

21 Ways to Prepare for Your SSDI Hearing

The Social Security Administration routinely denies two-thirds of all initial applications for disability benefits, and that average fluctuates from office to office. Administrative law judges (ALJs), however, eventually overturn more than half of the denials that reach their desks.

Given those numbers, it stands to reason that claimants who have the perseverance to take their claims to the hearing level have a good chance to ultimately receive their entitled benefits.

How do you prepare for this all-important hearing? What can you expect? The following information should help you prepare for your SSDI hearing.

1. **Why hasn't my hearing been scheduled yet?**

Waiting on your hearing usually is a long process because of the current disability backlog in the SSA. The SSA estimated that the average delay at Level 3 (Hearing) in 2012 was 353 days. Be patient, and don't give up.

2. **Am I required to attend the hearing?**

All disability claimants have the right to appear before an administrative law judge at a hearing. An SSDI representative's goal should be to get your case awarded as early as possible with the least amount of stress. With that in mind, an SSDI representative, such as Allsup, may work with the ALJ and his or her staff to get your case reviewed and awarded "on-the-record" before a hearing is held. If the judge is unable to award your case on-the-record, a hearing is scheduled and your Allsup expert will represent you at the hearing.

3. **Is my SSDI representative qualified to represent me? What kind of experience will he or she have?**

These are questions that you should ask when determining who will be your SSDI representative as this will vary by representative. For example, Allsup and its representatives have extensive experience in your local area (some have attended thousands of hearings) with the disability process and specialize in Social Security disability issues. They routinely track and review ALJ's decisions so they have the best understanding of how the ALJ approaches various types of cases.

4. **What happens if I can't make it to the hearing?**

An ALJ can postpone a hearing for good cause. Examples may be a serious illness, death in the family, inclement weather or a key witness not being available to attend the hearing.

5. **How should I dress?**

Neat and comfortable. Don't under or over dress, and remember your attire should indicate you have respect for the court.

6. What does the hearing room look like?

It looks much like a conference room with the judge sitting at one end of the table/room and you, the claimant, facing the judge. The location of the hearing room varies – you could be in a variety of locations – from a courtroom to a hotel room to a rented space in a public building. Or you may have your hearing via video conference, which is becoming a popular option, and includes the judge at his/her physical office and you and your representative at a satellite location.

7. May I bring my spouse or family members with me to the hearing for support?

Yes, family members may accompany you to the hearing site. However, it will be at the judge's discretion whether observers are allowed in the hearing room.

8. What about witnesses?

You may bring witnesses to help validate the legitimacy of your claim. A spouse or family member may serve as a witness, but this is not common. Some judges choose to have witnesses wait outside the hearing room until after you have testified.

9. How will I be treated by the judge?

The ALJ is expected to treat you with respect and dignity — the hearing is not intended to be an adversarial situation. All ALJs differ in their styles, but your representative is aware of this and will prepare you in advance.

10. Will the hearing be recorded?

Yes, the hearing will be audio recorded by an assistant. Given that the hearing is only audio recorded, you are encouraged to speak loudly and clearly and vocalize any movements you are making. For example, say "Yes" or "No" instead of nodding your head.

11. Who else will be in the room?

Other people in the courtroom with you will be the ALJ, the hearing assistant who records the proceedings, your SSDI representative (if applicable) and any approved witnesses whom you invite to the hearing. The judge also may bring in medical or vocational experts to help obtain all the information needed to make a fair decision.

12. What is the medical expert's role in the hearing?

The medical expert is a physician the judge calls to review the records of your treating physicians and to provide opinions on the testimony. The medical expert doesn't perform an examination and may ask some questions of you related to your condition – with permission from the judge and your representative.

13. What is the vocational expert's role in the hearing?

The vocational expert responds to hypothetical questions from the judge about limitations related to your ability to work that may apply in your case, usually based on your file and the testimony.

14. Should I try to exaggerate my illness or disability to help prove my case?

Absolutely not, but you do need to be thorough and represent yourself accurately. Don't overstate the nature of your disability, but don't understate it either. Give the judge all the facts, and trust the ALJ to make a fair decision.

15. What will my representative do for me during the hearing?

By the time your claim reaches the ALJ level, your representative already has done a lot of work. This includes preparing your case to ensure that all medical records are complete and that the judge and witnesses have all the information they need to make an informed decision. Your representative also will help clarify any questions asked by the ALJ and cross-examine witnesses, if necessary.

16. Who speaks to the judge during the hearing, my representative or me?

Although questions are usually directed to the claimant, the ALJ may ask your representative questions about certain details in your medical records. Your representative also may give opening and closing arguments.

17. How long will the hearing last?

It varies depending on the number of witnesses and complexity of the claim, but you are usually in and out of the hearing in about an hour.

18. What types of questions will the ALJ ask me?

The judge may ask questions about your disability, the amount of pain you suffer and how your disability affects your daily life. Normally, however, ALJs will not ask you technical medical questions about your condition.

19. Will the ALJ make a decision the day of the hearing? If not, how long will it take?

As a rule, ALJs do not release a decision immediately following the hearing, but they are required to inform you of the decision in writing. Unfortunately, this may take a while; typically 60-90 days.

20. What do I do if the ALJ denies my claim?

Don't give up. If your claim is denied at the hearing level, you may appeal that decision to the Appeals Council for further review.

21. What happens if the Appeals Council also denies my claim?

The next step of the appeal process is to take your case to the federal district court. An SSDI representative, such as Allsup, will review your case to determine if an appeal to the court is warranted. Your representative will discuss this with you at the appropriate time.