



PROFESSIONAL ADVOCATES, INC.

SOCIAL SECURITY DISABILITY

PUBLIC HANDBOOK

www.professionaladvocatesinc.com



PROFESSIONAL ADVOCATES, INC

WELCOME TO PROFESSIONAL ADVOCATES, INC.

Thank you choosing us to represent you in your disability case. **We are on your side and we are here to help you.** Our job is to reduce your anxiety and to make sure Social Security makes the most accurate decision at each appeal level. Ultimately, our goal is to win your Social Security case so you can receive benefits. This is an interactive process and we appreciate your participation in your case.

Please be aware that Social Security may continue to contact you even after we submit our retainer documents. Sometimes it can take them up to 45 days to enter our information as your Representatives into their system.

If you receive any correspondence from Social Security, please call me to let me know.

Please contact me if you have **any** questions, We appreciate your trust in our services and we look forward to a successful resolution of your case.

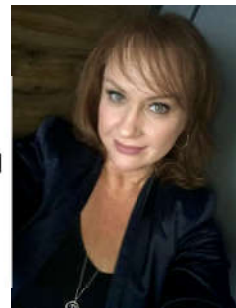
Very Truly Yours,

Noel S. Anschutz,
Professional Disability Representative
Owner, Professional Advocates, Inc.
702-518-6672
profadvnoel@gmail.com



**PROFESSIONAL
ADVOCATES, INC.**
Social Security Disability Representation

415 S. 6th St. Suite 319 ★ Las Vegas, NV. 89101
O. 702-518-6672 F. 702-800-5408



Noel S. Anschutz

Professional Advocates Inc. is committed to obtaining a successful case outcome for you, and our goal is to reduce your anxiety and provide you with the best client service in Nevada.

Ms. Anschutz's strong civil litigation, legal aid background, and 17-year practice of Social Security disability law with appearances at over 3000 disability hearings, defines her as an experienced and committed Professional Social Security Disability Representative. Noel obtained her American Bar Association approved Associates Paralegal degree in 1996 and in 2001, her Business Administration Bachelor's degree. In 2005, Noel became Nevada's first eligible Professional Representative under a program made permanent by President Obama; the "Social Security Disability Applicants' Access to Professional Representation Act of 2010." Noel represents clients and is the Owner of Professional Advocates Inc.

EDUCATION

08/2001	BACHELOR OF SCIENCE - BUSINESS ADMINISTRATION	University Of Phoenix
05/2006	ASSOCIATE OF APPLIED SCIENCE - PARALEGAL STUDIES (ABA APPROVED)	Pima Community College

PROFESSIONAL AFFILIATIONS

7/2007 - Present	NEVADA STATE BAR DISCIPLINARY BOARD	Member
8/2010 - Present	NEVADA LAW FOUNDATION BOARD OF TRUSTEES	Member
5/2006 - Present	COLLEGE OF SO NEVADA PARALEGAL STUDIES ADVISORY BOARD	Member
1/2004 - Present	LEGAL ASSISTANT DIVISION OF THE STATE BAR OF NEVADA BOARD	Member
5/2002 - 6/2012	PARALEGAL ASSOCIATION OF SOUTHERN NEVADA	Past President
5/2002 - 6/2012	NATIONAL FEDERATION OF PARALEGAL ASSOCIATIONS	Member

SEMINARS TAUGHT

Oct 2012	NATIONAL BUSINESS INSTITUTE: SOCIAL SECURITY BOOTCAMP - MENTAL IMPAIRMENT CLAIMS	Speaker
2010	SOCIAL SECURITY DISABILITY ORIENTATION - AID FOR AIDS OF NEVADA	Speaker
2010	SOCIAL SECURITY DISABILITY ORIENTATION - SOCIAL SERVICE AGENCIES SERVICING THE HIV/AIDS POPULATION	Speaker
since 2001	ANNUAL DISABILITY FAIR - SO NV CENTER FOR INDEPENDENT LIVING	Community Outreach

WHAT SOCIAL SECURITY SAYS ABOUT REPRESENTATIVES

- Non-attorneys eligible for fee withholding **have the most experience** representing disability claimants and are **most likely to specialize in disability representation**
- Administrative law judges expressed equal satisfaction with the performance of attorneys and eligible non-attorneys
- Judges expressed satisfaction and some went on to say that eligible **"non-attorneys tend to be better prepared and more familiar with the details of their cases than attorneys"**
- "Many of these judges expressed the view that **experience in disability representation rather than formal legal training is the key to effective representation**, or that it is not necessary to have a law degree to effectively represent disability claimants."

<http://www.gao.gov/new.items/d085.pdf>

Reply to:
801 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
TEL: 702.444.4444
FAX: 702.444.4455
info@RichardHarrisLaw.com

November 1, 2019

IMPORTANT NOTICE

RICHARD A. HARRIS*▲□*
JOSHUA R. HARRIS*
BENJAMIN P. CLOWARD*○*
SAMANTHA A. MARTIN*∞Ω
CHRISTOPHER M. HENDERSON*
MICHAEL I. SANDOVAL*
KRISTINA R. WELLER*
NIA C. KILLEBREW*▲
JESSICA M. MUNOZ*
TIMOTHY E. REVERO*□
IAN C. ESTRADA*▲*
JEFF M. SCARBOROUGH*
JOHNATHAN M. LEAVITT*
CHARLES S. JACKSON*
ALBERTO CASTRO*
MORGAN FASHTCHI*
HAYLEY N. PRICE*
NICHOLAS A. LASSO*
CRYSTAL Y. CASE*
BURKE L. HUBER*▲○
MARK L. JACKSON*△#
CHRISTIAN Z. SMITH*
JOSHUA A. DOWLING*
OLIVIA F. BIVENS*
MICHAEL A. BROWN*▲
JONATHAN B. LEE*
DAVID M. MENOCAI*

Thank you for being a valued client. This is to advise of some changes to better serve you.

In 2006, Noel Anschutz, Professional Disability Representative, joined the Richard Harris Law Firm to handle Social Security Disability claims. Since then, she has helped over 6,000 individuals seek disability benefits for injuries and illnesses preventing them from working.

In 2015, your Professional Disability Representative, Noel Anschutz, left our law firm and established her own company, Professional Advocates, Inc. Our law firm referred all Social Security Disability clients, including you, to Professional Advocates, Inc. In the past, you may have received communications from our law firm about your case, but going forward, you will only receive telephone, text, email, and U.S. mail communications from Professional Advocates, Inc.

Naturally, any changes to your contact information, questions, or concerns should be directed to Noel Anschutz at 702-518-6672 and noel@proadvocatesinc.com or her paralegal, Samantha Tejada at 702-728-1792 and samantha@proadvocatesinc.com. Testimonials and online reviews should be posted to Professional Advocates, Inc. Yelp or Google page.

Thank you for your continued trust and confidence as Professional Advocates, Inc. works for a favorable outcome for your case.

Sincerely,



Richard Harris
Attorney at Law

* admitted in Nevada
▲ admitted in California
○ admitted in Utah
Ω admitted in Texas
∞ admitted in Illinois
• admitted in Washington
admitted in Colorado
△ admitted in Arizona
□ Master of Laws

* Board Certified Personal Injury Specialist

LAS VEGAS
RENO
SACRAMENTO
SAN JOSE
LONG BEACH
OAKLAND
PHOENIX
TUCSON
SALT LAKE CITY
DENVER



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November 1, 2019

Pursuant to the enclosed letter from Richard Harris Law Firm you will start to receive correspondence from Professional Advocates, Inc. instead of the Law Firm.

The Social Security Administration recognizes individuals as Representatives and not businesses or law firms. When you signed retainer documents you also authorized me as the Representative.

You can be reassured everything will continue to operate as it always has. I have always been, and will continue to be, your Representative and we will continue to fight for you and a favorable outcome.

Professional Advocates, Inc. has a client portal and we encourage you to sign into your case so we can communicate more efficiently. If you have not yet received an email to sign up for the portal, please contact us so we can send a registration link to you. This gives you access to your documents, messages, appointments, and tasks we may send you notification of. If you do not have e-mail, we will continue to communicate with you traditionally and via text message.

Below is the **Contact information** for the paralegal

Samantha Tejada
Email: samantha@proadvocatesinc.com
Phone/Text: 702-728-1792

Please contact us if you have any questions or concerns. We look forward to continuing to take care of you and for a favorable outcome in your case.

Sincerely,

NOEL S. ANSCHUTZ,
Professional Disability Representative
PROFESSIONAL ADVOCATES, INC.

DON'T LET SOCIAL SECURITY DENY YOU THE BENEFITS YOU NEED

WHEN SHOULD I APPLY FOR BENEFITS?

You should apply for disability benefits if:

- You are not working, or you are working, but you are not earning over \$1310.00 a month and:
- You have a physical and/or psychological condition which has prevented you from working for the last 12 months; or
- The doctor has told you the impairment will prevent you from working for over 12 months (*even if it has not yet been a year*); or
- Your impairment is expected to result in death.

HOW DO I APPLY FOR BENEFITS?

- Make an appointment at Local Social Security Office: **Call 1-800-772-1213**. You can make an in-person appointment with the local Social Security or they will set up a telephone interview with the local Social Security office.

OR

- Apply Online: www.socialsecurity.gov
You may only apply for SSDI online. All other types of applications, including SSI, may be started with Social Security over the phone or in person. (see the Frequently Asked Questions page for an explanation of the difference between SSDI and SSI)

HOW PROFESSIONAL ADVOCATES, INC. WORKS FOR YOU

- We will help you at any stage of your claim, and especially at a hearing.
- At the hearing level, we have online access to your Social Security File.
- All incoming documents are converted to an electronic format, and all documents are securely submitted electronically to Social Security.
- We make sure Social Security has all your medical records.
- We will give you resource information to obtain medical care.
- We advise and guide you through the process.
- We can help you obtain a medical report from your doctor.
- We help speed up the processing of your claim by ensuring timely appeals and using electronic document submissions. Unfortunately, Social Security will not move your claim ahead of others just because you are represented. Your medical condition must be imminently life threatening in order for your claim to be expedited.



IMPORTANT THINGS YOU SHOULD KNOW

Our goal is to allow persons with limitations to improve their quality of life by obtaining financial support through the receipt of Social Security Disability Insurance Benefits and/or Supplemental Security Income Benefits. We will always return your phone call, answer any questions you may have, and advise you regarding your case. You should be aware up front, that **it can take years to get through the process**, but we want you to know that **we are on your side** and we are doing everything in our power to make sure Social Security makes the most accurate decision they can at each appeal level. We *ultimately* win most of the time.

How long do decisions take? Initial and Reconsideration decisions generally take 6 months each and decisions are issued in writing. Hearings are scheduled 18-20 months after the request date. This timeline can fluctuate depending on the caseload of the hearing office. Much of this process is waiting for the Social Security Administration to take action.

Updates: Please feel free to call us for periodic updates regarding your case. We will always return your phone calls (please give us 48 hours), answer any questions you may have, and we will contact you immediately if we hear from Social Security. We do not need to know of every doctors visit, but we do need to know if you see a new doctor or go to the hospital.

PLEASE RETURN DOCUMENTS

It is imperative that you timely reply to all requests for information from Social Security and from our office. The failure to do so compromises your Social Security claim and makes effective representation more difficult. Please remember to return any documents we gave you to complete. We need them back within 10 business days. **If Social Security sends you documents please complete them to the best of your ability, then send them to us so we may first review them.**

Medical Care: IT IS MANDATORY THAT YOU RECEIVE CURRENT MEDICAL TREATMENT AND YOU SEE A DOCTOR AT LEAST EVERY THREE MONTHS. If you are not receiving current medical treatment from a primary care provider this makes it very difficult to effectively represent you and win your case and we may not be able to continue to assist you. In any legal case, evidence is necessary to prove the case. In a Social Security disability claim, that evidence is medical records. The lack of current ongoing medical records makes proving your disability extremely difficult, if not impossible. Please call us IMMEDIATELY if you experience any issues with obtaining current treatment and we can refer you to the proper resources.

HOW DO I GET MEDICAL CARE?

If you do not have medical insurance, please make an application for Medicaid through the Nevada State Department of Welfare.

REQUESTS FOR LOANS

We are not a lender and we are prohibited by ethical rules from making personal loans under any circumstances. We sympathize with any financial difficulties you may be experiencing and if you need assistance in certain areas please request a list of community resources. The State of Nevada also has a resource hotline which you may access by dialing 211.



Unemployment Benefits: If you are receiving unemployment benefits, it is our strong advice that you stop receiving these benefits. When you apply for unemployment benefits the application asks if you are able to work. You must answer “yes” to receive these benefits. When you are making a Social Security application, you are representing to a Federal agency that you are *not* able to work. It is irrelevant what anyone has told you, your friends, social services case workers, etc. have told you, *this is a conflict and the Social Security Judges are taking this conflict seriously.* **You may lose retroactive Social Security benefits or be denied altogether if you continue to receive unemployment benefits.**

WHEN SHOULD YOU CALL US

If you need an update on your case, please call our office and we are happy to let you know the status of your case. If we receive any information from Social Security regarding your claim, we will contact you immediately. However, most of the time we are waiting for Social Security to make a decision. It is also very important that you please call us if any of the following happens:

1. You see a *new* medical provider or go to the hospital;
2. There is a *substantial change in your health* (your condition worsens or you have a new diagnosis);
3. You *change your address* or phone number;
4. You *receive documents* or a phone call from Social Security;
5. If you *return to work* or are thinking about returning to work or school;
6. You start receiving any other types of benefits (VA, long term disability, workers compensation, etc.)
7. You *get married or divorced*; or
8. You *receive an approval or denial letter.*

THE APPEAL PROCESS

1. **Application** - If you are denied you may file a Request for Reconsideration.
2. **Request for Reconsideration** - If you are denied you may file a Request for Hearing.
3. **Hearing** - If you are denied you may Request a Review of the Judge's Decision by the Appeals Council.
4. **Appeals Council** - Your claim may be approved, sent back to the judge for another hearing, or denied.
5. **Federal Court** - If you are denied again by the Judge or Appeals Council you can file a lawsuit.

***To continue with your claim,
ALL APPEALS MUST BE FILED WITHIN 60 DAYS OF THE DENIAL DATE.***
(If you let the appeal deadline lapse and/or re-apply you may lose back pay benefits)

SOCIAL SECURITY'S EVALUATION PROCESS

This is the process that Social Security goes through to decide whether you are disabled.

Step One: Are you working at the SGA level? If you have worked since claiming disability and the work constitutes substantial gainful activity (you are earning more than approximately \$1180.00 per month - this amount changes each year), you will be ineligible for disability benefits. There are some exceptions to this rule, depending on the type of work you are performing.

Step Two: Do you have a severe impairment? You must have either a severe impairment or several impairments when combined would be severe. This step requires that you **MUST** suffer from substantial physical or mental problems rather than simple, minor problems. To be considered severe, the medical problems must significantly limit your ability to perform basic work activities such as sitting, standing, walking, lifting, or concentrating. Severity is a threshold issue and few claims are denied at this step.

Step Three: Do you meeting Social Security's requirements to be "automatically" disabled? SSA has determined certain diseases are *per se* disabling. These diseases are called the "Listings of Impairments." Consequently, if you suffer from one of these conditions, SSA will award disability benefits. These conditions are very specific. There are criteria in the Listings of Impairments for 14 different body systems which affect the health of claimants. A review of the Listings for these disorders indicates the type of specificity required to establish that you meet the criteria for a listing. You can also be found disabled for a condition which does not exactly meet the criteria, but is so similar it equals a listing.

Before step four, SSA will determine the maximum level of work you can perform considering their exertional ability. This is referred to as "Residual Functional Capacity" (RFC), (i.e., your ability to sit, stand/walk, and lift). SSA will determine the maximum level of work you can perform, considering you physical impairments, as either sedentary, light, medium, or heavy work. Mental impairments have an RFC process as well.

Step Four: Can you go back to your prior work? If, based on you RFC, you are able to perform any of the jobs which you performed on a full-time basis in the last 15 years, then you will be found not disabled.

Step Five: Can you perform any other kind of work? If you cannot perform work which you have done in the last 15 years, then SSA determines whether there is any other work in the National Economy which you can do. Social Security considers your Residual Functional Capacity and your age, education, and work experience.



TIPS FOR SUPPORTING YOUR DISABILITY CLAIM

- Get current medical treatment. **It is very important that you have current medical records to support your Social Security claim. If you are not receiving treatment we cannot represent you. Please call us immediately if medical care is a problem.** You can apply with Welfare for health insurance under the Affordable Healthcare Act program.
- Every time you go to the doctor report ALL of your symptoms, at *every single* visit.
- If you have substance abuse issues, GET HELP (it could affect your claim)
- Keep a simple log/diary of the side effects of medications, doctor's appointments, and of how you feel from day to day.
- Fully explain any answers on forms you fill out. (e.g. if you can do dishes but have to rest while doing so, explain that.)
- Don't exaggerate or minimize your symptoms. Social Security takes everything very literally. (e.g. Don't say you can only sit for "a few seconds" – state the actual time you can sit. If you are claiming memory loss it must be severe.)
- Make sure you have objective evidence (this is testing, like x-rays, MRI's, etc.) in your medical record. If you don't, request testing from your treating doctor. (e.g. if you have back pain and have no back MRI, Social Security will not consider your back pain complaints.)
- Follow through with referrals and testing.
- Don't leave hospitals against medical advice.
- Attend the consultative examinations and give your best effort at the exam – Social Security will deny your claim if you fail to attend the exam. If you miss the exam, you do have one chance to reschedule.
- Most importantly, be honest.

SUBMITTING EVIDENCE TO SOCIAL SECURITY

If we are not yet representing you: About 45 days after your Initial Application/Reconsideration appeal, an adjudicator (the person making the decision on your case) will be assigned to your case. To find out who this is you may call Carson City.

Phone No: 1-775-885-3372
Address: Bureau of Disability Adjudication
1050 E. Williams, Rm 300
Carson City NV 89701

Fax to your electronic file: 1-866-792-8244
***Clearly identify your name and SSN on a cover page.*

It is our advice that you send all medical and non-medical information to the adjudicator's office while a decision is pending. We strongly advise against sending documents to the local field office. (The field office will take the documents, but they are very busy and the documents probably will not make it to the adjudicator or your file.)

SOCIAL SECURITY CONTACT NUMBERS

National Social Security Hotline 1-800-772-1213 www.socialsecurity.gov
Carson City – Disability Determination Services 1-775-885-3372
Hearing office: 702-471-0249

Local Social Security Offices

West Social Security Office
1250 S. Buffalo Dr., Ste. 150 89146
866-613-9963

Henderson Social Security Office
10416 S. Eastern Ave. 89052
855-207-7084

North LV Social Security Office
4340 Simmons St 89032
866-614-9667



GENERAL FREQUENTLY ASKED QUESTIONS

➤ **What is the difference between SSDI and SSI?**

- **SSDI (Social Security Disability Insurance)** is paid to people who have worked and paid Social Security taxes. You must have worked and paid into Social Security at least 5 out of the last 10 years. Essentially this means you must be disabled prior to your *date last insured* or you are not eligible for SSDI. (the date is calculated by Social Security by considering how much you have paid into Social Security in the last 10 years) Usually Social Security documents you have received will tell us if this date is an issue. However, sometimes we discover this is in an issue later in the case and we will advise you accordingly upon our discovery if it is an issue.
 - **Payment:** The monthly payment depends on how much you paid in taxes. You can find out what your monthly benefit would be by calling 800-772-1213. You are eligible for payment 5 months *after* the date Social Security determines you are disabled. SSDI payments are retroactive 12 months from the date you applied for benefits. SSDI Retroactive benefits are paid in a lump sum amount.
 - **Medicare:** SSDI comes with *Medicare*. Medicare is effective *29 months* after your disability date (24 months, plus the 5 month waiting period) Clark Cty Social Services should fill this “Medicare gap” and continue to provide you services until Medicare is effective. Medicare does not cover prescriptions.
- **SSI (Supplemental Security Income)** pays benefits based on financial need, even if you have never worked, or if you have not worked enough. (If you are married and your spouse makes more than \$1500 a month or you have too many assets – retirement account, savings, etc - you may not be eligible for SSI)
 - **Payment:** The monthly payment for 2018 is \$750.00 per month (2018). Retroactive payments are generally paid in 3 increments over a 18 month period (every 6 months).
 - Retroactive payments could be reduced by 1/3 if someone has been providing your food and shelter (*f this is the case, please ask us for a re-payment agreement*), if you received rental assistance from Clark County Social Services, or if you had any earnings.
 - **Medicaid:** Medicaid is effective from the application date. (or disability date if after application date) Medicaid covers prescriptions.

➤ **After a favorable decision is issued how long will it take for benefits to be paid?**

It takes about 60 days for current benefits to start being paid. From the date of the decision it can take from 60 – 180 days for all back benefits to be paid. Thus, all this takes a long time, much longer than it should. We will do everything in our power to facilitate your case, but we cannot force Social Security to process payments or decisions faster.

➤ **Do I need to get medical records or reports for my representative?**

No. You don't have to get any medical records or reports yourself. In fact, it's better if you do not even try to get such things unless I ask you to. If you happen to get something such as a disability form completed by your doctor for an insurance company, etc., be sure to send me a copy.

➤ **What if I get a notice for a doctor's appointment (a consultative examination) from Social Security?**

Please notify me immediately. You are required to attend the exam with the doctor. A failure to attend the exam will result in an automatic denial of your claim for benefits.

➤ **Should I send anything to Social Security?**

No. As a rule, you should send everything to your representative, even forms Social Security has sent you directly. We will copy them and ensure the forms are received by Social Security.

➤ **Will I have to fill out any more forms?**

Yes. Usually Social Security will send you some forms to complete about recent medical treatment, what medications you're taking, etc. Complete these forms as soon as possible after you get them and send them to me. I'll forward them to Social Security electronically.

➤ **Should I telephone my representative whenever I see a doctor?**

No. It is not necessary to telephone me to tell me about routine medical care. But please contact me if you see a *new* doctor or other medical practitioner.

➤ **Under what circumstances should I telephone my representative?**

There probably will be little need for you to telephone me to discuss your case prior to the time I notify you of when your hearing will be held. However, if one of the following things happens, please telephone me:

- You see a *new* medical provider or go to the hospital;
- There is a *substantial change in your health* (your condition worsens or you have a new diagnosis);
- You *change your address* or phone number;
- You *receive documents* or a phone call from Social Security;
- If you *return to work* or are thinking about returning to work or school;
- You start receiving any other types of benefits (VA, long term disability, workers compensation, etc.)
- You *get married or divorced*; or
- You *receive an approval or denial letter*.

➤ **What happens if I am denied benefits and I do not appeal within 60 days?**

You'll have to start over with a new application - and it may mean that you'll lose some back benefits. So it's important to appeal all denials within 60 days. Please contact me immediately when you get a decision from Social Security so I can prepare the correct forms to be filed. If you have a good reason for a late filing of your appeal, it may be salvageable.

➤ **What is the biggest mistake people make when trying to get disability benefits?**

1. *Failing to appeal.* More than half of the people whose applications are denied fail to appeal. Many people who are denied on reconsideration fail to request a hearing.

2. *The failure to obtain current and ongoing medical care is the second biggest mistake.* Some people with long-term chronic medical problems feel that they have not been helped much by doctors. Thus, for the most part, they stop going for treatment. This is a mistake for both medical and legal reasons. First, no one needs good medical care more than those with chronic medical problems. Second, medical treatment records provide the most important evidence of disability in a social security case.

➤ **Can I work while my application is pending?**

Social Security has rules about working, but they do not prohibit you from working altogether. Work in this situation means work that mostly requires sitting. If you work for less than three months and you stop working because of a disability related reason, this is considered a failed work attempt, and Social Security should not count it when looking at your work history. Social Security also says that if you are performing substantial gainful activity (i.e. generally earning over \$1000.00 per month), then you are not disabled. I advise that if you are going to work to keep your earnings below \$500.00 a month and to work part time and at a very low exertional job. If you stop working because of a disability related reason, you will only support your contention that you cannot work and are therefore disabled. *Please let us know if you start working. (or if you plan on attending school.)*

➤ **I don't have medical insurance, what can I do?**

1. Apply with the Nevada State Welfare department for Food Stamps, Medicaid and any other assistance you may be eligible for. They take clients by walk-in only. You cannot call and make an appointment over the telephone.

Date Application Filed: _____ Date Initially Denied: _____
Request for Reconsideration: Date Filed: _____ Date Denied: _____
Request for Hearing: Date Filed: _____ Hearing Date: _____
Date Last Insured: _____ Alleged Onset Date: _____

NOTES:

WHY ARE SO MANY SOCIAL SECURITY CLAIMS DENIED ?

<p align="center">INITIAL (DDS – Carson City)</p>	<p align="center">65 % denied</p> <p align="center">*Approximately 6 months to make decision</p>	<p>1. Are you over 50 yrs old and have performed a “sit-down” job? 2. Are you under 50 yrs old?</p> <p>Then you have to prove your functional capacity is “less than sedentary” (means you can’t even do a “sit down” job)</p> <p>At first two levels, Social Security only finds people have a functional capacity of less than sedentary in 6% of cases. So it is very difficult to get approved.</p>
<p align="center">RECONSIDERATION (DDS – Carson City)</p>	<p align="center">87% denied</p> <p align="center">*Approximately 6 months to make decision</p>	<p>In order to be approved at the first two levels you usually have to either:</p> <ul style="list-style-type: none"> ▪ Meet medical criteria (very stringent) OR ▪ If over 50 yrs old: You can’t have any past work that involved sitting <i>and</i> you must be found not able to return to your past work.
<p align="center">HEARING (Admin Law Judge)</p> <p align="center">*Approximately 15 months for hearing to be scheduled</p>	<p align="center"><i>BEST CHANCE OF APPROVAL AT A HEARING</i></p> <ul style="list-style-type: none"> ▪ 66% of the time Judges find functional capacity is less than sedentary. ▪ Judge was a lawyer. ▪ You get to tell the Judge things the medical records don’t. ▪ 3rd set of Social Security rules come into play ▪ The Judge can make decisions “outside the box.” ▪ We give the Judge a medical summary. ▪ We win a majority of the time. <p>* Reviewers using the ALJ approach concluded that 48 percent of the cases should have received awards, while reviewers using the DDS approach concluded that only 13 percent of those same cases should have received awards.</p>	



COMMON MENTAL HEALTH IMPAIRMENTS CATEGORIES OF FUNCTIONING AND EXAMPLES OF IMPACT



CATEGORIES OF FUNCTIONING

How do your symptoms impact areas of your life?

1. ***Understand, remember, or apply information (paragraph B1).*** This area of mental functioning refers to the abilities to learn, recall, and use information to perform work activities. Examples include: understanding and learning terms, instructions, procedures; following one- or two-step oral instructions to carry out a task; describing work activity to someone else; asking and answering questions and providing explanations; recognizing a mistake and correcting it; identifying and solving problems; sequencing multi-step activities; and using reason and judgment to make work-related decisions. These examples illustrate the nature of this area of mental functioning. We do not require documentation of all of the example
2. ***Interact with others (paragraph B2).*** This area of mental functioning refers to the abilities to relate to and work with supervisors, co-workers, and the public. Examples include: cooperating with others; asking for help when needed; handling conflicts with others; stating own point of view; initiating or sustaining conversation; understanding and responding to social cues (physical, verbal, emotional); responding to requests, suggestions, criticism, correction, and challenges; and keeping social interactions free of excessive irritability, sensitivity, argumentativeness, or suspiciousness. These examples illustrate the nature of this area of mental functioning. We do not require documentation of all of the examples.
3. ***Concentrate, persist, or maintain pace (paragraph B3).*** This area of mental functioning refers to the abilities to focus attention on work activities and stay on task at a sustained rate. Examples include: initiating and performing a task that you understand and know how to do; working at an appropriate and consistent pace; completing tasks in a timely manner; ignoring or avoiding distractions while working; changing activities or work settings without being disruptive; working close to or with others without interrupting or distracting them; sustaining an ordinary routine and regular attendance at work; and working a full day without needing more than the allotted number or length of rest periods during the day. These examples illustrate the nature of this area of mental functioning. We do not require documentation of all of the examples.
4. ***Adapt or manage oneself (paragraph B4).*** This area of mental functioning refers to the abilities to regulate emotions, control behavior, and maintain well-being in a work setting. Examples include: responding to demands; adapting to changes; managing your psychologically based symptoms; distinguishing between acceptable and unacceptable work performance; setting realistic goals; making plans for yourself independently of others; maintaining personal hygiene and attire appropriate to a work setting; and being aware of normal hazards and taking appropriate precautions. These examples illustrate the nature of this area of mental functioning. We do not require documentation of all of the examples.



12.04 Depressive, bipolar and related disorders

(see 12.00B3), satisfied by A and B, or A and C:

- A. Medical documentation of the requirements of paragraph 1 or 2:
1. Depressive disorder, characterized by five or more of the following:
 - a. ***Depressed mood;***
 - b. ***Diminished interest in almost all activities;***
 - c. ***Appetite disturbance with change in weight;***
 - d. ***Sleep disturbance;***
 - e. ***Observable psychomotor agitation or retardation;***
 - f. ***Decreased energy;***
 - g. ***Feelings of guilt or worthlessness;***
 - h. ***Difficulty concentrating or thinking; or***
 - i. ***Thoughts of death or suicide.***
 2. Bipolar disorder, characterized by three or more of the following:
 - a. ***Pressured speech;***
 - b. ***Flight of ideas;***
 - c. ***Inflated self-esteem;***
 - d. ***Decreased need for sleep;***
 - e. ***Distractibility;***
 - f. ***Involvement in activities that have a high probability of painful consequences that are not recognized; or***
 - g. ***Increase in goal-directed activity or psychomotor agitation.***

How do these symptoms impact areas of your life?

- AND
- B. Extreme limitation of one, or marked limitation of two, of the following areas of mental functioning (see [12.00F](#)):
1. Understand, remember, or apply information (see [12.00E1](#)).
 2. Interact with others (see [12.00E2](#)).
 3. Concentrate, persist, or maintain pace (see [12.00E3](#)).
 4. Adapt or manage oneself (see [12.00E4](#)).
- OR
- C. Your mental disorder in this listing category is “serious and persistent;” that is, you have a medically documented history of the existence of the disorder over a period of at least 2 years, and there is evidence of both:
1. **Medical treatment, mental health therapy, psychosocial support(s), or a highly structured setting(s) that is ongoing and that diminishes the symptoms and signs of your mental disorder (see [12.00G2b](#)); and**
 2. **Marginal adjustment, that is, you have minimal capacity to adapt to changes in your environment or to demands that are not already part of your daily life (see [12.00G2c](#)).**



12.06 Anxiety and obsessive-compulsive disorders

(see [12.00B5](#)), satisfied by A and B, or A and C:

- A. Medical documentation of the requirements of paragraph 1, 2, or 3:
1. Anxiety disorder, characterized by three or more of the following;
 - a. **Restlessness;**
 - b. **Easily fatigued;**
 - c. **Difficulty concentrating;**
 - d. **Irritability;**
 - e. **Muscle tension; or**
 - f. **Sleep disturbance.**
 2. Panic disorder or agoraphobia, characterized by one or both:
 - a. **Panic attacks followed by a persistent concern or worry about additional panic attacks or their consequences; or**
 - b. **Disproportionate fear or anxiety about at least two different situations (for example, using public transportation, being in a crowd, being in a line, being outside of your home, being in open spaces).**
 3. Obsessive-compulsive disorder, characterized by one or both:
 - a. **Involuntary, time-consuming preoccupation with intrusive, unwanted thoughts; or**
 - b. **Repetitive behaviors aimed at reducing anxiety.**

How do these symptoms impact areas of your life?

AND

- B. Extreme limitation of one, or marked limitation of two, of the following areas of mental functioning (see [12.00F](#)):
1. Understand, remember, or apply information (see [12.00E1](#)).
 2. Interact with others (see [12.00E2](#)).
 3. Concentrate, persist, or maintain pace (see [12.00E3](#)).
 4. Adapt or manage oneself (see [12.00E4](#)).

OR

- C. Your mental disorder in this listing category is “serious and persistent;” that is, you have a medically documented history of the existence of the disorder over a period of at least 2 years, and there is evidence of both:
1. **Medical treatment, mental health therapy, psychosocial support(s), or a highly structured setting(s) that is ongoing and that diminishes the symptoms and signs of your mental disorder (see [12.00G2b](#)); and**
 2. **Marginal adjustment, that is, you have minimal capacity to adapt to changes in your environment or to demands that are not already part of your daily life (see [12.00G2c](#)).**



12.15 Trauma- and stressor-related disorders

(see [12.00B11](#)), satisfied by A and B, or A and C:

- A. Medical documentation of all of the following:
- 1. Exposure to actual or threatened death, serious injury, or violence;**
 - 2. Subsequent involuntary re-experiencing of the traumatic event (for example, intrusive memories, dreams, or flashbacks);**
 - 3. Avoidance of external reminders of the event;**
 - 4. Disturbance in mood and behavior; and**
 - 5. Increases in arousal and reactivity (for example, exaggerated startle response, sleep disturbance).**

How do these symptoms impact areas of your life?

AND

- B. Extreme limitation of one, or marked limitation of two, of the following areas of mental functioning (see [12.00F](#)):
1. Understand, remember, or apply information (see [12.00E1](#)).
 2. Interact with others (see [12.00E2](#)).
 3. Concentrate, persist, or maintain pace (see [12.00E3](#)).
 4. Adapt or manage oneself (see [12.00E4](#)).

OR

- C. Your mental disorder in this listing category is “serious and persistent;” that is, you have a medically documented history of the existence of the disorder over a period of at least 2 years, and there is evidence of both:
- 1. Medical treatment, mental health therapy, psychosocial support(s), or a highly structured setting(s) that is ongoing and that diminishes the symptoms and signs of your mental disorder (see [12.00G2b](#)); and**
 - 2. Marginal adjustment, that is, you have minimal capacity to adapt to changes in your environment or to demands that are not already part of your daily life (see [12.00G2c](#)).**



12.03 Schizophrenia spectrum and other psychotic disorders (see [12.00B2](#)), satisfied by A and B, or A and C:

- A. Medical documentation of one or more of the following:
1. ***Delusions or hallucinations;***
 2. ***Disorganized thinking (speech); or***
 3. ***Grossly disorganized behavior or catatonia.***

How do these symptoms impact areas of your life?

AND

- B. Extreme limitation of one, or marked limitation of two, of the following areas of mental functioning (see [12.00F](#)):
1. Understand, remember, or apply information (see [12.00E1](#)).
 2. Interact with others (see [12.00E2](#)).
 3. Concentrate, persist, or maintain pace (see [12.00E3](#)).
 4. Adapt or manage oneself (see [12.00E4](#)).

OR

- C. Your mental disorder in this listing category is “serious and persistent;” that is, you have a medically documented history of the existence of the disorder over a period of at least 2 years, and there is evidence of both:
1. ***Medical treatment, mental health therapy, psychosocial support(s), or a highly structured setting(s) that is ongoing and that diminishes the symptoms and signs of your mental disorder (see [12.00G2b](#)); and***
 2. ***Marginal adjustment, that is, you have minimal capacity to adapt to changes in your environment or to demands that are not already part of your daily life (see [12.00G2c](#)).***





SOCIAL SECURITY DISABILITY

WORKING WHILE PENDING A DECISION ON YOUR DISABILITY CASE

NOEL S. ANSCHUTZ, PROFESSIONAL DISABILITY REPRESENTATIVE

The Social Security process is brutally long, especially if your case goes all the way to a hearing. Social Services and other resources are in very short supply. How does someone who is pending disability survive? Very few people have savings. A lucky few have friends or family who will support them during a pending claim. Under very limited circumstances, a few are able to access social service resources; and receiving unemployment while your claim is pending could hurt your chances of approval in the long run. Sometimes the only option, if physically or mentally possible, is to try to work. You may attempt to work, but Social Security has very specific rules regarding working while pending a decision.

SUBSTANTIAL GAINFUL ACTIVITY

Social Security's definition of disability is the inability to engage in "substantial gainful activity" ("SGA") for at least a 12 month period. SGA is defined by an earning limit. That earning limit in 2018 is \$1180.00 per month. This means that if you earn over \$1180.00 per month, YOU ARE NOT DISABLED. In fact, Social Security will not accept an application from anyone working and earning over this amount. There are some rules that may allow you to work and avoid this SGA problem.

FAILED WORK ATTEMPT

Social Security says that if you work and earn over \$1180 a month, but you work for 6 months or less **and** you stop working or the income falls below \$1180 per month *for a disability related reason*, then Social Security considers this a FAILED/UNSUCCESSFUL work attempt.

If you work over 6 months, you MUST earn under \$1180 a month. And in fact, it should be quite substantially under that amount. If you work and earn \$1179 a month or quit on day 179, the case is not going to survive that technicality and the work will be considered SGA. Social Security also evaluates your CAPACITY TO EARN SGA. So if you are working part-time, but were offered a full time job and could perform the job, then you would not be disabled, even if your employer has no full-time work. Social Security is not evaluating your specific job, but a range of jobs generally available in the national economy.

If you are going to try and work, YOU MUST INFORM US OF YOUR EFFORTS so we may keep you properly advised.

You should be fully aware that even if you fall into the guidelines, Social Security may still find that your efforts to work are evidence you are not disabled.

PRECAUTIONS

- You MUST keep all of your paycheck records if you decide to work.
- Keep a log of any problems you have while working, both on and off the job.
- We would suggest you don't work 8 hours, 3 days a week, shorter hours are better. (4 hours, 5 days a week)
- Low key, low energy jobs seem to be allowable.
- If you are over 50 and have never done a sit down job, DON'T START doing one now! It significantly changes your burden of proof.
- Do not artificially keep your earnings under the allowed amount. If you can work substantially, then you should be and you are not disabled according to Social Security's rules.
- If you were unable to work for 12 months or longer but now can work again, we can ask Social Security to pay for a "closed-in period", the amount of time that you could not work.
- You should be aware that any work you do could offset your SSI or SSDI monthly benefit, both the retroactive pay and current monthly payments if approved for disability



**PROFESSIONAL
ADVOCATES, INC**

SOCIAL SECURITY DISABILITY

BUILDING YOUR CASE WITH MEDICAL EVIDENCE

NOEL S. ANSCHUTZ, PROFESSIONAL DISABILITY REPRESENTATIVE

The Social Security disability process is an interactive process between you, your representative, and the Social Security Administration. Hiring a Social Security disability representative is a step in the right direction, however, there are key things only you can do.

Your participation in your case is critical and you have more power than you may think.

The number one thing you have the most power over is your medical records.

If someone owed you money and you were going to sue them, do you think a Judge would order that person to pay you money just because you said so? Probably not.

You would have to come to court with some kind of proof, like a contract, or a receipt, or a copy of a check.

The same thing applies to your disability case. It is highly unlikely that Social Security will approve your claim just because you tell them you cannot work. You must have some kind of evidence.

The evidence in a Social Security case is medical records. Approving your case will be difficult without medical records; and just like in any other legal case, the quality of your evidence makes a huge difference.

There are 2 types of medical evidence: objective & subjective.

Objective evidence is the record of signs, deficits, or impairments that can be observed and described or measured. These are physical findings where a doctor does not have to rely on your cooperation or report. Examples include diagnostic test results, such as a MRI, EEG, lab results, and observations of function.

Subjective evidence is anything else that cannot be observed or measured through testing. Your symptoms and complaints of pain, weakness, fatigue, side effects of medications, your report of your inability to do certain activities; these are all subjective.

OTHER THINGS YOU CAN DO TO SUPPORT YOUR CLAIM THROUGH MEDICAL RECORDS

- Get *current* medical treatment. Contact us for referrals to community resources.
- Every time you go to the doctor report ALL of your symptoms, consistently. Do not tell the doctor you are “fine”, unless you really are.
- Follow through with referrals and testing.
- Emergency room visits do not take the place of a regular doctor.
- Multiple emergency room visits to get regular pain medication is also not good for your case. (but you should seek emergency care if you are experiencing breakthrough pain or any other impairment crisis)
- If you go to the hospital, stay until you are released. (don’t leave against medical advice)
- Be honest. Don’t exaggerate or minimize your symptoms. Social Security takes everything very literally. (e.g. Don’t say you can only sit for “a few seconds” – state the actual time you can sit.)
- Take your medications as prescribed. If you take more than prescribed it is not good for you or your case.
- Do not stop taking your medication, or you will be considered “non-compliant” & you could be denied!
- If you have depression and need, or are on anti-depressants, it will help your case if you see a psychiatrist or a counselor.

BUILDING YOUR CASE WITH MEDICAL EVIDENCE CON'T

Let us take the following example:

- You are complaining of severe back pain (subjective); and
- Your MRI says you have a slight or mild disc bulge or (objective); and/or
- You are not taking any substantial pain medication (objective); and/or
- You are not seeing a doctor.

Social Security and private representatives analyze whether or not the subjective evidence (complaints of pain), could reasonably be produced by the impairment. (by looking at the results of the MRI (must be moderate or severe) or the medication you are taking.)

In this example, Social Security will probably find your subjective complaints of pain do not match the objective evidence. (mild MRI results, little pain medication, no medical care) In addition, people who are in severe pain generally will do anything to find relief.

Your doctor can create objective evidence by requesting the appropriate tests, which will diagnose your particular impairment.

Subjective evidence is a little more difficult. This is when the disconnection happens - the difference between what you tell your doctor and what actually ends up in your medical records. What you tell your doctor may end up as notes copied and pasted from the last visit, as the phrase “no new complaints”; or even worse, notes in the doctor’s scribbled handwriting, which no one else can read!

The consistency of your complaints is part of the way your credibility is determined. Credibility is whether someone believes your subjective complaints. It is important to get your subjective complaints documented in the record. Can you imagine showing up to court and telling a judge about all your complaints, but when the judge looks at your medical records, he does not find any of these complaints in the records!?

It is important for your subjective complaints to match the objective evidence. Do not exaggerate or minimize your problems. If you are disabled, exaggerating is not necessary; and if you do, Social Security will not believe *anything* you say. It is likely to be fatal to your case if a doctor writes in your record that you are exaggerating or malingering. On the other hand, don’t tell the doctor you are “fine” if you really are not.

The next time you have a doctor’s appointment, it is your job to make your doctor understands you need your complaints put in the record, EVERY COMPLAINT, EVERY TIME. You should request a review your medical chart; and if you can’t read your doctor’s handwriting, neither can Social Security.

Your medical records are one of the most important pieces of your case. It is your responsibility to ensure your records are the best they can possibly be with the resources available to you.

“MAKE SURE ALL YOUR COMPLAINTS ARE BEING DOCUMENTED BY YOUR HEALTH CARE PROVIDER”

IF YOU HAVE **BACK PAIN YOU MUST HAVE AN MRI & THE FINDINGS MUST BE AT LEAST MODERATE OR SEVERE.**
(MILD IS NOT ENOUGH)

YOUR CASE CAN BE WON OR LOST BASED ON THE QUALITY AND CONTENT OF YOUR RECORDS.



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Through the Looking Glass: A Guide to Your Online Client Portal

Everything you need to know about your case: Communicate, share, access, and collaborate with your attorney in one easy-to-use online portal!

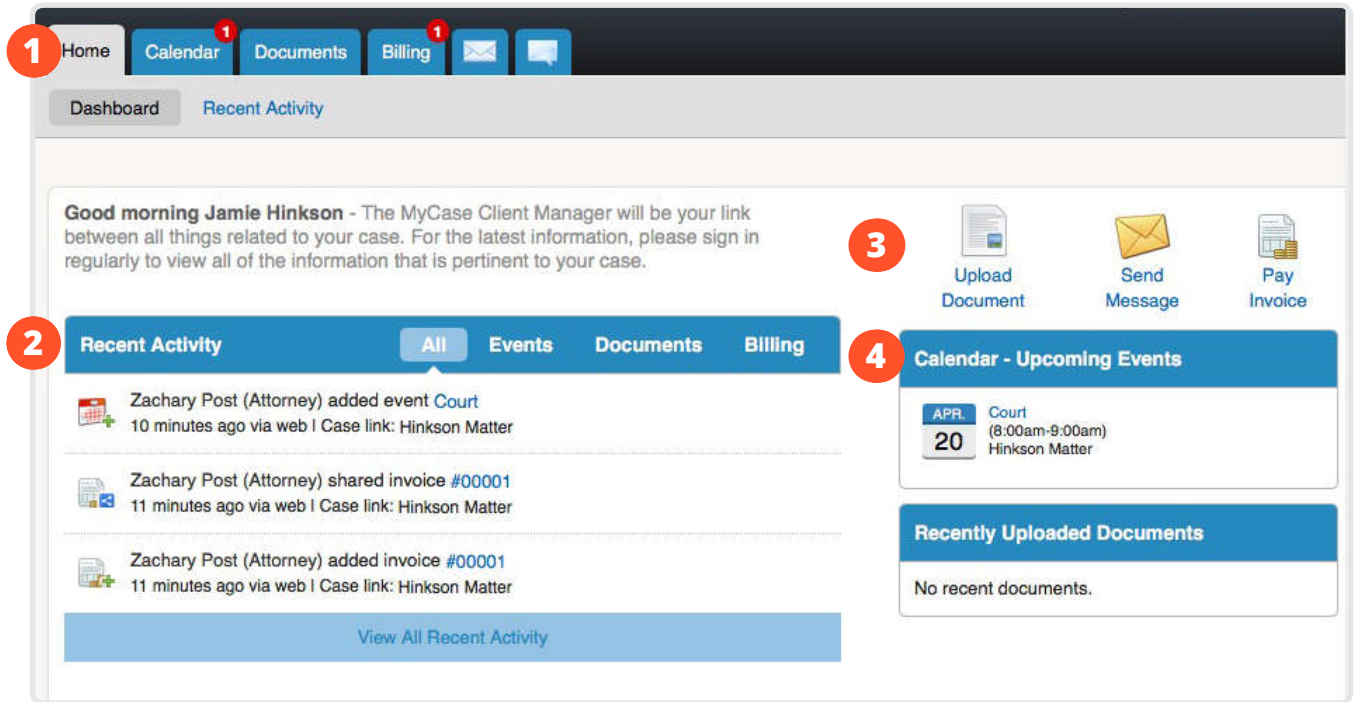
We love our clients, and we're committed to being there for you 24/7. That's one of the reasons why we use MyCase and give you access to our online portal to keep you constantly up-to-date and share critical case information with you. With your own personal login, you can send us secure messages, comment on case items, share documents

We encourage you to use this account to communicate with us – you'll find it useful to have all your pertinent case information in one centralized place rather than scattered through email, phone and mail communication. If you haven't already, you'll soon receive an email with a link to set up your online portal account.

In this guide, we'll show you everything you can do in the online client portal – as well as give you step-by-step directions. If you need any help, please contact us any time.

Home Screen

Once you've setup your account, you'll log in and see this home screen:



- 1 Menu Tabs:** Use these tabs for easy access to the home screen, case calendar, documents, invoices, mail, and comments. The red bubbles over those tabs in the example above are 'notifications' that there are new items for you to check out.
- 2 Recent Activity:** "The Recent Activity" stream shows you recent communications and case activity updates.
- 3 What You Can Do:** You can take three main actions, shown here. When you want to upload a document, send a message, or pay your invoice, do so from these icons.
- 4 What's Coming Up:** Check out upcoming events deadlines and what documents we've recently shared with you.

Uploading Documents

The screenshot shows a web form titled "Add Document" with a close button in the top right corner. The form contains four main sections, each with a red circular callout number on the left:

- 1 Case Link:** A dropdown menu with "Hinkson Matter" selected.
- 2 Doc. Name:** A text input field.
- 3 Source:** A dashed box containing the text "Drag your file here or [click to browse](#)."
- 4 Description:** A text input field.

Below the description field, there is a note: "This description will be viewable by anyone this document is shared with." At the bottom right of the form is a blue button labeled "Upload New Document".

- 1 Case Link:** This dropdown menu contains all of the cases you've been linked to – choose which case this document relates to.
- 2 Document Name:** Self-explanatory :)
- 3 Source:** Either drag and drop the document or 'click to browse' to select the document from your computer files (e.g. your desktop, documents folder, etc).
- 4 Description:** Describe the document – it helps when we're notified of what you've uploaded!

Sending Messages

The screenshot shows a 'New Message' form with the following fields and elements:

- 1 Case Link:** A dropdown menu with 'Hinkson Matter' selected.
- 2 Send To:** Two checkboxes, both checked, for 'Zachary Post (Attorney)' and 'Paul Smith (Attorney)'.
- 3 Subject:** A text field containing 'New Case Update'.
- 4 Message:** A rich text editor with a toolbar (bold, italic, underline, strikethrough, text color, background color, bulleted list, numbered list, link, unlink) and the text 'Hi guys. I have a few updates that I need to share with you in regards to my case, here are the details:'.

At the bottom, there is a 'Discard draft' link, a 'Saved' indicator, and a 'Send Message' button with an envelope icon.

- 1 Case Link:** You'll be given a dropdown menu of cases you're linked to – choose the one that relates to the message you're sending.
- 2 Send to:** This will populate with everyone at our firm who's working on your case. Choose which people you'd like to share the message with.
- 3 + 4 Subject and Message:** Just like an email (but way more secure)!

We hope you find your online portal is easy-to-use and simplifies the process of your case. Let us know if you have any questions.