

Legal Assistance of Western New York, Inc. ®



We provide free legal aid to people with civil legal problems in western New York.

www.lawny.org

Social Security Denials During COVID-19

To keep up to date with what is going on at the Social Security Administration (SSA) in light of the COVID-19 pandemic, use this link: <https://www.ssa.gov/coronavirus/>

IMPORTANT: IF YOUR APPLICATION FOR SOCIAL SECURITY BENEFITS WAS DENIED, YOU STILL 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. Find your local SSA office contact information here <https://secure.ssa.gov/ICON/main.jsp>

***** PLEASE NOTE: Calling SSA does NOT preserve your appeal.**

****** PLEASE ALSO NOTE: All SSA offices are closed to walk-ins due to the COVID-19 pandemic. You may not visit your local SSA office.**

After initiating a claim, there are three levels of appeal that can be pursued:

1. If your initial claim is denied, you may request **Reconsideration**: You have 60 days from when you are notified by the Social Security Administration (SSA) that your application was denied.

2. If your request for reconsideration is denied, you may request a **Hearing by an Administrative Law Judge (ALJ)**: You have 60 days from when you are notified by the Social Security Administration (SSA) that your request for reconsideration was denied.

3. If the ALJ denies your claim after a hearing, you may request an **Review by the Appeals Council**: You have 60 days from when you are notified by the Social Security Administration (SSA) that the ALJ made an unfavorable decision.

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

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

I. RECONSIDERATION

Reconsideration is the first stage of the Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) appeals 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.

How to request Reconsideration

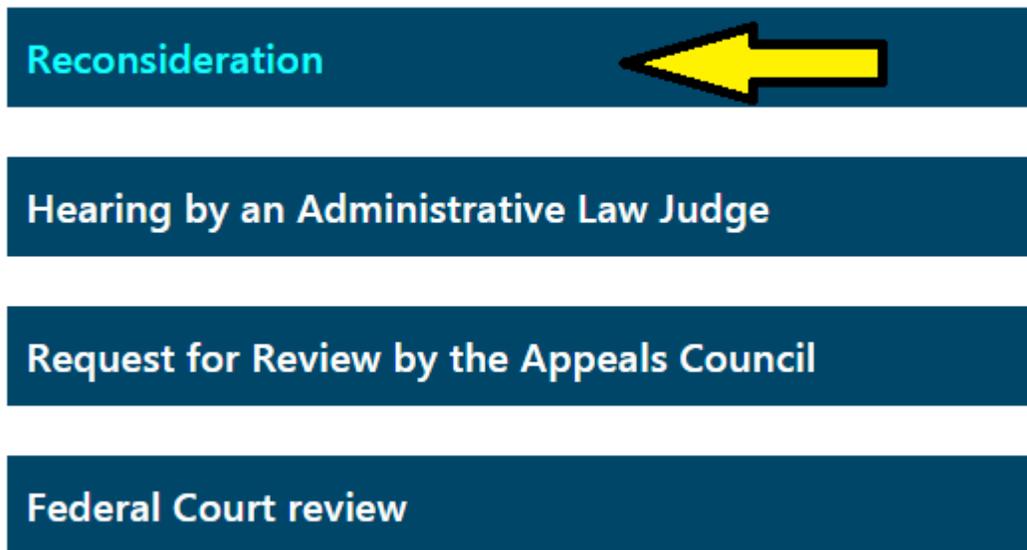
You must request Reconsideration within **sixty (60) days from the date of your initial denial notice**. The date of your denial will always be listed in the upper-right corner of your denial notice. The Social Security Administration (SSA) prefers individuals to appeal online, via SSA's website at [Appeal 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.

If you are requesting Reconsideration beyond the 60 day deadline, you must show good cause for the late filing. 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 that you do not have good cause for a late filing, you would have to reapply for benefits. If you reapply, you should use the same "onset date" (the date you became disabled) that you used in your previous application and request that the previous application be re-opened.

To request Reconsideration, follow these steps:

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

Hearings and Appeals Process.



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

Reconsideration

Request a Reconsideration Online for a Medical D

If your disability claim was recently denied for medical reasons, appeal online.

A reconsideration is a complete review of your claim by someone other than the person who made the first determination. We will look at all the evidence from the original determination, plus any new evidence.

[Request Medical Reconsideration](#)



[Continue Request for Medical Reconsideration You Started](#)

Request a Reconsideration Online for a Non-Medical Determination

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

- Medicines you are currently taking
- Changes in your medical conditions, daily activities, work, and education
- [Supporting documents](#) including forms, medical reports, and written statements

Being prepared will help you spend less time to complete your disability appeal.

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](#)

Follow Up

After you are finished, we will contact you with any updates or questions we have.

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, **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.

II. ADMINISTRATIVE LAW JUDGE (ALJ) HEARING

If your claim for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) 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 typically takes place with an ALJ assigned to your district and can either be in person or via video-conference. You and your representative, if you have one, may look at evidence in the case file the Social Security Administration (SSA) used to deny your application and submit new evidence. It is extremely important that you 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 ask experts, such as doctors or vocational experts, to come to the hearing to testify. You will be required to answer all questions under oath and, though the hearing is informal, you will be recorded. You will also have the opportunity to ask witnesses any questions and submit evidence during the hearing.

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 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.

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 SSA determines that you do not have good cause for a late filing, you would have to reapply for benefits. If you reapply, you should use the same "onset date" (the date you became disabled) that you used in your previous application and request that the previous application be "re-opened."

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

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

To learn more about each appeal level, visit [Information About Hearings and Appeals Process](#).

Reconsideration

Hearing by an Administrative Law Judge



Request for Review by the Appeals Council

Federal Court review

You can also file an appeal by calling our toll-free number, 1-800-455-4774.

2. On the expanded tab, click on the “**Request Medical Hearing**” button, pictured below.

Hearing by an Administrative Law Judge

Request a Hearing for a Medical Determination Online

A hearing is conducted by an administrative law judge who had no part in the original determination or the reconsideration of your case. The hearing is held within 60 miles of your home. If you disagree with the determination at the reconsideration level, you may request a hearing online.



[Request Medical Hearing](#)

[Continue Medical Hearing Request You Started](#)

Request a Hearing for a Non-Medical Determination Online

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

- Medicines you are currently taking
- Changes in your medical conditions, daily activities, work, and education
- [Supporting documents](#) including forms, medical reports, and written statements

Being prepared will help you spend less time to complete your disability appeal online.

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

Follow up

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.

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 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 that were favorably decided in your case. You will receive a copy of the Appeals Council's final action on your case.

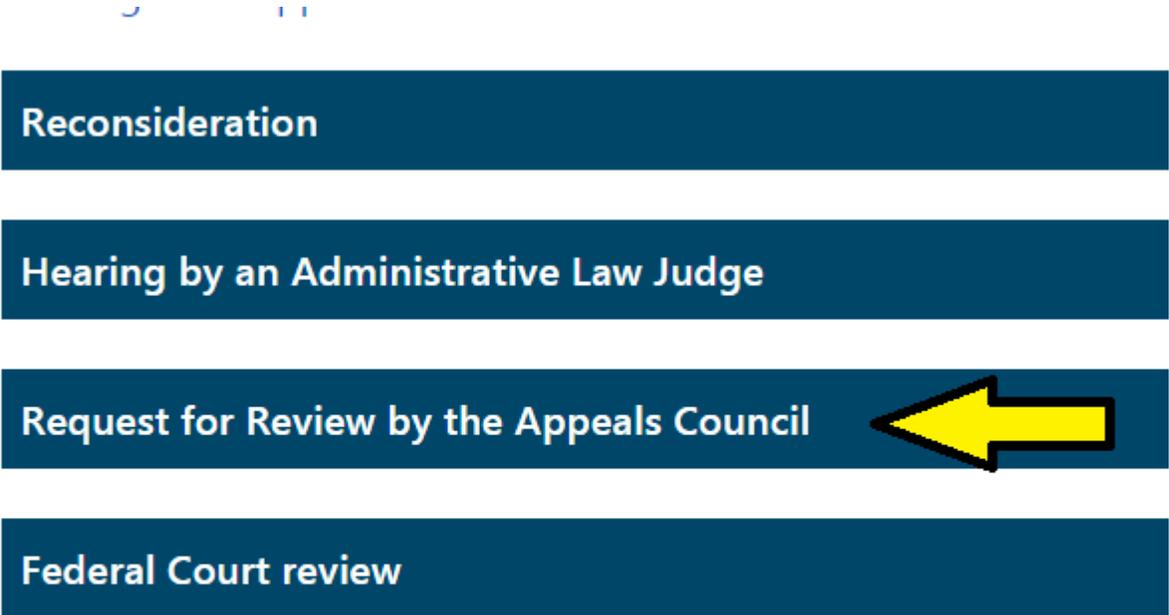
How to Request Review by the Appeals Council

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 individuals appeal online, via SSA's at [Appeal A Decision](#). You may also file the Request for Review form with the Appeals Council by mailing it certified mail, return receipt, to 5107 Leesburg Pike, Falls Church, VA 22041. You may find the request form online at 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 Appeals Council review within 60 days. If the Appeals Council determines that you do not have good cause for a late filing, you would have to reapply for benefits.

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

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



Reconsideration

Hearing by an Administrative Law Judge

Request for Review by the Appeals Council



Federal Court review

You can also file an appeal by calling our toll-free number, **1-800-800-325-0778**) or contacting your [local Social Security office](#).

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

Request an Appeals Council review of a decision or dismissal made by an administrative law judge

The Appeals Council looks at all requests for review, but it may deny a request if it believes the hearing decision was supported and in accordance with social security law and regulations. If the Appeals Council decides to review your case, it will either decide your case itself or return it to an administrative law judge for further review. If you disagree with the hearing decision, you may request a review by Social Security’s Appeals Council online.

Request Appeals Council Review



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

- name, address, and phone number of your personal [appointed representative](#) if you have one

Being prepared will help you spend less time to complete your appeal online.

You will be able to provide supporting documents either online or by mail. Certain documents we can only accept as originals or certified copies; you will need to bring or mail them to [local Social Security Office](#).

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](#)



[Privacy Policy](#) | [Website Policies & Other Important Information](#)

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

When you complete your appeal, **MAKE SURE TO PRINT AND/OR SAVE A COPY OF YOUR RECEIPT!!!** Keep it safe and in a secure place.

Last Reviewed: April 21, 2020

 [Printable Infographic- Appealing Social Security Denials During COVID-19.pdf](#)

 [Printable Infographic- Social Security Denials During COVID-19.pdf](#)

Printed: June 30, 2022

<http://www.lawny.org/socialsecuritydenialsduringcovid-19>

©Legal Assistance of Western New York, Inc. ®