

Fighting a Reduction or Termination of SSI or SSDI Based on Non-Disability Reasons

What should I know about terminations?

Social Security must notify you in writing before lowering (reducing) or stopping (terminating) your benefits. You can fight the termination by asking for **reconsideration**.

You can keep getting the same benefits after the termination date in the notice if you request reconsideration in time. **You must request reconsideration within ten days of the date on the notice.**

What should the termination notice say?

It must say

- Why Social Security is stopping your benefits.
- When they will stop your benefits.
- What to do if you do not agree.

Can I appeal the termination?

Yes, by asking for reconsideration. You fill out a Request for Reconsideration form from your Social Security Office or get one online [here](#). You can also file an appeal online at <https://www.ssa.gov/benefits/disability/appeal.html>.

You must make this request within 60 days of the date on the notice OR have a good reason to make a late request. To keep getting the same benefits while Social Security decides the appeal, you

must request reconsideration within ten days of the date on the notice.

What are my reconsideration options?

The request for reconsideration form has three appeal options:

- Case Review
- Informal Conference
- Formal Conference

Case review: a Social Security representative reviews all evidence in your file and any other evidence you submit.

Informal conference: you can review your file, submit more evidence, and give testimony in a casual meeting.

Formal conference: a formal chance to present your case before a Social Security representative.

After you appeal, you can review your file and give Social Security more evidence. Do this as soon as you can. Contact your Social Security office to set up a time to look at your file. Call toll-free 1-800-772-1213 to get your local SSA office number.

Then, decide what info might help Social Security change its decision. Give them that info. You may have a relative, friend, or lawyer help you review your file, get more evidence, and/or represent you at your reconsideration conference.

What if Social Security denies my reconsideration request?

You may ask for a hearing before an Administrative Law Judge (ALJ). You must do so within 60 days of the date you got the denial notice. You can file the hearing request at your local Social Security office OR fill it out and send it by certified mail to your local SSA office. (The form number is [HA-501](#). You can download it from <http://www.ssa.gov/forms/ha-501.pdf> or file an appeal online at <https://www.ssa.gov/benefits/disability/appeal.html>.

The hearing will happen many months after you request it. The ALJ will notify you of the hearing date at least 75 days beforehand.

Should I submit evidence before or during the hearing?

If you have more evidence, you should submit it to the ALJ or let the ALJ know about your evidence generally at least five business days before your hearing. If you do not do this in time, generally you must have a good reason for your lateness, such as

- A physical/mental/educational limitation
- Circumstances beyond your control

Can I subpoena a witness to the ALJ hearing?

Yes. Generally, you must let the ALJ know at least ten business days before the hearing that you want the ALJ to issue a subpoena.

Should I have someone represent me at the ALJ hearing?

You can have someone like a lawyer or an experienced paralegal represent you. You can also represent yourself. Generally, represented people do better. If you want a lawyer with experience in Social Security claims, contact your local bar association or the [National Organization for Social Security Claimant Representatives](#) for a referral.

How do I get ready for my hearing?

If you represent yourself at your hearing, you must get a copy of your hearing file. The Office of Hearings Operations (OHO) will send you a letter when your file is ready for your review. Call the 1-800 number listed at the top of the letter to schedule an appointment to copy the file at the hearing office.

As your hearing date gets closer, make a list of what you want to tell the judge and what you want your witnesses to tell the judge.

When will I get a decision?

The ALJ will mail you a written decision within a few months. If the decision is not

good for you, it will tell you how to appeal it to the Appeals Council.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

This information is current as of February 2018.

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