

# An Honest Guide to Disability

Why you or someone you love might qualify  
...without even knowing it

Everything you need to apply on your own

How you can get the \$ you deserve – without  
having to pay a lawyer ONE CENT of your  
future payments



by Darrell Castle

# What Could Social Security Disability Do for You?

Justin is a hard-working father of two. He also suffers from a chronic illness that keeps him from working normal hours. So he's taken up a small part-time job driving for a rideshare app. He makes about \$300 on a good week. He wishes he could make more, but some days he's not healthy enough to get out of bed.



Maybe you know someone like Justin. Maybe you're in the same situation.

What Justin doesn't realize is the government has a program to help people exactly like him: Social Security Disability Insurance. He's heard of disability before, but he always assumed it was for other people—people with worse health problems who can't work at all. Not like Justin – he's struggling, Lord knows, but he's getting by.

Disability benefits are there to help you do better than barely "get by." Every day, this program helps families recover lost income from health problems beyond their control. It's a lifeline for people with chronic illness, injury, and pain. And if you or someone you love are having trouble making ends meet because of your health, disability benefits could make all the difference.

My firm has helped hundreds of clients navigate the disability system, and I've seen how much it changes lives. I wrote this straightforward guide to help you understand how it works – so that you, too, can access disability benefits if you need them.

A handwritten signature in black ink that reads "Darrell L. Castle". The signature is written in a cursive, flowing style.

Darrell L. Castle

Founder and Attorney

Darrell Castle & Associates PLLC

# The Basics of Social Security Disability

## WHAT IS DISABILITY?

Disability is a government insurance program designed to help people who can't work because of an injury or illness. It's also called Social Security Disability Insurance, or SSDI.



You pay into the system with taxes taken out of your salary, usually automatically. If you've received a paycheck in the past, you may not have even realized it, but you were paying for Social Security Disability.

If down the road you become unable to work because of your health, you can apply for this critical program. The application is free and available to everyone.

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## WHO QUALIFIES FOR DISABILITY?

All sorts of people qualify for disability every day: grocery clerks battling cancer, receptionists with hand injuries, delivery drivers with chronic pain. Health problems can affect anyone and can make work extremely difficult, no matter who you are or where you come from.

To qualify, you have to show how your disability:

- 1) Significantly prevents you from working.
- 2) Keeps you from making a certain amount of money as set by the government each year.

In 2020, for disabilities other than blindness, that means your disability keeps you from making more than \$1,260 per month (after taxes). For people with blindness, the 2020 amount is \$2,110 per month.

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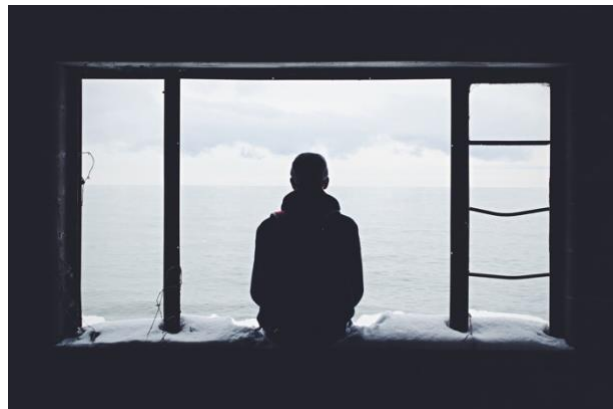
*If you have any questions about whether you would qualify for disability, you can always give us a call at 901-327-1212. We'd be happy to answer your questions at no charge.*

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So if you're dealing with an ongoing health issue that affects your work long-term, or if you know someone who is, you should look into applying for this important program.

There are two ways to apply: you can get help from a lawyer or apply on your own.

Let's start with applying through a lawyer.



# Applying for Disability with a Lawyer

The reality is, the vast majority of people applying for disability get denied on their first try. Without a lawyer, it's extremely hard to get approved for disability, and it can take an infuriating amount of time.

That doesn't mean you can't try, and in the next section we'll discuss everything you need to do to be successful. However, if you want your benefits faster and with less hassle, the easiest option by far is to get an attorney.



The minute people see the word "lawyer" or "attorney," they assume it will be expensive. Fortunately for you, that's not the case with this area of law.

The disability program is controlled by the federal government, and they put caps on what your lawyer can make:

First, *your lawyer only gets paid if you win.*

Second, *your future benefits are yours to keep.* 100% yours. If you win disability benefits and start receiving regular payments, your lawyer can't take any money from that. Instead, they get paid out of what you've already been owed. Here's how it works:

If you've been injured for a while already and are approved for disability, you'll probably be entitled to payments for time *in the past* when you couldn't work. Your lawyer would get paid a fraction of those past payments. They can only get 25% of the past payments you're owed, and only up to \$6000.

No matter how much the government owes you, your lawyer can only be paid 25% or \$6000 max from your *past benefits*, and only if they win. You will never have to pay a lawyer a cent for anything you make in the future.

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*Whenever people see the word "lawyer" or "attorney," they assume it's expensive. Fortunately, that's not the case with disability claims. In fact, your lawyer only gets paid if you win.*

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I offer a free consultation and will always let you know if it's in your best interest to apply first on your own. In some situations, you may prefer to do that and wait to hire an attorney. Then if you need to appeal, we can always help.

In the next section, we discuss applying on your own.



Remember, you can always discuss the application with an attorney for free.

Feel free to give me a call at 901-327-1212.

# Applying for Disability on Your Own

Applying on your own can be a lot of work, but for those people who love a project, here's what you need to do for the best chance at success:

## 1. MAKE SURE YOU HAVE ENOUGH CREDITS

Disability is basically an insurance policy funded by the taxes you and your employer pay every time you get paid. In order to qualify, you have to prove you've paid into the system for a certain amount of time.

You prove this by earning "credits."

The number of credits you need to prove you've earned (and how much money you have to earn for each credit) varies from year to year.

For 2020, you get one income credit for every \$1410 you earn, and you can earn up to four credits per year.

Four credits of \$1410 equals \$5640. So if you earn \$5640 in a year, or four credits, you're qualified for that year. (This doesn't include pension payments or money made from savings and investments, because you don't pay Social Security tax on that kind of income.)



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You need anywhere from 20-40 income credits earned within the last 10 years at the time of your application. The total amount you need depends on your age when you apply. Since these numbers change every year, you should always check with the Social Security Administration for their updated numbers before applying.

## **2. PROVE YOUR CONDITION WITH MEDICAL RECORDS**

For a successful application, you'll need to be able to show you have a medical condition that limits your ability to earn money from working. To prove that, you should always include accurate and complete medical records. This can be the most exhausting part of the process, but it will be much easier if you take it step by step.

### **Medical Records Step One: Obtain your own copies.**

Get all of your medical records for at least a year before your disability began. Don't forget hospital stays, specialists, equipment rentals, therapists—everything related to your case. Make two full copies of your records (one for you and one for the application – the Social Security Administration that looks at your application won't always make full copies on their own).

You'll want to provide a detailed medical history in your application, including all the treatments you've received and a full and accurate contact list for each healthcare provider who treated you. Highlight your name and Social Security number on each record to make things easier for the people looking at your case.



**Medical Records Step Two:  
Have your doctor(s) speak for you.**

Your doctor can write a letter for you on your behalf that will help your application. Reach out to the physicians that oversaw your treatment. Let them know you're applying on your own and that the letter needs to be extremely specific. Rather than saying "this person is disabled," it should say exactly how your injury or illness affects your work-related activities, like lifting or bending your arms.

**Medical Records Step Three:  
Show you've followed your doctors' orders.**

You will have a much better chance of being approved if you can show you followed the medical advice you received. This could get complicated if you received second and third opinions or met with specialists, because their advice may have differed from one doctor to the next.

Let's say you decided not to follow one doctor's treatment plan in order to do what another doctor said. Or perhaps you changed your plan after a certain treatment didn't work or caused pain. The best way to handle this is to submit a statement from your current doctor about how the medical advice or treatment plan you followed was the best choice for your condition.

The above three steps will help ensure you have a strong medical record to back up your claim.

### 3. BUILD A GOOD RELATIONSHIP WITH YOUR DISABILITY DETERMINATION SPECIALIST.

The Social Security Administration will provide you with a disability determination specialist. This person is your go-to for the application. Mail or fax your records to them and keep their information on hand. If you already have a case open, you can call your specialist to find out if any records are missing. As you get more treatments or tests, make sure to update your specialist. Always treat them with kindness, and remember they're dealing with a big workload every day.

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*Your disability determination specialist is your go-to person for the application.*

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### 4. RESPOND CORRECTLY IF YOU'RE DENIED.

The majority of disability claims are denied the first time around. The system is famous for it.

If you're denied, don't be surprised. This is a normal part of the process. You may be tempted to apply again (and again and again), but reapplying doesn't work. Instead, the next step is to appeal your claim.



**Once you've been denied, you have only 60 days to appeal – only 60 days!**

# The Appeals Process

In the appeals process, it's important to move quickly and carefully through the multiple steps required of you:

- 1) You'll first submit a Request for Reconsideration. Usually the Social Security Administration will reply by saying they stand by their decision.
- 2) Then you file your formal appeal, which means you request a hearing before a judge. At the hearing, the judge's decision is either fully favorable to you, partially favorable, or unfavorable.
- 3) If you receive an unfavorable decision, you can request the decision be reviewed by the appeals council.
- 4) If the appeals council affirms the judge's unfavorable decision, you can file a lawsuit against the commissioner of Social Security. In the lawsuit, you argue the judge's decision was not supported by the evidence and/or that the judge committed an error.

As you can probably tell, the appeals process is very different from the initial application. Because it's so complicated and involves the courts, you almost always need an attorney's help to be successful. Just like in the regular application, your lawyer only gets paid if you win, and only from your past-due benefits.

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# Getting Started with the Right Support

Disability is an incredible lifeline for people all across the United States; and if you've paid into the system and now need the benefits, you have every right to claim them.



That said, the application process can be complicated and time-consuming. This is where having legal support makes a huge difference.

A good lawyer will save you countless hours and frustration, and they cost nothing unless you win. And even then, you won't pay a cent from any benefits moving forward – just a fraction of what you're owed from the past.

So let's say you want to go that direction. When you're considering a Social Security Disability lawyer, there are a few things to consider:

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*A good lawyer will save you countless hours and frustration,  
and they cost nothing unless you win.*

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## **EASE OF ACCESS TO THE ATTORNEY**

Your lawyer should offer a free, in person consultation to get started. The support staff should be easy to contact and friendly when you have questions.

## **APPROVAL RATES**

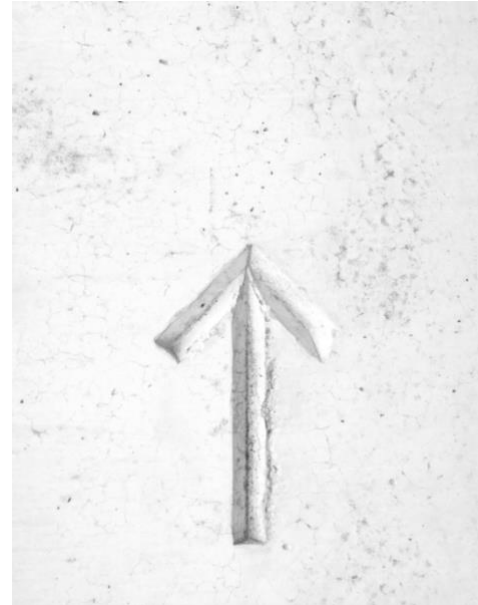
Social Security Disability lawyers aren't allowed to promise your claim will be successful, but feel free to ask them about their approval rates. How successful have they been in the past? Have they worked on cases similar to yours before?

## PROFESSIONALISM AND COURTESY

If you're struggling with a disability, you need an attorney who will be sensitive to your needs and make the process as easy as possible on you and your family. Find a lawyer with a record of excellent customer service.

My law firm Darrell Castle and Associates has successfully represented hundreds of disabled clients, and we're one of the most respected firms in the Mid-South when it comes to service and client care.

We have a 5-star rating on Avvo, an A+ rating from the Better Business Bureau, and the Client Distinction Award from Martindale-Hubbell for client satisfaction.



If you're struggling with an injury or illness and would like to apply for disability, let's set up a free consultation with you to talk more about your situation.

And if you've already applied and need to appeal, you've come to the right place.

**Just give me a call at 901-327-1212.** We look forward to talking with you and helping you get started on getting the benefits you need and deserve.

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