

Your Social Security

1

News and Information for SSDI and SSI Recipients

Volume 3 | Issue 12

December | 2015

Under 50 Years Old?

A Social Security disability secret unlocked.

Here is a little secret about qualifying for Social Security disability benefits: The younger you are, the harder it can be to win your case. The most important factor Social Security uses in awarding disability benefits is the severity of a mental or physical impairment and to what extent that impairment interferes with an individual's ability to work. However, age is not far behind as an important deciding factor. Why? Because the Social Security Administration (SSA) applies a basic idea

that as we age, it becomes harder and harder to change careers.

For example, let's say a 56-year-old bricklayer who has only done tough, manual labor his whole life develops a bad back and can no longer handle the rigors of his job. He could work at an office job where he sits down and doesn't have to do any heavy lifting, but at this point in his life, he probably will not be able to learn the skills necessary for that office job. SSA rules recognize this fact and they divide workers into three different age groups and apply different criteria to each.

Anyone under the age of 50 is considered a "younger individual" by SSA standards. In their eyes a young person is still able to learn how to do a completely new job. Let's take our example above, but this time let's say the bricklayer is not 56 but 43 when he is injured. SSA is likely to deny his claim because, in their estimation, he could—with some training—learn how to do an office job.

At our office we sometimes get phone calls from people under 50 years old who offer counter-arguments like:

- I don't know how to use a computer.
- I can't pass a physical.

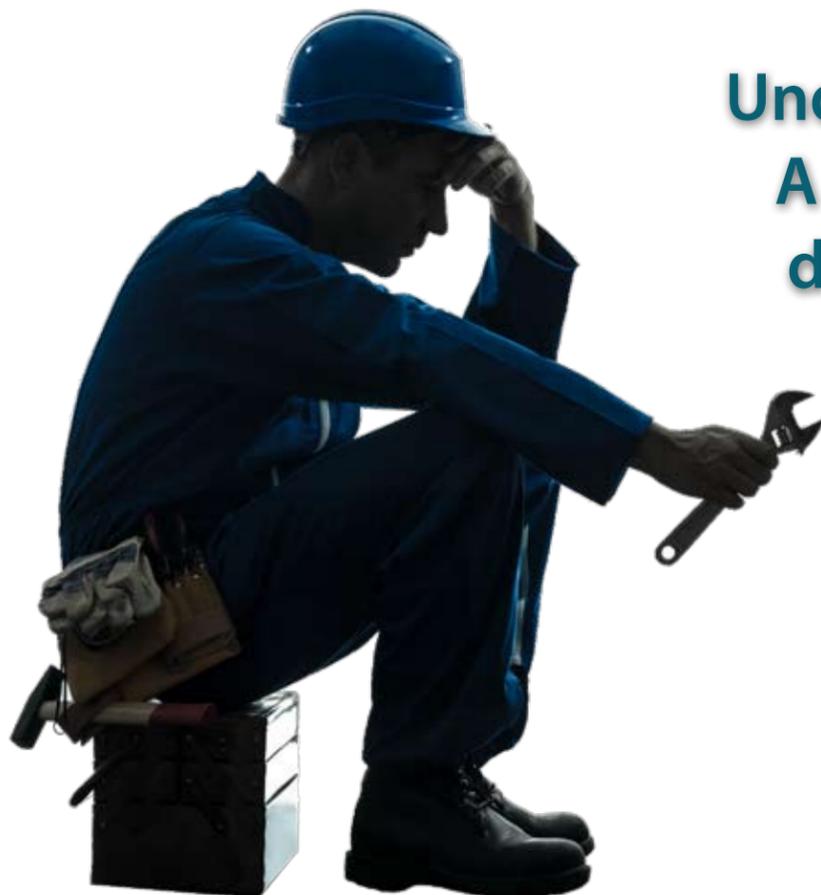
- As soon as I tell my job that I have a disability, I'll be fired.
- Is Social Security going to find me that job?
- I was making \$25/hour, and there is no way I could live on a job that pays less.



As far as SSA is concerned, all of these arguments are irrelevant. Many jobs don't require you to use a computer and don't require a physical. Firing a person just for having a disability may be illegal. Social Security is not going to find you a job and they are certainly not going to guarantee a certain pay rate. If you are under 50, all SSA cares about is whether you can "engage in any other kind of substantial gainful work which exists in the national economy."

An important cautionary note: Our example of the bricklayer has been simplified to help explain the general guidelines of how age is a factor in qualifying for Social Security disability benefits. But the rules governing disability payments are complex, and the system is complicated and confusing. Nearly two out of every three disability claims are denied on the initial application. This is why it is important to have a local Social Security disability lawyer review your claim and offer you the best possible advice for your unique situation. Contact Cuddigan Law for a free evaluation of your claim.

Under 50 Years Old? A Social Security disability secret unlocked.



IN THIS *Issue*

- 1 Under 50 Years Old? A Social Security disability secret unlocked.
- 2 Harsh New Penalties for Social Security Fraud
- 2 Comfort Food: Russian Tea Cakes
- 2 Question of the Month
- 3 In the Community
- 3 Game Zone

Cuddigan Law
1005 S. 107th Ave. Ste. 201
Omaha, NE 68114
cuddiganlaw.com
402.933.5318

Harsh New Penalties for Social Security Fraud

Congress has created a new law which makes Social Security fraud a felony punishable by up to five years in prison and \$250,000 in fines. The law also imposes even stiffer penalties for "individuals in positions of trust (including claimant representatives, doctors and other health care providers, translators, and current or former Social Security Administration [SSA] employees) who use their specialized knowledge to defraud the SSA." In these fraud cases, the "maximum felony penalty is from five years to ten years, in addition to fines (generally up to \$250,000). [And it] increases the maximum Civil Monetary Penalty (CMP) that the SSA can levy against individuals in a position of trust from \$5,000 to \$7,500 for each false statement, representation, conversion, or omission the individual makes or causes to be made."

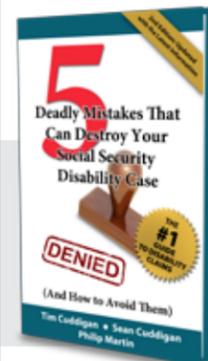


Democrats in October and were crafted to address concerns by some lawmakers who maintain there is widespread fraud in the Social Security disability program. They point to a news report from the Associated Press which quotes an SSA Inspector General's investigation which revealed, in part, that over the past seven years a small group of Social Security judges have improperly approved disability claims for people who didn't qualify.

At Cuddigan Law we are staunchly opposed to any fraudulent disability claim, because false claims harm the people who really deserve and need disability benefits. However, the scale of the alleged improper payments is quite small. Eric Laursen reporting for altnet.org (a news website from the non-profit Independent Media Institute) says, "the improper payments over seven years came to less than 0.3% of the disability payments the SSA made during that period."

Indeed, it's almost ridiculously hard to qualify for disability benefits under the present system. According to the Center on Budget and Policy Priorities, only 37% of applicants were awarded benefits between 2009 and 2011, and 14% of those approvals came on reapplication or appeal. Not only that, but thanks to a chronically underfunded SSA with too few administrative law judges to do the job, the process can take years, leaving many qualified applicants ruined or even dead before they receive a check."

The new, harsher penalties were inserted into a two-year budget deal struck between Congressional Republicans and



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



Comfort Food Russian Tea Cakes

I think you will really enjoy these tasty and easy to-make little cakes.

- 1 cup butter
- ¼ teaspoon salt
- 2 ½ cups flour
- 1 teaspoon vanilla
- ¾ cup chopped walnuts
- ½ cup powdered sugar

Cream butter and powdered sugar. Add vanilla and salt, then flour. Chill. Roll into small balls and place on a cookie sheet. Bake at 350 degrees for 10-12 minutes. Roll in powdered sugar.

Question of the Month

Are disabled vets under 65 eligible for Medicare?

Even a 100% VA disability rating does not automatically qualify you for Medicare. Instead, you need to qualify for Social Security disability. After you have been receiving Social Security disability benefits for 24 months, you then qualify for Medicare coverage at any age. Because VA and Social Security evaluate disability differently, you should seek a professional evaluation of your particular situation.

In the Community

Last month we at Cuddigan Law were privileged to participate in two community events.

For the Department of Veterans Affairs' annual "Stand Down" event on November 13 at Grace University, Cuddigan Law staff members prepared and gave out care bags which included a hat, two pairs of socks, gloves, and shampoo for homeless veterans. (Pictured below [l-r] Marisela Robles, Kendra Allison and Amanda Drews.)

For the "Traveling Turkeys" event through the Multiple Sclerosis Society Mindy Woodward (pictured below) and Sean Cuddigan delivered Thanksgiving meal groceries on November 24 to two families that are living with MS.



Sudoku

For the puzzle solution go to cuddiganlaw.com/library/newsletter

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

Courtesy of printable-puzzles.com © 2015.

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.

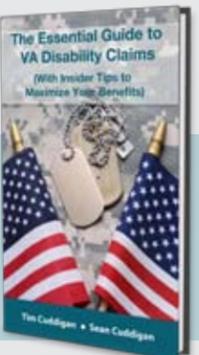
Disability law is all we do.



Tim & Sean Cuddigan

Cuddigan Law

1005 S. 107th Ave. Ste. 201
Omaha, NE 68114
cuddiganlaw.com
402.933.5318



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*.