

SOCIAL SECURITY ADMINISTRATION

Retirement, Survivors, and Disability Insurance
Notice of Reconsideration

DATE: September 14, 2011

Claim Number:

We are writing about your claim for Social Security disability benefits.

OUR DECISION

You asked us to take another look at your Social Security disability case. Someone who did not make the first decision reviewed your case, including any new facts we received. After reviewing all the information carefully, we found that our first decision was correct.

We have enclosed a page that gives you more details about the decision on your case.

ABOUT THE DECISION

The decision on your case was made by an agency of the State. It was not made by your own doctor or by other people or agencies writing reports about you. However, any evidence they gave us was used in making this decision. Doctors and other people in the State agency who are trained in disability evaluation reviewed the evidence and made the decision based on Social Security law and regulations.

Please remember that there are many types of disability programs, both government and private, which use different rules. A person may be receiving benefits under another program and still not be entitled under our rules. This may be true in this case.

IF YOU DISAGREE WITH THE DECISION

If you believe that the reconsideration determination is not correct, you may request a hearing before an administrative law judge (ALJ) of the Office of Disability Adjudication and Review. If you want a hearing you must request it not later than 60 days from the date you receive this notice. You may make your request through any Social Security office or on the Internet at <http://www.socialsecurity.gov/disability/appeal>. As part of the appeal process, you also need to tell us about your current medical condition. We provide a form for doing that, the Disability Report - Appeal. You may contact one of our offices or call 1-800-772-1213 to request this form. Or, you may complete the report online after you complete the online Request for Hearing by Administrative Law Judge. Read the enclosed leaflet for a full explanation of your right to appeal.

NEW APPLICATION

You have the right to file a new application at any time, but filing a new application is not the same as appealing this decision. If you disagree with this decision and you file a new application instead of appealing;

- o you might lose some benefits, or not qualify for any benefits, and
- o We could deny the new application using this decision, if the facts and issues are the same.

So, if you disagree with this decision, you should ask for an appeal within 60 days.

IF YOU WANT HELP WITH YOUR HEARING

You can have a friend, lawyer, or someone else help you. There are groups that can help you find a lawyer or give you free legal services if you qualify. There are also lawyers who do not charge unless you win your appeal. Your local Social Security office has a list of groups that can help you with your appeal.

If you get someone to help you, you should let us know. If you hire someone, we must approve the fee before he or she can collect it. And if you hire a lawyer, we will withhold up to 25 percent of any past due Social Security benefits to pay toward the fee.

IF YOU HAVE ANY QUESTIONS

If you have any questions, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at (866) 613-3965. We can answer most questions over the phone. You can also write or visit any Social Security office. The office that serves your area is located at

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If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly.

ESTE ES UN AVISO IMPORTANTE RELACIONADO CON BENEFICIOS DE SEGURO SOCIAL. FAVOR DE PEDIR QUE SE LO TRADUZCAN INMEDIATAMENTE Y DE LLAMAR A SU OFICINA DE SEGURO SOCIAL PARA UNA EXPLICACION.

Michael W. Grochowski
Regional Commissioner

Enclosures: Explanation of Determination SSA-L928 (07/11)
SSA Pub. No. 70-10281

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Your Right To An Administrative Law Judge Hearing And Appeals Council Review Of Your Social Security Case

You can question the decision Social Security makes on your case

If you are eligible for Social Security or Supplemental Security Income Benefits, we want to make sure that you get them on time and in the right amount.

After we decide whether or not you are eligible for benefits, or that we will stop your benefits, or change the amount, we send you a letter explaining our decision. If you do not agree with our decision, you have the right to appeal it.

When you ask for an appeal, Social Security may review the entire decision, including those parts which were favorable to you.

Four steps of appeal

There are four steps of appeal:

1. Reconsideration. - You may request a review of your case if you disagree with our first decision. Then, a person who did not make the first decision will decide your case again. We call this a reconsideration.
2. ALJ Hearing - 2. You may request a hearing before an Administrative Law Judge if you disagree with the reconsideration decision. You may request a hearing via the Internet at www.socialsecurity.gov/disability/appeal.
3. Appeals Council Review -3. You may request the Appeals Council to review your case if you disagree with the Administrative Law Judge's action.
4. Federal Court Action - 4. You may request an appeal through the United States Court system, starting with the United States District Court, if you disagree with the Appeals Council's decision or denial of your request for review.

You have already been through Step #1 of the appeals process and have received a letter explaining our reconsideration decision. In this leaflet, we explain the other appeals steps.

You may have a representative

You may want a lawyer, friend, or other qualified person to represent you. The people at any Social Security office can help you if you have trouble finding a representative or if you cannot afford one. If you decide to have a representative, you need to tell us by filling out a special form available at any Social Security office.

If you have a representative, you may have to pay his or her fees. For more information about representation and about the fees a representative may charge, ask your Social Security office for the publication, *Your Right To Representation* (Publication No. 05-10075).

How to request a hearing or Appeals Council review

You or your representative may request a hearing by an Administrative Law Judge in the Office of Disability Adjudication and Review. The Administrative Law Judge has not had any part in your case. If you think the Administrative Law Judge's action is wrong, you may request that the Appeals Council, which is located within our Office of Disability Adjudication and Review, review the judge's action.

Your request must be in writing. We can help you fill out the special form for either a hearing or an Appeals Council review at any Social Security office, or you can write us a letter.

You have 60 days to appeal our decision

Generally, you have 60 days after you receive the notice of our decision to ask for any type of appeal.

- o In counting the 60 days, we presume that you receive the notice five days after we mail it unless you can show that you received it later.
- o If you do not appeal on time, the Administrative Law Judge or the Appeals Council may dismiss your appeal. This means that you may not be eligible for the next step in the appeal process and that you may also lose your right to any further review.

You must have a good reason if you wait more than 60 days to request an appeal. If you file an appeal after the deadline, you must explain the reason you are late and request that we extend the time limit. The people in the Social Security office can explain this further and help you file a written request to extend the time limit.

When and where your hearing is held

After you request a hearing, your Social Security office sends your case file to the Administrative Law Judge's office. Although the Administrative Law Judge attempts to schedule all hearings promptly, there may be some delay if there are many requests ahead of yours or because of travel schedules. At least 20 days before the hearing, the Administrative Law Judge will send you a notice telling you the date, time and place of the hearing.

The Administrative Law Judge usually holds the hearing within 75 miles of your home. However, your hearing may be farther away so several cases can be heard in one location. **If travel arrangements will present a problem for you, tell the Social Security office when you request a hearing or as soon as possible after that. If you want to appear at a hearing but are unable to travel because of your health, submit a doctor's report with your request for a hearing, explaining why you cannot travel.**

If we are using video hearing equipment in your area, we will contact you to schedule a video appearance for you. For more information about a video hearing, ask your Social Security office for the publication, *Why You Should Have Your Hearing By Video* (Publication No. 70-067).

Administrative Law Judge hearing

Before the hearing:

- You and your representative, if you have one, can look at the evidence in your case file and submit new evidence.
- **Submit any additional you want the Administrative Law Judge to consider as soon as possible.** If you do not have it when you request a hearing, send it to the Administrative Law Judge as soon as you can. If your case is electronic, evidence can be faxed into the claim file using a special fax number and bar code provided by the hearing office or sent by your representative through Electronic Records Express (ERE) at www.socialsecurity.gov/ere.

At the hearing:

- The Administrative Law Judge explains the issues in your case and may question you and any witnesses at the hearing.
- You may bring witnesses to your hearing. The Administrative Law Judge may ask other witnesses, such as a doctor or vocational expert, to come to the hearing
- You and the witnesses answer questions under oath. The hearing is informal but is recorded.
- You or your representative, if you have one, may question witnesses and submit evidence.

After the hearing:

- After studying all the evidence, the Administrative Law Judge issues a written decision
- The Administrative Law Judge sends you and your representative a copy of the decision or dismissal order.

You must let us know in writing if you do not wish to appear or cannot appear at the hearing

If you do not wish to appear in person at the hearing, you must let us know in writing when you request the hearing. Give your reasons, and ask the Administrative Law Judge to make a decision based on the evidence in your file and any new evidence. However, if your claim involves "disability," you may want to explain how your medical problems limit your activities and prevent you from working.

The Administrative Law Judge may decide that your presence at the hearing will be helpful, especially if only you can best explain certain facts. If so, he or she may schedule a hearing even if you asked not to be present.

You should go to your scheduled hearing

If the Administrative Law Judge schedules a hearing you and your representative, if you have one, should attend. **It is very important that you attend a scheduled hearing.** If for any reason you cannot attend, contact the Administrative Law Judge as soon as possible before the hearing and state the reason.

The Administrative Law Judge will reschedule the hearing if you have provided a good reason. **If you do not go to a scheduled hearing and the Administrative Law Judge decides that you do not have a good reason for not going, your request for hearing may be dismissed.**

• **When we can pay travel expenses**

If you must travel more than 75 miles from your home or office to attend the hearing, we can pay certain costs. Here are the rules that apply:

- We can pay your transportation expenses such as the cost of a bus ticket or expenses for driving your car.
- In certain circumstances, you may need meals, lodging, or taxicabs. The Administrative Law Judge must approve the special travel costs **before the hearing** unless the costs were unexpected and unavoidable.
- The Administrative Law Judge may also approve payment of similar travel expenses for your representative and any witnesses he or she determines are needed at the hearing.
- You must submit a written request for payment of travel expenses to the Administrative Law Judge at the time of the hearing or as soon as possible after the hearing. List what you spent and include supporting receipts. If you requested a change in the scheduled location of the hearing to a location farther from your residence, we cannot pay you for any **additional** travel expenses.
- If you need money for travel costs in advance, you should tell the Administrative Law Judge as soon as possible before the hearing. We can make an advance payment only if you show that without it you would not have the funds to travel to or from the hearing.
- If you receive travel money in advance, you must give the Administrative Law Judge an itemized list of your actual travel costs and receipts within 20 days after your hearing.
- If we gave you an advance payment that is more than the amount you are due for travel costs, you must pay back the difference within 20 days after we tell you how much you owe us.

Appeals Council review

If you think the Administrative Law Judge's decision or dismissal order is wrong, you may ask the Appeals Council to review your case. When you make your written request, you should submit any new evidence you have.

The Appeals Council carefully examines your case and notifies you in writing of the action it takes. The Appeals Council may grant, deny, or dismiss your request for review. If the Appeals Council grants your request, it will either decide your case or return it to the Administrative Law Judge for further action (which could include another hearing and a new decision). If the Council decides a formal review would not change the Administrative Law Judge's decision or dismissal, it will deny your request.

Federal court action

If you do not agree with the Appeals Council's decision or denial of your request for review of the Administrative Law Judge's decision, you may file a civil action in the United States District Court for the area where you live.

For more information

If you have any questions, please call, write, or visit any Social Security office. The people there will be glad to help you. Most questions can be answered by phone. The toll-free number is **1-800-772-1213** (for the deaf or hard of hearing, call our TTY number, **1-800-325-0778**). Or you can go to our website at **www.socialsecurity.gov/appeals**.

Please include your Social Security number in letters you write to any Social Security office or have it ready when you call.

Social Security Administration

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