

How to Successfully File for Disability

The odds of being approved the first time when filing for disability will vastly improve if you plan ahead and follow some simple steps.

By Cynthia Perry

THERE USUALLY ISN'T a single day or symptom that leads a patient with a chronic illness and his or her medical team to decide when work is no longer an option. Instead, you may suffer a gradual decline in your ability to juggle all of life's demands: family, work and social obligations. At some point, your boss may ask why you have so many doctor appointments, or why you miss so much work. Co-workers may wonder why you are sick so often. Over time, you may find that almost every hour you aren't at work you spend asleep: work, sleep, repeat. These are all good indicators that filing for disability may be necessary.

Planning for Disability

Follow these steps to plan for disability:

Review private disability coverage. It's a good idea to hire an employment lawyer to review your company's disability policy; a reputable lawyer will normally do this for a few hundred dollars, and this is money well spent. A lawyer will be able to tell you about any pre-existing condition clauses, how much coverage you have, cost of living accelerators (rare in private insurance), if and how your benefits would be taxed, whether you have to apply for Social Security disability (SSDI), and what if any monies will be deducted from your long-term disability payments. He or she can also explain under what circumstances your coverage will end (usually your last day of employment), and what happens if you are fired, laid off or quit. Perhaps most importantly, a lawyer can explain any clauses about "own profession" vs. "any profession" in your policy, and give you some guidance relating to your particular medical condition; however, keep in mind that a lawyer is not a medical professional.

Review SSDI requirements and benefits. Social Security's website has a wealth of information about eligibility for disability benefits and the application process. There are two ways to speed up the Social Security application process. The first is "compassionate allowance" for people with amyotrophic lateral sclerosis and certain

types of cancer; you have to be terminal to qualify this way. The second is to qualify under "List A." This is a list of conditions so severe that Social Security grants "automatic" disability (assuming you meet the specific criteria under the listings). Study the List A criteria closely, and see if you meet any of them.

You can also find out from Social Security what your benefits would be, and if and how they would be taxed. You can do this online or in person at your Social Security office.

Ask doctors for support. As you meet with your various doctors for other issues, talk to them about what is going on at work. Ask them very directly if they would support your filing for disability. Talk to them about anything that you have that meets the SSDI List A criteria. Ask them if they would complete disability paperwork.

If you do file for disability, list only the doctors who said they would support your disability claim. You are in control of which doctors your private insurance and SSDI contact.

Document everything at work. Document everything that happens at work, just in case you ever need that information. Keep this in your briefcase or purse in case you are ever escorted out of the building with no warning. Also, keep all of your private disability benefits paperwork in your briefcase, car or home for the same reason.

Track symptoms. Track every one of your symptoms every day in a spreadsheet. You will find it enlightening, and perhaps frightening, to see how much your chronic illness is impacting your life. When you file for disability, you will need to provide this information to both private insurance and SSDI.

Filing for Disability

Once you and your doctors decide it is time to file for disability, stop work (either as forced by your employer or as recommended by an employment lawyer); you can't be working when you file for disability. Make filing for disability your new full-time job.

Planning for Disability

- Review private disability coverage.
- Review SSDI requirements and benefits.
- Ask doctors for support.
- Document everything at work.
- Track symptoms.

Filing for Disability

- Get copies of medical records.
- Contact patient advocacy groups.
- File for SSDI and private insurance.
- Summarize symptoms with a symptom tracker.
- Summarize doctor appointments.
- Provide a prescriptions summary.
- Submit peer-reviewed medical journal articles.
- Explain chronic illness's impact.
- Request applications be reviewed by a board-certified specialist.

When filling out your disability forms, your odds of winning your case will be improved by doing the following:

- Get copies of your medical records. If any do not appear to support your disability claim, don't list that doctor as part of any disability filing.
- Contact your patient advocacy group(s) to see if they provide any free legal advice for disability applications. Any lawyers they have on staff can offer great insight into how to fill out paperwork to win disability benefits for your specific medical condition(s).
- File for SSDI as soon as you file for private insurance. This indicates to your private insurance that you are confident in your

ability to win your case.

- Summarize your symptoms from the symptom tracker you have been keeping (e.g., average per month for six months: one shingles flare lasting three days, one urinary tract infection, one migraine).
- Summarize your doctor appointments for the last year (e.g., average of one doctor appointment per week for the last year).
- Provide a prescription summary for the last year from your pharmacy; indicate any side effects the drugs you take cause on the provided forms.
- Submit any peer-reviewed medical journal articles you can find that support your case (e.g., poor prognosis, no known cure, etc.). Provide your specific medical records that support how your case relates to the medical journal articles (symptoms you have as documented in the articles).
- Be sure to explain how dealing with your chronic illness(es) has impacted your life in detail; explain everything you used to be able to accomplish and what your life has been reduced to now by way of comparison. There will be space on forms to do this, and you may be able to do this in personal interviews, too. Have your "elevator speeches" prepared; don't be afraid to pour out your emotions about how this affects your family and loved ones.
- Finally, request in writing that your private and SSDI applications be reviewed by a specialist that is board-certified in a specialty appropriate for the most important condition you are claiming on your applications.

After you have submitted your applications, check their status about every two weeks (this goes for both private insurance and SSDI). Particularly with SSDI, it is not uncommon to have things fall through the cracks at any stage in the review process. In addition, be sure to follow up with the doctors you have put on your SSDI forms to see if they have been contacted by Social Security and if they provided the requested information to the agency. If any doctors have not been contacted, call your case-worker and ask that they be contacted immediately.

The approval process won't be stress-free and certainly won't be automatic, even if you have conditions on Social Security's List A. But by following these steps, you will improve the odds that you are approved in the first review, avoiding the appeal process entirely. ■

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