



### **Information about Social Security Benefit Appeals**

This is information that will help you if you get a notice from the Social Security Administration that your benefits are being “terminated,” “reduced,” or “suspended,” or if your application is denied or you must pay back benefits that were paid to you incorrectly. This includes Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Social Security retirement benefits, and survivor benefits.

Step 1. First, you will receive a notice in the mail telling you that your benefits are being changed, denied or that you were overpaid. To appeal in most cases, you fill out a form called a “Request for Reconsideration” and return the form to Social Security within 60 days of the date on the notice. You can ask for a “case review” or a “conference.” In a case review, staff members at the Social Security Administration will just review your case file – this usually does not reverse a decision. A conference is like an informal hearing where you will review your case in person at the SSA’s office with a claims representative. If there was a clear error in the action being taken against you, this is an opportunity to reverse it early in the process. It is usually better to request a conference rather than selecting a case review. To keep your benefits going while you appeal, you must request continuing benefits in addition to requesting a reconsideration. The notice will tell you how long you have to ask for continuing benefits, but you should ask for them as soon as you get your notice so that you don’t lose benefits during your appeal.

Step 2: If your appeal at the reconsideration stage is denied, you should get a letter called a Notice of Reconsideration. If you disagree with the reconsideration decision, you can request a hearing but you must ask for the hearing within 60 days of the Notice of Reconsideration. To get continuing benefits, you must ask for them right away, usually within 10 days of getting the denial. The hearing at this level will be before an administrative law judge. This hearing is held at a place called the Office of Disability Adjudication and Review (ODAR). This hearing is much more formal. The SSA will send you a letter with a hearing date and location, and it will ask you for additional evidence, in the form of documents or witness testimony. One common example is documentation that you still have a disability. At the hearing, you can bring witnesses and ask questions of the SSA’s witnesses (called cross examination). If SSA is saying that you are not disabled, the judge will have a medical and vocational expert at the hearing. The administrative law judge will also have a chance to question you. You can bring a lawyer.

Step 3: After the hearing with the administrative law judge, you will be notified within several weeks if you have won or lost. If you lose, you can appeal again by requesting an Appeals Council review within 60 days after you receive the hearing decision. The Appeals Council will look at the hearing decision and also consider the information you provide them about why the hearing decision was wrong. They may deny your request for review or agree with you that the judge was wrong and either make a new decision or send the case back for a new hearing.

Step 4: If the Appeals Council denies your request, you can file a complaint in Federal District Court. You must do this within 60 days of the denial of the Appeals Council review.