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DISABILITY LAW

The Khaki Law Firm
October 2019 Newsletter

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Can I be Employed and Apply for SSDI??

What You Need To Know



Can I be Employed and Apply for SSDI?

For many, applying for Social Security Disability Insurance (SSDI) and the review process can be a time-consuming endeavor. An applicant may wonder whether they need to work while they wait for a decision from the Social Security Administration (SSA) or if they can support themselves on their savings.

It is important that anyone applying for SSDI benefits understands how employment will affect their application and the potential benefits they may receive. If you have questions about your application or your employment, it is always beneficial to talk to the attorneys at the Khaki Law Firm.

Applying for SSDI while Employed

Generally, you will need to leave your job before applying for SSDI. The SSA will assume that your employment status means that you are not disabled or do not require the disability benefits you claim eligibility for. Even if you are working through pain or discomfort, the SSA considers this as an ability to continue with employment and would be unlikely to approve your request for disability benefits.

If you chose to remain employed or seek additional income, there are SSDI specific stipulations you must keep in mind. For example, you cannot earn more than what is considered "substantial gainful activity." Under SSA guidelines for 2019, this amount is about \$1,220 per month.

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NOSSCR Conference Celebrates 40 Years!

And our Hearing Advocate, Patrice Callahan, was There to Help!

The National Organization of Social Security Claimants' Representatives Conference (NOSSCR), held annually, hosts SSDI attorneys and representative's country-wide serving as pioneers in continuing legal education and furthering firm's practices. In 1997, the first conference advocating for the disabled was held in New Orleans and now 40 years later, they are back! Not only did Patrice have a fantastic time in the 'The Big Easy' but she was able to continue her education on SSDI matters to ultimately help our clients. Some highlights include effectively cross-examining experts witness like vocational experts and medical experts, an ethics session representing claimants with mental disabilities effectively, and learning more about how Veteran's Administration (VA) disability/unemployable status and how Social Security views this information in deciding on disability.

March 27, 2017 is a very important date on this topic! On this date, Social Security Administration (SSA) changed its rules to state that a decision of total disability by another government agency is not based on Social



Security rules and therefore not binding to the SSA. This largely has to do with the complicated way the VA calculates a cumulative, final disability rating. The VA uses "VA math" that can result in a veteran, for example, have a cumulative rating of 70%, with that individual have a 50% rating for a mental impairment and 30% rating for a physical impairment.



One step further, this same individual could either be compensated at the 70% rate or compensated at the 100% rate depending on the employ-ability of the veteran. Therefore, it is possible for a veteran to have a 100% disability rating but still be employable. Additionally, a 100% compensation rate is the same as a 100% disability rating. So, what is the determining factor? The determining factor is if the VA deems the individual to be unemployable, and this can be determined despite having a cumulative rating less than 100%. These claims are called Total Disability Individual Unemployable (TDIU) claims and in order to meet the status of being unemployable, the veteran must have either one condition with a cumulative rating of 60% or have a cumulative final rating of 70% with one individual condition rating of 40% or higher.

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Here We Grow Again!

Thank You For The Continued Support!

We are so grateful to be a 2019 honoree, for the second year in a row, on the Law Firm 500's Fastest Growing Law Firms in the U.S! Our clients ongoing trust in us means so much and we love making a positive change in their lives. The more we grow, the more we can achieve our #1 goal - helping clients navigate through the Social Security Disability Maze!



Wishing Our Hearing Advocate The Best Day and Year Ahead!



Client Testimonial:

Thank You, Guy F., For The 5 Star Review!

Thank you for the wonderful review Guy! At The Khaki Law Firm, we provide our clients the legal guidance they need to live the life they deserve. Our mission is to zealously advocate for the disabled and injured members of our society while adopting a holistic approach to an unpredictable disability process that incorporates empathy with excellent communication skills and quality care derived from our guiding values and our drive to always be ahead of the Social Security Administration. If you need help with your social security disability case, call us at (678) 798-8776.



Calendar of Events:

October 2019

October 2: In court; Atlanta, GA

October 3: In court; Atlanta, GA
 October 4: In court; Atlanta, GA
 October 7: In court; Atlanta, GA
 October 8: In court; Augusta, GA
 October 23: In court; Covington, GA
 October 29: In court; Atlanta, GA
 October 30: In court; Atlanta, GA



Contact Us!

The Khaki Law Firm
 Main Office: 3562 Old Milton Parkway
 Alpharetta, GA 30005

By Appointment Only: Buckhead

(678) 228-8688
 TheKhakiLawFirm.com



The Khaki Law Firm Team

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The Khaki Law Firm | 3562 Old Milton Parkway | Alpharetta | GA | 30005