

Social Security Appeals for Disability Claims

The [Social Security appeals](#) process is used quite often to overturn denial of an SSI or SSDI application for disability benefits. For both SSI and SSDI, an appeal must frequently be made before benefits are awarded because the initial application doesn't address all the criteria required for an award of benefits.

There are several reasons for this, but the largest contributing factor is that individuals apply for disability benefits without the guidance of an experienced attorney and don't understand what must be included in an SSI or SSDI application in order for benefits to be awarded. If the claim is filed with the help of a qualified attorney or other representative, the need for a Social Security appeal can be avoided in some cases.

Because appeals have become a regular part of the process, there is no need to be concerned if your disability claim has been denied. With the help of an experienced attorney, you can gather the evidence required to facilitate a determination of disability and pursue a reconsideration or request for hearing.

5 Levels of the Social Security Appeals Process for Disability Claims

If your SSI or SSDI application has been denied, there are five levels at which you can appeal:

Level 1 - Initial Level: This is the first level of scrutiny that your case undergoes after you file your application for benefits. Your case is assigned to an adjudicator with your state's Disability Determination Services (DDS), hired by the SSA to work up your claim. You may receive detailed forms to complete and be sent out to be examined by one of DDS's doctors.

Level 2 – Reconsideration: If your claim has been denied at the initial level of review, you must file a Request for Reconsideration. Your file will be assigned to a different adjudicator at DDS to make a new decision in your claim.

**This level of appeal is not applicable in all states.*

Level 3 – Hearing Before an Administrative Law Judge: This level of Social Security appeal involves an independent review of your case by an administrative law judge (ALJ) from the Office of Disability Adjudication and Review of the Social Security Administration. You will have the opportunity to appear in person before the ALJ to present your case. There may be a medical expert and vocational expert there to testify about the medical and vocational issues involved in your claim.

Level 4 – SSI/SSDI Appeal to the Social Security Appeals Council: This is the highest appellate level available in the Social Security Administration. If you are represented by a lawyer, the lawyer will file a brief on your behalf.

Level 5 – Federal Court Review: If all else fails, it is possible to ask a federal court to review the Social Security Administration's decision.

How to Win Your Social Security Appeal

Winning a Social Security appeal requires that you first demonstrate that you have new evidence to offer in support of your case. Securing the medical evidence in support of your claim is the first step. But winning a claim also depends upon making the right arguments to SSA. This requires a thorough knowledge of the law and what has to be proven to win. It is best to have an experienced disability claim attorney help you, since they will be familiar with what the Social Security Administration (SSA) is looking for.

The evidence you obtain must demonstrate that your impairment meets the SSA's criteria for disability benefits eligibility. Again, the details of SSA criteria and Social Security law can be confusing, and an experienced attorney should be involved.

Once the evidence is gathered, your attorney can help you file an SSI or SSDI appeal and present the evidence on your behalf.

The team at Richard I. Feingold & Associates, P.C. is highly experienced in winning [Social Security appeals for disability claims](#). **If you are considering filing an SSI/SSDI application or SSI/SSDI appeal you can receive a [Free Consultation](#) from our office by completing our [online form](#) or by calling us directly at (773) 989-9899 or by calling us toll free at (888) 701-8222.**

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