

5 Mistakes to Avoid when Filing a Social Security Disability Claim

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“Knowing what will be on your Social Security Disability application will allow you to have the upper hand in being approved for benefits if you are disabled and will avoid you being denied for simply not including the proper information”

1. Not obtaining the medical treatment recommended by your doctors.

- In order to you receive SSD benefits, you must be unable to do any substantial work because of your medical condition and the medical condition must have lasted, or expected to last, at least 1 year, or be expected to result in your death. This is a very strict definition of “disability” and very difficult to attain. It is essential that your doctor determine that you are “totally disabled” and provide the medical records to back up such a claim. If you don’t obtain the medical treatment, and don’t listen to your doctor’s advice and recommendations for treatment, you may be unable to qualify for benefits.

2. Not listing all of your physical and mental illnesses on your application.

- Many people are under the impression that if they hurt their knee in a car accident, and then hurt their neck years later in a separate accident, they can only file for benefits under “one” injury. This is not true. SSD allows you to list multiple injuries to enable you to qualify for disability benefits. Even psychiatric treatment can help you to qualify for disability benefits.

3. Relying on a Chiropractor or Physical Therapist to help you obtain benefits.

- I have many clients that tell me that “my chiropractor told me I am totally disabled” and that I should apply for benefits. I can tell you from experience that disability claims supported only by chiropractic records will be denied. The SSA has not listed chiropractors as acceptable medical sources to perform Disability Examinations. Although the SSA can review their records, a chiropractor’s opinion alone is not sufficient to qualify you for benefits.

4. Not including the names and addresses of all your doctors when filing for SSD benefits.

- Many people look at the space that is included on the Disability Application and notice that the space for you to list the doctors is too small. Applicants feel that since there is only limited room on the form, they don’t need to list all of their doctors. SSA must have a complete picture of your medical condition and the opportunity to obtain all of your medical records. Certain doctors may have information that SSA finds important in evaluating your application. It is important that you list each and every doctor that may have information helpful to your claim.

5. Relying on the SSA to obtain all of your medical records from your doctors.

- The SSA will make their decision based upon the medical records that they actually receive from your doctors. After you fill out the application, the SSA will send out requests to your doctors for copies of your medical records. If they do not receive the records, there is no probability that they will follow up with your doctor. They will most likely make a decision without important medical records supporting your disability claim. This usually leads to a denial of benefits and an appeal. Make sure that you when you apply for benefits, that you have copies of your important medical records and that your doctor responds to SSA’s requests for medical records.

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Frank J. Dito, Jr. is a partner in the Staten Island, New York law firm of Decker, Decker, Dito & Internicola, LLP where he practices Personal injury Law. For over 11 years, Frank has been helping people who have been injured in car, truck and motorcycle accidents. He has experience negotiating with insurance companies and trying car accident injury and death cases. Frank also helps people who have been injured in slips and falls, by dangerous products, and because of medical malpractice. Frank also practices in the field of workers' compensation, helping injured workers recover financial and medical benefits for the work related injuries.

Frank is a member of the New York State Trial Lawyers Institute and the Association of Trial Lawyers of America, an organization devoted to protecting individual rights and preserving the civil jury system in America. Frank is a member of the Million Dollar Advocates Forum, an exclusive group of trial attorneys that have achieved a verdict, award or settlement in the amount of One Million Dollars or more.

Mr. Dito is licensed to practice law and regularly handles cases throughout New York State, practicing extensively in Staten Island and Brooklyn. He is a member of the Richmond County and Brooklyn Bar Associations.



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