

# Your Social Security

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News and Information for SSDI and SSI Recipients

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## You're Right, Social Security Does Not Feel Your Pain

(And What You Can Do About It)

The numbers are staggering. An estimated 100 million Americans suffer from chronic pain, according to the Institute of Medicine of The National Academies. If you suffer from chronic pain which prevents you from working, you may qualify for Social Security disability benefits, but be prepared for an uphill battle.

Pain, by its very nature, is subjective, and that makes pain cases difficult. It is hard to truly understand what another person is going through, even if that someone

is close to us like a spouse or a friend. As a large, bureaucratic organization, the Social Security Administration (SSA) is totally detached and impersonal. Add to this situation that Social Security rules and regulations are intended to separate honest claims from exaggerated or fraudulent ones, and the result is Social Security does not feel your pain. Because of this, too many genuine disability claims are denied.

Pain is often the only symptom of certain conditions like migraines, fibromyalgia, Complex Regional Pain Syndrome (CRPS) and—the most common source of chronic pain—back problems. If your pain prevents you from working and you are considering applying for Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI), here's what you need to know to give yourself the best chance of winning your case.

SSA rules state that to be found disabled, an individual must have a medically determinable "severe" physical or mental impairment or combination of impairments that is expected to last 12 months or result in death. Your impairment must either meet the criteria in SSA's Blue Book (Listing of Impairments) or if not, prevent you from doing work that you did before, and prevent you from adjusting to any other type of work that is performed

in the national economy (predictably, many people who the SSA says have severe limitations that keep them from returning to their old jobs are also found to be young enough and have suitable education and skills to be able to switch to some other kind of work). Thus, MRIs, x-rays, or at least your doctor's notes after a physical examination must establish that your impairments could reasonably be expected to produce your alleged symptoms.



*Pain, by its very nature, is subjective, and that makes pain cases difficult.*

Every year Social Security sees

thousands of disability claims for pain, but only approves a small percentage of claimants. SSA expects the others to be able to work through their pain. In deciding your case, they will look at:

- your objective symptoms, to determine if they match the requirements in the Social Security's impairment listing,
- your functional limitations (for example, does walking cause you pain, is your range of motion limited and interfering with your ability to stoop or bend, or are you only able to sit or stand in one position for a short time) to see if you can return to your previous work or do any other work in the national economy and,
- because most pain claims are based on subjective reporting of the severity of pain, SSA will also evaluate your credibility.

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Your credibility – whether the Adjudicator and/or the Administrative Law Judge believes your pain is as bad as you say it is and how consistent your statements about your condition have been – plays a key role in chronic pain cases. To evaluate your credibility, Social Security will consider some or all of the following factors:

- how the pain affects your “activities of daily living” (ADL),
- what treatments — including medications and therapies — you have tried and how consistent those medical treatments have been,
- the opinions of your medical providers regarding your level of pain and your limitations,
- whether you appear to be exaggerating your level of pain, and
- statements of others who know you (family, friends, co-workers) about what they have observed about your limitations.

There are steps you can take to enhance your credibility with Social Security. It is most important that you are honest and realistic in rating your pain. During disability hearings, Administrative Law Judges routinely ask claimants to rate their pain on a scale of one to ten. If your pain comes and goes, be upfront about that, too. Many people with chronic pain have good days and bad days which explains why on some days they are able to perform activities of daily living and not on other days. Seek medical treatment and see your doctor as often as he/she recommends-- Social Security assumes that any pain that is not treated is not severe. Keep a

journal of your symptoms. Get statements from your treating medical provider(s) about your impairment. Their opinions carry great weight in a disability claim.

Winning a disability case for chronic pain is not easy, but it can be done and has been accomplished for countless numbers of our clients. Don't be afraid to get help. The attorneys at Cuddigan Law focus exclusively on disability law and can present your case in a way that Social Security can understand. Contact us for a free evaluation of your situation.

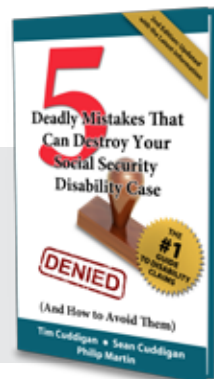


## Question of the Month

**“If I am disabled and qualify for disability benefits, do I still have to pay child support?”**

The short answer is yes, you must continue paying child support. Earning disability benefits does not eliminate your financial obligations including child support. You must make the payments that were directed by the court. Failure to do so can result in serious consequences.

The amount of your monthly disability benefits is likely to be less than what you used to earn, but child support orders aren't just automatically recalculated based on your new financial situation. You must request a modification in your child support order by petitioning the court.



**5 Deadly Mistakes That Can Destroy Your Social Security Disability Case** is the #1 guide to improving the odds of winning a disability case.

For a FREE copy for you or someone you care about call Cuddigan Law at 402.933.5318 or email us at [lawteam@cuddiganlaw.com](mailto:lawteam@cuddiganlaw.com)



## Comfort Food

From the Kitchen of Janet Cuddigan

There's nothing like homemade treats to put smiles on your children's faces. I think they'll like this “magic” treat.

### Magic Cookie Bars

- 1/2 cup butter or margarine
- 1 1/2 cups graham cracker crumbs
- 14 ounces sweetened condensed milk, Eagle Brand by Borden
- 6 ounces semisweet chocolate chips
- 1 1/3 cups coconut flakes
- 1 cup chopped nuts

Preheat oven to 350 degrees (325 degrees for glass or Pyrex dish). In a 9" x 13" baking pan, melt butter or margarine in the oven. Sprinkle crumbs over margarine; pour sweetened condensed milk evenly over the crumbs.

Top with remaining ingredients; press down. Bake 25-30 minutes or until lightly browned. Cool. Chill if desired. Cut into bars. Store loosely covered at room temperature.

### Omahans Walk and Connect to Find a Cure for MS



Hundreds of walkers convened at Stinson Park in Aksarben Village on April 9 for *Walk MS*, a community event to raise funds to support medical research and patient care. *Walk MS* also connected people living with MS and those who care about them. It was an experience unlike any other—a day to come together, to celebrate the progress that has been made in treating MS and to show the power of connection.

Cuddigan Law was proud to participate in *Walk MS 2016*. The firm also participates in and sponsors other fund-raising events for the Mid-America MS Chapter throughout the year.

Multiple sclerosis (MS) is an often disabling disease of the central nervous system that disrupts the flow of information within the brain, and between the brain and body. An unpredictable disease, MS often prevents people from being able to work and otherwise care for themselves. One key symptom of MS is fatigue. Other common symptoms include losses in balance and dexterity. Problems with hand weakness or motor control can disqualify those with MS for even sit-down jobs.

We encourage you to join us next year for *Walk MS 2017*. When you participate in *Walk MS*, the funds you raise give hope to the more than 11,000 people living with MS in our community. The dollars raised support life-changing programs and cutting-edge research and proves time and again that every connection counts.



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For the puzzle solution go to [cuddiganlaw.com/library/newsletter](http://cuddiganlaw.com/library/newsletter)

### Drop Quotes

Source: Somerset Maugham

H	U	A		S	C	A	N	W	I	S									
O	R	O	O	F	N	E	O	N	E	A	R	E	B	I	V	T			
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T	C	O	B	R	A	R	Y	F	A	C	L	U	R	E	C	T	E	R	E

## We're in your corner.

We value the confidence and trust you have placed with us in the past.

If you or a family member or a friend could use our help now or in the future, please pass along our name.

Cuddigan Law.

Disability law is all we do.



Tim & Sean Cuddigan

### Cuddigan Law

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Are you a disabled veteran?

Before you apply for VA disability benefits call Cuddigan Law at 402.933.5318 or email us at [lawteam@cuddiganlaw.com](mailto:lawteam@cuddiganlaw.com) for your FREE copy of our book *The Essential Guide to VA Disability Claims*.