



SCHOOL OF CONTINUING STUDIES

PARALEGAL STUDIES

**PARA-5500-01**

**Social Security Disability Law**

**Adjunct Instructor  
Judge Glynn F. Voisin**

# Adjunct Instructor Information

Glynn F. Voisin

Administrative Law Judge

New Orleans Hearing Office

Office of Disability Adjudication and Review

Social Security Administration

1515 Poydras Street, Suite 1600

New Orleans, Louisiana 70112

Phone: 1 (888) 297-2210

ext. 19919

Cell: (985) 209-8630

Fax: (504) 589-4585

E-mail: [glynn.f.voisin@ssa.gov](mailto:glynn.f.voisin@ssa.gov)

# Background

## Previous SSA/ODAR & WC Positions Held

- Acting Regional Chief Administrative Law Judge – Philadelphia PA Region
- Acting Hearing Office Chief Administrative Law Judge – Metairie LA Hearing Office
- Hearing Office Chief Administrative Law Judge – New Orleans, LA Hearing Office
- Hearing Office Chief Administrative Law Judge – Jackson MS Hearing Office
- Louisiana Workers Compensation Judge

# Background

## Other Positions Held

- Assistant Attorney General
- Chief Indigent Defender
- Assistant District Attorney
- University Adjunct Instructor
- Marine Corps Officer

# Disclaimer

The views expressed within the accompanying discussion and presentation materials do not represent the official position of the Social Security Administration (SSA). These are the personal views and perspectives of the presenter alone and no other inference or authority, tacit or implied, should be derived from same.

# SSA's Two Disability Programs

Social Security Disability Insurance  
(SSDI)

Supplemental Security Income (SSI)

# Social Security Disability Insurance

Paid for by Social Security taxes

Based on a record of earnings for work you performed under Social Security

5-month waiting period after disability benefits are awarded

Monthly disability benefit is based on your average lifetime earnings

Eligible for Medicare after two years

# Supplemental Security Income

Means-tested program

Eligible for Medicaid

Makes monthly payments to:

Adults who have limited income and financial resources and are age 65 or older, blind, or disabled

Disabled children from birth to age 18



# Social Security's Definition of Disability

The inability to engage in any substantial gainful activity

By reason of any medically determinable impairment(s) (physical or mental)

Which can be expected to result in death or

Which has lasted or can be expected to last for a continuous period of not less than 12 months

SSA does not pay partial or short-term disability benefits

# Medically Determinable Impairment(s)

A physical or mental impairment

Resulting from anatomical, physiological, or psychological abnormalities

Which can be shown by medically acceptable clinical and laboratory diagnostic techniques

And must be established by medical evidence consisting of signs, symptoms, and laboratory findings

# Applying for Disability Benefits

The claimant can:

Apply online at [www.socialsecurity.gov](http://www.socialsecurity.gov)

OR

Schedule an appointment by calling SSA's national 800 number (1-800-772-1213) or contacting the local Social Security Office

# The Disability Interview

During the interview, the Claims Representative (CR) explains to the claimant:

SSA's definition of disability

The disability process

Program requirements

The CR also obtains the required applications and forms, including release slip.

# The Electronic Claim

After the interview, the CR forwards the electronic claim from the SSA Field Office to the Disability Determination Services (DDS) office usually in the state where the claimant lives.

# The Disability Determination Service (DDS)

The DDS is a State agency responsible for developing medical evidence and rendering the initial determination on whether a claimant is disabled or blind under the Social Security Act.

DDSs are fully funded by the Federal Government.

# The Disability Examiner (DE)

The DDS DE reviews the electronic claim for:

Disability reports

Medical release authorization and claimant-supplied medical records

Vocational information:

- Age

- Education

- Past work information

# The Disability Examiner (cont.)

The DDS DE:

Verifies that there is sufficient medical evidence to make a determination

Verifies that all medical documentation is complete

Requests additional evidence (if needed)

Resolves conflicts in the evidence:

-MER

-CE



# Case Development Process

Types of evidence include:

Medical records

Vocational information

Activities of daily living and pain questionnaire

Third-party information (for example, a teacher questionnaire in the case of a disabled child claim)

# Transmittal of Evidence

The DDS receives evidence via:

Mail

Telephone

Fax

Electronic Records Express (ERE)

Health Infometrics

# Scanning

Most evidence is routed directly to a national scanning contractor that scans documents for SSA and DDS offices.

Paper documents received by the DDS are scanned onsite and added to the electronic folder.

In an electronic folder environment, the DE must work entirely with electronic data.

# Developmental Milestone

Is the evidence sufficient to make a disability determination OR is the evidence insufficient?

# The Medical Consultant (MC)

The MC works with the DE to make disability determinations in a DDS.

# MC Review

The MC reviews all the medical evidence.

Assists the Disability Examiner in:

- Case Analysis

- Physical Residual Functional Capacity Assessment

- Mental Residual Functional Capacity Assessment

# Evidence is Sufficient

The DE and MC work in partnership to make a disability determination.

The DE and MC must consider all the evidence.

# Sequential Evaluation

1. Substantial Gainful Activity (SGA)? –The 2016 SGA amount is \$1,130.
2. Severe impairment(s)? –The impairment(s) must significantly limit the person's ability to perform one or more basic work activities.
3. Meets or medically equals a listing? –The listings describe impairments for 14 body systems.



## Sequential Evaluation (cont.)

4. Prevents past relevant work?—Compare the claimant's Residual Functional Capacity (RFC) with the claimant's past relevant work as the claimant described it or as generally performed in the national economy.
5. Prevents other work? —Compare the claimant's RFC and vocational factors (age, education, and work experience) to the Medical-Vocational Rules.

# The Initial Determination

If the determination is favorable, the Field Office is automatically alerted that the case is complete.

If the determination is unfavorable, the Field Office is alerted, and a personal denial notice is prepared and sent to the claimant.

# Reconsideration

The claimant can appeal an unfavorable determination.

In some states, case is returned to the DDS for reconsideration by staff who were not involved in the initial determination.

Additional evidence (if any) or a CE (if necessary) is requested.

A new determination is made.

# Appeals

Request for an Administrative Law Judge (ALJ) and Appeals Council (AC) review:

The claimant has 60 days from the day of a reconsideration-level determination to request a hearing before an ALJ.

The claimant has 60 days from the date of a hearings-level decision to request an AC review.

# Overview of SSA's Hearings Process

The largest administrative judicial system in the world:

Over 1,500 federal administrative law judges

Over 163 hearing offices and hearing centers throughout the country

Over 1,000,000 requests for hearings pending

Over 800,000 dispositions rendered each year

# Appeal Process

Claimant files a hearing request.

Pre-hearing case development is done (if needed).

Case is assigned to an ALJ, and a hearing is held.

Post-hearing development is done (if needed).

ALJ renders a decision, at which point the 60-day period to appeal to the AC begins.

# The Hearing

Non-adversarial proceeding to determine if claimant is disabled

- Claimant appears before an ALJ in person or via video-teleconference
- Testimony taken under oath or affirmation
- Verbatim recording made by hearing reporter

# The Hearing (cont.)

Who may testify:

Claimant

Child's parent or guardian

Claimant's witnesses

Vocational expert

Medical expert

The claimant, the claimant's representative/attorney, and/or the ALJ may ask the witnesses questions.



Conclusion

Thanks

Any Questions?

Comments