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## **Newsletter For July 2014**

I regularly get two complaints about disability benefits from Social Security. One is that it is too easy to get. The other is that it is too hard. I believe the definition is just right.

To be eligible, you must, based on your age, education, and vocational background, be unable to perform any job that would earn \$1070 per month. If the person is age 31 or older, they must have worked under Social Security for five of the ten years immediately preceding the disability. There is an easier earnings requirement for those becoming disabled before age 31.

It is a benefit for those who are disabled for a long period of time. The disability must be expected to last at least one year or be a terminal illness. The benefits start in the sixth full month after the onset of the illness or injury.

Most claims are denied after the initial application. In many cases this is due to the medical record that is submitted. Doctors give simple diagnoses and then state the person cannot work. Doctors are not vocational experts. The doctor should put as much detail into the medical report as possible. The information obtained from the medical records allows the vocational experts to make a proper decision on the claim.

Many claims are denied because the decision maker cannot tell at that point if the disability will last 12 months. These cases are often overturned on appeal as it is near or beyond the year time limit.

If you are denied and believe you are disabled, contact Social Security and start the appeal process. I do not believe a lawyer needs to be retained until the claimant gets to the third stage. That stage is known as "The Hearing". It is a formal hearing. The lawyer gets 25% of the back benefit obtained.

Thanks for all your letters and phone calls. You can email me at [lloyd@lloydwatnik.com](mailto:lloyd@lloydwatnik.com).