



Securing today
and tomorrow

Your Right to Question the Decision to Stop Your Disability Benefits



Social Security wants to be sure that every decision made about your Social Security or Supplemental Security Income (SSI) claim is correct. If we decide that you no longer have a qualifying disability, and you disagree with that decision, you can appeal it. This means we'll look at your case again to see if our decision is correct.

When you ask for an appeal, we'll look at the entire decision, not just the part you disagree with. If our decision was wrong, we'll change it.

How much time do I have to appeal?

You have 60 days to ask for an appeal of our decision to stop your disability benefits. The 60 days start after you get our letter telling you that your benefits will stop. We assume that you got our letter five days after the date on it, unless you show us that the letter took longer to reach you.

What happens if I miss the time for an appeal?

If the 60-day period has passed, and you want to appeal our decision, you should tell us why you were late. If we decide you have a good reason for being late, you still may be able to appeal. For example, we may find that you have a good reason for being late if the forms we sent you did not arrive on time.

Will my payments continue during the appeal?

If you ask for an appeal within 10 days after the date you receive our letter, you can also request that your payments continue while we're making a decision on your appeal. If you're late in asking for your payments to continue, you still may be able to get payments during the appeal if we find that you have a good reason for being late.

You may request that your payments continue during the first two levels of appeal — the reconsideration level and the hearing level. We explain both levels on pages 6-7.

Will I have to pay back the money I receive during my appeal?

If your payments continue during your appeal, and you lose the appeal, we'll ask you to pay back some or all of the money.

However, you won't have to pay us back if you cooperate with us during the appeal, and we find that you need the payments for your usual living expenses. If you need more information about situations that don't require you to pay us back, let us know.

Will my medical assistance continue?

If your SSI stops, any medical assistance you have that is based on SSI also may stop. If this happens, your medical assistance agency will contact you.

Should I just file a new application?

You have the right to file a new application at any time, but filing a new application isn't the same as appealing this decision. If you disagree with our decision, and you file a new application instead of appealing:

- You might lose some benefits, or you may not qualify for any benefits;
- We could deny the new application using our decision to stop your payments, if the facts and issues are the same; and
- You may not ask for payments to continue during the appeal of a new application.

If you disagree with our decision to stop your benefits, ask for an appeal within 60 days.

Do I only get one chance to appeal?

There are four levels of appeal.

- Reconsideration
- Hearing
- Appeals Council
- Federal court

If you disagree with the decision at one level, you have 60 days to appeal at the next level.

Reconsideration

If you disagree with our decision, you may ask for reconsideration. Reconsideration is a complete review of your claim by someone who didn't take part in the first decision. We'll look at all the evidence submitted when the original decision was made, plus any new evidence.

When you appeal our decision to stop your disability benefits because we say your condition is no longer disabling, you can meet with a disability hearing officer and explain why you believe you still have a qualifying disability. You can look at the information in your file, and submit new evidence or information. You also can bring someone who knows about your medical condition.

When the reconsideration is completed, we'll send you a letter explaining our decision.

Hearing

If you disagree with the reconsideration decision, you may ask for a hearing.

An administrative law judge, who had no part in the original decision or the reconsideration of your case, will conduct the hearing. The hearing is usually held within 75 miles of your home. The administrative law judge will notify you of the time and place of the hearing.

Before the hearing, we may ask you to give us more evidence and to clarify information about your claim. You may look at the information in your file and give new information.

At the hearing, the administrative law judge will question you and any witnesses you bring. Other witnesses, such as medical or vocational experts, also may give us information at the hearing. You or your representative may question the witnesses.

In certain situations, we may hold your hearing by a video conference rather than in person. We'll let you know ahead of time if this is the case. With video hearings, we can make the hearing more convenient for you. Often an appearance by video hearing can be scheduled faster than an in-person appearance. Also, a video hearing location may be closer to your home. That might make it easier for you to have witnesses or other people accompany you.

Attending the hearing, in person or by video conference, is usually to your advantage. You and your representative, if you have one, should come to the hearing and explain your case.

If you're unable to attend a hearing or don't wish to do so, you must tell us why in writing as soon as you can. Unless the administrative law judge believes your presence is necessary to decide your case and requires you to attend, you won't have to go. Or, we may be able to make other arrangements for you, such as changing the time or place of your hearing. You must have a good reason for us to make other arrangements.

After the hearing, the judge will make a decision based on all the information in your case, including any new information you give. We'll send a letter and a copy of the judge's decision to you.

Appeals Council

If you disagree with the hearing decision made by the administrative law judge, you may ask for a review by Social Security's Appeals Council.

The Appeals Council looks at all requests for review, but it may deny a request if it believes the hearing decision was correct. If the Appeals Council decides to review your case, the Council will either decide your case itself or issue an order returning your case to an administrative law judge for further action.

If the Appeals Council decides not to review your case, we'll send you a letter explaining the denial. If the Appeals Council reviews your case and makes a decision, we'll send a copy of the decision to you. If the Appeals Council returns your case to an administrative law judge, we'll send a letter and a copy of the order to you.

Federal court

If you don't agree with the Appeals Council's action on your case, you may file a lawsuit in a federal district court. We'll tell you how to ask a court to look at your case when we send a letter with the Appeals Council's decision to you, or when we send a letter telling you that the Appeals Council won't review your case.

Can I get help with my appeal?

Yes. Although many people handle their own Social Security appeals with free help from Social Security, you may choose a qualified attorney or non-attorney to be your representative. We'll work with your representative just as we would work with you. Your representative can act for you in most Social Security matters and will receive a copy of any letters we send to you.

We can give you information about organizations that may help you find a representative. Many representatives charge a fee, but there are others who provide free services if you qualify, or who only charge a fee if you're awarded

benefits. Usually, your representative will need our written approval before collecting a fee. If you decide to select a representative, you need to tell us in writing. You may use our special form for this purpose, *Appointment of Representative* (Form SSA-1696-U4).

For more information about selecting a representative, please read our pamphlet, *Your Right to Representation* (Publication No. 05-10075).

Contacting Social Security

The most convenient way to contact us anytime, anywhere is to visit ***www.socialsecurity.gov***. There, you can: apply for benefits; open a *my* Social Security account, which you can use to review your *Social Security Statement*, verify your earnings, print a benefit verification letter, change your direct deposit information, request a replacement Medicare card, and get a replacement 1099/1042S; obtain valuable information; find publications; get answers to frequently asked questions; and much more.

If you don't have access to the internet, we offer many automated services by telephone, 24 hours a day, 7 days a week. Call us toll-free at **1-800-772-1213** or at our TTY number, **1-800-325-0778**, if you're deaf or hard of hearing.

If you need to speak to a person, we can answer your calls from 7 a.m. to 7 p.m., Monday through Friday. We ask for your patience during busy periods since you may experience a higher than usual rate of busy signals and longer hold times to speak to us. We look forward to serving you.

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