

***Can a person with a terminal illness qualify for disability benefits?***

A person with a terminal illness may qualify for disability benefits. The requirements are the same as for a person with a non-terminal illness.

We make every effort to identify a case involving a person with a potentially terminal illness as early in the claims process as possible. We tightly control the case throughout the claims process and make special efforts to assist the person.

***If I get married, will it have an effect on my benefit?***

If you are receiving SSI, Widow or Widower's benefits, your marriage may affect your benefit. If you receive retirement or Social Security Disability Insurance (SSDI) benefits, your marriage will not affect your benefit.

***SSI benefits***

If you get married, your spouse's income and resources may affect your eligibility.

If you and your spouse are on SSI, the benefit you receive will change from an individual rate to a couple rate.

***Will my Social Security disability benefits change when I reach retirement age?***

When you reach full retirement age, Social Security will automatically convert your disability benefits to retirement benefits.

***Seigel, Tully & Furrer, LLC***

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Outside Maryland:

**(800) 750-9133**

**YOUR RESPONSIBILITIES**

***Working together, we can make the Social Security Administration Laws work in your favor.***

***For the best results in your case, you should:***

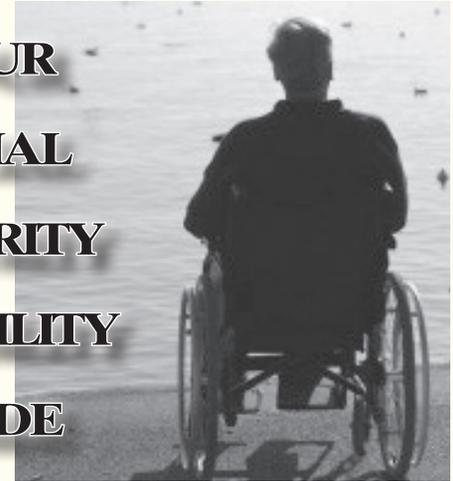
- keep all medical appointments
- inform us when you have been discharged by your doctor
- if you call the office and no attorney is available, leave just one message, stating the reason for your call, along with your full name and telephone number
- keep copies of all documents and contact us if you receive anything from Social Security.

*This brochure summarizes Social Security Disability Law generally and is not intended to be legal advice. For more information, contact one of the attorneys at Seigel, Tully & Furrer, LLC so we can discuss your case.*

***Seigel, Tully & Furrer, LLC***

*Over 44 years of legal experience*

**YOUR  
SOCIAL  
SECURITY  
DISABILITY  
GUIDE**



The attorneys at Seigel, Tully & Furrer, LLC have prepared this Social Security Guide for you to help you understand your case.

*David E. Furrer appears before the Social Security Administration on behalf of individuals seeking both SSI and SSDI benefits under the Social Security Act throughout the Mid-Atlantic area.*

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### ***Am I disabled?***

To receive benefits under the Social Security Disability or SSI program, you must have physical or mental problems severe enough to keep you from working in any regular paying job for at least 12 months. The test isn't whether or not you are able to go back to your old job, but whether you are capable of doing jobs available in the National economy. Just because someone else was approved for the same disability that you have, does not mean you will get approved too. It is important that you talk to your doctor about filing for disability. The Social Security Administration will take into account your medical condition, age, abilities, training, work experience, and education in deciding your case.

### ***What if I have been denied benefits?***

You should request a Reconsideration. Many disabled people become discouraged after they have received a Notice denying their application for disability benefits and do not pursue their claim. This can often be a mistake. Many people who pursue their claim ultimately received benefits.

Therefore, if you have been denied, you should contact your local Social Security Office and file for a Reconsideration within 60 days from the date you received your Denial Notice.

### ***Do I need an attorney?***

You have the right to have an attorney represent you in your Social Security case. Whether you hire an attorney is entirely up to you, but you should seriously consider the advantages of having an attorney represent you in your Social Security Disability case.

### ***When should I contact an attorney?***

Many attorneys agree that the place where representation may well make a difference in the outcome of your case is at the Hearing stage. So it is very important that you arrange for attorney representation early enough to allow for Hearing preparation. It may be best to start looking for an attorney as soon as your application for benefits is denied.

Much pre-Hearing preparation, analysis, and evidence gathering go into your representation in a Social Security case. For these reasons, the earlier your attorney is able to start preparing for your Hearing, the better your chances of winning.

### ***Will I be Approved on Reconsideration?***

Your Application for Disability Benefits will probably not be approved for reconsideration. Do not be discouraged. If you are denied at this point, you should request a Hearing within 60 days from the date you receive your Denial Notice.

### ***How long does a hearing last?***

Hearings typically last 30 – 60 minutes.

### ***The Hearing***

The Hearing is a crucial step of the Appeal process where you have the best chance of winning. Slightly more than half of all Hearings result in the Claimant receiving benefits.

*An Administrative Law Judge will take testimony under oath. The strict rules of evidence do not apply. The Hearing is private. You may call witnesses on your behalf. The Judge may ask a vocational expert to testify about your ability to work.*

*Medical records will be accepted as evidence. You need medical evidence to support your claim to have a chance of getting approved. The Judge or your attorney will ask you about your medical condition, medical history, physical abilities, education, training, work experience and limitations of your daily life caused by your disability.*

### ***What if I have already lost a hearing?***

If you are still within the 60 days from the date of receipt of the Hearing decision denying your claim for disability benefits, it may not be too late. You should contact an attorney immediately. Sometimes you may be able to win your case at the Appeals Council or in Federal Court.

### ***Do I have the pay income taxes on the benefits I receive?***

You will have to pay Federal taxes on your Social Security benefits if you file a Federal tax return as an individual and your total income is more than \$25,000. If you file a joint return, you will have to pay taxes if you and your spouse have a total income of more than \$32,000.

Use the Internal Revenue Service (IRS) Notice 703 shown on the back of the Social Security Benefit Statement, SSA Form 1099, to determine if any of your benefits may be taxable.

Social Security has no authority to withhold state or local taxes from your benefit. Many states and local authorities do not tax Social Security benefits. However, you should contact your state or local taxing authority for more information.

### ***How much does it cost to hire an attorney?***

Most attorneys who do Social Security cases will accept them on a contingent fee basis of 25% of past-due benefits or up to \$6,000 whichever is less. The Fee Agreement must be approved by the Administrative Law Judge who hears the case. Others may charge a set fee for representing you. On a contingent fee basis, there is no fee if you lose, although you may be obligated to pay any out of pocket expenses incurred by the attorney representing you. Such expenses usually involve charges for copying medical records and payments to doctors for medical reports.

In Social Security Disability cases the Social Security Administration will withhold 25% of past-due benefits for payment of authorized attorney's fees. Your regular monthly benefits will not be affected. The Social Security Administration regulations require that any attorney's fees be approved by the Social Security Administration before payment.