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Wait Time for a Social Security Disability Hearing Hits a Record High

Winning Social Security Disability Insurance (SSDI) benefits has always been a long and difficult grind. Now, for the majority of disabled Americans, wait times have gotten even longer.

The standard procedure for qualifying for Social Security disability benefits starts with filing an application—online, by mail, by phone or in person—with a Social Security field office. On average it takes about four months to get a decision regarding your initial application and it is likely that you will

be turned down. About two out of every three applicants are denied benefits at this stage. If you are rejected, you have 60 days to ask for a “reconsideration.” This is followed by an average wait of another four months for a decision on your reconsideration request. Only 12 percent of people who ask for a reconsideration get approved. Applicants who are turned down for benefits in the initial application and reconsideration stages have the right to appeal. Appeals are heard by administrative law judges (ALJs) who have a measure of independence from the Social Security Administration (SSA).



The appeal hearing is the best opportunity for a disabled person to present their case because they get to tell their story in person.

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The appeal hearing is the best opportunity for a disabled person to present their case because they get to tell their story in person and of those who eventually obtain disability benefits most of them win benefits at this stage. However, the wait time for a hearing has always been frustratingly long and it has gotten worse. “The average wait time is 596 days or 19½ months, up from 545 days [a year ago] and only 353 days in 2012,” an investigation by the *San Francisco Chronicle* found. “The backlog of cases pending a hearing stands at about 1.1 million, up from 700,000 in 2010.”

In explaining the backlog, the Social Security Administration points a finger at Baby Boomers who are moving into their prime disability years, an increase in claims filed during the recession, and not enough staff. In an attempt to reduce the

backlog, SSA unveiled a plan two years ago which called for expanded use of video hearings and a goal of hiring an additional 250 administrative law judges per year in 2016, 2017 and 2018. SSA said its goal was to whittle down the waiting time to 270 days by the end of 2020. But the plan has woefully fallen short. “[SSA] hired 264 judges in 2016, but added only 30 in fiscal 2017...because of hiring freezes in the agency and throughout the federal government,” the *Chronicle* reports.

As a result, the average wait time—the length of time between applying for a hearing and an ALJ rendering a decision— in August of this year (the latest statistics available) ballooned to an average of 19 months in the Omaha hearing office according to the SSA’s own

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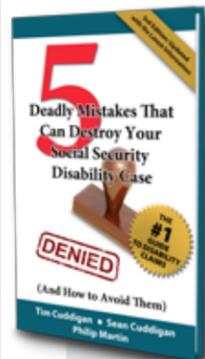
(Hearing Wait Times...continued from page 1.)

statistics, which in general mirrors the national average.

Equally troubling is that “the percentage of people who apply for a hearing and win has fallen to 46 percent from 64 percent six years ago, according to the *Chronicle*. “One reason: Since March, judges can now give equal weight to the applicant’s doctor and to a second opinion from a doctor appointed by Social Security. Previously, they gave more weight to the applicant’s doctor.” (A development we reported in a May blog post.)

“The intolerable wait times and cruel denial of benefits is deeply troubling, Social Security Disability Attorney Tim Cuddigan says. “Medical costs are the number one reason for bankruptcy in America. We have seen far too many cases where people have had to file for bankruptcy, lost their homes, and, in some cases, even died before getting a penny of the benefits they were entitled to. The Social Security Administration must make good on their promises to reduce the appeal backlog and shorten the wait times.”

Because the road to winning benefits can be difficult to navigate and given the high percentage of initial applicants who are denied benefits, it can be helpful to work with attorneys who exclusively focus on disability law. For an evaluation of your situation at no cost and with no strings attached contact us at Cuddigan Law where you have a team of professionals in your corner who will fight for your rights.



“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:

Can I receive workers’ comp and Social Security disability benefits?

Because Social Security Disability Insurance (SSDI) and workers’ compensation are separate programs, you can qualify for payments for both. In Nebraska and Iowa, as it is in the rest of the country, workers’ compensation programs are run by the state governments. SSDI is a federal program.

However, it is important to be aware that not only are they separate programs, but they also have separate criteria for qualifying. It is entirely possible that you may be judged disabled for one program but not the other. Workers’ compensation is intended to be a temporary benefit for individuals who are injured at work to provide some income until either they heal or qualify for either SSDI or private long term disability insurance benefits.

If you believe you qualify for workers’ compensation you should contact The Nebraska Workers’ Compensation Court in Lincoln or the Iowa Division of Workers’ Compensation in Des Moines—depending on which state you live in—or a workers’ compensation lawyer. If you are disabled and considering applying for SSDI benefits contact us at Cuddigan Law for a free evaluation of your case.



Comfort Food

From the kitchen of Janet Cuddigan

Caramel Corn Treats

A tasty twist on Rice Krispie bars, these Halloween treats can be made in a snap (about 15 minutes of preparation time) and are sure to delight your little ghosts and goblins.

5 cups caramel corn
2 cups miniature pretzels
1 cup miniature cheddar cheese fish-shaped crackers
1-1/4 cups Reese’s pieces, divided
1 package (10-1/2 ounces) miniature marshmallows
1/4 cup butter, cubed
1/4 teaspoon vanilla extract

In a large bowl, combine the caramel corn, pretzels, crackers and 1 cup Reese’s pieces. In a large microwave-safe bowl, melt marshmallows and butter; add vanilla and stir until smooth.

Pour over pretzel mixture; stir until well coated.

Press into a greased 13x9-in. pan. Sprinkle with remaining Reese’s pieces; press lightly. Let stand until set. Cut into bars. Yield: 2 dozen.

(Originally published as Caramel Corn Treats in Simple & Delicious October/November 2010, p14.)

GI Bill Benefits Expanded: 4 Things Vets Need to Know



A new law, called the Forever GI Bill, enacted with bipartisan Congressional support—including a unanimous vote in the Senate—and signed by the President in late summer marks the largest expansion of GI Bill benefits in more than a decade. “[The new law] restores benefits to veterans who were impacted by school closures since 2015 and has special benefits for our reservists, surviving dependents, and Purple Heart recipients,” said Veterans

Affairs Secretary David Shulkin in a press release. The GI Bill was first created in 1944 to assist World War II vets and it has been updated several times to help vets pay for college and other types of training.

Here are four ways the new GI Bill will help men and women who have served:

- 1. New service members can use the benefit throughout their lifetimes.** The Forever GI Bill removes the previous 15-year time limit on the use of GI benefits. However, this only applies to service members who were discharged after January 1, 2013.
- 2. Veterans who enroll in science, technology, engineering and math (STEM) courses will get additional benefits.** The *Military Times* says “this is part of a broad effort to better prepare veterans for life after active-duty service amid a fast-changing job market.”
- 3. All vets who have been awarded the Purple Heart since September 11, 2001 are now entitled to educational benefits.** Under the provisions of the previous GI Bill many reservists who were injured during active duty service were not eligible for benefits.
- 4. If a service member is killed in the line of duty their GI Bill benefits can now be transferred to an eligible dependent.**

“A wide range of veterans groups supported the [expanded] education measure,” according to the *Military Times*. “The Veterans of Foreign Wars says hundreds of thousands stand to benefit. Total government spending on the GI Bill is expected to be more than \$100 billion over 10 years.”

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*.

