

Who Examines a Social Security Disability Claim?

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Disability Determination Services Examiner & Administrative Law Judge



What many people may not realize is that there are two types of people that examine a Social Security Disability claim. A DDS examiner and an Administrative Law Judge (ALJ) both have the power to approve or deny a Social Security Disability claim; however, each is responsible for examination of a claim at different levels in the appeals process. A DDS examiner is responsible for claims at the initial and reconsideration stage. The ALJ is responsible for claims at the hearing level.

When you first apply for Social Security Disability, you are considered to be at the initial stage. At this point, the claim is evaluated by the Disability Determination Services (DDS) which is a state government agency. When your claim is submitted to the DDS, a DDS examiner is assigned to your claim. A DDS examiner is a specialist whose sole function is to evaluate disability claims for the SSA. They typically have many claims to evaluate at the same time.

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When your application is assigned, it is the examiners responsibility to evaluate your application, request medical records from your providers, evaluate your medical records along with the opinion of a medical or psychological consultant. The consultant works for the DDS and is the person who completes your consultative exam to evaluate your physical and mental health. The examiner does not meet with you in person; their decision to approve or deny you as meeting the criteria of disabled is based solely off the items listed above. If your claim is denied, you or your attorney appeal it at the reconsideration stage. It is then sent back to the DDS for a different examiner to review. Initial applications and reconsideration appeals are denied more often than not.

If your claim is denied at the reconsideration stage, you or your attorney will then appeal to the hearing level. This will provide you the opportunity to go before an Administrative Law Judge to present your case. An ALJ works for the Office of Disability Adjudication and Review (ODAR) which is part of the SSA. Because there are so many denials in the early stages, most claimants go before the ALJ to get a decision. The ALJ is responsible for evaluating your medical records, listening to the testimony of expert witnesses, and most importantly, listening to your testimony. Often it takes more than a year before your hearing is scheduled, so it's important that your attorney submits up-to-date medical records before the court date. The good news is that the chances of winning your claim with an ALJ is greater than with the DDS. The reason for this is because the ALJ gets a more in depth and personal view of your case than the DDS examiner.

If you are denied at the initial or reconsideration phase, do not give up! You want to get before an ALJ, because your chances for approval are much higher. While it's a long and tedious process, more often than not, the end result is a good one so perseverance and patience are key to your case.