

Frequently Asked Questions

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What is Disability?

The term Disability is a broad term that most often describes a mental or physical impairment that prevents a person from normal functioning. Social Security defines Disability to mean the “inability to engage in substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months.”

Do I need an attorney for my Social Security disability claim?

You may go through all the levels of the review process on your own; however, statistically claimants who are represented by an attorney have a higher success rate than unrepresented claimants.

How does Social Security decide if I am disabled or not?

Social Security is supposed to review your medical records and consider your age, education, and work experience. Based on all of this, they will decide if you are able to return to your past work. If they decide that you are not able to do your past work, they are supposed to consider if you are able to do another type of work.

Can I file for Social Security Disability while I am on sick leave?

Yes, you do not have to wait to apply when your sick leave ends. If you believe you will be out of work for 12 months or more, you should apply for Social Security benefits.

Can I file for Social Security Disability while receiving Worker’s Compensation benefits?

Yes. Although your Worker’s Compensation Benefits may offset some of your Social Security benefits, you can still be eligible for both and receive both types of benefits.

Can I continue working and apply for Social Security disability?

To be eligible for disability benefits, a person must be unable to engage in substantial gainful activity (SGA). If you are working more than part-time hours or earning more than a certain monthly amount than you may be engaging in SGA. Every year Social Security sets the monthly amount for that year that is considered SGA. For 2015, SGA is considered to be \$1090 a month for non-blind individuals, and it is \$1820 a month for blind individuals.

How much can I get in SSI benefits?

Every year, the max amount of SSI benefits an eligible individual can receive is adjusted with the Cost of Living Adjustment (COLA) which is affected by inflation. This amount has been set at \$733 for 2015 (it was \$721 for 2014). Keep in mind that the amount of SSI benefits a person is eligible for is offset by other household income or assets.

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