

SOAR (SSI/SSDI Outreach, Access, and Recovery) Elective: Appeals

Substance Abuse and Mental Health Services Administration
(SAMHSA) SOAR Technical Assistance Center
Policy Research Associates, Inc.



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SSA Appeals Process

1. Initial determination
2. Reconsideration
3. Administrative Hearing
4. Appeals Council Review
5. Federal Court Review

**Issue Brief: Effective SOAR Representation for Social Security Appeals*



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A trip to the flip chart...

- Got Reconsideration?
- What would you like to know more about?
- How is your state/local SOAR program handling SSA appeals?
 - In-house representation?
 - Soft hand off to a legal advocate?
 - Withdraw current application to file new SSA application?
 - Unsure at the moment

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Appeals Backlog: Why?

- Over 1 million ALJ hearing requests waiting to be scheduled
- Many states experiencing 600+ days for a hearing
- SSA increasing resources to deal with ALJ and AC backlogs:
 - Modernizing electronic services
 - Hiring more ALJs and Senior Attorney Advisors
 - Reorganized hearing office and AC to reduce backlog

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Appeals Outcomes

- The SOAR process can assist with appeals!
- SOAR has successfully assisted **6,591** persons experiencing or at risk of homelessness through the appeals process.
- **42%** approval rate, in an average of **187** days in 2019
- Compared to the average national processing time of 591 days!

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Appeal Online!



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Disability Appeal

Getting Ready

Before you start your appeal, you should gather the [information you need](#) to complete your disability appeal, including:

- Doctors, hospitals, medical treatments, and tests since you last gave us medical information
- Medicines you are currently taking
- Changes in your medical conditions, daily activities, work, and education
- [Supporting documents](#) including forms, medical reports, and written statements

Being prepared will help you spend less time to complete your disability appeal online.

Submit an Appeal

Completing your appeal online may take 40 to 60 minutes. Your answers will be saved automatically so you can take a break at any time.

[Start a New Appeal](#)

or

[Return to a Saved Appeal](#)

More Information

- [About This Application](#)
- [Other Ways to Complete a Disability Appeal](#)
- [The Appeals Process](#)
- [Hours of Operation](#)

Your privacy is important.

For details about our use of your information, we encourage you to read our [Privacy Act Statement](#).

<https://secure.ssa.gov/iApplsRe/start>

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iAppeals

- Online submission allows you to complete and submit, simultaneously:
 - Request for Reconsideration (i561) or Request for Hearing by ALJ (i501)
 - Disability Report - Appeal (i3441)
 - SSA-1696
 - Medical authorization, medical records, school records, and other supporting documents
- SSA online services for appeals now includes appealing non-medical denials (e.g. overpayments, income, resources, insured status, etc.)

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Know the Reason(s) for Denial

- Request the electronic folder (CD) from SSA or the Office of Hearings Operations (OHO)
- Review the CD to ascertain evidence on file and rationale for denial
- Make note of errors, omissions and plan your strategy

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Reconsideration

- First level of appeal in most states (except for 5 Disability Redesign Prototype states)
- Must be filed within 60 days of the date of the receipt of the initial denial notice.
- Three forms to file:
 - SSA-561: Request for Reconsideration
 - SSA-3441: Disability Report- Appeal
 - SSA-827: Authorization to Disclose Information to SSA
- The applicant may submit additional medical evidence and records
- DDS takes a new look at the case and makes a “recon determination”
 - New disability examiner/analyst and reviewing physician

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What To Do If the Deadline Has Passed?

- The applicant can still appeal if there is “Good Cause” for missing the deadline
- Accepted “good causes” for late filing:
 - Related to applicant’s disability
 - Limited English proficiency and/or education
 - Failure to understand the requirements
 - Failure to receive denial notice within 5 days of the date on the notice
 - Unusual or unavoidable circumstances such as hospitalization

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SOAR Tool: *Sample Good Cause Letter*

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Appeal vs. New Application

- Starting a new application results in:
 - The loss of the earlier protective filing date and potential loss of months of back benefits
- Requesting reconsideration:
 - Preserves the protective filing date and potential eligibility for months of back benefits
- Be sure the applicant, knows the difference and is making an informed choice!

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Administrative Law Judge (ALJ) Hearing

- Second level of Appeal if denied at Reconsideration
- You do not need to be an attorney!
- File within 60 days of decision; submit new evidence if applicable
- Three forms to file:
 - SSA-501: Request for Hearing by Administrative Law Judge
 - SSA-3441: Disability Report- Appeal
 - SSA-827: Authorization to Disclose Information to SSA
- It takes, on average, one year or more for the hearing to be scheduled with OHO
- You can submit a request for an expedited hearing due to dire need

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On the Record (OTR) Review

- A written request asking that the ALJ to make a favorable decision based on the evidence in the applicant's case record
- You are requesting a decision based on new evidence that has become available since the DDS denial
- Can be requested by the claimant or SOAR representative, but is often done through a screening process by the OHO Attorney Advisors in an effort to clear hearing backlogs

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Appointed Representative Services

- Online access to SOAR applicants' electronic folders or eFolders (EFs) is now available for Appointed Representatives with ALJ hearing and Appeals Council level cases
 - View all documents in real-time
 - eFolder access provides uploading and downloading capabilities
- How to enroll:
<https://soarworks.prainc.com/article/appointed-representative-services>

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Referring Denials to Legal Services

- After applicant makes an informed decision to continue appeal to ALJ or AC levels, you may refer him/her to the following places for legal help in your community:
 - Legal Aid
 - Pro-Bono
 - County Bar Association
 - Law School Legal Clinics

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Appeals Resources

- Submitting Appeals Using SOAR: Tools & Resource Packet
- Tips for Pending Applications & Appeals
- Reviewing Denial Notices and the Electronic File
- Filing Online with iAppeals
- Appointed Representative Services (ARS)
- Opening an Encrypted SSA CD-ROM
- Continuing Disability Review (CDR) FAQs
- ALJ Hearings: On the Record

<https://soarworks.prainc.com/topics/appeals>

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