

## Top 10 Questions to Ask When Choosing a Social Security Disability Representative

*Finding the right SSDI representative can help you get through the Social Security disability backlog faster. But first, you need to know what to look for before making this important decision.*

More than 3.3 million people are waiting to learn if they will receive their Social Security Disability Insurance (SSDI) award, a wait that can typically take two to four years. Newcomers to the cumbersome SSDI process may not be fully aware of their options when seeking help. Allsup, which represents tens of thousands of people in the SSDI process each year, offers some valuable guidance.

Applying for Social Security Disability Insurance benefits is not only confusing and complicated, but the stakes are quite high. People need to get their benefits as soon as possible to pay everyday living expenses, not to mention the medical bills that are piling up because of their disability.

Each month, thousands of people seek assistance from Allsup, asking for help to determine if they are likely to be eligible for SSDI and to discuss possible representation. The questions below are compiled from those most commonly asked about SSDI representation.

### ***What are your options if you want to hire representation?***

Typically, there are two major types of paid SSDI representatives: (1) specialized organizations like Allsup, which has multiple representatives and specialists experienced in handling SSDI claims in local communities across the country; and (2) law firms that may or may not have attorneys solely dedicated to SSDI claims.

### ***How knowledgeable and experienced is the organization in representing individuals applying for SSDI?***

You should look for a representative who specializes in SSDI and understands the complexities and nuances of the process. Don't be fooled if a representative tries to impress you with his or her local influence. It's highly unlikely that they have special power over local SSA staff or can ensure your hearing will take place in front of a specific judge.

### ***Will the organization help you file the initial application for SSDI?***

The myth that you cannot have a representative help you file your initial application for SSDI may stem from the fact that many attorneys only accept SSDI clients after their initial applications are denied.

Turning away a potentially qualified individual seeking help with the SSDI application process is like telling someone who doesn't know how to drive a car to get behind the wheel and come back once they've had an accident. It's not a safe strategy, especially when finding help at the beginning can improve your chances of getting approved earlier and potentially cost you less in representative fees as a result.

### ***What specific activities will the representative undertake on your behalf?***

It's important to choose a representative who consistently works the claim on your behalf throughout the process and removes the burden from you. For example, you should ask:

- Will you contact my doctors and collect or update medical records for my file independently of the SSA?
- Will you regularly query the SSA for status of my claim or confirm my claim file is up-to-date?

The SSA's Disability Determination Service may arrange for you to visit a doctor of its choice and compile your medical records, but it's generally in your best interest to have your representative help you by having your treating physician provide medical evidence.

Your representative also should be following up with the SSA regularly to ensure your claim is in order. You don't want to show up at a hearing only to learn critical information, such as your most recent medical tests showing your illness has worsened, did not make it into your file in time.

### ***Does the organization have experience representing someone with your disability?***

Not all disabilities are alike—the SSA has specific Disability Impairment Criteria for hundreds of specific conditions, from back injuries and arthritis to fibromyalgia to strokes. It's essential to prepare each case with details and in the language required by the SSA to avoid unnecessary delays, a reduced award or denial of benefits.

### ***How does the organization – and who within the organization – will keep you informed on the progress of your claim?***

Disability applicants should make sure that the representation organization they choose will keep them regularly updated on the progress of their application, including timely notices of deadlines, documents required or scheduled hearings.

People sometimes select a local representative based on the belief that they're going to have regular in-person meetings with the representative. Then they learn after the initial meeting that the representative is no longer available to meet with them, take their calls or keep them regularly informed. In fact, it's an all-too-common practice for some representatives to minimize communications until a specific deadline or event, like a hearing, is scheduled. Knowing the communication approach of the representative you choose is essential in making sure you're not disappointed.

### ***Will you have to attend any hearings?***

Approximately one-quarter of SSDI cases proceed to the hearing level before an administrative law judge. However, this might not be necessary if the representative asks for and receives an "on-the-record" decision, where the judge makes a decision based on a review of information in the file. It does require that your representative create a well-written brief that provides a thorough, factual record of your claim. For example, about 50% of Allsup customers at this level never have to attend a hearing because many judges

will make a decision without the need for an oral hearing based on the information Allsup presents.

The SSDI process is overwhelming, and if you have physical limitations or live in a remote area, attending a hearing can be a significant concern. Going through the extra effort of creating solid briefs needed to gain on-the-record decisions is a sound representation practice to help alleviate concerns and accelerate a decision. And usually means getting your award sooner.

### ***What is the organization's success rate?***

No organization has a 100% track record, but you should look for a representative with a high success rate in gaining SSDI benefits for its clients. This indicates the representative not only can deliver the desired result, but also probably has a powerful credibility in the industry.

### ***How much faster can the organization help you win your award?***

There is no guaranteed timeline. External factors, including the growing disability backlog at the SSA in processing claims, can affect the timing. But a representative should know on average how long it takes their clients to get through the various stages of the SSDI process. For example, individuals Allsup represents at the hearing level (where 90% of all claimants have representation) generally receive an award four months faster than the national average.

How fast you get through the process matters, because it gives you access sooner to the SSDI award you need to pay for daily living expenses. It also potentially lowers your representation fee.

### ***What does it cost?***

The SSA determines the maximum fee that any organization can charge for SSDI representation. Currently, it is 25% of the retroactive dollar amount awarded, not to exceed \$6,000. Those who are approved quickly at the application level and receive no retroactive award typically pay much less and that fee is also approved by the SSA. You should not pay a fee if you don't receive your SSDI award. You should ask a representative if he charges for items in addition to representation, such as travel or medical records. Allsup does not charge any additional fees.