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# Denials of Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI)

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Social Security offices are offering telephone and in-person services to people. SSA strongly encourages people to go online or call and schedule an appointment in advance to ensure timely assistance, as some offices may have adjusted schedules or be open by appointment only.

**IMPORTANT: IF YOUR APPLICATION FOR SOCIAL SECURITY BENEFITS WAS DENIED, YOU MUST MEET THE APPEAL DEADLINE.**

*Generally, you have 60 days after you receive the notice of the SSA's decision to ask for any type of appeal.*

You may appeal online. See Social Security Administration's "Appeal A Decision" at this link: <https://www.ssa.gov/benefits/disability/appeal.html>

You may also call your local SSA office to get the appeal forms mailed to you. Use your zip code to find your local SSA office contact information here: <https://secure.ssa.gov/ICON/main.jsp>

**\*\*\* PLEASE NOTE: Calling SSA does NOT preserve your appeal\*\*\* You must submit the appeal within the 60-day window!**

After initiating a claim, three levels of appeal must be pursued in this order:

1. If your initial claim is denied, you may request Reconsideration:
  - A. You have 60 days to request the reconsideration appeal from the date you are notified by the Social Security Administration (SSA) your application was denied.
  - B. Social Security assumes you received the notification within 5 days of the date printed on the notice.
2. If your Request For Reconsideration is denied, you may request a Hearing with an Administrative Law Judge (ALJ):
  - A. You have 60 days to request a hearing from when you are notified by the Social Security Administration (SSA) your Request For Reconsideration was denied.
  - B. Once again, Social Security assumes you received the notification within 5 days of the date printed on the notice.
3. If the ALJ denies your claim after a hearing, you may request a Review by the Appeals Council:
  - A. You have 60 days to request this review from when you are notified by the Social Security Administration (SSA) that the ALJ made an unfavorable decision.
  - B. Once more, Social Security assumes you received the notification within 5 days of the date printed on the notice.

Detailed instructions are provided below on how to appeal at each of these levels. To file your appeal, you will need to have the following documents and information:

- Your name, Date of Birth, Social Security Number, telephone number, and address
- The most recent denial notice with the date of the denial
- List of any medical providers (name, address, and phone number) you have seen since your last appeal or since you applied, including the dates of your first, last, and upcoming appointments.
- List of prescription medications you take with the prescribing doctor's name

## **I. RECONSIDERATION**

Reconsideration is the first stage of the Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) appeal process. 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 when the original decision was made,

plus any new evidence you submit.

### **How to request Reconsideration:**

You must request Reconsideration no later than sixty (60) days from the date you receive your initial denial notice. The date of your denial will always be listed in the upper-right corner of your denial notice. The Social Security Administration (SSA) assumes you received the notice within 5 days of the date printed on the notice. SSA prefers individuals to appeal online, via SSA's website at [Appeal A Decision](#). You may also call your local SSA office and request that they mail you the appeal forms. You may find your local office by using your zip code here:

<https://secure.ssa.gov/ICON/main.jsp> or calling 1-800-772-1213.

***\*\*Calling SSA to request the forms DOES NOT preserve your appeal. ONLY FILING THE FORMS will preserve your appeal\*\****

If you are requesting Reconsideration after the 60-day deadline, you must show Social Security you have a good cause for filing late. You must write an extra statement (called a "good cause statement") explaining the reason you did not request Reconsideration within 60 days. If SSA determines you did not have good cause for filing late, you can appeal that decision. The same appeal deadlines apply.

If you do not want to appeal SSA's decision about whether you had good cause for filing late, then you would have to reapply for benefits. If you reapply, you should use the same "onset date" (the date you became disabled and no longer able to work) you used in your previous application and request that the prior application be re-opened, which could potentially override SSA's decision about filing late.

To request Reconsideration, follow these steps:

1. On the "Appeal a Decision We Made" page, click on the Reconsideration tab, pictured below.

### **Request reconsideration**

[Start by asking us to reconsider](#) a decision we made.

2. On the expanded tab, click on the "Request Disability Reconsideration" button, pictured below.



## Request disability reconsideration

An examiner from a Disability Determination Services (DDS) office in your state will review your request and original application.

[Start disability request](#)

[Enter your re-entry number](#) to finish your disability request.

3. Clicking on the “Start disability request” button will launch a new page. Click on the “Start a New Appeal” button. Please be advised that the process will require certain personal information, including your Social Security Number, and may take a minimum of sixty (60) minutes to complete.

### Submit an Appeal

Completing your appeal online may take 40 to 60 minutes. Your answers will be saved automatically so you can take a break at any time before submitting your appeal.

[Start a New Appeal](#)

or

[Return to a Saved Appeal](#)

4. Complete the appeal form to the best of your ability, making sure to answer all questions as completely and accurately as possible.
5. When you complete your appeal, you will be offered the opportunity to print or save a receipt or confirmation page. **MAKE SURE TO PRINT AND/OR SAVE A COPY OF YOUR RECEIPT!** This will be exceptionally useful in case SSA misplaces your appeal application. Keep a copy of your receipt safe and in a secure place.
6. If you are unable to complete the whole appeal at one time, be sure to copy the Re-Entry Number so that you can return to the appeal you already started.
7. It is most important that you answer the questions to the best of your ability and hit “submit appeal” within the 60-day window.

## II. ADMINISTRATIVE LAW JUDGE (ALJ) HEARING

If your claim for Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) was denied at the Reconsideration step, you can appeal the Reconsideration decision and request a hearing before an Administrative Law Judge (ALJ). The ALJ hearing is the second stage of the appeals process.

The ALJ Hearing can either be in person, by telephone, or via video. You have the right to request an in-person hearing instead of a phone or video hearing, though this may result in additional delay. You and your representative, if you have one, may look at evidence in the case file that the Social Security Administration (SSA) used to deny your application and submit new evidence. You must submit any additional evidence you want the ALJ to consider as soon as possible.

During the hearing, the ALJ will explain the issues in your case and may question you and any witnesses you bring to the hearing. The ALJ may also request that experts, such as vocational experts or medical experts, attend the hearing to testify. You will be required to answer all questions under oath, and, although the hearing is informal, the audio of the hearing will be recorded (they record the audio regardless of whether you appear in person, via video teleconference, or by telephone). You will also have the opportunity to ask witnesses any questions and submit evidence after the hearing if you request.

After your hearing, the ALJ issues a written decision after studying all the evidence. The ALJ will send you and your representative, if you have one, a copy of the decision or dismissal order.

### **How to Request a Hearing by an Administrative Law Judge (ALJ)**

You must request an ALJ Hearing within sixty (60) days from the date of your reconsideration denial notice. The date of your denial will always be listed in the upper-right corner of your denial notice. The Social Security Administration (SSA) prefers individuals to appeal online, via SSA's website at [Appeal A Decision](https://secure.ssa.gov/ICON/main.jsp). You may also call your local SSA office and request that they mail you the appeal forms. You may find your local office by using your zip code here <https://secure.ssa.gov/ICON/main.jsp> or by calling 1-800-772-1213.

If you are requesting an ALJ Hearing beyond the 60-day deadline, you must write a good cause statement explaining why you did not request an ALJ hearing within 60 days. If the ALJ determines you did not have good cause for filing late, you can appeal that decision. The same appeal deadlines apply. If you do not want to appeal

SSA's decision about whether you had good cause for filing late, then you would have to reapply for benefits. If you reapply, you should use the same "onset date" (the date you became disabled) you used in your previous application and request the previous application be "re-opened."

If you are applying for an ALJ Hearing, follow these steps:

1. On the "Appeal a Decision We Made" page, click on the "Hearing by an Administrative Law Judge" tab, pictured below.

## **Hearing with a judge**

[Request a hearing](#) with an administrative law judge if you disagree with our response to your request for reconsideration.

2. On the expanded tab, click on the "Request Medical Hearing" button, pictured below.



## **Request disability hearing**

Your hearing will be online, in person, or by phone. [See more about how you'll do the hearing](#). A judge will review your evidence, ask questions about your medical condition, and may call on medical experts or witnesses to testify.

**Start disability request**

[Enter your re-entry number](#) to finish a disability request.

3. Clicking on the "Start Request" button will launch a new page. Click on the "Start a New Appeal" button. Please be advised that the process will require certain personal information, including your Social Security Number, and may take up to sixty (60) minutes to complete.

## Submit an Appeal

Completing your appeal online may take 40 to 60 minutes. Your answers will be saved automatically so you can take a break at any time before submitting your appeal.

Start a New Appeal

or

Return to a Saved Appeal

4. Complete the appeal application to the best of your ability, making sure to answer all questions as completely and accurately as possible.
5. When you complete your appeal, **MAKE SURE TO PRINT AND/OR SAVE A COPY OF YOUR RECEIPT!** This will be exceptionally useful in case, for whatever reason, SSA misplaces the appeal application. Keep it safe and in a secure place.
6. If you are unable to complete the whole appeal at one time, be sure to copy the Re-Entry Number so that you can return to the appeal you already started.
7. It is most important that you answer the questions to the best of your ability and hit “submit appeal” within the 60-day window.

### III. APPEALS COUNCIL REVIEW

If you disagree with the ALJ’s hearing decision, the next step in the appeals process is to Request Review by the Appeals Council. The Appeals Council looks at all requests for review, but it may deny a request for review if it believes the hearing decision was correct.

If the Appeals Council decides to review your case, it will either decide your case itself or return it to an ALJ for further review. When the Appeals Council reviews your case, it may consider any of the issues considered by the ALJ, including those issues which were favorably decided in your case. You will receive a copy of the Appeals Council’s final action on your case.

#### How to Request Review by the Appeals Council

You must request an Appeals Council Review within sixty (60) days from the date of your ALJ Hearing denial notice. The date of your denial will always be listed in the upper-right corner of your denial notice. The Social Security Administration (SSA) prefers that individuals appeal online, via SSA’s website at [Appeal A Decision](#). You may also file a request for review on paper using [this form](#). You can drop off the

form at your local Social Security Office, or send it to the Appeals Council via certified mail, return receipt, to the **Social Security Administration, Office of Appellate Operations, 6401 Security Blvd. Baltimore, MD 21235-6401**. You may find the request form online at [www.ssa.gov](http://www.ssa.gov). If you are requesting an Appeals Council Review beyond the 60-day deadline, you must write a good cause statement explaining why you did not request an Appeals Council review within 60 days.

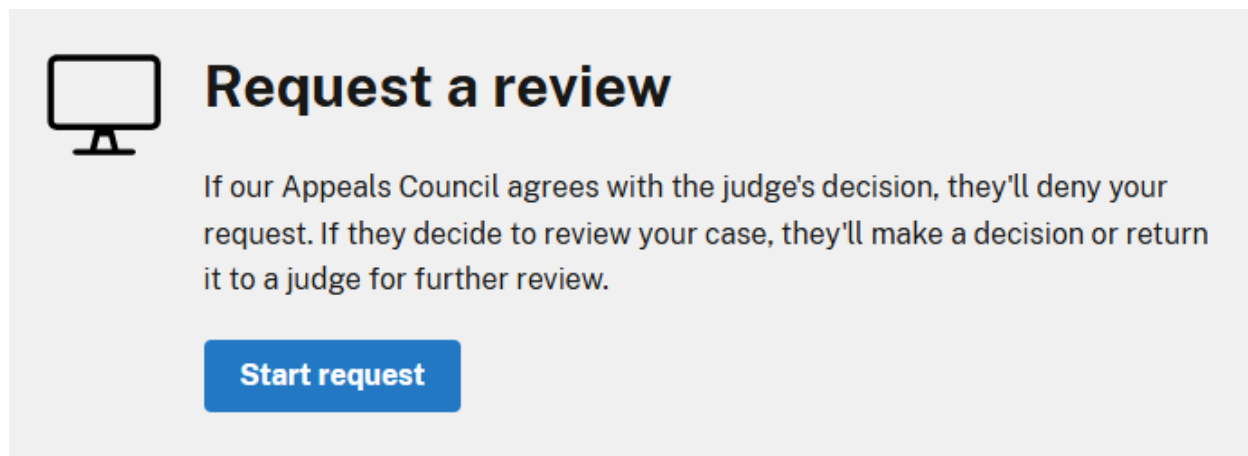
If you are applying for Appeals Council Review, follow these steps:


1. On the “Appeal a Decision We Made” page, click on the “Request for Review by the Appeals Council” tab, pictured below.

### **Review of hearing decision**

[Request a review](#) with the Appeals Council if you disagree with the decision made by the judge in your hearing.

2. On the expanded tab, click on the “Request Appeals Council Review” button, pictured below.

A screenshot of a web interface. On the left is a computer monitor icon. To its right is the heading "Request a review" in bold. Below the heading is a paragraph of text: "If our Appeals Council agrees with the judge's decision, they'll deny your request. If they decide to review your case, they'll make a decision or return it to a judge for further review." At the bottom of this section is a blue button with the text "Start request" in white.

 **Request a review**

If our Appeals Council agrees with the judge's decision, they'll deny your request. If they decide to review your case, they'll make a decision or return it to a judge for further review.

[Start request](#)

3. Clicking on the “Request A Review” button will launch a new page. Click on the “Start request” button. Please be advised that the process will require certain personal information, including your Social Security Number, and may take up to fifteen (15) minutes to complete.



## Submit an Appeal

Completing your appeal online may take 10 to 15 minutes. Your answers will be saved automatically as you go through your appeal, but you will not be able to leave the application and come back to it later.

[Start an Appeal](#)

4. Complete the appeal form to the best of your ability, making sure to answer all questions as completely and accurately as possible.

If you need to mail or fax a copy of your AC appeal, you may find your local office by using your zip code here <https://secure.ssa.gov/ICON/main.jsp> or by calling 1-800-772-1213. When you complete your appeal, you will be given the option to print a receipt or confirmation page. **MAKE SURE TO PRINT AND/OR SAVE A COPY OF YOUR RECEIPT!** Keep it safe and in a secure place.

### IV. FEDERAL DISTRICT COURT

If the Appeals Council denies your request for review, you may appeal by filing a case in federal district court. This article does not cover the district court process. Filing a district court appeal is more complex than the prior levels of appeal, so you may wish to consult with an attorney if you decide to pursue this step.

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(c) Legal Assistance of Western New York, Inc. ®

This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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