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**CITY BAR  
JUSTICE  
CENTER**

**A CANCER PATIENT'S GUIDE  
TO APPLYING FOR DISABILITY  
BENEFITS (SSD/SSI) AND THE  
APPEALS PROCESS**

A PUBLICATION OF THE  
CANCER ADVOCACY PROJECT  
OF THE CITY BAR JUSTICE CENTER

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## **INTRODUCTION**

The Cancer Advocacy Project is a legal services program of the City Bar Justice Center. Our insurance law component provides legal advice and guidance to cancer patients and survivors in areas such as private insurance, Medicaid, Social Security Disability (SSD) and Supplemental Security Income (SSI) as well as federal legal rights under the FMLA (medical leave), COBRA and HIPAA (insurance portability). Our cancer-related employment discrimination component provides information, advice, and counseling on issues relating to workplace discrimination and employee benefits. The Cancer Advocacy Project also offers clients pro bono assistance in the preparation of a basic will, power of attorney, and advance directives.

We developed this guide to help cancer patients, survivors, and family members answer basic questions about Social Security Disability (SSD) and Supplemental Security Income (SSI). Through our legal work on insurance and employment matters, we speak to many cancer patients and survivors who often do not know where to turn for assistance and information. We hope this guide provides a helpful starting point for navigating their way through the SSD/ SSI process.

## **IMPORTANT INFORMATION ABOUT THIS GUIDE**

This guide is not intended to serve as legal advice and the Cancer Advocacy Project is not responsible for the accuracy or adequacy of any of the information contained in the guide or your reliance on this information.

## I. Introduction to Social Security

The Social Security Administration aims to improve the nation’s economic security by paying retirement, disability, and survivor benefits to workers and their families. When you work and pay Social Security taxes on your income, you are awarded “work credits” each year based on the wages you are paid. These “work credits” remain intact regardless of job transfers or temporary unemployment. Your accumulation of work credits are used to decide whether you are eligible for retirement and disability benefits.

### A. Social Security Retirement Benefits

Social Security Retirement benefits are distributed to American retirees based on wages earned throughout their working careers and when workers decide to retire. The more earnings you bring in, the more retirement benefits you will receive. To qualify for these benefits, the general rule is: If you were born in 1929 or later, you must earn at least 40 working credits (10 years of work). However, your retirement benefits are not necessarily accessible once you’ve completed your tenth year of work. The minimum age to receive retirement benefits is 62, though you would receive the benefits at a reduced rate. “Full-retirement age” under the Social Security Act is either 65, 66, or 67, depending on your year of birth (see chart below). Ultimately, to be eligible for Social Security Retirement benefits, an individual must be at least 62 years of age, have worked for at least 10 years (earning 40 credits), paid Social Security taxes, and apply for the benefits.

<b>Full Retirement Age Requirements</b>	
<b>Year of Birth</b>	<b>Full Retirement Age</b>
1937 or earlier	65
1938	65 and 2 months
1939	65 and 4 months
1940	65 and 6 months
1941	65 and 8 months
1942	65 and 10 months
1943--1954	66
1955	66 and 2 months
1956	66 and 4 months
1957	66 and 6 months
1958	66 and 8 months
1959	66 and 10 months
1960 and later	67

You can access your annual social security statement using “My Social Security Account” provided on Social Security Administration’s website.<sup>1</sup> SSA also mails the statement to workers 60 years and older three months before their birthday if they do not receive social

<sup>1</sup> See <https://secure.ssa.gov/RIL/SiView.do>.

security benefits and do not have an online account. Once you begin receiving benefits, the amount will generally increase each year in order to protect you against inflation and the increase in the cost-of-living. For example, in 2017 the increase was 0.3% and in 2018 the increase is 2%.

### ***B. Social Security Taxes***

Everyone working in the United States is required by law to pay Social Security taxes on their employment earnings. The contribution rate for 2023 is 6.2% for employees and 12.4% for self-employed people. The 6.2% is broken down as follows:

- 6.2% (Social Security portion) on earnings up to the maximum taxable amount, which is \$160,200 in 2023.
- 1.45% (Medicare portion) on all earnings

If you begin receiving Social Security benefits and continue to work, you must still pay Social Security and Medicare taxes regardless of your age.

The Internal Revenue Service (“IRS”) is the authority on all matters related to Social Security taxes.

## II. What are Social Security Disability and Supplemental Security Income Benefits?

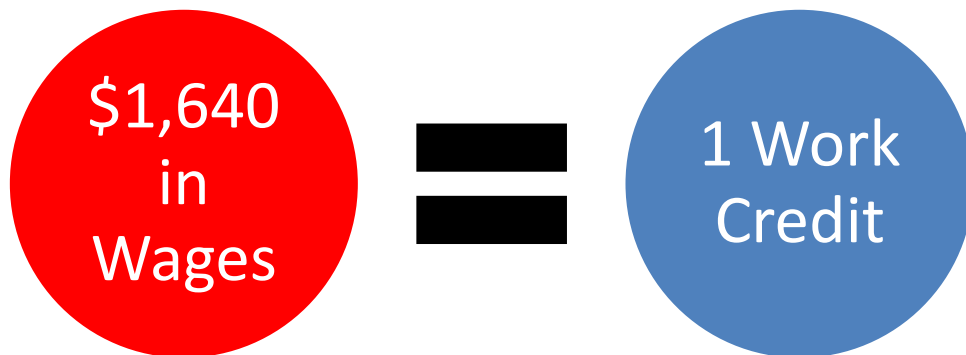
Social Security Disability (“SSD”) and Supplemental Security Income (“SSI”) are federal programs managed by the Social Security Administration that assist individuals with disabilities. The programs’ goals are to pay monthly income to qualified people suffering from severe disabilities that are expected to last for a continuous period of 12 months or result in death. SSD pays income to the disabled based on the amount of social security taxes they have paid. SSI pays income to the disabled based on their financial need (lack of income or resources). This Guide will help you understand if you might be eligible for benefits under SSD or SSI.

### A. Social Security Disability (SSD)

SSD pays a monthly cash benefit to individuals who are unable to work for a year or more due to a disability and have earned a specified amount of work credits (explained below). Think of it as an insurance policy: if you pay enough social security taxes, you are eligible for SSD benefits. The benefits are paid monthly until you are able to work again on a regular basis, and SSD will also provide benefits to help you transition back to work. If you are receiving SSD benefits when you reach “retirement age,” your SSD benefits will convert to the Social Security retirement benefits, but the amount you receive will remain the same.

You must meet two requirements to qualify for SSD:

- (1) First, you must have earned a minimum amount of wages in a certain period of time depending on your age when you become disabled. These wages are measured as “work credits” by the Social Security Administration. In 2023, you earn one credit for each \$1,640 of wages or self-employment income. Each year you can earn a maximum of four credits (four credits is equal to \$6,560 in 2023). Please refer to the chart on the next page to determine requirements based on your age when you were disabled.





<b>Work Credits Required For SSD Based on Age</b>	
<b>Age When Disabled</b>	<b>Rule</b>
<b>Before Age 24</b>	You may qualify if you have 6 credits earned in the 3-year period ending when your disability starts.
<b>Between Ages 24 and 30</b>	You may qualify if you have credit for working half the time between age 21 and the time you become disabled. For example: if you become disabled at age 27, you would need credit for 3 years of work (12 credits) out of the past 6 years (between ages 21 and 27).
<b>Between Ages 31 and 61</b>	You must earn at least 20 credits in the last 10 years ending with the year you became disabled. Please refer to Appendix A for total number of work credits required for specific ages between 31 and 61.
<b>Ages 62 and Older</b>	You must earn 40 credits, 20 of which were earned in the last 10 years ending with the year you become disabled.

- (2) Second, your medical condition must meet Social Security’s definition of disability. Social Security’s definition for disability is:
- a. the inability to work due to a medical physical or mental impairment, AND
  - b. the impairment is expected to result in death or has lasted (or can be expected to last) for a continuous period of at least 12 months.

Disability decisions made by Social Security are further explained in Section VI. If you are currently receiving SSD benefits and your medical condition worsens, your monthly benefits will not increase. This is because your SSD benefits are based on the amount of your lifetime earnings before your disability began (and not based on the severity of your disability).

## ***B. Supplemental Security Income (SSI)***

This program aims to assist low-income disabled individuals, including the blind and aged, by providing them with cash for food, clothing, and shelter.

### Requirements to Qualify for SSI:

- (1) First, you must be blind, aged (65 or older), or disabled. The same definition of disability for SSD (above) applies to SSI
  
- (2) Second, you must meet all of the additional following criteria:
  - Must have limited income<sup>2</sup>
    - **RULE:** The SSI Federal Benefit Rate **MUST** exceed your countable income to be eligible for SSI. Your SSI Federal Benefit is calculated based on your income. Refer to chart to calculate your SSI Benefit.

<b>Calculating Your SSI Benefit</b>	
<b>Steps</b>	<b>Formula</b>
1.) Find Your Countable Income	Total Income – Income SSA Does Not Count = Your Countable Income
2.) Find Your SSI Federal Benefit Amount	SSI Federal Benefit Rate (\$914 for an individual or \$1,371 for eligible individual with eligible spouse) – Countable Income = SSI Federal Benefit
<b>EXAMPLE</b>	Total Monthly Income = \$300 (Social Security Benefit) Total Income Not Counted = \$20 (See Bullet Point 1 in table below) SSI Federal Benefit Rate = \$750  <b>Step 1:</b> \$300 (Total Income) <u>-20 (Income SSA Does Not Count)</u> =\$280 (Countable Income)  <b>Step 2:</b> \$750 (SSI Federal Benefit Rate) <u>-280 (Countable Income)</u> =\$ <b>470 (Your SSI Federal Benefit)</b>

<sup>2</sup> Examples of income are money you earn from work, money you receive from other sources such as Social Security and unemployment benefits, or free food or shelter.

## Income That Does Not Count For SSI

- ✦ The first \$20 of most income received in a month
- ✦ The first \$65 of earnings (income from employment) and one-half of earnings over \$65 received each month
- ✦ All Supplemental Nutrition Assistance Program (food stamps) benefits received
- ✦ Income tax refunds
- ✦ Home energy assistance
- ✦ Assistance based on need funded by government (or an Indian tribe)
- ✦ Interest or dividends earned on resources
- ✦ Grants, scholarships, fellowships or gifts used for tuition and educational expenses
- ✦ Food or shelter based on need provided by non-profit agencies
- ✦ Loans received
- ✦ Money someone else spends to pay your expenses other than food or shelter
- ✦ Income set aside under the Plan to Achieve Self-Support
- ✦ Earnings up to \$2,220 per month to a maximum of \$8,950 per year *for a student under age 22*.
- ✦ Cost of Impairment: related work expenses for items/services that a disabled person needs in order to work
- ✦ Disaster assistance
- ✦ The first \$2,000 of compensation received per calendar year *for participating in certain clinical trials*
- ✦ Refundable Federal and advanced tax credits (received on or after 1/1/2010)

- Must Have Limited Resources<sup>3</sup>
  - **RULE:** The resources limit for individuals is \$2,000 and for couples is \$3,000. If the value of your resources exceeds the SSI resource limit, you are NOT eligible for SSI.

SSI Resource Limit	
Individuals	Couples
\$2,000	\$3,000

## Resources That Do Not Count For SSI

- ✦ The house you live in and the land it is on
- ✦ Household goods and personal property
- ✦ Burial spaces for you or your immediate family
- ✦ Burial funds for you and your spouse, each valued at \$1,500 or less
- ✦ Life insurance policies with a combined face value of \$1,500 or less
- ✦ One vehicle used for transportation by you or a member of your household, regardless of value
- ✦ Retroactive SSI or Social Security benefits for up to nine months after you receive them

<sup>3</sup> Examples of resources (things that you own) are cash, bank accounts, stocks, land, vehicles, personal property, life insurance, or anything else you own that could be converted to cash and used for food or shelter.

- ✦ Grants, scholarships, fellowships, or gifts set aside to pay educational expenses for nine months after receipt
- ✦ Up to \$100,000 of funds in an Achieving a Better Life Experience account established through a state

- ❑ Must be a U.S. citizen or national or be a qualified noncitizen (i.e. a certain specified immigrant or an individual who is actively serving in the U.S. Military)<sup>4</sup>
- ❑ Must have established residence in 1 of 50 States
- ❑ Must not be absent from the country for a full calendar month or more than thirty (30) consecutive days AND
- ❑ Must agree to apply for any other cash benefits to which you may be entitled (such as pensions or Social Security)

### ***C. What is the Difference Between Social Security Disability and Supplemental Security Income?***

The main difference between these two federal programs is that SSD is provided based on a disabled individual's prior taxable wages, while SSI is provided based on a disabled individual's current financial need.

For SSD, you must have earned sufficient credits based on taxable income (the amount required in SSD table above) to be “insured” for this program. The amount of the monthly disability benefit is based on your lifetime average “earnings record” as an insured worker.<sup>5</sup>

For SSI, the monthly benefit payment varies up to the maximum federal benefit rate,<sup>6</sup> which may be supplemented by the state you live in<sup>7</sup> and/or decreased by some of your countable income and resources. SSI is similar to Medicaid because you have to be disabled AND in particular financial need to qualify. In short, if you are approved for SSI, then you will get Medicaid.

SSD is similar to qualifying for Medicare because financial need is irrelevant. If you are approved for SSD, then you will get Medicare after you have been entitled to SSD benefits for two (2) years.

See the “Glossary of Terms” at the end of this Guide for information on the different payment dates for SSD and SSI.

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<sup>4</sup> See Supplemental Security Income for Noncitizens (<https://www.ssa.gov/pubs/EN-05-11051.pdf>).

<sup>5</sup> The annual Social Security Statement provided for all working individuals tells you how much you would get if you became disabled at the time the Statement was prepared.

<sup>6</sup> This rate changes yearly; effective in January 2023, the maximum federal benefit rate is \$914 for individuals and \$1,371 for couples. See <https://www.ssa.gov/oact/cola/SSI.html>.

<sup>7</sup> Some states supplement the federal SSI benefit with additional payments. If you live in one of these states, your SSI benefits will be higher.

### ***D. Time Limits on SSD and SSI Benefits***

Your SSD and SSI benefits will continue so long as your medical condition has not improved and you cannot work. Social Security reviews your case at regular intervals in order to decide whether you are still “disabled.” Your original award notice (which informed you that you are eligible for SSD benefits) will tell you when to expect your first review. Social Security uses the following standards in deciding when it will review your case:

- ❑ If your condition is expected to improve, your first review will be six (6) to eighteen (18) months after you started getting SSD benefits.
- ❑ If it is possible that your medical condition may improve but cannot be predicted, your case will be reviewed approximately every three (3) years.
- ❑ If your medical condition is not expected to improve, your case will be reviewed about once every seven (7) years.

### ***E. Disability Reviews***

During a review, a disability examiner and a medical consultant review your file, request medical reports from you, and may even require that you have a special medical examination. Once a decision is made, you will receive a letter from Social Security. If you are still “disabled” according to Social Security, then your benefits will continue just as they were prior to the review. If Social Security decides you are no longer “disabled,” and you disagree, then you can file an appeal. If you do not file an appeal at this time, your SSD benefits will automatically stop after three (3) months. See section VII for the appeals process.

### ***F. Can I Work While Receiving SSD or SSI?***

You are responsible for telling Social Security if you begin working. If you are still “disabled” when you begin working, you are eligible for a “trial work period” and you can receive SSD benefits for up to another nine (9) months.<sup>8</sup>

Note you may work, despite your disability, and continue to receive SSI payments until the point where your earnings exceed the SSI income limits. As previously mentioned, the individual income limit for SSI is \$914 and a married couple’s income limit is \$1,371.

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<sup>8</sup> “The trial work period allows you to test your ability to work for at least nine months. During your trial work period, you will receive your full Social Security benefits regardless of how much you are earning as long as you report your work activity and you continue to have a disabling impairment... The trial work period continues until you have worked nine months within a 60-month period.”

### III. Applying for Social Security Disability and Supplemental Security Income

#### A. Applying for Social Security Disability

Adults eighteen (18) years of age and over must complete an application to receive SSD. Note that you should apply for disability benefits *as soon as you become disabled*.

You can complete the application for SSD benefits in one of three ways:

- (1) Calling Social Security's toll-free number (1-800-772-1213)
- (2) Visiting your local Social Security office
- (3) Completing an online application (RECOMMENDED)<sup>9</sup>
  - o To apply online:
    - i. Go to <https://secure.ssa.gov/iClaim/dib>.
    - ii. Fill out the Disability Benefit Application
    - iii. Answer the disability questions
    - iv. Mail or take the documents requested to your Social Security office.

<b>SSD Online Application</b>
<b>Information Required to Apply<sup>10</sup></b>
<ul style="list-style-type: none"><li>• Social Security number;</li><li>• If born outside of U.S. → name of your birth country and Permanent Resident Card number (if you are not a citizen);</li><li>• If you served in the military, the type of duty and branch, and service period;</li><li>• Your W-2 Form from last year (or your federal income tax return if you were self-employed);</li><li>• Direct deposit numbers (to have benefits deposited directly);</li><li>• Information regarding any workers compensation claim you have filed (i.e. date of injury, claim number, proof of any payments received);</li><li>• Name, address, and phone number of someone who knows about your condition and can help with your claim;</li><li>• Information about illnesses, injuries, and conditions (including dates of treatment and patient ID numbers);</li><li>• Names, addresses, and phone numbers of the medical providers who treated you;</li><li>• Names and dates of medical tests you have had and who requested the tests;</li><li>• Names of medicines you are taking and who prescribed them;</li><li>• Medical records that you already have; and a list of up to five jobs and dates you worked during the last 15 years.</li></ul>

<sup>9</sup> <https://secure.ssa.gov/iClaim/dib>.

<sup>10</sup> <https://www.ssa.gov/hlp/radr/10/ovw001-checklist.pdf>.

We recommend applying online for disability benefits because you can start your disability claim immediately (no need to wait for an appointment); you can apply from the convenience of your home or any computer; and you can avoid taking trips to a Social Security office, saving time and money. Even if you are unable to answer all the questions, you may still submit the application. The SSA will help you track down the missing information. To submit, make sure you select the “Submit Now” button.

Next, you will be required to sign a medical release form (SSA-827) that allows the SSA to retrieve information from your doctors. You can either sign electronically as part of the online Disability application, or you can print the release, sign it, and send it to your Social Security Office.

Once you complete the application, the following process starts:

- ❑ Social Security will review the report to make sure it is complete, and they will contact you if there is a problem with any of the information.
- ❑ If there was any information missing from the application you submitted, Social Security will contact you to complete the form.
- ❑ Social Security will send your forms to your state office; the state office will then determine if you are “disabled” under Social Security law.
- ❑ Your state office will request your medical records from the doctors you listed.
- ❑ Finally, your state office will review all of the medical records when they are received. Details on the disability evaluation process are discussed below in the section entitled “Disability Evaluation for Social Security Disability and Supplemental Security Income.”

## ***B. Help With Applying for Social Security Disability***

Before filling out the application for SSD benefits, you should obtain and read through a copy of the [Adult Disability Starter Kit](#), which can help you complete the online application or help you prepare for your disability interview.<sup>11</sup> Each kit contains the following:

- ❑ A factsheet (entitled “What You Should Know Before You Apply For Social Security Disability Benefits”) that answers Frequently Asked Questions about applying for disability benefits
- ❑ A checklist (entitled “Checklist - Adult Disability Interview”) of documents and information that the Social Security Administration will request
- ❑ A worksheet (entitled “Medical and Job Worksheet – Adult”) to help you gather the information you will need to complete the online forms or for your disability interview

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<sup>11</sup> See [https://www.ssa.gov/disability/disability\\_starter\\_kits\\_adult\\_eng.htm](https://www.ssa.gov/disability/disability_starter_kits_adult_eng.htm). If you request an appointment to file for SSD benefits, you will work with a Social Security representative who will interview you and complete the application. The interview will take place either in your local Social Security office or by telephone, and it will take at least one (1) hour.

NOTE: Using both the checklist and worksheet to gather documents and information *before* applying online or attending your interview will likely speed up your application process. You will be more prepared to file an online application or answer questions at your appointment if you gather the materials suggested.

Finally, the Social Security website indicates that you should keep your appointment, even if you do not have all of the information yet; Social Security will help you obtain any missing information.

### *C. Applying for Supplemental Security Income*

The application process for SSI benefits is different from the SSD benefits application process in two important ways. First, applicants are eligible to file an application online if they are:

- Between ages of 18 and 65;
- Have never been married;
- Are not blind;
- Are a U.S. citizen residing in one of the fifty states, District of Columbia, or the Northern Mariana Islands;
- Have not applied for or received SSI benefits in the past; AND
- Are applying for SSD at the same time as SSI. You will apply through the same online application for SSD.<sup>12</sup>

Second, you will need to gather different types of information for your SSI application. In deciding whether you are eligible for SSI benefits, the Social Security Administration is going to evaluate your income, the things you own, your living arrangements (who pays for things), your citizenship status, and whether you have a disability under the Social Security Act.

In order to apply, you should contact the Social Security Administration at 1-800-772-1213 and request a telephone or in-person appointment with a representative. You will need the following materials and information for your appointment:

- Your Social Security card or a record of your Social Security number;
- Your birth certificate or other proof of your age;
- Information about the home where you live, such as your mortgage or your lease and landlord's name;
- Payroll slips, bank books, insurance policies, burial fund records, and other information about your income and the things you own (assets);
- The names, addresses, and telephone numbers of doctors, hospitals, and clinics that you have been to (if you are applying because you are disabled or blind); AND
- Proof of U.S. citizenship or eligible non-citizen status<sup>13</sup>

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<sup>12</sup> <https://secure.ssa.gov/iClaim/dib>.

<sup>13</sup> See Supplemental Security Income for Noncitizens (<https://www.ssa.gov/pubs/EN-05-11051.pdf>).



Additionally, you should have your checkbook or other bank account details available so that your SSI benefits can be deposited directly into your bank account (“direct deposit”).

Note that you will not complete most of the SSI benefits forms on your own. Rather, the Social Security claims representative will interview you and use a computer to complete the forms with the information you provide them.

### ***D. Do I Need a Lawyer to Help Apply for SSD or SSI?***

Also note that Social Security allows you to obtain assistance with the SSI or SSD application process from an appointed qualified representative (attorney or non-attorney). In order to officially appoint someone, you must file an “Appointment Representative” form with SSA.<sup>14</sup> Once appointed, the representative can help you with a variety of things, such as:

- Preparing your appeal
- Reviewing your file
- Representing you at informal or formal hearings
- Supporting claims and gathering evidence
- Filing appeals (further discussed below)

We strongly recommend appointing a qualified representative if you have access to one. Ask your local Social Security office for organizations that can connect you with a qualified Social Security representative.

You are not required to hire a lawyer to file for SSD or SSI benefits. However, your chances of being awarded these benefits are much improved if you apply or appeal with the help of a disability lawyer. Disability lawyers work on these issues every day, and they are very familiar with strategies that will help ensure that your SSD or SSI claim has the best chance of succeeding. These tasks include gathering medical records, obtaining testimony from your doctors, and, at the time of a hearing, “applying a thorough understanding of SSA regulations and requirements to the disability adjudication process.”

Additionally, disability lawyers can help if you feel you have been discriminated against in any way due to your disability.

Seek assistance from your local social security offices for referrals to disability attorneys and representatives. Additionally, the following organizations may be able to help connect you with an attorney to represent you regarding a disability claim:

- New York Legal Assistance Group (NYLAG) → (212) 613-5000
- The Family Center → (718) 230-1379

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<sup>14</sup> Form SSA-1696-U4 (see <https://www.ssa.gov/forms/ssa-1696.pdf>).

## **IV. Disability Evaluation for Social Security Disability and Supplemental Security Income**

### ***A. What is a “Disability” According to the Social Security Administration?***

The Social Security Administration defines disability as “the inability to engage in any substantial gainful activity (SGA) by reason of any medically determinable physical or mental impairment(s) which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.” The definition is broken down into two parts: (1) inability to perform SGA based on a disability and (2) disability lasting or is expected to last at least one year. However, Social Security will NOT recognize you as disabled if:

- (1) You can still perform your past relevant work;
- (2) You can make an adjustment to perform other work (that may differ from past work); or
- (3) Your impairment does not last or will not last for at least 1 year or result in death.

Social Security will not pay benefits for partial disability or short-term disability (lasting less than a year). The reasoning for this is that working families generally have access to other resources, such as workers’ compensation, insurance, savings, etc., during a short-term disability.

### ***B. Social Security’s Disability Determination Process for SSD and SSI***

Once your application for disability benefits is received, the Social Security representatives in your local field office are responsible for verifying all of the non-medical eligibility requirements (i.e., age, employment, marital status, Social Security coverage information, etc.). Once these items are confirmed, the field office sends your case to a “Disability Determination Service” (DDS) for an evaluation of “disability.” The DDS is a state agency that is responsible for examining medical evidence and making the determination about whether you are disabled or blind under the Social Security law.

The DDS will typically obtain evidence from your own medical doctors. If for some reason this evidence is not available or is insufficient, the DDS will arrange for a medical examination, either from your doctor or from an independent doctor. Once the evidence collection is completed, the DDS staff will make a disability determination and subsequently notify the field office of its decision. If the DDS finds that you are disabled, then SSA computes the benefit amount and begins paying benefits to you. If the DDS finds that you are not disabled, your file is kept in the field office in case you decide to appeal

the DDS determination. Appeals are discussed below in the section entitled “The Appeals Process for Social Security Disability and Supplemental Security Income.”

### ***C. The Five-Step Disability Evaluation Process as Applied to SSD and SSI***

The DDS follows a five-step process to decide if you are “disabled” under Social Security law

1. Are you performing substantial gainful activity (working)?
2. Is your condition considered severe by the SSA?
3. Is your condition specifically listed as a severe impairment by the SSA?
4. Can you perform work you performed in the past?
5. Can you adjust to performing other work?

#### ***1. Are You Working?***

If Yes → Social Security will determine if you are doing “substantial gainful activity” (SGA). SGA is work that involves significant and productive physical or mental duties and is (1) performed for pay or profit, (2) work of a nature generally performed for pay or profit, or (3) work intended for profit regardless of whether a profit is earned. The SSA generally uses earnings caps to determine whether your work is SGA. If your earnings are more than the SSA’s monthly earnings cap, you are generally considered to be performing in SGA. The monthly earnings cap for blind individuals is higher than the earnings cap for non-blind individuals to take into account additional challenges for blind people. The earning caps for 2023 are:

<b>2023 Earnings Caps Determining Substantial Gainful Activity</b>	
<b>Non-Blind</b>	<b>Blind</b>
\$1,470	\$2,460

If your earnings average more than the allowable monthly amount for a given year, then generally you are performing SGA and your application will be denied. Otherwise, go to Step #2.

If No → Go to Step #2.

## 2. Is Your Illness or Condition “Severe?”

If Yes → Your condition is severe if it significantly limits your physical or mental ability to do basic work activities and lasts (or is expected to last) 12 continuous months or result in death (duration requirement). If your condition complies with this definition of severe, go to Step #3.

If No → If your condition is not severe (or is not expected to last 12 continuous months), your application will be denied.

## 3. Is Your Condition Listed in Part 404 of the Code of Federal Regulations, “Listing of Impairments?”

If Yes → If your medical condition is listed in Appendix 1 of Part 404 of the Code of Federal Regulations,<sup>15</sup> your application will be approved.

If No → If your medical condition is deemed of equal severity to an impairment on the list (and meets the same duration requirement of one year), **your application will be approved.**

If your condition is neither listed nor equally severe to an impairment on the list, go to Step #4.

Note that the “list of impairments” describes, for each major body system, impairments that are considered severe enough to prevent you from doing any gainful activity (i.e., work usually done for pay or profit). Most cancer-related diseases fall under “Section 13.00 - Malignant Neoplastic Diseases.” See table on next page and “Appendix A” for a detailed list of cancer-related diseases that are considered severe by SSA .

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<sup>15</sup> [https://www.ssa.gov/OP\\_Home/cfr20/404/404-app-p01.htm](https://www.ssa.gov/OP_Home/cfr20/404/404-app-p01.htm).

<b>List of Impairments Categories</b>		
<b>1.00 Musculoskeletal System</b>	<b>2.00 Special Senses and Speech</b>	<b>3.00 Respiratory Disorders</b>
<b>4.00 Cardiovascular System</b>	<b>5.00 Digestive System</b>	<b>6.00 Genitourinary Disorders</b>
<b>7.00 Hematological Disorders</b>	<b>8.00 Skin Disorders</b>	<b>9.00 Endocrine Disorders</b>
<b>10.00 Congenital Disorders that Affect Multiple Body Systems</b>	<b>11.00 Neurological Disorders</b>	<b>12.00 Mental Disorders</b>
<b>13.00 Cancer (Malignant Neoplastic Diseases)</b>	<b>14.00 Immune System Disorders</b>	

3. Can You Do the Work You Did in the Past?

If Yes → If Social Security determines that you can do the same work as before your illness, your application will be denied.

If No → If Social Security determines that you cannot do the same work as before your illness, go to Step #5.

4. Can You Do Any Other Work?

If Yes → Social Security will consider your “residual functional capacity” as well as your medical condition, age, education, and past work experience to decide if you are able to take on other types of work (besides your past job). If it is determined that you cannot perform other work for at least a year, your application will be approved.

If No → If Social Security determines that you can perform other work, your application will be denied.

## ***D. Cancer-Specific Impairments***

The five-step evaluation process applies to all types of disabilities, ranging over many different diseases. As stated above, most cancer-related impairments can be found in “Section 13.00 - Cancer.” When evaluating cancerous diseases to decide if the disease is severe enough to be a disability, Social Security considers the following factors:

- ✦ **Origin of the malignancy** (where the cancer is located in the body)
- ✦ **Extent of Involvement** (severity/stage of the cancer)
- ✦ **Duration, frequency, and response to anticancer therapy** (such as surgery, irradiation, chemotherapy, etc.):
  - Each case is considered on an individual basis. Social Security will do a full evaluation of the effects of therapy based on:
    - Drugs given
    - Dosage
    - Frequency of drug administration
    - Plans for continued drug administration
    - Extent of surgery
    - Schedule and fields of radiation therapy
    - Complications or adverse side effects of therapy (such as continuing gastrointestinal symptoms, persistent weakness, neurological complications, cardiovascular complications, and reactive mental disorders)
- ✦ **Effects of any post-therapeutic residuals** (effects of past treatment)

Social Security has set some standards for how long it will consider your cancer-related impairment to be “disabling.” In some cases, the impairment is considered to be disabling for a specific period (for example, at least eighteen (18) months from the date of diagnosis). In other cases, the impairment is considered to be disabling until at least three (3) years after the start of complete remission.

## V. The Appeals Process for Social Security Disability and Supplemental Security Income

### A. In General

When the Social Security Administration makes a decision about your eligibility for SSD or SSI benefits they will send you a letter explaining their decision on whether to grant or deny you benefits. If you disagree with the decision, you have the right to bring an appeal. You must, however, make your request in writing within sixty (60) days of the date you receive a letter of decision.<sup>16</sup>

You have the right to appeal against all of the following types of adverse decisions:

- ❑ Whether you are eligible for SSD or SSI
- ❑ Whether you still meet the requirements for SSD or SSI
- ❑ Whether you are being overpaid for SSD or SSI

There are four (4) levels of appeals:

- (1) Reconsideration**
- (2) Hearing by an administrative law judge**
- (3) Review by the Appeals Council**
- (4) Federal court review**

You can download the necessary forms to file an appeal from the Social Security Administration website at <https://www.ssa.gov/forms/ssa-561.html>. However, the fastest and easiest way to file an appeal is by requesting an appeal online via the Social Security Administration website at <https://secure.ssa.gov/iAppIsRe/start>. This initial appeal is a request for reconsideration, which starts the Social Security Appeals process.

### B. Level 1: Reconsideration

A “reconsideration” is a complete review of your claim by someone who did not take part in the first decision. Most reconsiderations do not require for you to appear before a Social Security representative; However, in some cases, you may have the option to further explain why you are appealing. In the reconsideration proceedings, Social Security will consider all of the evidence originally submitted, plus any new evidence that you present.<sup>17</sup> After you have filed a request for reconsideration, Social Security Administration will eventually respond with a decision granting or denying the appeal. If the reconsideration appeal is denied, the letter will explain how to request the next appeal.

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<sup>16</sup> If you show good reason for having waited more than sixty (60) days to request an appeal, your request may be granted.

<sup>17</sup> Social Security will then send you a letter explaining how they made the reconsideration decision.

### ***C. Level 2: Hearing by an Administrative Law Judge (ALJ)***

Social Security’s Office of Hearings Operations (OHO) is responsible for administering the hearings process. You may request a hearing by an administrative law judge (“ALJ”) from the OHO if you disagree with the reconsideration decision.

You or your representative must request a hearing within 60 days after you get the notice of reconsideration determination. You may request a hearing by:

- Submitting an application online at <https://secure.ssa.gov/iApplsRe/start>,
- Filing forms HA-501, SSA-3441 and SSA-827 with SSA (found at <https://www.ssa.gov/forms/ha-501.html>),
- Writing a letter to SSA, or
- Calling SSA for assistance.

Regardless of the method you choose, the request must be in writing. The ALJ assigned to your case will notify you of the time and place of the hearing at least 75 days before the hearing, which is usually held within seventy-five (75) miles of your home. If you are appealing a decision that your disability has ended, you may continue to receive SSI if you ask in writing for your benefits to continue within 10 days of the cessation notice.

We recommend you attend your hearing so you have the opportunity to explain in person any questions the Judge may have regarding your appeal. If you cannot attend the hearing, you must notify Social Security in writing and provide a good reason for not being present. You must contact the ALJ no later than 5 days before the date of the hearing or 30 days after receiving the notice of the hearing, whichever is earlier. In some cases, the judge may decide that your appearance at the hearing is necessary. If you do not attend the hearing despite the judge’s request (or fail to provide a good reason for missing the hearing), the ALJ may dismiss your case.

It is also important that you submit any additional evidence you may want the judge to consider as soon as possible before the scheduled hearing date (preferably when you make a request for the appeal). If you fail to submit additional evidence at least 5 business days before the hearing (at least 10 business days before the hearing if requesting a subpoena), the judge may refuse to consider the additional evidence at the hearing. At the hearing, the ALJ will explain the issues to those present, question you and any of your witnesses, and give you the opportunity to question your witnesses. After the hearing, the ALJ will issue a written decision once he/she has studied all of the evidence.<sup>18</sup>

In certain circumstances, the OHO will agree to hold your hearing by video conference. Video conference hearings can make the hearings process more convenient for you because they are sometimes closer to your home and they might make it easier for you to bring witnesses or other people to the hearing. If you are interested in this option, you should make sure that you request a videoconference hearing. The ALJ will then make a decision

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<sup>18</sup> Social Security will send you a letter and a copy of the ALJ’s decision.



about your request based on all of the information in your case and notify you through another decision letter.

### ***D. Level 3: Review by the Appeals Council***

If the ALJ decides against your appeal, you may request another appeal by writing to Social Security requesting an Appeals Council Review or by filing a Request for Review of Hearing Decision form (Form HA-520, see <https://www.ssa.gov/forms/ha-520.pdf>). Social Security Administration can help you complete this form. The OHO also administers this final level of appeal under the Social Security Administration.

You must request an Appeals Council review **within 60 days** after you receive your hearing decision. You again may submit new or additional evidence to the OHO. However, according to the Social Security Administration, “The Appeals Council will only review a case based on additional evidence if it is new, material, related to the period on or before the hearing decision, and there is reasonable probability the evidence would change the outcome of the decision.” The Appeals Council reviews all requests, but it may deny a request for review if it believes that the hearing decision was correct.<sup>19</sup> If the Appeals Council grants review of your case, it may choose to decide your case itself or return it to an ALJ for further review (but not a new hearing). Whoever reviews the case will send you a letter of decision and a copy of the order (if reviewed by ALJ).

### ***E. Level 4: Federal Court Review***

If the review by the Appeals Council does not grant your appeal or decides not to review your case, you may file a lawsuit in federal district court. The letter you receive from Social Security regarding the Appeals Council’s decision will explain how you can file your appeal in federal court. You have sixty (60) days from receipt of this letter to file the civil action in court, and there will be a charge for filing the action.

### ***F. Appointing a Lawyer or Representative to Help You Appeal***

As previously mentioned, if possible, we strongly recommend finding a lawyer to represent your interests through the appeals process. A qualified lawyer will help you with the filing process, support your claims, and prepare for a hearing if necessary. Social Security also allows you to appoint other qualified non-attorneys that you think will be able to help you through the appeals process. Contact your local Social Security office for organizations that can help you find a qualified representative. If you are unable (or decide not) to access a lawyer or other qualified individual as a representative, you can always access Social Security representatives to assist you with any questions you may have about the appeals process.

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<sup>19</sup> If your request for review by the Appeals Council is denied, Social Security will send you a letter explaining the denial.

The appointment of a qualified representative must be confirmed in writing and filed with the SSA using the SSA-1699 form (see <https://www.ssa.gov/forms/ssa-1699.pdf>). If a representative is appointed, the representative must obtain written approval of the fee schedule from the SSA before charging for his/her services, even if the claim is denied. The representative must follow the SSA’s fee authorization process as described on the SSA website (see <https://www.ssa.gov/representation/overview.htm>).

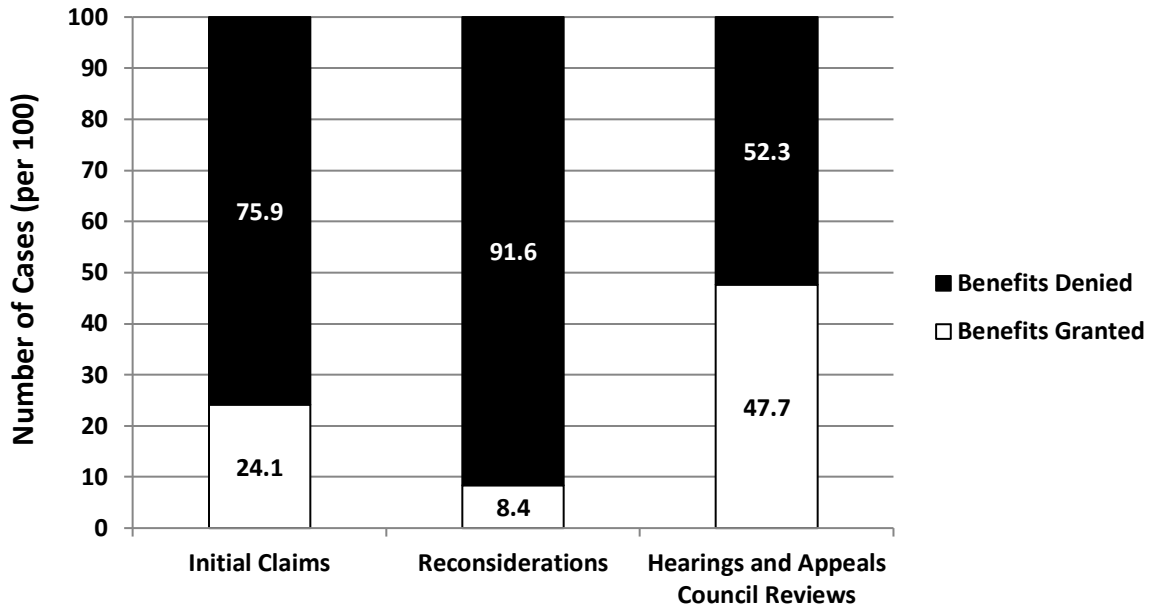
If you already appointed a representative during the SSD or SSI application process, this same representative can act on your behalf and request a reconsideration, hearing, or Appeals Council review. Your representative will receive a copy of all decisions related to your claim.

The chart below shows the percentage of people that are granted disability benefits vs. the number of people that apply.<sup>20</sup> The success rate (SSA decides you are disabled and accepts your request for disability benefits) of combined applications for both SSD and SSI was under 30% from 2018-2020 (the most recent three year period on record). This is why understanding the appeals process is extremely important, and we encourage you to consider appointing a qualified representative to effectively advocate for your appeal.

<b>SSD and SSI Decisions on Applications</b>			
<b>Year</b>	<b>Total Decisions on Applications</b>	<b>Allowances Granted</b>	<b>Success Rate</b>
2018	584,405	141,456	24.2%
2019	595,168	145,865	24.5%
2020	450,496	108,667	24.2%

<sup>20</sup> See [https://www.ssa.gov/policy/docs/statcomps/di\\_asr/2021/sect04.html#table61](https://www.ssa.gov/policy/docs/statcomps/di_asr/2021/sect04.html#table61).

**Progression of Cases Through the Application for Disability Process**  
 (Note: Data based on total appeals in fiscal year of 2020)<sup>21</sup>



<sup>21</sup> [https://www.ssa.gov/policy/docs/statcomps/ssi\\_asr/2016/sect10.pdf](https://www.ssa.gov/policy/docs/statcomps/ssi_asr/2016/sect10.pdf)

## VI. Social Security Contact Information

There are several ways in which you can contact Social Security.

- ✦ First, you can use the Social Security Website to do any of the following:
  - Figure your retirement, disability, or survivors benefits using an online calculator
  - Apply for retirement, disability, or spouse's benefits
  - Request a Social Security Statement
  - Request a replacement Social Security Benefit Statement
  - Request a Benefit Verification Letter
  - Find Social Security forms
  - Find Social Security publications
  - Find the local Social Security office nearest you
  - If you get or recently applied for benefits, you can change your address or telephone number on your account
  
- ✦ Second, you can contact Social Security by phone at 1-800-772-1213 between Monday and Friday from 7 A.M. to 7 P.M. Using the phone, you can do anything you can do online, plus all of the following:
  - Have your Social Security benefits sent directly to your bank
  - Discuss the rules for getting Social Security benefits
  - Ask questions about your check or report a missing check
  - Report a death
  - Discuss “Representative Payee” situations
  - Request an appointment at a local Social Security office near you
  - Get phone numbers for other government agencies
  
- ✦ Finally, you can contact Social Security’s Office of Public Inquiries by mail at the following address:

Social Security Administration  
Office of Public Inquiries  
1110 West High Rise  
6401 Security Blvd.  
Baltimore, MD 21235

## Appendix A

### Number of Credits Needed for Disability Benefits

<b>Born after 1929, Became Disabled At Age</b>	<b>Number of Credits You Need</b>
<b>31 through 42</b>	<b>20</b>
<b>43</b>	<b>21</b>
<b>44</b>	<b>22</b>
<b>45</b>	<b>23</b>
<b>46</b>	<b>24</b>
<b>47</b>	<b>25</b>
<b>48</b>	<b>26</b>
<b>49</b>	<b>27</b>
<b>50</b>	<b>28</b>
<b>51</b>	<b>29</b>
<b>52</b>	<b>30</b>
<b>53</b>	<b>31</b>
<b>54</b>	<b>32</b>
<b>55</b>	<b>33</b>
<b>56</b>	<b>34</b>
<b>57</b>	<b>35</b>
<b>58</b>	<b>36</b>
<b>59</b>	<b>37</b>
<b>60</b>	<b>38</b>
<b>61</b>	<b>39</b>
<b>62 or older</b>	<b>40</b>

## Appendix B

### 13.01 Category of Impairments, Malignant Neoplastic Diseases

<p><b>13.02 - Soft tissue tumors of the head and neck</b></p>	<p>A. Inoperable or unresectable, OR            B. Persistent disease following initial multimodal antineoplastic therapy, OR            C. Recurrent disease following initial antineoplastic therapy, except local vocal cord recurrence, OR            D. With metastases beyond the regional lymph nodes, OR            E. Soft tissue tumors of the head and neck not addressed in A-D, with multimodal antineoplastic therapy. Consider under a disability until at least 18 months from the date of diagnosis. Thereafter, evaluate any residual impairment(s) under the criteria for the affected body system.</p>
<p><b>13.03 - Skin</b></p>	<p>A. Sarcoma or carcinoma with metastases to or beyond the regional lymph nodes, OR            B. Melanoma, with either 1 or 2:            1. Recurrent after wide excision (except an additional primary melanoma at a different site, which is not considered to be recurrent disease).            2. Palpable nodal metastases or metastases to adjacent skin (satellite lesions) or elsewhere.</p>
<p><b>13.04 - Soft tissue sarcoma</b></p>	<p>A. With regional or distant metastases OR            B. Persistent or recurrent following initial antineoplastic therapy</p>
<p><b>13.05 - Lymphoma</b></p>	<p>A. Non-Hodgkin's lymphoma, as described in 1 or 2:            1. Intermediate or high-grade lymphoma persistent or recurrent following initial antineoplastic therapy.            2. Low-grade or indolent lymphoma requiring initiation of more than one antineoplastic treatment regimen within a consecutive 12-month period. Consider under a disability from at least the date of initiation of the treatment regimen that failed within 12 months.            OR            B. Hodgkin's disease with failure to achieve clinically complete remission, or recurrent disease within 12 months of completing initial antineoplastic therapy,            OR            C. With bone marrow or stem cell transplantation. Consider under a disability until at least 12 months from the date of transplantation. Thereafter, evaluate any residual impairment(s) under the criteria for the affected body system.</p>
<p><b>13.06 - Leukemia</b></p>	<p>A. Acute leukemia (including T-cell lymphoblastic lymphoma). Consider under a disability until at least 24 months from the date of diagnosis or relapse, or at least 12 months from the date of bone marrow or stem cell transplantation, whichever is later. Thereafter, evaluate any residual impairment(s) under the criteria for the affected body system.            OR            B. Chronic myelogenous leukemia, as described in 1 or 2:            1. Accelerated or blast phase. Consider under a disability until at least 24 months from the date of diagnosis or relapse, or at least 12 months from the date of bone marrow or stem cell transplantation, whichever is later. Thereafter,</p>

	<p>evaluate any residual impairment(s) under the criteria for the affected body system.</p> <p>2. Chronic phase, as described in a or b:</p> <p>a. Consider under a disability until at least 12 months from the date of bone marrow or stem cell transplantation. Thereafter, evaluate any residual impairment(s) under the criteria for the affected body system.</p> <p>b. Progressive disease following initial antineoplastic therapy.</p>
<b>13.07 – Multiple Myeloma (confirmed by appropriate serum or urine protein electrophoresis and bone marrow findings)</b>	<p>A. Failure to respond or progressive disease following initial antineoplastic therapy, OR</p> <p>B. With bone marrow or stem cell transplantation. Consider under a disability until at least 12 months from the date of transplantation. Thereafter, evaluate any residual impairment(s) under the criteria for the affected body system.</p>
<b>13.08 – Salivary glands</b>	Carcinoma or sarcoma with metastases beyond the regional lymph nodes.
<b>13.09 – Thyroid gland</b>	<p>A. Anaplastic (undifferentiated) carcinoma, OR</p> <p>B. Carcinoma with metastases beyond the regional lymph nodes progressive despite radioactive iodine therapy.</p>
<b>13.10 - Breast</b>	<p>A. Locally advanced carcinoma (inflammatory carcinoma, tumor of any size with direct extension to the chest wall or skin, tumor of any size with metastases to the ipsilateral internal mammary nodes, OR</p> <p>B. Carcinoma with distant metastases, OR</p> <p>C. Recurrent carcinoma, except local recurrence that remits with antineoplastic therapy.</p>
<b>13.11 – Skeletal system</b>	<p>A. Inoperable or unresectable, OR</p> <p>B. Recurrent tumor (except local recurrence) after initial antineoplastic therapy, OR</p> <p>C. With distant metastases, OR</p> <p>D. All other tumors originating in bone with multimodal antineoplastic therapy. Consider under a disability for 12 months from the date of diagnosis. Thereafter, evaluate any residual impairment(s) under the criteria for the affected body system.</p>
<b>13.12 - Maxilla, orbit, or temporal fossa</b>	<p>A. Sarcoma or carcinoma of any type with regional or distant metastases, OR</p> <p>B. Carcinoma of the antrum with extension into the orbit or ethmoid or sphenoid sinus, OR</p> <p>C. Tumors with extension to the base of the skull, orbit, meninges, or sinuses</p>
<b>13.13 – Nervous system</b>	<p>A. Central nervous system neoplasms (brain and spinal cord), as described in 1 or 2:</p> <p>1. Highly malignant tumors, such as Grades III and IV astrocytomas, glioblastoma multiforme, ependyoblastoma, medulloblastoma or other</p>

	<p>primitive neuroectodermal tumors (PNETs) with documented metastases, diffuse intrinsic brain stem gliomas, or primary sarcomas.</p> <p>2. Any central nervous system neoplasm progressive or recurrent following initial antineoplastic therapy.</p> <p>OR</p> <p>B. Peripheral nerve or spinal root neoplasm, as described in 1 or 2:</p> <p>1. Metastatic.</p> <p>2. Progressive or recurrent following initial antineoplastic therapy.</p>
<b>13.14 - Lungs</b>	<p>A. Non-small-cell carcinoma--inoperable, unresectable, recurrent, or metastatic disease to or beyond the hilar nodes, OR</p> <p>B. Small-cell (oat cell) carcinoma</p>
<b>13.15 - Pleura or Mediastinum</b>	<p>A. Malignant mesothelioma of pleura, OR</p> <p>B. Tumors of the mediastinum, as described in 1 or 2:</p> <p>1. With metastases to or beyond the regional lymph nodes.</p> <p>2. Persistent or recurrent following initial antineoplastic therapy.</p>
<b>13.16 - Esophagus or stomach</b>	<p>A. Carcinoma or sarcoma of the esophagus, OR</p> <p>B. Carcinoma or sarcoma of the stomach, as described in 1 or 2:</p> <p>1. Inoperable, unresectable, extending to surrounding structures, or recurrent.</p> <p>2. With metastases to or beyond the regional lymph nodes.</p>
<b>13.17 – Small intestine</b>	<p>A. Inoperable, unresectable, or recurrent, OR</p> <p>B. With metastases beyond the regional lymph nodes</p>
<b>13.18 - Large intestine (from ileocecal valve to and including anal canal)</b>	<p>A. Adenocarcinoma that is inoperable, unresectable, or recurrent, OR</p> <p>B. Squamous cell carcinoma of the anus, recurrent after surgery, OR</p> <p>C. With metastases beyond the regional lymph nodes</p>
<b>13.19 – Liver or gallbladder</b>	Tumors of the liver, gallbladder, or bile ducts
<b>13.20 - Pancreas</b>	<p>A. Carcinoma (except islet cell carcinoma), OR</p> <p>B. Islet cell carcinoma that is inoperable or unresectable and physiologically active</p>
<b>13.21 - Kidneys, adrenal glands, or ureters</b>	<p>A. Inoperable, unresectable, or recurrent, OR</p> <p>B. With metastases to or beyond the regional lymph nodes</p>
<b>13.22 – Urinary bladder</b>	<p>A. With infiltration beyond the bladder wall, OR</p> <p>B. Recurrent after total cystectomy, OR</p> <p>C. Inoperable or unresectable, OR</p> <p>D. With metastases to or beyond the regional lymph nodes</p>
<b>13.23 - Cancers of the female genital tract</b>	<p>A. Uterus (corpus), as described in 1, 2, or 3:</p> <p>1. Invading adjoining organs.</p> <p>2. With metastases to or beyond the regional lymph nodes.</p> <p>3. Persistent or recurrent following initial antineoplastic therapy.</p> <p>OR</p>



	<p>B. Uterine cervix, as described in 1 or 2:</p> <ol style="list-style-type: none"> <li>1. Extending to the pelvic wall, lower portion of the vagina, or adjacent or distant organs.</li> <li>2. Persistent or recurrent following initial antineoplastic therapy.</li> </ol> <p>OR</p> <p>C. Vulva, as described in 1, 2, or 3:</p> <ol style="list-style-type: none"> <li>1. Invading adjoining organs.</li> <li>2. With metastases to or beyond the regional lymph nodes.</li> <li>3. Persistent or recurrent following initial antineoplastic therapy.</li> </ol> <p>OR</p> <p>D. Fallopian tubes, as described in 1 or 2:</p> <ol style="list-style-type: none"> <li>1. Extending to the serosa or beyond.</li> <li>2. Persistent or recurrent following initial antineoplastic therapy.</li> </ol> <p>OR</p> <p>E. Ovaries, as described in 1 or 2:</p> <ol style="list-style-type: none"> <li>1. All tumors except germ-cell tumors, with at least one of the following: <ol style="list-style-type: none"> <li>a. Tumor extension beyond the pelvis; for example, tumor implants on peritoneal, omental, or bowel surfaces.</li> <li>b. Metastases to or beyond the regional lymph nodes.</li> <li>c. Ruptured ovarian capsule, tumor on the serosal surface of the ovary, ascites with malignant cells, or positive peritoneal washings.</li> <li>d. Recurrent following initial antineoplastic therapy.</li> </ol> </li> <li>2. Germ-cell tumors--progressive or recurrent following initial antineoplastic therapy.</li> </ol>
<b>13.24 – Prostate gland</b>	<p>A. Progressive or recurrent despite initial hormonal intervention, OR</p> <p>B. With visceral metastases</p>
<b>13.25 - Testicles</b>	Tumor with metastatic disease progressive or recurrent following initial chemotherapy
<b>13.26 – Penis</b>	Carcinoma with metastases to or beyond the regional lymph nodes.
<b>13.27 - Primary site unknown after appropriate search for primary</b>	Metastatic carcinoma or sarcoma, except for solitary squamous cell carcinoma in the neck.
<b>13.28 - Malignant neoplastic diseases treated by bone marrow or stem cell transplantation</b>	<p>A. Allogeneic transplantation. Consider under a disability until at least 12 months from the date of transplantation. Thereafter, evaluate any residual impairment(s) under the criteria for the affected body system, OR</p> <p>B. Autologous transplantation. Consider under a disability until at least 12 months from the date of the first treatment under the treatment plan that includes transplantation. Thereafter, evaluate any residual impairment(s) under the criteria for the affected body system.</p>

## Glossary of Terms

<u>Term</u>	<u>Explanation</u>
<b>Appeal</b>	Whenever Social Security makes a decision that affects your eligibility for SSD or SSI benefits, they send you a letter explaining their decision. If you disagree with their decision, you have the right to appeal it (ask them to review your case). If their decision was wrong, they will change it.
<b>Benefits</b>	<p>Social Security provides five major categories of benefits:</p> <ul style="list-style-type: none"> <li>• Retirement</li> <li>• Disability</li> <li>• Family (dependents)</li> <li>• Survivors</li> <li>• Medicare</li> </ul> <p>The retirement, family (dependents), survivor, and disability programs provide monthly cash benefits and Medicare provides medical coverage.</p>
<b>Credits</b>	Previously called " <i>Quarters of Coverage.</i> " As you work and pay taxes, you earn credits that count toward your eligibility for future Social Security benefits. You can earn a maximum of four credits each year. Most people need forty (40) credits to qualify for benefits. Younger people need fewer credits to qualify for disability or survivors' benefits.
<b>Letter of Decision</b>	When you file for SSD or SSI, they decide if you will receive benefits. They send you an official letter explaining their decision and, if benefits are payable, they tell you the amount you will get each month.
<b>Direct Deposit</b>	The standard way to receive SSD and SSI payments. Your money is sent electronically to an account in a financial institution (a bank, trust company, savings and loan association, brokerage agency or credit union).
<b>Social Security Disability Benefits (SSD)</b>	<p>You can get disability benefits if you:</p> <ul style="list-style-type: none"> <li>• Are under full retirement age</li> <li>• Have enough Social Security credits and</li> <li>• Have a severe medical impairment (physical or mental) that's expected to prevent you from doing "substantial" work for a year or more, or</li> </ul>

	have a condition that is expected to result in death				
<b>Documents</b>	Forms and papers such as birth certificates, marriage certificates, W2 forms, tax returns, deeds, etc., submitted by individuals applying for benefits and services. Social Security can accept only originals or copies certified by the agency that has the original document.				
<b>Evidence</b>	The documents you must submit to support a factor of entitlement or payment amount. The people in your Social Security office can explain what evidence is required to establish entitlement and help you to get it.				
<b>Medicare</b>	The federal health insurance program for: <ul style="list-style-type: none"> <li>• People 65 years of age or older</li> <li>• Certain younger people with disabilities</li> <li>• People with permanent kidney failure with dialysis or a transplant, sometimes called ESRD (End-Stage Renal Disease).</li> </ul>				
<b>Medicaid</b>	A joint federal and state program that helps with medical costs for people with low incomes and limited resources. Medicaid programs vary from state to state, but most health care costs are covered if you qualify for both Medicare and Medicaid.				
<b>Payment Dates for SSD Payments</b>	<p>If you filed for SSD before May 1, 1997, your payments usually are dated and delivered on the 3rd of the month following the month for which the payment is due. For example, payments for January are delivered on February 3rd. If the 3rd of the month is a Saturday, Sunday or Federal holiday, your payments are dated and delivered on the first day before the 3rd of the month which is <i>not</i> a Saturday, Sunday or Federal holiday. For example, if the 3rd is a Saturday or Sunday, payments are delivered on the preceding Friday.</p> <p>If you filed for SSD May 1, 1997, or later, you are assigned one of three new payment days based on the date of birth of the insured person:</p> <table border="1"> <thead> <tr> <th><b>If you were born on the...</b></th> <th><b>Your payment will be delivered on the...</b></th> </tr> </thead> <tbody> <tr> <td>1st through 10th of the month</td> <td>Second Wednesday of the month</td> </tr> </tbody> </table>	<b>If you were born on the...</b>	<b>Your payment will be delivered on the...</b>	1st through 10th of the month	Second Wednesday of the month
<b>If you were born on the...</b>	<b>Your payment will be delivered on the...</b>				
1st through 10th of the month	Second Wednesday of the month				

	<table border="1"> <tr> <td>11th through 20th of the month</td> <td>Third Wednesday of the month</td> </tr> <tr> <td>21st through end of the month</td> <td>Fourth Wednesday of the month</td> </tr> </table> <p>If your scheduled Wednesday payment day is a Federal holiday, your payment will be delivered on the preceding day that is not a Federal legal holiday.</p>	11th through 20th of the month	Third Wednesday of the month	21st through end of the month	Fourth Wednesday of the month
11th through 20th of the month	Third Wednesday of the month				
21st through end of the month	Fourth Wednesday of the month				
<b>Payment Dates for SSI Payments</b>	SSI payments are usually dated and delivered on the first day of the month for which they are due. However, if the first falls on a Saturday, Sunday or Federal holiday, they are dated and delivered on the first day preceding the first of the month which is not a Saturday, Sunday or Federal holiday.				
<b>Representative Payee</b>	If you receive SSD or SSI and become unable to handle your own financial affairs, after a careful investigation, Social Security appoints a relative, a friend, or an interested party to handle your Social Security matters. Representative payees are required to maintain complete accounting records and periodically provide reports to Social Security.				
<b>Social Security</b>	Social Security is based on a simple concept: While you work you pay taxes into the Social Security system, and when you retire or become disabled, you, your spouse, and your dependent children receive monthly benefits that are based on your reported earnings. Also, your survivors can collect benefits if you die.				
<b>Social Security Office</b>	<p>Your local Social Security office is the place where you can:</p> <ul style="list-style-type: none"> <li>• Apply for a Social Security number</li> <li>• Check on your earnings record</li> <li>• Apply for SSD, black lung benefits, SSI, and hospital insurance (Medicare) protection</li> <li>• Enroll for medical insurance</li> <li>• Get help applying for food stamps</li> <li>• Learn everything you need to know about your rights and obligations under the Social Security law.</li> </ul>				
<b>Supplemental Security Income Benefits (SSI)</b>	A Federal supplemental income program funded by general tax revenues ( <i>not</i> Social Security taxes). It helps aged, blind, and disabled people who have little or no income by providing monthly cash payments to meet basic needs for food, clothing, and shelter.				

## REFERENCES

Social Security Online: The Official Website of the U.S. Social Security Administration, at <http://www.socialsecurity.gov/> (last visited March. 20, 2023).

*Links:*

<http://www.socialsecurity.gov/disability/> (Benefits for People with Disabilities)

<https://faq.ssa.gov/en-US/> (Frequently Asked Questions about Social Security)

[https://www.ssa.gov/OP\\_Home/handbook/handbook.html](https://www.ssa.gov/OP_Home/handbook/handbook.html) (Online Social Security Handbook)

<http://www.socialsecurity.gov/pubs/englist.html> (Social Security Benefit Publications)

<http://www.socialsecurity.gov/online/> (Common Social Security Forms)

[http://www.socialsecurity.gov/disability/disability\\_starter\\_kits.htm](http://www.socialsecurity.gov/disability/disability_starter_kits.htm) (Disability Starter Kit)

<http://www.socialsecurity.gov/disability/determination.htm> (Disability Determination Process)

<http://www.socialsecurity.gov/dibplan/dqualify5.htm> (Five-Step Disability Evaluation Process)

<http://www.ssa.gov/disability/professionals/bluebook/AdultListings.htm> (List of Impairments)

<http://www.socialsecurity.gov/pubs/10075.html> (Your Right to Representation)

<https://www.ssa.gov/agency/contact/phone.html> (How to Contact Social Security)

[http://www.ssa.gov/OP\\_Home/cfr20/cfrdoc.htm](http://www.ssa.gov/OP_Home/cfr20/cfrdoc.htm) (Code of Federal Regulations)

SocialSecurityHome.com: Where Social Security Disability Cases Meet Tough Disability Attorneys, at <http://www.socialsecurityhome.com> (last visited March. 20, 2023).

DisabilitySecrets.com: Tips, Advice, Explanations, and Answers, at <http://www.disabilitysecrets.com> (last visited March 20, 2023).

NOSSCR (National Organization of Social Security Claimants' Representatives) Online: Social Security Basics, at <https://nossr.org/social-security-basics/> (last visited March 27, 2023).

Spartacus Educational: Social Security Act, at <https://spartacus-educational.com/USARsocial.htm> (last visited March 27, 2023).

Social Security Act, *now codified as* 42 U.S.C. §§ 301-1397jj (Aug. 14, 1935).

Code of Federal Regulations for Social Security, *now codified as* 20 C.F.R. Parts 400-499 (Apr. 1, 2006).

## **FOR MORE INFORMATION**

If you have any questions about this guide or suggestions for improving it, please contact the Cancer Advocacy Project at:

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