

Your Social Security

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News and Information for SSDI and SSI Recipients

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Are Your Disability Benefits Secure? What You Need to Know Now About CDRs

After navigating the long, complicated and difficult application and review process to qualify for Social Security Disability Benefits, you might feel like you've been "run through the wringer." But at least can rely on those benefits for the long haul, right? Well, maybe not.

If you are receiving disability benefits, the Social Security Administration (SSA) is required by law to conduct periodic checks of your medical condition to determine if you still meet disability

standards. These evaluations of a person's disability status are called Continuing Disability Reviews (CDRs). At Cuddigan Law we are hearing a lot more about CDRs these days.

Currently, because of a massive backlog of CDRs at the Social Security Administration, individual reviews have been hit and miss. Social Security says the fault for the backlog can be laid squarely at the feet of Congress. Funding cuts over the past few years, SSA says, has made it impossible to keep current on CDRs. However, that situation may be changing especially with a new administration in Washington. Responding to allegations that some Americans are "gaming" the system to obtain disability benefits they are not really qualified for, Congress has increased the funding for CDRs and has mandated that SSA conduct reviews on a timelier basis.

So if you are receiving disability benefits, in the near future you may also receive notice that your case is under review. Here's what you need to know now:

Although there are some differences from case to case, when you can expect to be contacted for a CDR generally depends on the classification of your



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disability. SSA uses three classifications:

- Medical Improvement is Expected (MIE) – Your review is likely to come at about 18 months after you start receiving benefits.
- Medical Improvement Possible (MIP) –Your case will be reviewed every three years.
- Medical Improvement Not Expected (MINE) – Your review schedule will be once every seven years.

If you receive notice of a CDR, don't panic. The notice will be accompanied by a form. Absolutely the best course of action is to fill out the form completely and send it back promptly. Be honest in your answers. You can be charged with a criminal offense—perjury—for answering untruthfully.

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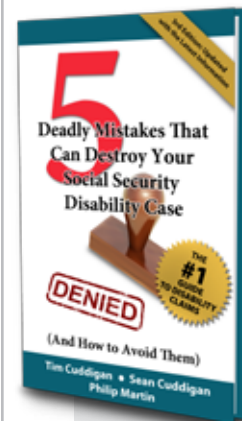
(CDRs..continued from page 1.)

If you receive the short form (SSA-455) Social Security is not expecting that you have seen any improvement in your medical condition. They are really checking for any other red flags which could affect your benefits such as earning more than \$1,130 per month or checking the box that says your health is better than it was at your last review. The short forms are scanned by a computer and if any red flags pop up, then SSA will conduct a full review of your case.

If the SSA sends you form SSA-454-BK, the agency is doing a full medical review because it thinks your condition(s) may have improved. At 14 pages, this is appropriately known as the long form. Whatever you do don't skip over any questions. It is critically important that you fill this form out carefully and completely. Your continued eligibility for benefits depends on it.

If, as a result of the Continuing Disability Review process, SSA says you are no longer eligible for benefits, you can appeal. While your case is under appeal you can continue to receive your SSDI or SSI benefits, but there are strict

procedures you must follow and deadlines you have to meet.



"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

Question of the Month



Why do I have to wait for Social Security disability payments?

While it may seem arbitrary, the law says that Social Security Disability Insurance (SSDI) can be paid only after you have been disabled continuously throughout a period of five full calendar months. SSDI benefits begin with the sixth full month after the date when you were unable to work due to your disability, as established by the Social Security Administration. This is called the "onset date". You will not be paid any disability benefits for any month during the waiting period.

Supplemental Security Income (SSI) recipients are not subject to the five-month waiting period. They are paid Social Security disability benefits starting from the onset date. Since all disability applicants are required to be disabled or expected to be disabled for at least 12 months to qualify for disability payments, your onset date serves as the starting point of this 12-month period.



Comfort Food

From the kitchen of Janet Cuddigan

This month I have a recipe for you that is as easy as it is delicious. I think your family will love it. Our family does.

Crockpot Beef

3 pounds round steak, trimmed and cubed
2 cans mushroom soup, golden
1 cup carrots, baby
3 large potatoes, peeled and cut salt, to taste
Lawry's seasoning salt, to taste pepper, to taste

Seven hours before dinner: Cut meat into bite size pieces and season to taste. Pour one can of golden mushroom soup into bottom of Crockpot; rinse the can with 1/4 cup of water and stir. Add seasoned meat to soup. Pour second can of golden mushroom soup over meat. Cook on high for 3 hours, and then reduce to low heat. Four hours before serving, stir in potatoes and carrots; continue to cook on low.

If You're Disabled, You Can Erase Your Student Loan Debt



When you were in school you had high hopes for the future. To get your degree you may have taken out some hefty loans with plans to make enough money to pay them back. But what if you have been seriously injured in an accident or you suffered a debilitating disease or mental illness and are no longer able to work? How can you pay back a student loan with only a modest disability check?

If this is your situation, we have some good news for you. Debt relief is available to both disabled veterans and for those drawing Social Security disability payments. According to disabilitydischarge.com (a U.S. Department of Education website), "if you are totally and permanently disabled, you may qualify for a total and permanent disability (TPD) discharge of your federal student loans or TEACH Grant service obligation. If you receive a TPD discharge, you will no longer be required to repay your loans or complete your TEACH Grant service obligation."

To erase your debt you must first demonstrate that you are totally and permanently disabled. The Department of Education spells out three ways to do this.

1. "If you are a veteran, you can submit documentation from the U.S. Department of Veterans Affairs (VA) showing that the VA has determined that you are unemployable due to a service-connected disability;
2. If you are receiving Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits, you can submit a Social Security Administration (SSA) notice of award for SSDI or SSI benefits stating that your next scheduled disability review will be within 5 to 7 years from the date of your most recent SSA disability determination; or
3. You can submit certification from a physician that you are totally and permanently disabled. Your physician must certify that you are unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment that:
 - Can be expected to result in death;
 - Has lasted for a continuous period of not less than 60 months; or
 - Can be expected to last for a continuous period of not less than 60 months."

Where do you begin? The Department of Education prefers that you first contact your loan servicer to start the Total and Permanent Disability discharge process. Or you can start the process online at disabilitydischarge.com.

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.



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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 for your FREE copy of our book *The Essential Guide to VA Disability Claims*.

