

8 Questions a Judge Is Likely to Ask at an SSDI Hearing

Social Security Disability Insurance (SSDI) hearings are a critical part of the application process, giving claimants the opportunity to provide the Social Security Administration (SSA) with a full picture of their condition(s), including how impairments impact their daily life. While there is no definitive list of questions that an Administrative Law Judge (ALJ) may ask, claimants can expect to be asked about their work history, earnings record, past job duties, lifestyle limitations, and medical treatments and diagnoses. We have put together a list of questions that are among the most common, that claimants should be prepared to answer.

1 When did you stop working?

Social Security benefits are paid to individuals who have worked and paid sufficient Federal Insurance Contributions Act (FICA) taxes. To qualify for benefits, typically a claimant must have worked and paid FICA taxes for at least five out of the last ten years. This ensures that they have actively paid into the Social Security system and are therefore considered “insured.” Because Social Security guidelines indicate that a claimant must be found disabled within their appropriate insured timeframe, the exact date that work ended is important. Due to a variety of circumstances, such as earnings, conflicting medical information, and lack of documentation from an employer, it may not always be clear when a claimant stopped working because of their condition(s). In those situations, a SSDI hearing provides claimants the chance to clarify any outstanding questions that may linger surrounding when they last physically worked and when their condition(s) became disabling enough to prevent them from returning to work.

2 Since you originally stopped working, have you made any attempts to return to work?

To qualify for SSDI benefits, an applicant must be out of work, or expect to be out of work, due to an impairment – or group of impairments – for at least one year. It is reasonable to assume that a claimant who has been out of work for any period of time, may attempt to return in some capacity, should health conditions improve enough to allow it. Any work attempts, regardless of how long the claimant has been out of work, will need to be documented and reported to Social Security, including any accommodations that may have been made to allow the claimant to return to work, such as shorter hours, special equipment, or removal of certain tasks.

3 Since you originally stopped working, have you received any source of income?

Being out of work does not necessarily mean that a claimant will be without income. For example, a claimant may continue to receive payments from their former employer in forms such as salary continuance, or payout of sick, vacation, or personal paid time off. In many instances, claimants will receive income replacement benefits through sources such as short-term or long-term disability carriers, or, in the case of a workplace injury, a workers’ compensation carrier. Depending on where the claimant resides they may also have access to local or state disability programs, which can provide a weekly benefit for a definitive period of time.

4 In your previous job, how often would you sit, stand, and walk?

To be approved for SSDI benefits, a claimant must be unable to return to previous employment and must also be unable to participate in any job available in the current economy, considering their age, education, and work history. It is, therefore, important for Social Security to obtain an accurate description of a claimant’s previous job, and how they performed it, to determine what aspects of the job cannot be completed due to impairment(s). This allows the judge or other resources, such as a Vocational Expert (VE), to identify or eliminate any comparable or transferrable jobs for which the claimant may or may not be qualified.

5 How has your condition(s) limited you in your daily activities?

Changes in a claimant’s activities provide Social Security with additional insights into how disabling condition(s) impact daily life. When making a decision, Social Security not only considers if past work can be performed, but also examines if there is any work, available within the national economy, that the claimant can perform. In conjunction with the physical description of previous jobs, any information the claimant provides describing changes in daily activities may help Social Security determine the claimant’s capabilities in a workplace. This question provides Social Security with a better picture of a claimant’s condition and ability to adapt to a new workplace, if possible.

6 What condition(s) are keeping you from working?

In some instances, the very diagnosis of a condition is enough for Social Security to award a claimant SSDI benefits. Certain conditions are so severe they automatically meet the strict definition of disability as set forth by the SSA. It is important that the exact diagnosis is disclosed for this reason. If the diagnosis is not enough to provide an approval for disability, Social Security may be able to use aspects of that diagnosis, such as expected symptoms and treatments, to help them make their decision.

7 Have you sought any medical treatment for your condition(s)?

As medical evidence is vital in supporting a disability claim, the importance of medical treatment cannot be understated. Without supporting evidence, a favorable decision determining an individual meets Social Security’s strict definition of disability cannot be made. A claimant may allege to have a certain condition or to experience debilitating symptoms as a result, but Social Security must see that documented in medical evidence by acceptable treating sources to make a favorable determination.

8 Is there evidence of your condition worsening over time?

While in many instances a claimant’s condition may remain relatively consistent and prevent gainful employment on an ongoing basis, claimants may also experience a worsening of their conditions. In these instances, it is important for Social Security to be kept apprised of any changes in condition. In reviewing the evidence, the ALJ may feel that when a claimant originally went out of work, the condition was not severe enough to prevent engaging in any gainful activity, however as the condition worsened, the claim for disability could be supported.

Have questions? We can help.

Call toll-free: (877) 261-1947
bbabsence.com

 **Brown & Brown**
INSURANCE®

ABSENCE SERVICES GROUP