



Social Security

Your Right to Question a
Decision Made on Your
Supplemental Security
Income (SSI) Claim

www.socialsecurity.gov

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We want to be sure that you get all of the Supplemental Security Income (SSI) benefits you're eligible to receive. We carefully look at all of the facts before we make a decision about your SSI.

If we decide you don't qualify for SSI payments, or if you disagree with our decision because it was unfavorable or only partly favorable to you, you can appeal our decision. That means you can ask us to look at your case again.

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

There are four levels of appeal depending on the issue being appealed. If you aren't satisfied with the decision at one level, you may appeal to the next. The levels are:

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

When to appeal

The most important thing to remember about an appeal is the timeframe during which you can ask for one. Generally, you have 60 days from the date of the letter telling you about our decision. We assume you get our letter within five days after the date on the decision letter, unless you can show us you got it later.

If you don't appeal within the 60-day time limit, you may lose your right to appeal and the last decision we made becomes final.

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.

When the last day of a time limit is on a Saturday, Sunday, or national holiday, the time limit ends on the next workday.

How to appeal

You must request your appeal in writing. You can call us and ask for the appeal form (Form SSA-561), or send us a note with your Social Security number stating that you wish to appeal the decision in your case. If you filed for SSI and your claim was denied for medical reasons, you may request an appeal on our website, www.socialsecurity.gov/disability/appeal.

Continuation of payments

In some cases, if you ask for an appeal within 10 days after the date you receive our letter, your payments will continue while we make a decision on your appeal.

If your appeal is turned down, you may have to pay back any money you weren't eligible to get.

Your right to representation

You can handle your own appeal with free help from Social Security or you can choose to have a representative help you. We'll work with this person just as we'd work with you. Your representative can act for you in most Social Security matters and will receive a copy of any letters we send to you.

We can give you information about organizations that may help you find a representative. Many representatives charge a fee, but there are others who provide free services if you qualify, or who only charge a fee if you're awarded benefits. Usually, your representative will need our written approval before collecting a fee. If you decide to select a representative, you need to tell us in writing. You may use our special form for this purpose, *Appointment of Representative* (Form SSA-1696-U4).

If you want more information about having a representative, ask for *Your Right to Representation* (Publication No. 05-10075). All forms and publications are available on our website, by calling our toll-free number, or by contacting any Social Security office.

Reconsideration

A reconsideration is a complete review of your claim by someone who didn't take part in the first decision. That person will look at all the evidence used to make the original decision, plus any new evidence.

If you're appealing a decision about your medical condition, your reconsideration will be handled by a process we call case review. If you're appealing any other decision, you can

choose either a case review, an informal conference, or a formal conference. They are explained below.

- **Case review:** In this kind of reconsideration, we look at your case without meeting with you. But you have the right to see what's in your file before we look at your case. You can also give us more information about your case.
- **Informal conference:** Just like a case review, you can look at your file and give us more information. You can also come to the conference and tell the person who'll be looking at your case why you disagree with our first decision. You can bring witnesses to talk about your case. And you can bring your representative, if you have one, to the conference.
- **Formal conference:** This method is available if we change or stop your payment. A formal conference allows you to question witnesses and we can require witnesses to appear.

When we make a decision on your reconsideration, we'll send a letter to you 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 video conference rather than in person. We'll 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.

Attending the hearing in person or through a video conference is usually to your advantage. You and your representative, if you have one, should come to the hearing and explain your case.

If you're unable, or don't wish, to attend a hearing, 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 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'll send a letter and a copy of the judge's decision to you.

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 denies your request for review, you'll get a letter explaining the denial.

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

If the Appeals Council decides your case, we'll send a copy of the decision to you. If the Appeals Council returns your case to an administrative law judge, we'll send a letter and a copy of the order to you.

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

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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