



Social Security

Your Right To Question
The Decision Made On
Your Claim

www.socialsecurity.gov

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Social Security wants to be sure that you receive the Social Security benefits you qualify for. We carefully look at all of the facts before we make a decision about your eligibility for benefits and the amount you can receive. If you disagree with our decision, you can appeal it. That means you can ask us to look at your case again. 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.

There are four levels of appeal. If you're not satisfied with the decision at one level, you may appeal to the next.

The levels are:

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

When to appeal

In order to file an appeal, it is important to understand the timeframe during which you can ask for one. You have 60 days from the date you receive the letter telling you about our decision to request an appeal. We assume you'll get our letter within five days after the date on the letter, unless you can show us you got it later.

If you do not appeal within the 60-day time limit, you may lose your right to appeal and the last decision we made becomes final. For example, if you do not ask for a reconsideration within 60 days, you may lose your right to have your case reviewed.

If you have a good reason for not appealing your case within the time limits, we may give you more time. A request for more time must be made to us in writing, stating the reason for the delay.

If the last day to appeal falls on a Saturday, Sunday or national holiday, the time limit extends to the next workday.

How to appeal

You must request your appeal in writing. You can call us and ask for the appeal form or send us a signed note with your Social Security number stating that you wish to appeal the decision in your case. If you applied for Social Security disability benefits and your application was denied, the fastest and easiest way to file an appeal of your decision is by visiting **www.socialsecurity.gov/disability/appeal**. You can upload documents online to support your appeal, which will help decrease the time it takes to receive a decision from Social Security.

If you live outside of the United States, now you can also appeal your Social Security disability decision online.

Your right to representation

You may choose to have someone help you with your appeal or to represent you. Your representative may be a lawyer or other qualified person familiar with you and the Social Security program. We will work with your representative just as we would work with you. He or she 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 us. If you want more information about having a representative, ask for *Your Right To Representation* (Publication No. 05-10075), which also is available online at our website, **www.socialsecurity.gov**.

Reconsideration

A reconsideration is a complete review of your claim by someone at Social Security (or at the state Disability Determination Services if you're appealing a disability decision) who had no part in the first decision. That

person will look at all the evidence used to make the original decision, plus any new evidence.

When we make a decision on your reconsideration, we will send you a letter explaining the 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, may also 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 we'll do this in your 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 one. 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 won't 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 must 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 review

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 denies your request for review, we will send you a letter explaining the denial. If the Appeals Council decides your case itself, 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 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. The letter we send you about the Appeals Council's decision also will tell you how to ask a court to look at your case.

Contacting Social Security

Visit ***www.socialsecurity.gov*** anytime to apply for benefits, open a **my Social Security** account, find publications, and get answers to frequently asked questions. Or, call us toll-free at **1-800-772-1213** (for the deaf or hard of hearing, call our TTY number, **1-800-325-0778**). We can answer case-specific questions from 7 a.m. to 7 p.m., Monday through Friday. Generally, you'll have a shorter wait time if you call after Tuesday. We treat all calls confidentially. We also want to make sure you receive accurate and courteous service, so a second Social Security representative monitors some telephone calls. We can provide general information by automated phone service 24 hours a day. And, remember, our website, ***www.socialsecurity.gov***, is available to you anytime and anywhere!



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