




# SSDI/SSI BASICS

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Kathryn Dicus started representing Social Security Disability applicants immediately after graduating from Villanova Law School. After moving to Phoenix, Kathryn worked as a staff attorney for the Arizona Governor's Regulatory Review Council and as the public records and open meeting law attorney for the Arizona Ombudsman Citizens' Aide. While working in state government, Kathryn continued to represent disability clients on a part time basis. In 2016, Kathryn transitioned to full-time disability representation.

Since 2016, Dicus Disability, L.L.C. has represented hundreds of clients successfully in front of the Social Security Administration, in federal district court, and she argued one case unsuccessfully in the Ninth Circuit Court of Appeals. In 2017, Kathryn presented at the annual conference for the National Organization for Social Security Claimants' Representatives to attorneys on appellate litigation. In 2019, Kathryn was very proud to be part of passing state legislation making medical records free for applicants appealing a Social Security disability denial. Kathryn is an active volunteer in Moms Demand Action, a gun violence prevention group and has spoken at several state legislative committee hearings against proposed legislation to expand access to guns.



# Procedural Overview

## SSDI – “Social Security Disability Insurance”

- SSI – “Supplemental Security Income”
- Initial Application (9 months)
- Request for Reconsideration (6 months)
- Request for Hearing (6 months)
- Request for Review by the Appeals Council (12 months)
- Federal District Court Complaint (12-18 months)



# Criteria for Disability

- Severe Impairment
- That has lasted, or can be expected to last for 12 consecutive months
- Symptoms prevent performance of past work (done in the last 15 years full time for more than 3 months)
- Symptoms prevent performance of other available work



# Building a good case

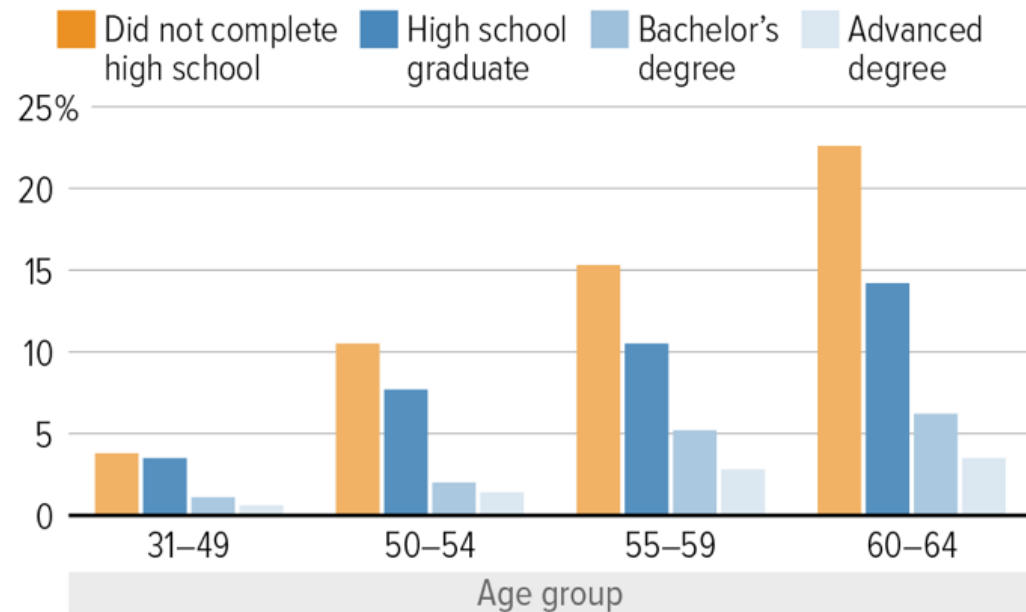
Completion of residual functional capacity forms and drug and alcohol abuse forms by a treating provider are essential.

- Treatment from a specialist, medical doctor, physician assistant/nurse practitioner, behavioral health provider.
- Follow ups and accurate exam notes are critical.
- SSA is looking for a doctor's opinion of a work-related limitation that is supported by exam findings and objective testing.

# CASE SELECTION - FEES

## Disability Insurance Receipt is Highest Among Older Workers With Limited Education

Percent of group receiving Disability Insurance, 2010



Source: Urban Institute.

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# Work Limitations that Preclude Most Employment

- Understand, carry out and remember simple instructions in two-hour segments,
- Make judgments about simple work-related decisions and be aware of normal hazards,
- Respond appropriately to supervision, coworkers and work situations which includes taking criticism, asking simple questions or requesting assistance, and
- Deal with changes in a routine work setting.



# Work Limitations that Substantially Impact Most Employment

- Being off task for more than fifteen percent of the workday due to symptoms,
  - The need to change positions from sitting to standing once every thirty minutes,
  - The need to walk around once every hour for more than nine minutes,
  - The need to take unscheduled breaks in addition to normal breaks that equal or exceed fifteen percent of the workday,
  - Less than two hours of reaching, handling or fingering bilaterally per day,
  - Loss of near visual acuity with correction,
  - The need of a medically prescribed cane or walker,
  - The need to elevate feet waist high for more than fifteen percent of the day, or
- More than one unscheduled absence from work per month due to symptoms or treatment.

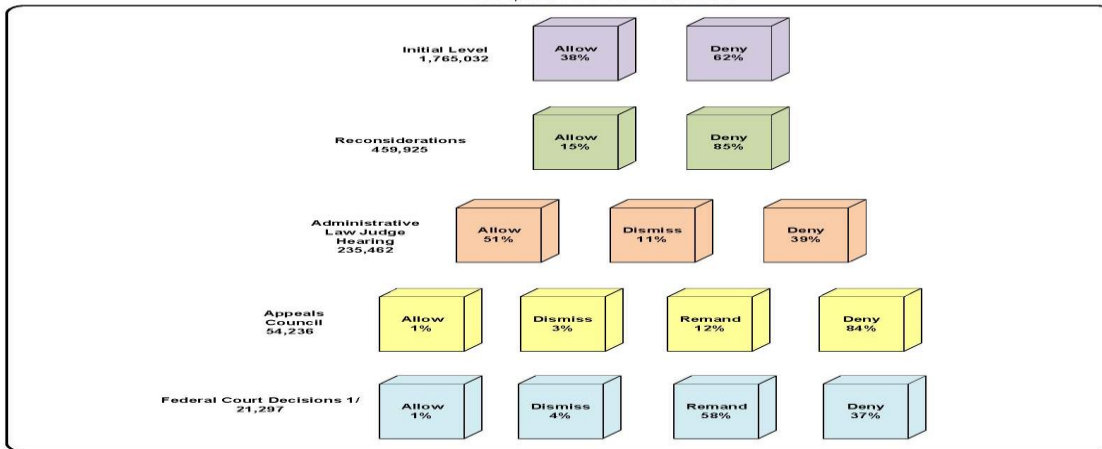
# MEDICAL RECORDS FEES FOR SSDI/SSI APPLICANTS

**Arizona:** As of May 6, 2019, one free copy of a patient's medical records per calendar year if requested by the patient or the patient's legal representative "for the purpose of appealing a denial of benefits under the Social Security Act." Before obtaining a patient's medical records free of charge, "[a] legal representative must provide an Appointment of Representative Form SSA-1696." Any additional requests for medical records in the same calendar year are subject to "a reasonable fee" for the production of the records. But no fees may be charged if no medical records are found in response to the request. [Arizona Revised Statutes § 12-2295.B.5.](#)

# NEWS ABOUT THE SOCIAL SECURITY ADMINISTRATION

## FISCAL YEAR 2022 WORKLOAD DATA: DISABILITY DECISIONS\*

Continuing Disability Redeterminations (CDRs) are not included  
except for Federal Court Level



\*Includes Title II, Title XVI, and concurrent initial disability determinations and appeals decisions issued in FY 2022, regardless of the year in which the initial claim was filed, and regardless of whether the claimant ever received benefits (in a small number of cases with a favorable disability decision benefits are subsequently denied because the claimant does not meet other eligibility requirements.) Does not include claims where an eligibility determination was reached without a determination of disability. If a determination or appeals decision was made on Title II and Title XVI claims for the same person, the results are treated as one concurrent decision.

1/ Federal Court data includes appeals of Continuing Disability Reviews.

NOTE: Due to rounding, data may not always total 100%.

Prepared by: SSA, ODSSI (Office of Decision Support and Strategic Information)

Date Prepared: January 26, 2023

Data Sources:

- 1) Initial and Reconsideration Data: SSA State Agency Operations Report
- 2) Administrative Law Judge and Appeals Council data: SSA Office of Hearing Operations (OHO)
- 3) Federal Court data: SSA Office of General Counsel

# NEWS ABOUT THE SOCIAL SECURITY ADMINISTRATION

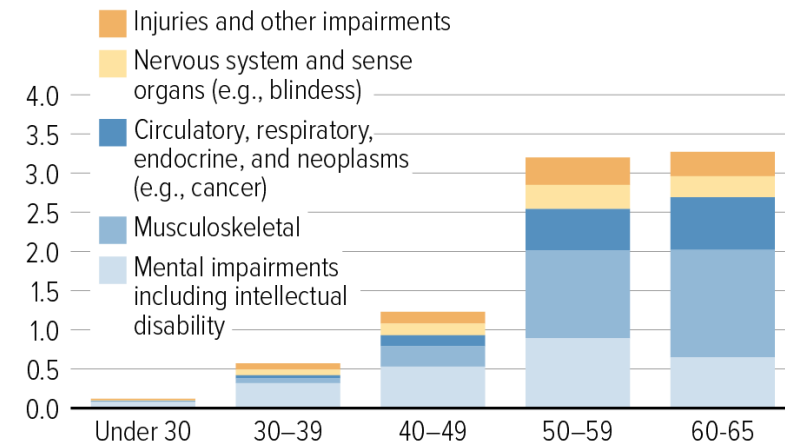
- <https://www.cnn.com/2023/02/25/business/long-covid-workforce-issues-disability-claims/index.html>
- **Long Covid disabled them. Then they met a ‘broken’ Social Security disability process**
- chronic condition can include symptoms from memory loss and extreme fatigue to muscle weakness and musculoskeletal pain.
- Rebecca Cokley, program director for disability Rights at the Ford Foundation
  - “Around 10,000 people die a year waiting for disability,” Cokley said. “With long Covid, I only expect it to get worse.”



# NEWS ABOUT THE SOCIAL SECURITY ADMINISTRATION

## Typical Disabled Worker Is Over 50 and Has Severe Mental, Musculoskeletal, or Other Impairment

Millions of beneficiaries, by age and primary impairment, December 2019



Source: Social Security Administration

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# EDUCATION AND DISABILITY

## States with Low Educational Attainment Generally Have High Rates of Disability Receipt

Percent of Each State's Resident Population Age 18-64 That Receives Social Security Disability, SSI, or Both

3-5% 5-7% 7-9% 9-11% 11-13%



Percent of Each State's Native-Born Population 25 and Over That Has Completed High School

92-95% 89-92% 86-89% 83-86% 80-83%



Source: Data for 2013, from Social Security Administration and Census Bureau

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# Thank You

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