

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 may continue to receive the same benefits after the proposed termination date in the notice if you request reconsideration in time. **You must request reconsideration within 10 days of receiving the notice to keep getting benefits.**

May I appeal the termination?

Yes, by asking for reconsideration. To request reconsideration, fill out a form called "Request for Reconsideration – Disability Cessation" (the form number is SSA-789). You may get the form from your local Social Security Office or you may get one online at www.ssa.gov. **You must make this request within 60 days of the date you received 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 10 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. You may 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 and give that information to them. You may have a relative, friend or lawyer help you review your file or get additional evidence.

If you request reconsideration of Social Security's determination that you are no longer disabled, you have the right to attend an in-person disability hearing where you can present evidence to the disability hearing officer that you are still disabled. You should take your medical records from your doctor, hospital, therapist, etc. You may also take witnesses. If necessary, you may ask for another medical exam. At the hearing you should tell the disability hearing officer why you think that you are still disabled. You can do this by giving the hearing officer your medical records, by testifying and by having your witnesses testify.

What if reconsideration is denied?

If reconsideration is denied at your disability review hearing, you may ask for a hearing before an Administrative Law Judge (ALJ). You must request a hearing within 60 days of the date you received notice of the denial. **To continue receiving benefits during this time, you must request an ALJ Hearing within 10 days of receiving the disability hearing officer decision.** You may file the hearing request at your local Social Security office or you may

mail it to that office. You may obtain a hearing request form (form number HA-501) online at www.ssa.gov. The hearing will not take place until many months after the date of your request. The ALJ will notify you of the hearing date at least 20 days in advance. If you have additional evidence such as new medical records which show you are disabled you should submit 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. Generally, represented people are more successful at the hearings. If you would like a lawyer who does a lot of Social Security claims, refer to your yellow pages or contact your local bar association for a referral.

If you choose to represent yourself at your hearing, you should get a copy of your file as soon as possible. Call your local SSA office and 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 prepare 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, etc. If you have trouble getting your records, read our publication [Your Right to Examine and Obtain Copies of Your Medical Records](#) which outlines your rights to them. Before or at your hearing, give the ALJ any documents such as medical records or evaluations which you have. Then present 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 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 it to the Appeals Council.

May I reapply for SSI or SSD?

Since the hearing process may take a long time, consider applying again to the Social Security Administration 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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