

Fighting a Termination of SSI or SSDI When Social Security Decides You Are No Longer Disabled

Should I read this?

Yes, if you get SSI or Social Security Disability (SSDI).

What is a continuing disability review?

The Social Security Administration (SSA or Social Security) does regular reviews of your medical condition to see if you still meet disability standards. They call this process a **continuing disability review (CDR)**.

Social Security will send you a notice asking you to go to the local office. They will ask you about how your physical/mental impairments still affect you. You must give Social Security a list of your doctors and the medications you take.

What is a work review?

If you return to work, Social Security can review your case to see if your impairments still meet their disability standards.

If you have worked since you applied for disability benefits or since your last review, Social Security also needs info about the

- Dates you worked.
- Pay you got.
- Kind of work you did.

During the review, Social Security may send you and your past and current employers forms asking details about your work. You must fill these out and return them to Social Security by the deadline.

How will Social Security tell me I am no longer eligible?

If Social Security believes your medical condition has improved, they will send you a written notice saying your benefits will end (terminate).

Can I appeal the termination?

Yes. You may fight the proposed termination by asking for reconsideration. **If you request reconsideration within ten days of the date on the notice, you will keep getting benefits after the proposed termination date in the notice. Social Security will give you a specific form asking for benefit and Medicare/Medicaid continuation.**

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 from www.ssa.gov. You must make this request within 60 days of the date on the notice OR have a good reason to make a late request. **You must request reconsideration within ten days of the date on the notice to keep getting benefits while Social Security decides the appeal.**

You can review your file and give Social Security more evidence. Do so as soon as possible. Contact your Social Security office to set up a time to look at your file. Call toll-free 1-800-772-1213 to ask for your local Social Security office number. You must give Social Security names and contact info for all

your doctors, therapists, counselors, or anyone else with info about your disability.

Check your file. Make sure the medical records are up to date. If not, submit copies of your medical records. You can sign an authorization allowing the Social Security to get the records directly. The authorization, Form 827, is available at your local Social Security office, or online at <https://www.ssa.gov/forms/ssa-827.pdf>. A relative, friend, or lawyer can help you review your file or get more evidence.

If you request reconsideration of Social Security's decision that you are no longer disabled, you can have an in-person disability hearing. The Division of Disability Determination Services holds this hearing. At the hearing, you can present evidence that you are still disabled to the disability hearing officer. Bring your medical records from your doctor, hospital, therapist, and anyone else with info about your impairments. You may bring witnesses. If needed, you may ask for another medical exam.

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

What if Social Security denies me on reconsideration?

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

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

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, such as new medical records showing you are disabled, you must submit it to the ALJ or at least tell the ALJ about the 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 may have someone like a lawyer or an experienced paralegal represent you. You can also represent yourself. Represented people generally do better. If you want a lawyer with experience in Social Security claims, ask your local bar association or the

[National Organization for Social Security Claimant Representatives](#) for a referral.

If you will represent yourself, get a copy of your file as soon as possible. Call the hearing office to arrange to copy your file. Social Security will send you a notice that your file is ready for your review. Call the 1-800 number in the top right of the notice to make an appointment.

The papers in your file are the only info the judge has about you. You must present your whole case at the hearing.

How do I get ready for my hearing?

Make a list of what you want to tell the judge and what you want your witnesses to tell the judge.

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

What should I say at my hearing?

You and your witnesses should explain how your disability keeps you from working and affects your daily activities. Your witnesses can either answer your questions or speak directly to the judge about you. The ALJ will ask questions of you and your witnesses.

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.

Can I reapply for SSI or SSD?

Yes. You must choose between appealing the current claim or filing a new claim. You cannot do both.

You may reapply any time. If you drop your appeal, you may lose benefits or other important rights. Talk with a lawyer before deciding to file a new claim or dropping your appeal.

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