



# Social Security

Your Right To Question  
The Decision To Stop  
Your Disability Benefits

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# Your Right To Question The Decision To Stop Your Disability Benefits

**S**ocial Security wants to be sure that every decision made about your Social Security or Supplemental Security Income (SSI) claim is correct. If you disagree with our decision that you are no longer disabled, you can appeal it. This means we will look at your case again to see if our decision is correct.

When you ask for an appeal, we will look at the entire decision, not just the part you disagree with. If our decision was wrong, we will change it.

## How much time do I have to appeal?

You have 60 days to ask for an appeal of our decision to stop your disability benefits. The 60 days start after you get our letter telling you that your benefits will stop. We assume that you got our letter five days after the date on it unless you show us that it took longer for you to get the letter.

## What happens if I miss the time for an appeal?

If the 60-day period has passed, and you want to appeal our decision, you should tell us why you were late. If we

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decide you have a good reason for being late, you still may be able to appeal. For example, we may find that you have a good reason for being late if the forms we sent you did not arrive on time.

### **Will my payments continue during the appeal?**

If you ask for an appeal within 10 days after the date you receive our letter, you also can request that your payments continue while the appeal is being decided. If you are late in asking for your payments to continue, you still may be able to get payments during the appeal if we find that you have a good reason for being late.

You may request that your payments continue during the first two levels of appeal—the reconsideration level and the hearing level. We explain both levels on pages 4-7.

### **Will I have to pay back the money I receive during my appeal?**

If your payments continue during your appeal and you lose the appeal, we will ask you to pay back some or all of the money.

However, you will not have to pay us back if you cooperate with us during the appeal and we find that you need your money for your usual living expenses. If you need more information about situations when you do not have to pay us back, let us know.

## **Will my medical assistance continue?**

If your SSI stops, any medical assistance you have that is based on SSI also may stop. If this happens, your medical assistance agency will contact you.

## **Should I just file a new application?**

You have the right to file a new application at any time, but filing a new application is not the same as appealing this decision. If you disagree with our decision, and you file a new application instead of appealing:

- You might lose some benefits, or you may not qualify for any benefits;
- We could deny the new application using our decision to stop your payments, if the facts and issues are the same; and

- You may not ask for payments to continue during the appeal of a new application.

If you disagree with our decision to stop your benefits, it is important for you to ask for an appeal within 60 days.

## Do I only get one chance to appeal?

There are four levels of appeal. The levels are:

- Reconsideration;
- Hearing;
- Appeals Council; and
- Federal court.

If you disagree with the decision at one level, you have 60 days to appeal to the next level.

### **Reconsideration**

If you disagree with our decision, you may ask for reconsideration. Reconsideration is a complete review of your claim by someone who did not take part in the first decision. We will look at all the evidence submitted when the original decision was made, plus any new evidence.

When you appeal our decision to stop your disability benefits because we say your condition is no longer disabling,

you can meet with a disability hearing officer and explain why you believe you still are disabled. You can look at the information in your file and submit new evidence or information. You also can bring someone who knows about your medical condition.

When the reconsideration is completed, we will send you a letter explaining our decision.

## **Hearing**

If you disagree with the reconsideration decision, you may ask for a hearing. The hearing will be conducted by an administrative law judge who had no part in the original decision or the reconsideration of your case. 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.

Before the hearing, we may ask you to give us more evidence and to clarify information about your claim. You may look at the information in your file and give new information.

At the hearing, the administrative law judge will question you and any witnesses you bring. Other witnesses, such as medical or vocational experts, also may give us information at the hearing. You or your representative may question the witnesses.

In certain situations, we may hold your hearing by a video conference rather than in person. We will let you know ahead of time if this is the case. With video hearings, we can make the hearing more convenient for you. Often an appearance by video hearing can be scheduled faster than an in-person appearance. Also, a video hearing location may be closer to your home. That might make it easier for you to have witnesses or other people accompany you.

It is usually to your advantage to attend the hearing (in person or video conference). You and your representative, if you have one, should come to the hearing and explain your case.

If you are unable to attend a hearing or do not wish to do so, you must tell us why in writing as soon as you can. Unless the administrative law judge believes your presence is necessary to decide your case and requires you to attend, you will not have to go. Or we may be able to make other arrangements for you, such as changing the time or place of your hearing. You have to have a good reason for us to make other arrangements.

After the hearing, the judge will make a decision based on all the information in your case, including any new information you give. We will send you a letter and a copy of the judge's decision.

## **Appeals Council**

If you disagree with the hearing decision made by the administrative law judge, you may ask for a review by Social Security's Appeals Council.

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, the Council will either decide your case itself or issue an order returning your case to an administrative law judge for further action.

If the Appeals Council decides not to review your case, we will send you a letter explaining the denial. If the Appeals Council reviews your case and makes a decision, we will send you a copy of the decision. If the Appeals Council returns your case to an administrative law judge, we will send you a letter and a copy of the order.

## **Federal court**

If you do not agree with the Appeals Council's action on your case, you may file a lawsuit in a federal district court. We will tell you how to ask a court to look at your case when we send you a letter with the Appeals Council's decision, or when we send you a letter telling you that the Appeals Council will not review your case.



## Can I get help with my appeal?

You can have a lawyer, a friend or someone else help you with your appeal. We will work with your representative just as we would work with you. There are groups that can help you find a lawyer or give you free legal services. There also are lawyers who do not charge unless you win your appeal. The local Social Security office has a list of groups that can help you with your appeal.

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, ask for *Your Right To Representation* (Publication No. 05-10075) or you can find it on our website.



## 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 from 7 a.m. to 7 p.m., Monday through Friday. We can 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.



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