

How to Fight a Termination of Supplemental Security Income (SSI) or Social Security Disability When SSA Decides You Are No Longer Disabled

About Terminations

If the Social Security Administration (SSA) believes that your medical condition has improved or that you can work, they will send you a written notice that says your benefits will stop. You may fight the proposed termination by asking for reconsideration. You will keep getting your benefits after the proposed termination date in the notice if you request reconsideration in time. **You must request reconsideration within 10 days of getting the notice to keep getting benefits.**

May I appeal the termination?

Yes, by asking for reconsideration. You fill out a form called "Request for Reconsideration – Disability Cessation" (form number SSA-789). Get the form from your local Social Security Office or get one online at www.ssa.gov. You must make this request within 60 days of the date you got notice of the termination, or you must have a good reason if you request reconsideration late. In order to keep getting benefits while the appeal is decided, you must request reconsideration within ten days of the date of the notice.

You may review your file and give Social Security additional evidence. Do this as soon as possible. Contact your Social Security office to set up a time to look at your file. Call the national toll-free number, 1-800-772-1213, to ask for your local SSA office number. Then, decide what information might help Social Security to change its decision. Give them that

information. A relative, friend or lawyer can help you review your file or get more evidence.

If you request reconsideration of Social Security's determination that you are no longer disabled, you have the right to go to an in-person disability hearing. At the hearing, you can present evidence to the disability hearing officer that you are still disabled. Take your medical records from your doctor, hospital, therapist, and so on. You may also take witnesses. If needed, you may ask for another medical exam.

At the hearing, you tell the disability hearing officer why you think that you are still disabled. You testify, you give the hearing officer your medical records, and you have your witnesses testify.

What if reconsideration is denied?

You may then ask for a hearing before an Administrative Law Judge (ALJ). You must ask for this hearing within 60 days of the date you got notice of the denial. To keep getting benefits during this time, **you must ask for an ALJ Hearing within 10 days of getting the disability hearing officer's decision.**

You may file the hearing request at your local Social Security office, or you may mail it to that office. Get a hearing request form (form number HA-501) online at www.ssa.gov.

The hearing will take place many months after you asked for it. The ALJ will let you know the hearing date at least twenty days in advance. If you have more evidence, such as new medical

records which show you are disabled, get it to the ALJ before or at the hearing.

You may have someone, such as a lawyer or experienced paralegal, represent you at the hearing, or you can represent yourself. Represented people usually have more luck at the hearings. If you would like a lawyer who does a lot of Social Security claims, check your yellow pages, or contact your local bar association for a referral.

If you choose to represent yourself at your hearing, get a copy of your file as soon as possible. Call your local SSA office to arrange to see and copy your file. You may do this when you request the hearing.

The papers in your file are the only information that the judge has about you. For this reason it is important to be sure that you present your whole case at the hearing. When you get ready for your hearing, make a list of things you want to tell the judge and a list of things you want your witnesses to tell the judge. Also, be sure and take your medical records, including doctors' reports, hospital records, therapist's notes, and so on.

◆ If you have trouble getting your records, read our publication called [Viewing and Getting Copies of Your Medical Records](#).

Before or at your hearing, give the ALJ any documents you have - such as medical records or evaluations. Then give your testimony. You may tell about how your disability keeps you from working and how it affects your daily activities. Your witnesses should do the same. Your witnesses can either answer your questions or simply speak directly to the judge about you. The ALJ will ask you and your witnesses questions.

The judge will make a written decision and mail it to you within a few months. If it is not favorable, it will tell you how to appeal to the Appeals Council.

May I reapply for SSI or SSD?

Yes. The hearing process may take a long time. It may make sense for you to reapply for benefits, especially if your situation changes or your disability gets worse. You may reapply at any time. You do not need to drop your appeal in order to reapply. If you drop your appeal, you may lose benefits or other important rights.

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