

# The Appeals Process



Social Security wants to be sure that every decision made about your Social Security or Supplemental Security Income (SSI) claim is correct. We carefully consider all the information in your case before we make any decisions that affect your eligibility or your benefit amount.

When we make a decision on your claim, we will send you a letter explaining our decision. If you do not agree with our decision, you can appeal—that is, ask us to look at your case again.

When you ask for an appeal, we will look at the entire decision, even those parts that were in your favor. If our decision was wrong, we will change it.

## When and how can I appeal?

If you wish to appeal, you must make your request in writing within 60 days from the date you receive our letter. We assume you receive the letter five days after the date on the letter, unless you can show us you received it later. Call your local Social Security office if you need help with your appeal.

## How many appeal levels are there?

Generally, there are four levels of appeal. They are:

- Reconsideration;
- Hearing by an administrative law judge;
- Review by the Appeals Council; and
- Federal Court review.

When we send you a letter about a decision on your claim, we will tell you how to appeal the decision.

## Reconsideration

A reconsideration is a complete review of your claim by someone who did not take part in the first decision. We will look at all the evidence submitted when the original decision was made, plus any new evidence.

Most reconsiderations involve a review of your files without the need for you to be present. But when you appeal a decision that you are no longer eligible for disability benefits because your medical condition has improved, you can meet with a Social Security representative and explain why you believe you still have a disability.

## Hearing

If you disagree with the reconsideration decision, you may ask for a hearing. The hearing will be conducted by an administrative law judge who had no part in the first decision or the reconsideration of your case.

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.

You and your representative, if you have one, may come to the hearing and explain your case in person. You may look at the information in your file and give new information.

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

It is usually to your advantage to attend the hearing. If you do not wish to do so, you must tell us in writing that you do not want to attend.

In certain situations, we may hold your hearing by a video conference rather than in person. We will 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.

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Unless the administrative law judge believes your presence is needed to decide the case, he or she will make a decision based on all the information in your case, including any new information given.

After the hearing, we will send you a letter and a copy of the administrative law judge's decision.

## Appeals Council

If you disagree with the hearing decision, you may ask for a review by Social Security's Appeals Council. We will be glad to help you ask for this review.

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, it will either decide your case itself or return it to an administrative law judge for further review.

If the Appeals Council denies your request for review, we will send you a letter explaining the denial. If the Appeals Council reviews your case and makes a decision itself, we will send you a copy of the decision. If the Appeals Council returns your case to an administrative law judge, we will send you a letter and a copy of the order.

## Federal court

If you disagree with the Appeals Council's decision or if the Appeals Council decides not to review your case, you may file a lawsuit in a federal district court. The letter we send you about the Appeals Council's action also will tell you how to ask a court to look at your case.

### Will my benefits continue?

In some cases, you may ask us to continue paying your benefits while we make a decision on your appeal. You can ask for your benefits to continue when:

- You are appealing our decision that you can no longer get Social Security disability benefits because your medical condition is not disabling; or

- You are appealing our decision that you are no longer eligible for SSI payments or that your SSI payment should be reduced or suspended.

If you want your benefits to continue, you must tell us within 10 days of the date you receive our letter. If your appeal is turned down, you may have to pay back any money you were not eligible to receive.

### Can someone help me?

Yes. Many people handle their own Social Security appeals with free help from Social Security. But you can choose a lawyer, a friend or someone else to help you. Someone you appoint to help you is called your "representative." We will 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 decisions we make about your claim.

Your representative cannot charge or collect a fee from you without first getting written approval from Social Security. If you want more information about having a representative, contact us for the publication, *Your Right To Representation* (Publication No. 05-10075) or you can find it on our website.

### Contacting Social Security

For more information and to find copies of our publications, visit our website at [www.socialsecurity.gov](http://www.socialsecurity.gov) or call toll-free, **1-800-772-1213** (for the deaf or hard of hearing, call our TTY number, **1-800-325-0778**). We can answer specific questions from 7 a.m. to 7 p.m., Monday through Friday. We can provide information by automated phone service 24 hours a day.

We treat all calls confidentially. We also want to make sure you receive accurate and courteous service. That is why we have a second Social Security representative monitor some telephone calls.