



WHAT SHOULD I EXPECT WHEN APPLYING FOR SOCIAL SECURITY BENEFITS?

- **HOW LONG DOES IT TAKE?**

It takes **several months** from **date of application** to get a disability determination in the Chicagoland area. If your claim is denied and a hearing is required, it may take 2 ½ to 3 years to have your case heard by a judge.

- **WHEN WOULD BENEFITS BEGIN?**

There is a **five month waiting period** (five *full* calendar months) after disability onset before any SSDI, or DIB (disability insurance), benefits are payable. If fully approved for the period 18 months or longer prior to application, Social Security Disability Insurance (SSDI) benefits will be payable for 12 months prior to application.

SSI benefits are payable back to the **month** of application if you are financially eligible. There are **no SSI benefits payable prior to the date of application**.

- **WHAT BANK ACCOUNT SHOULD I USE?**

We recommend that you should set up a **separate bank account** for your Social Security funds. Do not put any other funds in this account. Give SSA your account information when you apply, or bring SSA a deposit ticket or cancelled check from this account to set up **direct deposit** of your SSA checks.

- **WORKER'S COMP?**

Be sure to tell your Spector & Lenz, P.C., attorney if you have a pending **worker's compensation claim** or if you have **settled a worker's compensation claim**. Receipt of worker's compensation – either by periodic payment or by settlement – may affect the amount of your disability benefits.

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SOCIAL SECURITY BENEFIT APPEALS

1. Request for Reconsideration:

When an initial claim for Social Security disability benefits or SSI is denied, **the first level of appeal** is called a "Request for Reconsideration." Unfortunately, over 80% of the time, the reconsideration decision is a denial. **It may take about 6-8 months on average for a decision to be made at this stage.**

2. Request for Hearing:

When the Request for Reconsideration is also denied, **the second level of appeal** will be a "Request for Hearing" which will result in an in-person or video hearing before an Administrative Law Judge. **It can take 1½ years or more to get a hearing date.** The Administrative Law Judge may have a medical expert and/or vocational expert present to testify at the hearing. About half of the claimants who have a Social Security disability hearing win their cases.

3. Appeals Council:

If the Administrative Law Judge denies your claim, **you may make one more appeal** within Social Security. This appeal goes to the Appeals Council, a board near Washington. The Appeals Council can either reverse the ALJ's decision sending the case back to the Hearing Level, or simply deny the claim. **It can take 1 year or more for a decision to be made at this stage.**

4. Judicial Review (Federal Court):

After being denied by the Appeals Council, **you may choose to file a civil action in the United States District Court**, requesting review of Social Security's actions with regard to your claim. **Filing fees for the court (not attorneys' fees) are \$400.00 (\$455.00 in the Court of Appeals).** These cases generally take 2 years or more to resolve. While your claim is pending in federal court, you can generally reapply for benefits and have two claims running simultaneously.

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