 15 years. If you cannot perform your past relevant work, the SSA considers whether you can perform other types of work.
- ***Is there other work in the regional or national economy that you can perform?*** The Social Security Administration must determine whether you have the ability to perform a significant number of other jobs. If not, the SSA considers you disabled. Factors that affect this determination include your age, education, job skills and impairment(s).

Process for Obtaining SSDI Benefits

- **Initial application.** You must apply for benefits with the Social Security Administration, briefly explaining why you believe you are disabled. The SSA will request your medical

records and may require a consultative examination with a doctor, psychologist or psychiatrist before making a determination.

- **Reconsideration.** If the SSA denies your initial application, the next step is to request reconsideration. In most cases, the Social Security Administration makes the same determination. However, this is a necessary step in the appeals process.
- **Hearing before an Administrative Law Judge (ALJ).** After reconsideration, you can request a hearing. An ALJ will review the records already submitted to the SSA in addition to ordering additional tests or obtaining expert testimony. You will have an opportunity to testify at the hearing.
- **Appeals Council.** If the Administrative Law Judge denies your claim or issues a “partially favorable” decision, you can appeal the ruling to the Appeals Council, a group of judges who oversee ALJ decisions. Decisions by the Appeals Council constitute final SSA rulings.
- **United States District Court.** If the Appeals Council denies your claim, you may have grounds for filing a federal lawsuit against the Social Security Administration for failure to follow the law in determining your eligibility for benefits.
- **Circuit Court of Appeals.** You can appeal a district court decision to the Circuit Court of Appeals, which may reverse and remand a case for payment of benefits, though such decisions are rare.
- **Supreme Court.** SSDI appeals rarely make it to the Supreme Court, which only hears cases involving important issues of law that need to be decided.

For more information about the SSDI process, contact **Troutman & Troutman** today at (918) 587-0050 or toll free at (888) 549-0050 to schedule a free initial consultation.