



SSI Appeals

Social Security has to send you a written notice to deny your application, cut you off or lower your SSI. To get SSI, you must be at least 65 years old or show that you have a long-lasting disability that keeps you from working. It can be mental or physical. You have the right to appeal an SSI decision if you think it's wrong. The first step of an appeal is called "reconsideration." We will call this "recon."

You can get forms for free from the Social Security Administration. Call 1-800-772-1213 (TTY 1-800-325-0778).

You can also get the forms online. Submit your appeal online at www.ssa.gov.



1ST STEP: RECON

- Get the following form from the Social Security office:
"SSA-561 Request for Reconsideration"

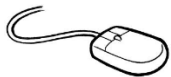
If you are appealing a denial of disability, you will also need:

"SSA-3441 Disability Report – Appeal"

"SSA-827 Authorization to Disclose Information to the Social Security Administration"

To get the forms online go to www.ssa.gov and enter the form numbers into the search bar. Fill them out and mail or take them to your local Social Security office.

To file a denial of disability appeal online go to www.ssa.gov.



- look for the box that says "Disability"
- click on "Appeal a Decision" section on the right side of screen
- Click the blue box that says "Appeal Medical Decision" or the blue box that says "Appeal Other Decision"

- Social Security has to get your Request for Reconsideration form within 60 days from when you got the denial notice. The 60 days start the day after you get the denial notice. Social Security assumes you got the notice 5 days after the date on the notice.

If Social Security does not get your appeal papers by that date, your papers are late. If you do not have a good reason for them being late, you have to start all over with a new disability application.

- If Social Security wants to cut off your benefits, you can keep getting SSI while you appeal. But Social Security has to get the Request for Reconsideration form within 10 days after you got their notice for this to happen. You have to ask for your benefits to continue. You still have a full 60 days to appeal the decision but your SSI will stop unless Social Security gets your appeal paper within 10 days.
- If you don't appeal, you lose your right to appeal. But, if you apply again within a certain time, you can ask that the first decision be re-opened, and ask for back benefits to that date.

You can do this yourself or get a lawyer. Call your legal aid office.

There are 3 kinds of recon: case review, informal conference, and formal hearing. Choose the one that works best for your situation. Check the one you choose on the form.

- To appeal denial of an application for disability benefits, a **case review** is your only choice. In a case review, you can add more evidence and facts to your file. You won't meet with the person who reviews your file.
- To appeal overpayments or termination of your benefits due to non-medical reasons, you can get an **informal conference**. A non-medical reason is something like having too much income or resources. You get to meet with the person who decides your appeal. The meeting is usually at the Social Security office.
- To appeal a decision to cut off your benefits, you can choose a **formal conference**. You get to meet with a hearing officer who reviews your file. This meeting usually takes place at the state Disability Determination Services (DDS) office.



Be ready for your meeting. Write out a statement of the facts, including any new evidence. Tell Social Security about any new doctors, hospital stays, or medical treatments. You have a right to look at your file before the meeting.

2ND STEP: THE HEARING

If you lose the reconsideration, you can ask for a hearing with an Administrative Law Judge (ALJ). This is the most important step.

To ask for a hearing, file the form "HA-501 Request for Hearing by Administrative Law Judge" with Social Security within **60 days** of the date you got your reconsideration decision. The 60 days start the day after you get the reconsideration decision. Social Security assumes that you got the notice 5 days after the date on the decision.

You must file the form within **10 days** to keep getting SSI while you appeal a termination of SSI.

- Get the following form from the Social Security office:
“HA- 501 Request for Hearing”

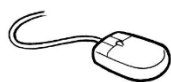
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- look for the box that says “Disability”
- click on “Appeal a Decision” section on the right side of screen
- Click the blue box that says “Appeal Medical Decision” or the blue box that says “Appeal Other Decision”

- Get ready for your hearing! Look at your Social Security file. It has your medical records, statements and forms filled out by you or Social Security.

The file is at the Office of Disability Adjudication and Review (ODAR). Call (877) 512-3856 to set up a time to go see your file.

If your file is electronic, you can ask for a copy on a CD. ODAR has a computer you can use to look at it.



- If any of the papers in your file are wrong, or need to be explained, be ready to do this at your hearing.
- If you have new doctors’ reports or letters from employers or social workers about your ability to work, give them to ODAR before the hearing.
- You can take someone with you to the hearing to testify, or just to support you.
- Try to get a lawyer or advocate. Call your local legal aid office.

The hearing is recorded. The judge will look at all the evidence and testimony and will mail the decision to you after the hearing. Make sure ODAR has your current mailing address.

3RD STEP: APPEALS COUNCIL

If you lose the hearing, you can ask for a review by the Appeals Council in Virginia.

- You must file form “HA-520 Request for Review of Decision/Order of Administrative Law Judge” within **60 days** of getting notice of the ALJ’s decision. Get the form from Social Security or online.

To get the form online go to www.ssa.gov and enter “HA-520” into the search bar. Fill it out and mail or take it to your local social security office.

- Put in any new reports or evidence you have, but don’t put off filing the request because you can’t get the evidence together. File first if you have to, then send the new evidence as soon as you can.
- The Appeals Council reviews the recording of the hearing and the papers in your file plus any new written evidence that you send. They can send the case back for another hearing, deny your appeal, or overrule the ALJ and find you eligible.

4TH STEP: COURT

If the Appeals Council rules against you, you can appeal to federal court.

You should have a lawyer help you at this step.



Find more fact sheets at www.lawhelpmn.org/LASMfactsheets

Find your local legal aid office at www.lawhelpmn.org/resource/legal-aid-offices

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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