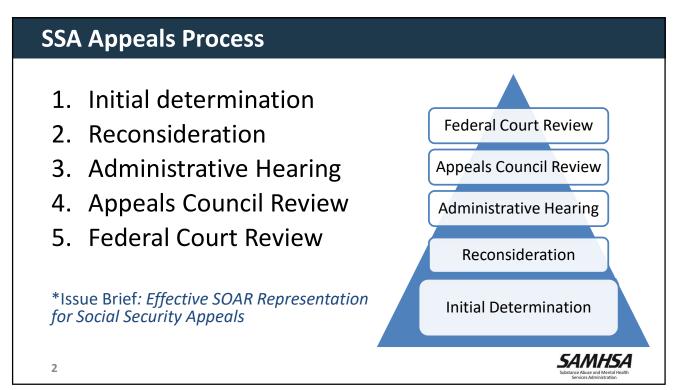
SOAR (SSI/SSDI Outreach, Access, and Recovery) Elective: Appeals

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





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

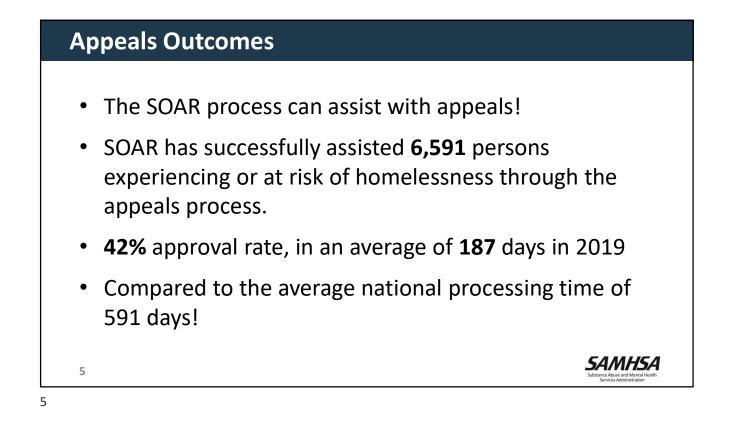
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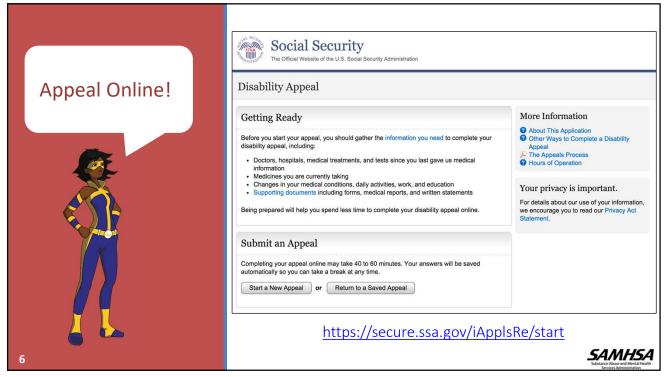
Appeals Backlog: Why?

- 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



SAMHSA

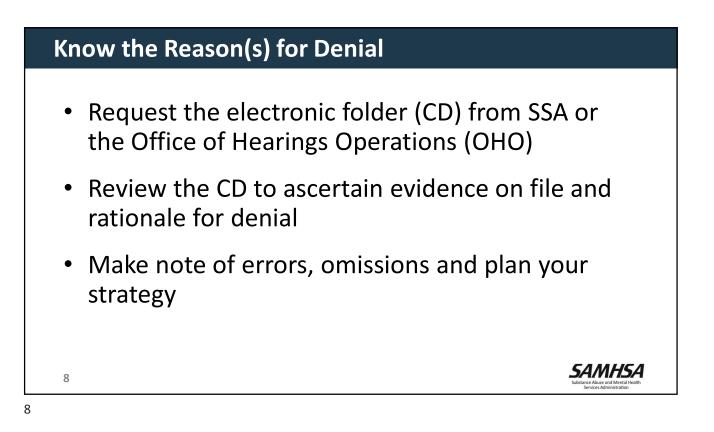




iAppeals

- Online submission allows you to complete and submit, <u>simultaneously</u>:
 - 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.)

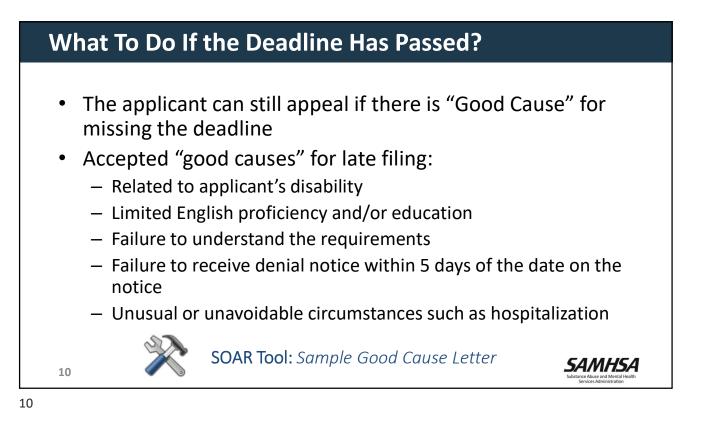
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Reconsideration

- 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

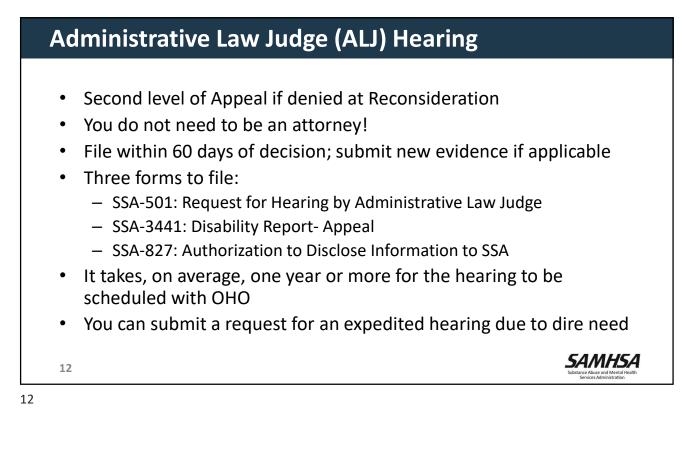




Appeal vs. New Application

- 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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- 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

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