

# Your Social Security

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News and Information for SSDI and SSI Recipients

Volume 4 | Issue 2

February | 2016

## I've Been Approved:

It will try your patience. The benefits you have earned under the Social Security Disability (SSDI) or the Supplemental Security Insurance (SSI) program can take anywhere from two months to two years (and sometimes more) to be approved. It is only natural then, that once you have been okayed for SSDI or SSI benefits, you are eager to know when your benefits payments will start.

Only a relative few cases are approved within a few months. Most applicants

have their initial claim denied and must go through a lengthy appeals process to obtain their benefits. When your claim is finally approved you will receive a notice in the mail from the Social Security Administration (SSA) letting you know that you are eligible to begin receiving payments, how much your monthly benefit will be, and when your payments will start. SSA pays benefits in arrears, that is they are paid in the month following the month for which they are due. For example, you would receive your check for July benefits in August. While it is impossible to say precisely when your first check will arrive, most of our clients receive their first check within four to six weeks after being approved.

For Social Security Disability Income (SSDI), there is a mandatory five-month waiting period from the date that Social Security determines your disability began (your onset date) to when your monthly payments can start. The Social Security Administration advises that "under the law, your payments cannot begin until you have been disabled for at least five full months. Payments usually start with your sixth month of disability." So, for example, if you suffered a disabling injury in February the earliest you could begin receiving a monthly check would

### When Do I Get Paid?



*When your claim is finally approved you will receive a notice in the mail from the Social Security Administration (SSA) letting you know that you are eligible to begin receiving payments, how much your monthly benefit will be, and when your payments will start.*

be in September (the August payment) However, since it typically takes so long to get approved, the five-month waiting period will probably be long over by the time you're approved for benefits.

A long delay in waiting for approval will likely mean that once you are approved you will be awarded disability back pay. If you are awarded back pay, you may have a longer wait for that check. Back pay has its own formulas and complexities.

As you might expect, there are additional rules, exceptions and conditions that affect when you can expect your benefit payments to begin and how much you are entitled to. You may wish to speak to us at Cuddigan Law about the specifics of your situation.



*For SSDI there is a mandatory five-month waiting period.*

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## I've Been Approved. When Do I Get Paid?



## VA Disability What To Do If You Are Denied Benefits

By Sean Cuddigan

Many first-time applications for VA benefits are denied. So if your initial application for benefits is turned down, know that you're not alone. Don't be discouraged and, if you believe you have a legitimate claim for disability benefits, don't give up.



- You have the right to appeal an initial denial of benefits.
- You have the right to appeal if you believe your disability is more severe than the VA says it is.
- You have the right to have an attorney be your representative and advocate at the appeals level.

The Board of Veterans' Appeals (BVA) is a part of the Department of Veterans Affairs and its members review and make decisions on appeals for VA benefits.

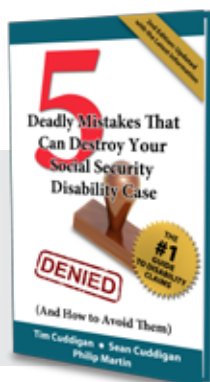
To start the appeals process you or your attorney have to file a Notice of Disagreement (NOD) with the VA. Keep in mind there is a time limit for filing a NOD. You must send your NOD within one year of the date the VA mailed its decision which denied your claim. There is not a specific VA

form for a NOD, so we recommend using VA Form 21-4138, (Statement in Support of Claim) to file your NOD.

You may be tempted in the NOD to argue your reasons why you think you were unfairly denied benefits or your disability was incorrectly rated. Don't do it. Keep your NOD general in order to preserve your right to appeal all of the errors in the VA's decision denying your benefits. If you get into specifics and then at some later time raise some issue overlooked in your NOD, you may have to start all over by filing a new claim. You will have a choice of whether to have your appeal heard by decision review officer (DRO) at your regional office (Lincoln for Nebraskans and Des Moines for Iowans) or to have your appeal heard by the Board of Veterans Appeals (BVA) in Washington, D.C.

We believe having your case heard by a decision review officer is the better option. With a DRO you will likely get a quicker decision. Also if a DRO denies your appeal, you can still appeal to BVA; you have an extra chance to get an unfavorable decision changed.

*Editor's Note: This article is excerpted from the book "The Essential Guide to VA Disability Claims". See the bottom of the next page of this newsletter for information on how you can get a FREE copy of this informative guide.*



**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

### Crockpot Corned Beef & Cabbage

St. Patrick's Day is coming and it's a chance for everyone to be Irish—even if it is just for one day. I think your family will love my family's favorite traditional Irish dish—Corned Beef and Cabbage. (And you'll love how easy it is to make in your Crockpot.) Erin go Bragh!

- 4 large carrots, peel & cut into matchstick pieces
- 10 baby red potatoes, quartered
- 1 onion, peel & cut into bite-sized pieces
- 4 cups water
- 1 four-pound beef brisket with spice pack
- 6 ounces beer
- ½ head of cabbage, coarsely chopped

Place the carrots, potatoes, and onion into the bottom of a slow cooker, pour in the water, and place the brisket on top of the vegetables. Pour the beer over the brisket. Sprinkle on the spices from the pack, cover, and set the cooker on high.

Cook the brisket for about 8 hours. An hour before serving, stir in the cabbage and cook for one more hour.



## Question of the Month



**Do you automatically get Medicare benefits if you are eligible for disability benefits?**

Everyone eligible for Social Security Disability Insurance (SSDI) benefits is also eligible for Medicare, but the Social Security Administration requires a 24-month waiting period. After you have received Social Security disability benefits for 24 months, the Social Security Administration will enroll you in Medicare. They start counting the 24 months from your first month of entitlement to a disability payment.

During this qualifying period for Medicare, you may be eligible for health insurance through a former employer or you may be able to get benefits through Nebraska or Iowa Medicaid — a jointly funded, federal-state health insurance program for low-income and needy people. There are a few exceptions to the 24-month qualifying period. For example, individuals with amyotrophic lateral sclerosis (Lou Gehrig's disease) and chronic renal disease may be able to get Medicare earlier.

Those who are eligible for Supplemental Security Income (SSI) benefits in Nebraska and Iowa (and 30 other states and the District of Columbia) are also eligible for Medicaid. Medicaid eligibility starts the same month as SSI eligibility. Nebraska uses the same rules to decide eligibility for Medicaid as SSA uses for SSI, but requires the filing of a separate application. (You can apply online at [www.accessnebraska.ne.gov](http://www.accessnebraska.ne.gov).) Iowa does not require a separate application. When you apply for SSI at the district Social Security office, you are also applying for Medicaid.



### 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.

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

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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*.

