



## SSI Appeals

**NOTE:** Due to the COVID-19 pandemic, SSA is mostly doing hearings by video or on the phone.

### What happens if my Social Security is denied, reduced or cut off?

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.

### Forms

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 and submit your appeal online at [www.ssa.gov](http://www.ssa.gov). Type the number of the form you need in the search bar.

### 1ST STEP: RECON

This first step is called "reconsideration." We call it "recon."

Get the following form from the Social Security office or online:

[SSA-561 Request for Reconsideration](#)

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

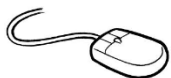
[SSA-3441 Disability Report – Appeal](#)

[SSA-827 Authorization to Disclose Information to the Social Security Administration](#)



To get the forms online go to [www.ssa.gov](http://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](http://www.ssa.gov).



- click on "Menu"
- under "Benefits" click on "Appeal a Decision"
- click the blue box that says "Reconsideration"
- click the next blue box that says "Request Medical Reconsideration"
- If you are appealing a decision that is non-medical, then select the blue box that says, "Request Non-Medical Reconsideration"
- Click the box that says "Start a New Appeal"

- 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 stops 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, reductions, or termination of your benefits due to non-medical reasons, you can choose a **formal or informal conference**. A non-medical reason is something like having too much income or resources, having your name on a bank account that is not yours, or being told you got benefits you shouldn't have gotten. 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 (called a "cessation" of your disability), you have a right to an in-person **hearing**. You get to meet with a hearing officer who reviews your file. This meeting is fairly informal and usually takes place at the state Disability Determination Services (DDS) office.

You can present witnesses. This is not your last chance at a hearing. If you lose the informal hearing at DDS, you have a right to a more formal hearing with an Administrative Law Judge (ALJ) later. You need to appeal the decision from the DDS hearing within 10 days to keep your benefits going while you wait for an ALJ hearing to be scheduled.

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. If you are dealing with a non-medical issue, you should gather bank statements, deeds, vehicle titles, and any other important information. You have a right to look at your file before the meeting.

## 2<sup>ND</sup> 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. Hearings might be in person, by video or by phone.

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 form from the Social Security office or online.

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

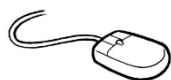
[SSA-3441 Disability Report – Appeal](#)

[SSA-827 Authorization to Disclose Information to the Social Security Administration](#)

To get the forms online go to [www.ssa.gov](http://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](http://www.ssa.gov).



- click on “Menu”
- under “Benefits” click on “Appeal a Decision”
- click the blue box that says “Hearing by an Administrative Law Judge”
- click the next blue box that says “Request Medical Hearing”
- If you are appealing a decision that is non-medical, then select the blue box that says, “Request Non-Medical Hearing”
- click the box that says “Start a New Appeal”

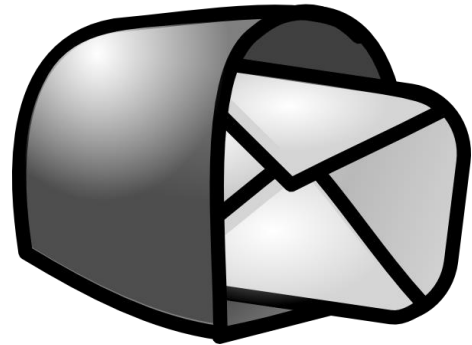
- Get ready for your hearing! Look at your Social Security file. It has your medical records, statements and forms filled out by you or Social Security.

The file is at the Office of Hearings Operations (OHO). Call your local hearing office to set up a time to go see your file.

If your file is electronic, you can ask for a copy on a CD. OHO has a computer you can use to look at it. You can also get your file sent to you by e-mail.

- 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 OHO **5 business days** before the hearing.
- If you know the records exist, but you can't get them in time, tell the judge 5 business days before the hearing that there are records you can't get. The judge can let you submit the records after 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. It is very helpful to have representation at the ALJ hearing. Call your [local legal aid office](#).

The hearing is recorded. The judge looks at all the evidence and testimony and mails the decision to you after the hearing. Make sure OHO has your current mailing address.



### **3<sup>RD</sup> STEP: APPEALS COUNCIL**

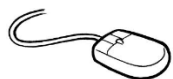
If you lose the hearing, you can ask for a review by the Appeals Council in Virginia. The appeal is not an in-person hearing. The Appeals Council does a paper review of your case.

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](http://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.

You can also appeal online. Go to [www.ssa.gov](http://www.ssa.gov).



- click on "Menu"
- Under "Benefits" click on "Appeal a Decision"
- click the blue box that says "Request for Review by the Appeals Council"
- click the next blue box that says "Request Appeals Council Review"

- 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 gives you 25 days to submit your evidence after you file your appeal. You can also ask for more time.
- 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.

#### **4<sup>TH</sup> 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.**



***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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