

# The Appeals Process

(For Disability Claims In The Following Areas: Alabama, Alaska, Colorado, Louisiana, Michigan, Missouri, New York, Pennsylvania, North and West Los Angeles, California.)



Social Security wants to be sure that every decision made about your Social Security or Supplemental Security Income (SSI) claim is correct. We carefully consider all the information in your case before we make any decisions that affect your eligibility or your benefit amount.

When we decide whether you are eligible for benefits, we will send you a letter explaining our decision. If you do not agree with our decision, you can ask us to look at your case again. This is called an appeal.

When you ask for an appeal, we will look at the entire decision, even those parts that were in your favor. If our decision was wrong, we will change it. Call your Social Security office if you need help with your appeal.

## When and how can I appeal?

If you wish to appeal, you must make your request *in writing within 60 days* from the date you receive our letter. We assume you receive the letter five days after the date on the letter, unless you can show us you received it later.

## How many appeal levels are there?

There are three levels of appeal. They are:

- Hearing by an administrative law judge;
- Review by the Appeals Council; and
- Federal court review.

When we send you a letter about a decision on your claim, we will tell you how to appeal the decision.

## Can someone help with my appeal?

Yes. Many people handle their own Social Security appeals with free help from Social Security. But you can choose a lawyer, a friend or someone else to help you. Someone you appoint to help you is called your "representative." We will work

with your representative just as we would work with you.

Your representative can act for you in most Social Security matters and will receive a copy of any decisions we make about your claim.

Your representative cannot charge or collect a fee from you without first getting written approval from Social Security. If you want more information about having a representative, contact us. We can give you a free copy of *Your Right To Representation* (Publication No. 05-10075).

## Hearing

If you disagree with the initial decision, you may ask for a hearing on the "disability" issues of your claim, such as whether you are disabled, when your disability began or whether it has ended. An administrative law judge who had no part in the first decision about your case will conduct the hearing.

The hearing is usually held within 75 miles of your home. The administrative law judge will notify you of the time and place of the hearing.

You and your representative, if you have one, may come to the hearing and explain your case in person. You may look at the information in your file and give new information.

The administrative law judge will question you and any witnesses at the hearing. You or your representative also may question the witnesses.

It is usually to your advantage to attend the hearing. If you do not wish to do so, you must tell us in writing that you do not want to attend. Unless the administrative law judge believes your presence is needed to decide the case, he or she will make a decision based on all the information in your case, including any new information given.

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After the hearing, we will send you a letter and a copy of the administrative law judge's decision.

## Appeals Council

If you disagree with the hearing decision, you may ask for a review by Social Security's Appeals Council. We will be glad to help you ask for this review.

The Appeals Council looks at all requests for review, but it may deny a request if it believes the hearing decision was correct. If the Appeals Council decides to review your case, it will either decide your case itself or return it to an administrative law judge for further review. You will receive a copy of the Appeals Council's decision or order sending it back to an administrative law judge.

## Federal court

If you disagree with the Appeals Council's decision or if the Appeals Council decides not to review your case, you may file a lawsuit in a federal district court.

## Contacting Social Security

For more information and to find copies of our publications, visit our website at [www.socialsecurity.gov](http://www.socialsecurity.gov) or call toll-free, **1-800-772-1213** (for the deaf or hard of hearing, call our TTY number, **1-800-325-0778**). We can answer specific questions and provide information by automated phone service 24 hours a day.

We treat all calls confidentially. We also want to make sure you receive accurate and courteous service. That is why we have a second Social Security representative monitor some telephone calls.