

# Your Social Security

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News and Information for SSDI and SSI Recipients

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## Mythbusters: What you think you know about Social Security disability is probably wrong.

It's a fact: Qualifying for the Social Security disability benefits you have rightfully earned can be difficult, time-consuming, and stressful. The process becomes even more difficult if you are misled by common myths and misconceptions about Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI). Here are five things most people get wrong:

### 1. People get SSDI/SSI benefits for

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### drug and/or alcohol addiction.

*False.* Disability benefits are not awarded to individuals solely based on alcoholism and/or drug addiction. The Social Security Administration (SSA) website clearly states, "In 1996, Congress passed the Contract with America Advancement Act...which terminated benefits for Supplemental Security Income (SSI) and Disability Insurance (DI) beneficiaries whose primary impairment was drug addiction, alcoholism, or both." SSA may also deny benefits if it determines that drug or alcohol addiction materially affects a person's disability.

However, suffering from alcoholism and drug addiction does not automatically disqualify an individual from receiving disability benefits. For example, an individual who takes a painkiller after surgery and becomes addicted may not be disqualified because the abuse is not (in SSA's terminology) "a contributing fact material to the determination of disability." The issue of materiality, as you might expect, is complicated and can be quite subjective.

**2. If my doctor tells me that I am disabled then I should have no trouble qualifying for benefits.** *Unfortunately this is not the case.* The word "disabled" can mean different things to different people and even to different parts of the government. Webster's dictionary defines "disabled" as "incapacitated

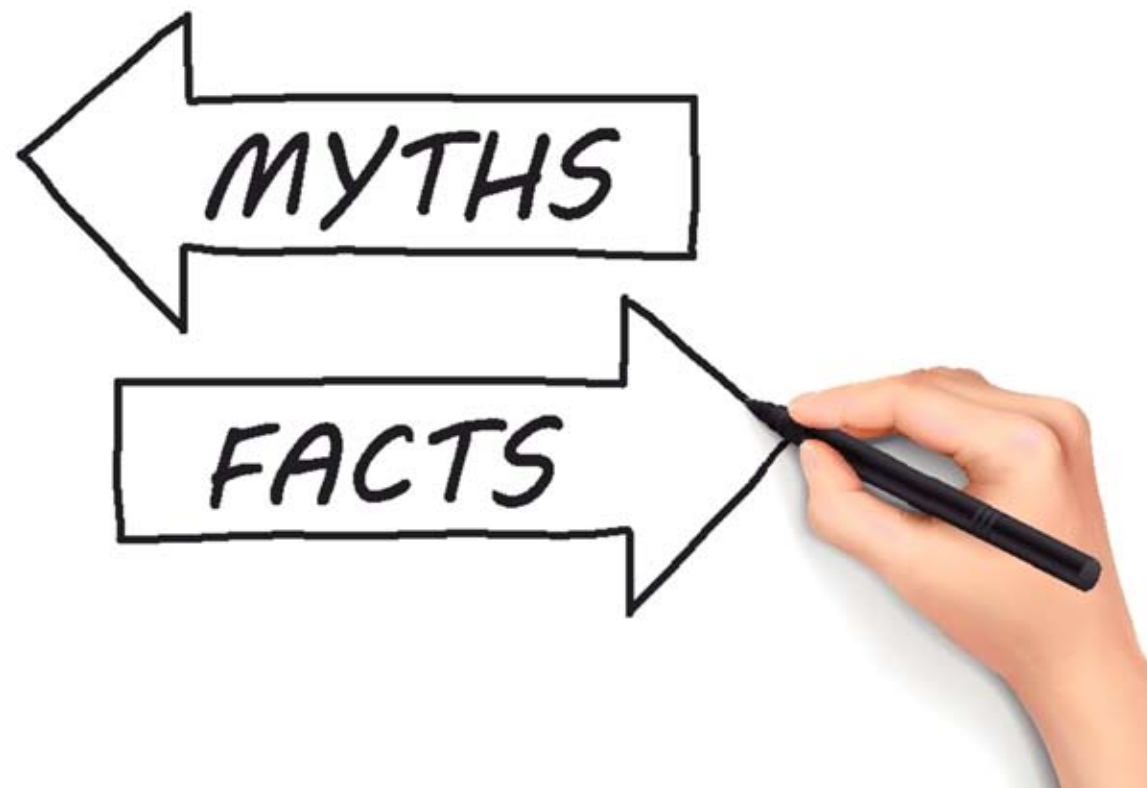


by illness or injury; also: physically or mentally impaired in a way that substantially limits activity especially in relation to employment or education." Your doctor may have a somewhat different definition.

To Social Security, "disabled" means that you cannot sustain any job in the national economy given your age, education, and work experience. For that reason, Social Security's rules state that disability is a matter for the government to decide – not your doctor. Social Security has its own rules and its own procedures. Social Security even has its own doctors who will review your case and come to their own conclusions.

An important disability secret is that, in the end, labels such as "disabled" are not very important. Having a Social Security disability attorney can help get the right information from your doctor that will be useful in your particular case. We can ask your doctor the right questions so that, if

## Mythbusters: What you think you know about Social Security disability is probably wrong.



(Mythbusters..continued from page 1.)

professionally comfortable, he or she can explain your limitations to Social Security so that the government has the best understanding of your situation.

**3. You must wait a year from the time you become disabled before you can apply for SSDI or SSI benefits.** *Not true and not advisable.* Although the SSA's definition of "disability" stipulates, in part, that to qualify for disability benefits you must be disabled or expect to be disabled for at least "12 consecutive months," you are not required to wait that long before applying. We encourage our clients to file their disability claims early if they honestly believe (and have medical evidence to show) that they will be unable to work for at least one year. The disability process is frustratingly slow, so it is to your advantage to apply early.

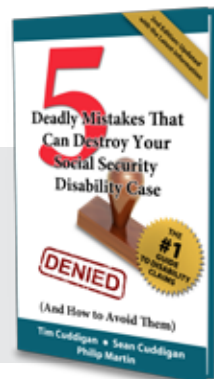
**4. It's harder to get disability benefits if you are disabled due to a mental health disorder.** *This is false.* The Social Security Administration makes decisions regarding disability cases based on an applicant's ability to work. Under its framework, there are numerous mental disorders—such as depression, post-traumatic stress disorder (PTSD), bipolar disorder, schizophrenia, and others—that qualify for disability benefits, if they are severe enough to prevent an individual from working.

Statistics show that a person dealing with a mental issue is no less likely to be awarded benefits than a person with a physical disorder. That's the good

news. The not-so good news is that it is difficult for everyone to qualify for benefits. More than two out of three initial applications for Social Security disability benefits are denied, and fewer than four in ten are approved after all levels of appeal. This underscores the need for competent and vigorous representation.

**5. You cannot work and also be eligible for Social Security disability benefits.** *This is only partially true.* As a general rule, to be eligible for benefits, SSA says you cannot be engaged in "substantial gainful activity" (SGA). Under their rules for SSDI payments, SSA says if in 2015 you work and earn more than \$1,090 per month in gross wages you are engaged in substantial gainful activity and are, therefore, ineligible for disability benefits. There are different rules for individuals who are blind, or are self-employed, or are seeking SSI payments. The whole issue of working and collecting benefits at the same time can be both complex and confusing, so getting the advice of an experienced local Social Security Disability attorney is strongly recommended.

Congratulations! Now you know more about Social Security disability than most Americans do. But even from this short article you can see that Social Security disability rules are complicated and not easily understood. To make matters worse, the rules are constantly changing. At Cuddigan Law, this is the world we live in every day. So, if you're not sure if what you think you know about SSDI or SSI is fact or fiction, give us a call.



"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)

## Question of the Month

**My disability is temporary. Am I still eligible for Social Security disability?**



To qualify under Social Security's regulations, you must have a disability that has lasted for 12 months or more, is expected to last for 12 months or more, or is expected to result in death.

(This is only a general overview. Qualifying for Social Security disability benefits is subject to a long and complex set of rules and regulations. For advice on your particular situation, contact Cuddigan Law.)

## Latest Disability News

Did you know that you can find the latest news and information about Social Security and Veterans Disability at [cuddiganlaw.com](http://cuddiganlaw.com)? Just click on the "Free Info" button at the top of the page and then select "News" on the drop down menu.

Here are two recent articles you may find of interest:

*Guns May be Denied for Some on Social Security Disability.*

*PTSD is Hard to Cure*



## Comfort Food Busy Day Drop Cookies

An easy and fun recipe you can make with your kids, even little kids and even on "busy days".



- ½ cup shortening
- 1 cup brown sugar, packed
- 1 ¾ cups sifted flour
- ½ teaspoon baking powder
- ½ teaspoon salt
- ¼ cup buttermilk
- 1 egg, well beaten
- ¾ cup nuts, chopped
- 1 teaspoon vanilla

Cream shortening and brown sugar. Blend in vanilla and egg. Sift dry ingredients together and add to creamed mixture. Blend in nuts. Drop mixture by teaspoonfuls on a greased cookie sheet. Bake for 12-15 minutes in 350 oven.



## Sudoku

Enter digits from 1-9 in the blank spaces.

Every row must contain each one of the digits.

So must every column and every 3X3 square.

	1	4				8	7
				4		9	1
	8						
	3		4			6	7
6	2	7	1		9		8
5				7			
1	5		6	2			9
8			9				1 3

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

## 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

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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".

