Huntington's Disease Disability Appeal Guide – Reconsideration & Administrative Law Hearing

Next Steps After a Disability Denial











If you are utilizing this Appeal Guide, you, a friend, or a family member has likely been denied disability. While a denial is very frustrating, and emotionally difficult, it should not be a discouraging sign. The Social Security disability process can be challenging, and takes a great deal of time and effort, but it is worth continuing the fight for disability and building the strongest case possible. This guide is here to help you through this process.

The purpose of this Appeal Guide is to help families and individuals with Huntington's disease (HD) submit an online Social Security disability appeal at the Reconsideration and Administrative Hearing levels. This guide will explain:

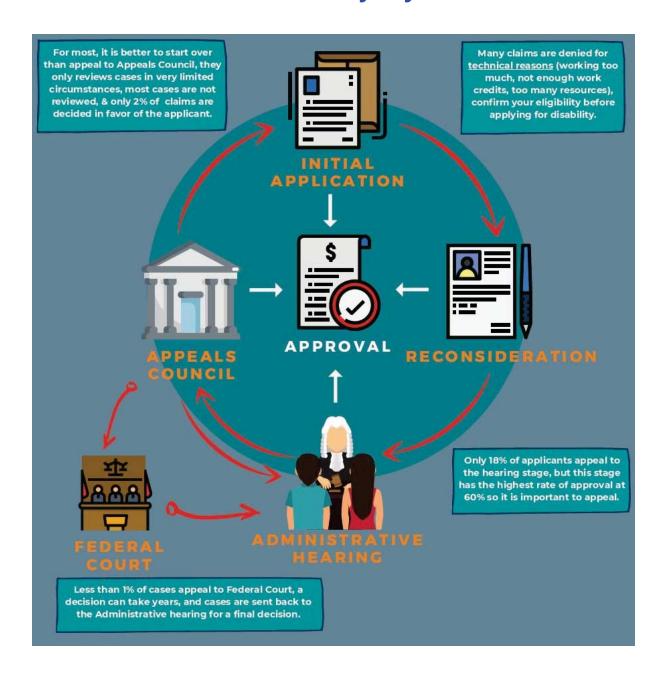
- A step-by-step overview of what to expect when submitting an appeal;
- What information you will need to include with the appeal;
- How to thoroughly answer Social Security's questions from the perspective of an individual with HD.

Huntington's disease is a rare condition that is not well-known or understood, especially by Social Security. It is important to include information about what Huntington's disease is, the common symptoms associated with HD, and how your HD impacts you on a daily basis when submitting a Social Security Disability application. It is important, and a good "best practice," to provide as much information as possible when submitting a disability claim and working with Social Security. It is also important to complete the appeal from the perspective of a bad day – you have to be open and honest about what you CANNOT do, otherwise you might give Social Security the wrong impression.

You are not alone in this process. We are here to help. 1

¹ The material enclosed is provided for informational purposes only and does not constitute legal advice. We provide this information as a public service. Transmission of the information is not intended to create, and the receipt does not constitute, an attorney-client relationship between sender and receiver.

Disability Cycle



It is worth noting that Reconsideration, the first stage of appeal, is the most difficult level of the disability process to get an approval - only 4-10% of cases are approved at Reconsideration. It is very important to move forward and appeal to the Administrative Hearing level if your case is denied a second time. The Administrative law judge hearing level is your best chance for a disability approval, between 40-60%, so it is important to appear in person before a judge if you get to this stage.

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Disability Checklist

Before you start, make sure you have all of the information you need to complete the application:

Request for Reconsideration: Use to complete a level one (Reconsideration) appeal of a recently denied
disability claim. After completing this portion, the applicant will need to complete the Disability Report -
Appeal (SSA-3441).
☐ Information about applicant:
Applicant's name, SSN, claim number (if different than SSN)
Mailing address and phone number of the applicant
☐ Information about claimant's (applicant) representative - name, address, telephone number
☐ Issue being appealed needs to be disability
Request for Hearing: Use to complete a level two appeal of a recently denied Reconsideration claim (if
applicable). After completing this portion, the applicant will need to complete the Disability Report - Appeal
(SSA-3441).
☐ Information about applicant:
Applicant's name, SSN, claim number (if different than SSN)
Mailing address and phone number of the applicant*
☐ Indicate the reason the applicant does not agree with the SSA's determination and why they would
like to request a hearing before an administrative law judge (ALJ).
\square Confirm the applicant will appear in person at the hearing.
Disability Report: The applicant can provide updated information since the previously submitted disability
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report (initial or appeal).
report (initial or appeal). Information about applicant:
report (initial or appeal). ☐ Information about applicant: ☐ Applicant's name (current and any prior), SSN, DOB
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^{*} For applicants experiencing memory loss, cognitive difficulty, carelessness, we recommend using the address or phone of a family member, social worker, or other trustworthy source that will be assisting during the applicant during the process.

0	Phone number of provider/facility
	We recommend putting the medical record department phone number.
0	Mailing address of provider/facility
0	First and last date of office visit and any upcoming appointments
0	If seen in the emergency room or had an overnight stay, list 3 most recent visits for each
0	Indicate the medical conditions the applicant was treated or evaluated for (these should match
	the conditions that were listed in the initial disability report and any new conditions)
0	Indicate the type of treatment received (Ex: examination, medical testing, treatment plans, etc.)
0	Provide information on tests the provider/facility completed, including dates of the test(s)
☐ If ap	plicant saw anyone else (ex: prisons, social service agencies, etc.) for their condition(s),
additio	nal information will need to be provided.
☐ List	of medications (prescription and non-prescription):
0	Name of prescribing doctor
0	Reason for taking the medicine
0	Side effects of the medication
	If the applicant has not seen a provider since the prior disability report (initial or appeal) was
	completed, the applicant will need to provide the prescribing doctors name, city, and state.
☐ Acti	vities: describe any changes in the applicant's daily activities or ability to care for their personal
needs,	since completing the prior disability report (initial or appeal). (Ex: dressing, bathing, tying shoes,
fixing n	neals, etc.)
☐ Wor	k and Education: if the applicant has worked or completed any educational training since
comple	ting the prior disability report (initial or appeal), additional information will need to be provided.
☐ Voc	ational Rehabilitation, Employment, or other support services: if the applicant has completed
any of	these since completing the prior disability report (initial or appeal), additional information will
need to	be provided.
□ Rem	arks: include additional information about the applicant's symptoms and limitations or explain
an ansv	ver from another section in more detail.

Starting the Application

When you are ready to start your appeal, you can access the application here: https://secure.ssa.gov/iApplsRe/start.



Look for the Green Boxes in the application guide to provide helpful tips.

Blue boxes tell you want information needs to be entered in the different appeal sections.

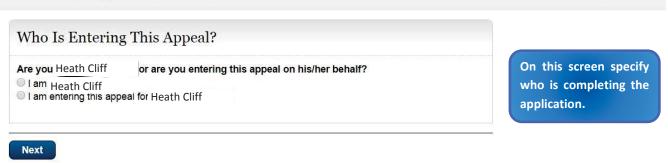
Red boxes indicate VERY important information.

Purple boxes provide details on how to answer questions, what information should be included in your answers, and examples to help make sure your application is completed as thoroughly as possible.

Disability Appeal



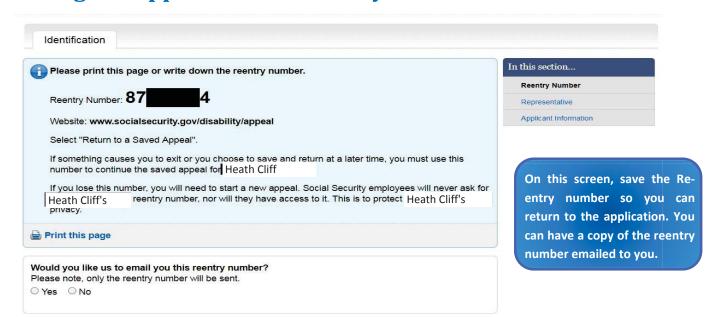
Disability Appeal





If the HD family member cannot complete the application/appeal on their own, it is very important for them to get assistance completing the application. The application is designed so someone else can complete the application on the disabled individual's behalf.

Saving the Application & Re-entry



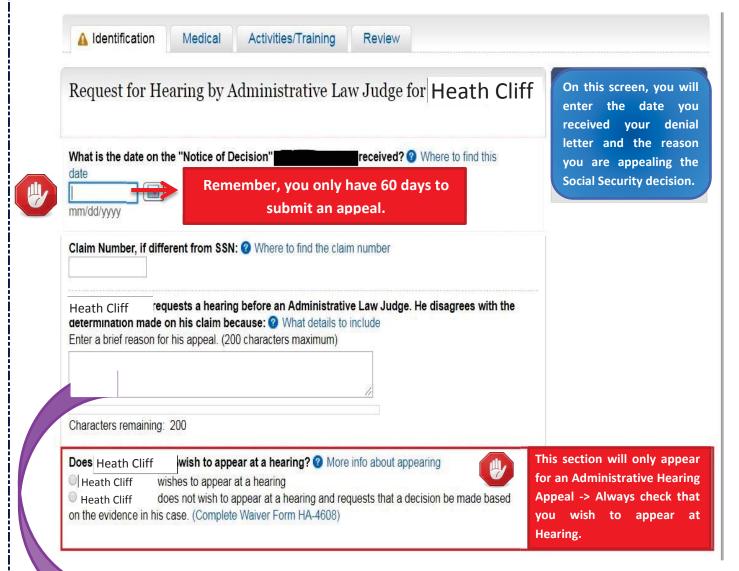


The appeal does not have to be completed in one sitting. It is better to gather all of the information you need and take your time completing the appeal, even if it takes a few days. Save the reentry number in a safe place so you can get back into the appeal. To get back into the appeal, all you need is the re-entry number, the disabled individual's Social Security number, and to confirm your identity.

Please enter the Reentry Number and the Social Security Number to continue where you left	t off.
If you lose or forget your reentry number, you will need to start a new appeal or the claimant a new account, to check the status of their appeal and view their reentry number.	can log into their my Social Security account, or crea
Reentry Number:	On this screen, enter the reentry number and the
Applicant's Social Security Number (SSN):	applicant's SSN to return to the application.

Please Confirm Your Identity	On this serion select
I am:	On this screen, select who is completing the application.

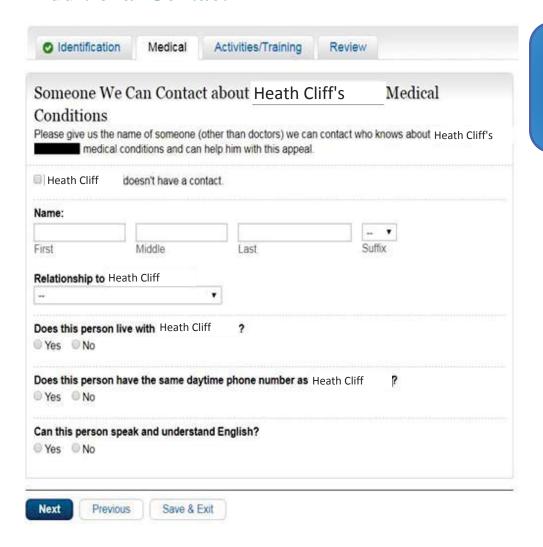
Appeal Request



There is very limited space provided in the application to indicate why you disagree with the determination (decision) made on your claim so you need to be as brief and specific as possible. When entering the reason why you disagree with the determination, it is important that you include the phrase "The previous denial of my claim should be reversed because I am disabled per Listing 11.17 for Adult Onset Huntington's disease and I am unable to work." This phrase will help Social Security correctly flag your case for HD and compassionate allowance. HD should be the primary diagnosis listed in this section, but it is important to include additional diagnoses if you have them, like depression and anxiety. You can find additional information about Social Security blue book Adult Listings here:

https://www.ssa.gov/disability/professionals/bluebook/AdultListings.htm

Additional Contact

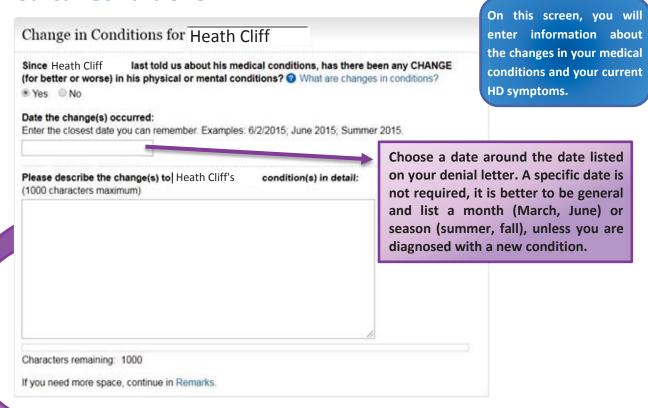


On this screen, you will enter the name and contact information for a person Social Security can contact about your Huntington's Disease.

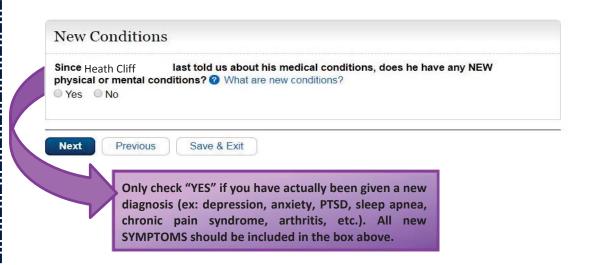


The additional contact should be a friend or family member that knows the HD family member well and sees them regularly. The additional contact can be the same person completing the disability appeal on the HD family member's behalf, unless that person is an attorney. You want to include someone who is familiar with the HD family member's symptoms and limitations and can describe how the HD family member struggles on a daily basis and what changes they have made to their life. Do not include a doctor here; there is a separate section for doctors, and only include a social worker if there are no other contact options.

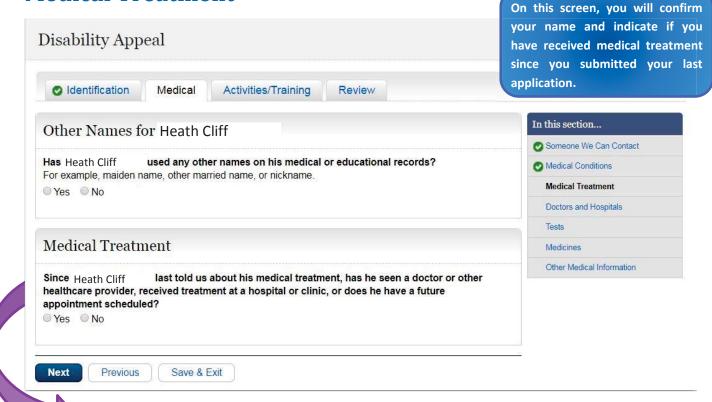
Medical Conditions



Even if the HD family member's condition(s) has not changed much, or at all, ALWAYS check <u>YES</u> and include the symptoms and limitations they experience (chorea, involuntary movement, dropping objects, tripping, falling, memory loss, trouble concentrating, inability to multitask, trouble starting or finishing tasks, intellectual decline, trouble interacting with others, apathy, depression, anxiety, etc.). You do not want to leave any section of the application blank, especially a section that gives you the opportunity to describe what the HD family member experiences on a daily basis. <u>Always remember talk about the HD family member's symptoms from the perspective of a bad day.</u>



Medical Treatment



When completing this section of the application, you do not need to include every appointment the HD family member has attended since you provided that information in the initial application. Only include appointments that have taken place since you submitted the initial application.

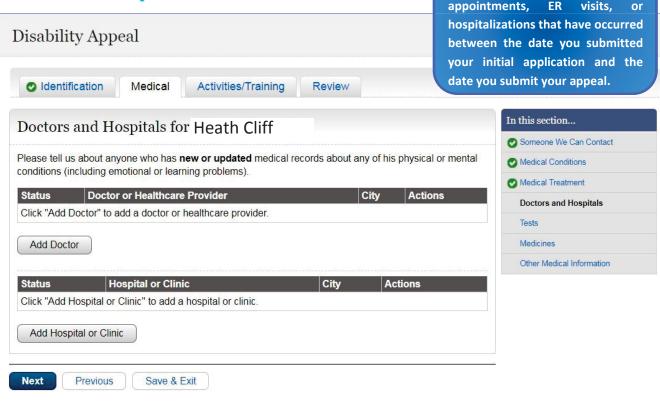


Example: The HD family member began getting treatment for HD in July 2017. You submitted the initial application in January 2019, but the application was denied in May 2019 and you have until July 2019 to submit the appeal. When completing the appeal, you only need to include appointments that happened between January 2019 and July 2019, and any future appointments if they have been scheduled.



It is IMPERATIVE that you continue to get medical care while your application is pending. You never know if or when the one additional appointment can change the outcome of your disability application. Because HD is a progressive condition, every medical appointment matters.

Doctors and Hospitals



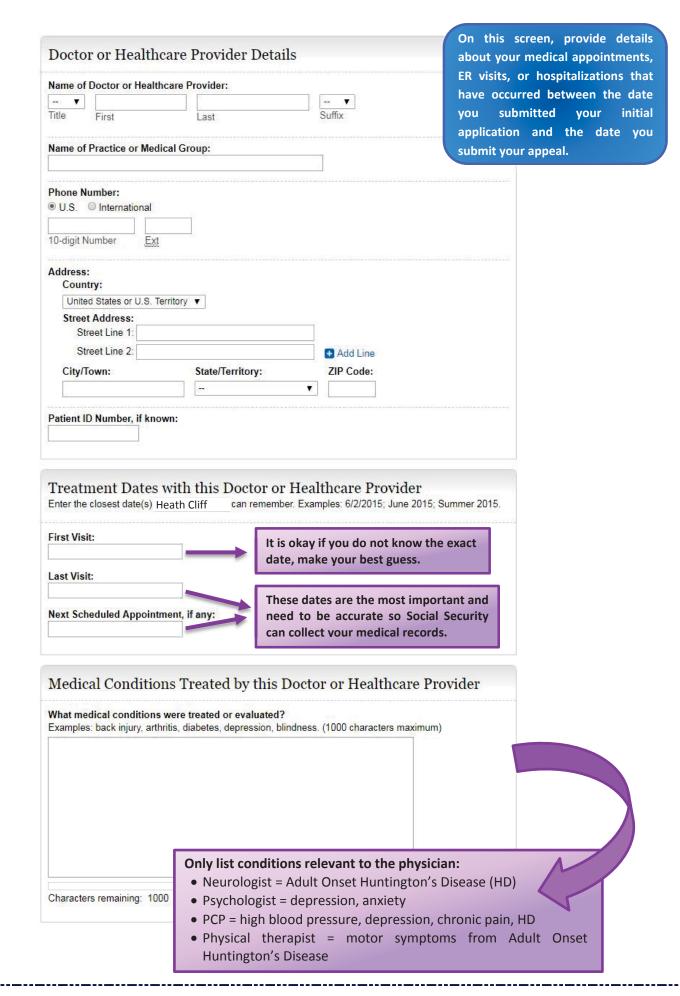
On this screen, add doctor and/or

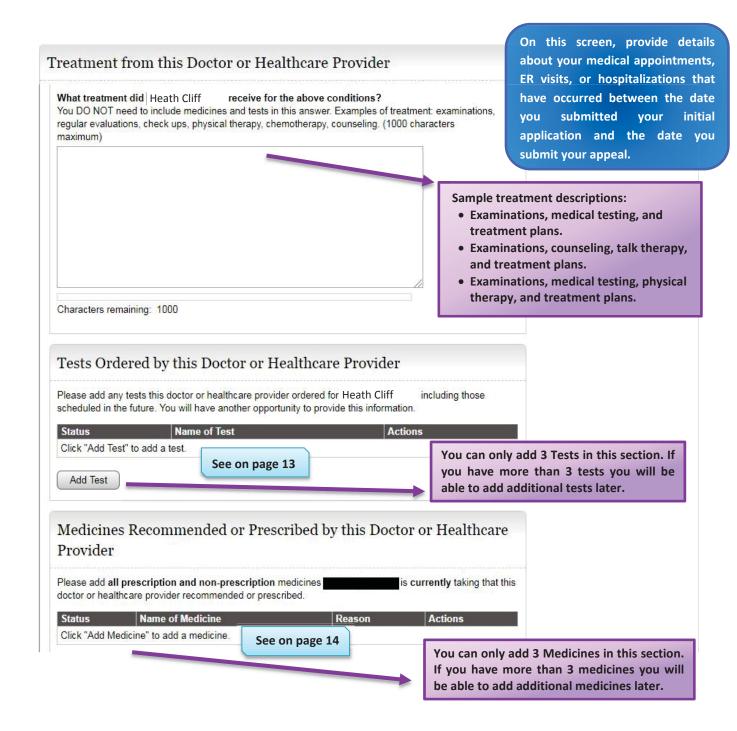
hospital information for

If you see more than one medical provider at the same Hospital/Clinic then only include the information for the Hospital/Clinic. You do not need to provide details about every medical provider if they all provide care at the same location.



Add as many doctors and hospitals/clinics as necessary. It is important to include ALL treating physicians, primary care physicians, physical therapists, counselors, etc., not just the neurologist that treats the Huntington's Disease.



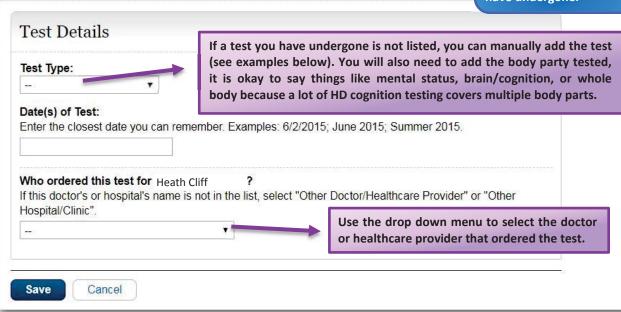


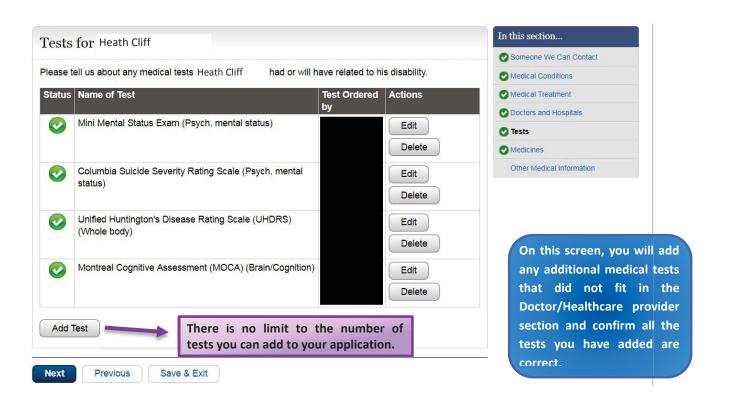


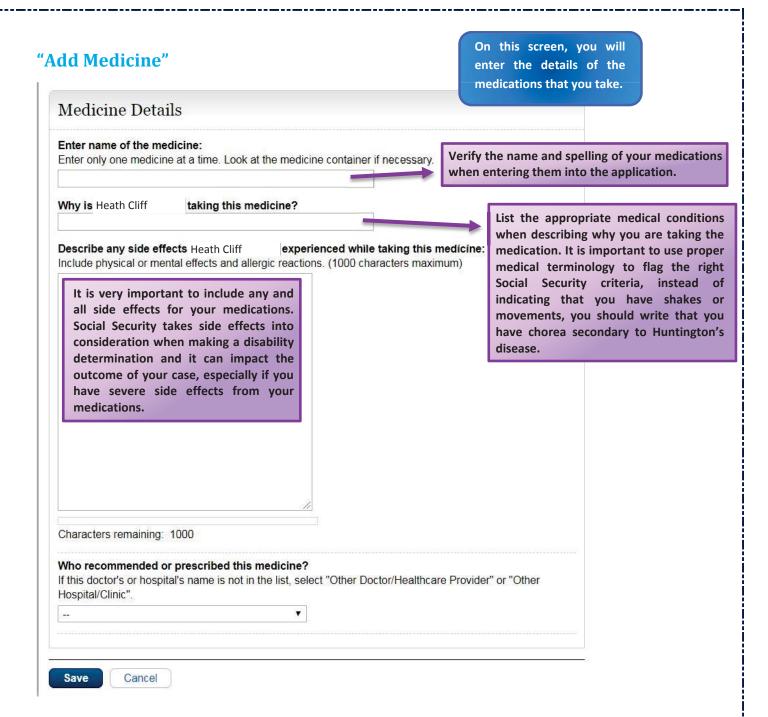
Take your time when completing this section and make sure you include as much detail as possible. Also make sure to include your doctor's up-to-date and accurate contact information (address, phone, and fax) otherwise Social Security may not be able to collect your medical records because they may not send the request to the right place.

"Add Test"

On this screen, you will enter the details of the medical test that you have undergone.

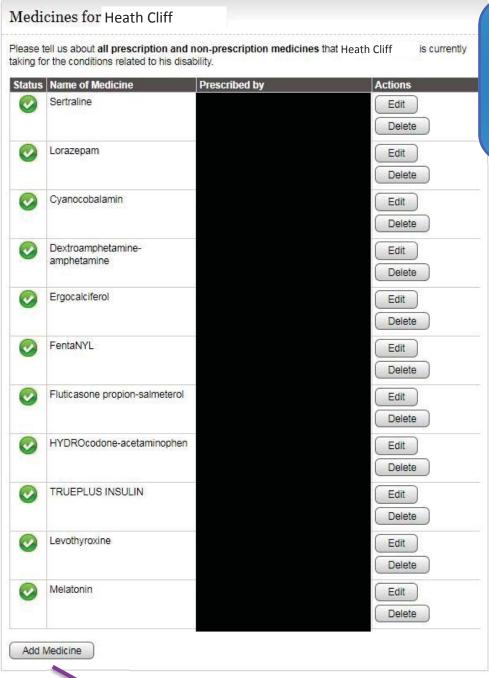








Be sure to include ALL of your medications, not just medications you are taking for Adult Onset Huntington's Disease. Again, Social Security looks at the combination of your impairments, medications, everything.



On this screen, you will add any additional medications that did not fit in the Doctor/Healthcare provider section and confirm all the medications you have added are accurate and spelled correctly.

There is no limit to the number of medications you can add to your application.

Other Medical

Other Medical Information for Heath Cliff We need to know if anyone else has medical information about any of Heath Cliff conditions or if he is scheduled to see anyone else. This may include: · workers' compensation · vocational rehabilitation services · insurance companies who have paid Heath Cliff disability benefits · prisons and correctional facilities attorneys · social service agencies · welfare agencies · school/education records last told us about his other medical information, does anyone have Since Heath Cliff medical information about any of his physical or mental conditions (including emotional and learning problems) or is he scheduled to see anyone else? Yes No

On this screen, you will enter if anyone OTHER than a medical provider has medical evidence that is necessary for your case.



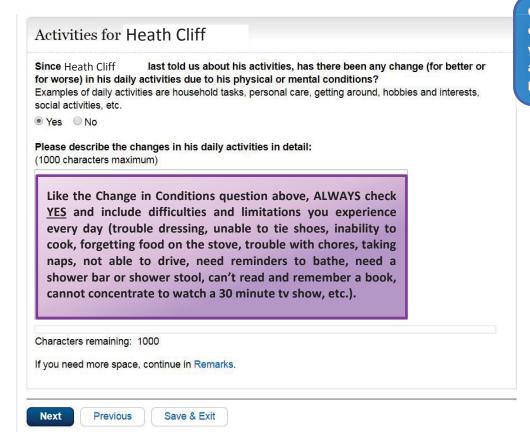
Next

Previous

Save & Exit

Most people will not have information to submit in this category so it is okay to say "NO" and move on to the next section of the application. If the person applying for disability is between ages 18 and 22, it will be beneficial to include information about school/education records especially if the individual struggled in school and needed extra assistance or accommodations.

Activities



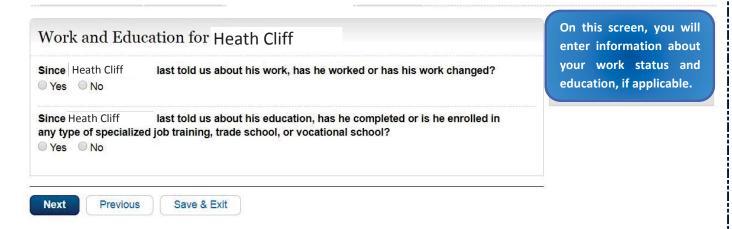
On this screen, you will enter information about your activities of daily living and how they are impacted by your HD.



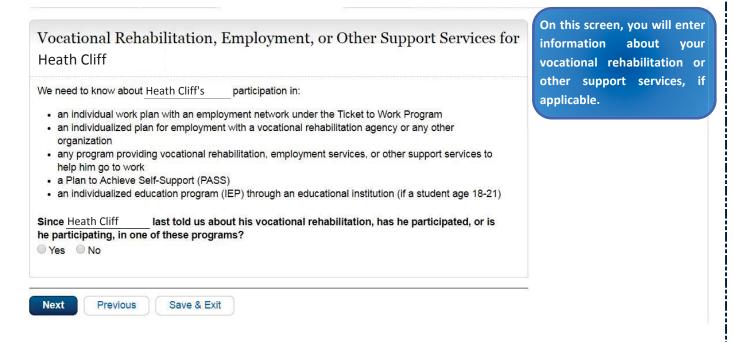
You do not want to leave any section of the application blank, especially a section that gives you the opportunity to describe what you experience on a daily basis. <u>Always remember to talk about your symptoms and limitations from the perspective of a bad day.</u>

Employment and Related Activities

Work and Education



Vocational Rehabilitation





Most people will not have information to submit in these categories so it is okay to say "NO" and move on to the next section of the application if these questions do not apply to you.

Remarks

On this screen, you will enter any additional information you would like to share with Social Security about your HD. It is important to utilize this section.

Additional Remarks for Heath Cliff

Please provide any additional information

Use this space to provide any info<u>rmation Heath Cliff</u> could not show in earlier sections of this form or any additional information Heath Cliff feels we should know about. (2000 characters maximum)

Use ALL of the 2000 characters that Social Security has provided in this space. Reiterate that you are disabled due to Adult Onset Huntington's Disease, provide information about what HD is, and describe why your HD keeps you from working:

"I should be deemed disabled per Adult Listing 11.17 for Adult Onset Huntington's disease because I experience (physical/cognitive/behavioral – choose the combination that is relevant to you) symptoms from my HD that prevent me from working. HD is a neurocognitive degenerative disorder that impacts my ability to walk, talk, and reason. My symptoms of HD include (list all relevant symptoms). (Use the remaining space to provide details and examples of how your symptoms limit you – My memory is severely decline and I forget...; I have difficulty concentrating because...; I have trouble using my hands because...; I am tripping and falling more because...; etc.) Please flag my claim for CAL processing per DI 23022.923."

Characters remaining: 2000

Next

Previous

Save & Exit



It is very important to use this section and this space to discuss symptoms and limitations. You need to really stress why you or your loved one can no longer work as a result of Adult Onset Huntington's Disease symptoms.

On this screen, you will sign **Medical Release** the medical release form. This form gives Social Security permission to request your medical records, which are essential to your claim. Activities/Training Identification Medical Review In this section... Medical Release Form for Heath Cliff Remarks signed Medical Release Form? Do you have Heath Cliff's Medical Release Yes No Summary Next Previous Save & Exit



DO NOT FORGET TO ELECTRONICALLY SIGN THE MEDICAL RELEASE FORM SO SOCIAL SECURITY CAN REQUEST MEDICAL RECORDS ON YOUR BEHALF. Once you sign and submit the Medical Release Form, you will be taken to one last page where you can attach medical records and other relevant case documents (medical letters from a doctor, support letters from family and friends). Take this opportunity to attach any and all medical records that you have to make sure Social Security has all of the necessary evidence for your claim.

Questions?



Contact Allison Bartlett, Esq. at:

Phone: 212-242-1968 ext. 218

Email: abartlett@hdsa.org