



Insights

Social Security Disability and Veteran's Compensation

● *Understanding Issues Facing Disability Applicants* ●

January 2012

2012 SOCIAL SECURITY INFO

This issue contains information that we hope is helpful to you about Social Security disability benefits in 2012.

Of interest to everyone is that after two years of no benefit increases, disability benefits increased by 3.6% for 2012. If someone you know is receiving benefits, and has not received the increase, they should contact their local Social Security field office immediately. By the way, the increase also applies to Medicare premiums, so medical insurance will cost a little more than last year.

If a disabled worker returns to work in 2012, Social Security will monitor their progress. In general, earning more than \$720 per month

over a nine month period will cause SSA to reevaluate the case and decide whether the disability has ended.

In addition, the maximum SSI benefit has increased to \$698 for an individual. The resource limit stays at \$2000 for an individual.

If you have questions about Social Security disability or SSI, feel free to contact us.

OUR VA DISABILITY "TOP TEN" LIST FOR A CLAIM

1. Medical Exams: If the VA schedules a medical exam, we advise clients to be sure to attend it - - even if they are very sick that day. It is natural for the veteran to want to stay home

Seminars on Veterans Compensation Benefits or Social Security Benefits

We offer presentations for your group or business about the requirements for Veterans disability benefits and Social Security disability benefits. The seminars also discuss how either benefit may affect the other.

We allow ample time for "questions and answers." The seminar can be tailored to particular time needs. We offer the seminar without charge as a public service by our law offices.

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and request a postponement if they don't feel well. But, medical exams usually take a long time to reschedule. Moreover, we want the VA to see our clients at their worst, not their best. So we advise clients to attend these examinations if they possibly can - - without putting their health at risk of course.

2. Mailing Documents to VA: Whenever sending anything to the VA, we recommend sending it certified, return receipt requested. That way, if the VA later says it did not receive the documents, the sender can prove that it was received - - which can be important in setting the effective date for benefits.

3. File Claims Sooner than Later: Don't wait to for future medical treatment before filing a VA claim. The reason is that the date benefits start is usually the later of the date that you file a claim, or the date that your condition is disabling. So,

waiting to file can cause a later effective date for benefits.

4. How to file a claim: You don't need a special form to file for VA disability. All that is needed is to send the VA a letter asking for disability benefits.

5. What to say in a claim: Be sure to explain all symptoms, like "my feet are numb," or "I have ringing in my ears." The VA is obligated to figure out if the symptoms are compensable. A veteran does not have to know the technical medical jargon.

MORE TOP TEN IN NEXT UPDATE

Thinking about

Delays in VA and SS Disability Processing

While no one likes to think of being "processed," that is what happens when applying for benefits at huge government agencies like the VA or SSA. The main reason that cases may take longer than anticipated is that there are many more claims than

employees and judges to review them.

We advise clients that filing a claim with VA or SSA is a classic "hurry up and wait" situation. Everyone applying for benefits hurries up and files what is requested - - and then they have to wait for the government to review the file.

Additional delays may be caused by lack of technology.

While Social Security is paperless, the VA utilizes paper files for most claims. Only one person can look at a paper file at a time, so the file must be moved physically from one desk or office to another for different people to review it. This can slow down the review of a claim. The VA is hoping to become paperless, but in the meanwhile, most files are paper files.