



Securing today  
and tomorrow

# Your Right To Question The Decision Made On Your Claim

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We want to be sure that you receive the benefits you qualify for. We carefully look at all of the facts before we make a decision about your eligibility for benefits and the amount you can receive. If you disagree with our decision on your claim, you can appeal it. That means you can ask us to look at your case again. When you ask for an appeal, we will look at the entire decision, not just the part you disagree with. If our decision was wrong, we will change it.

There are four levels of appeal. If you're not satisfied with the decision at one level, you may appeal to the next.

The levels are:

- Reconsideration.
- Hearing.
- Appeals Council review.
- Federal court.

## When to appeal

The most important part to remember about an appeal is the timeframe during which you can ask for one. Generally, you have 60 days from the date you receive the letter telling you about our decision. We assume you'll get our letter within five days after the date on the letter, unless you can show us you got it later.

If you do not appeal within the 60-day time limit, you may lose your right to appeal and the last decision we made becomes final. For example, if you do

not ask for a reconsideration within 60 days, you may lose your right to have your case reviewed.

If you have a good reason for not appealing your case within the time limits, we may give you more time. A request for more time must be made to us in writing, stating the reason for the delay.

If the last day to appeal falls on a Saturday, Sunday or national holiday, the time limit extends to the next workday.

## How to appeal

You must request your appeal in writing. You can call us and ask for an appeal form (Form SSA-561, HA-501, or HA-520), or send us a note with your Social Security number stating that you wish to appeal the decision in your case.

The fastest and easiest way to file an appeal of your decision is by visiting **[www.ssa.gov/disability/appeal](http://www.ssa.gov/disability/appeal)**. You can file online and provide documents electronically to support your appeal. You can file an appeal online even if you live outside of the United States. You can upload documents online to support your appeal, which will help decrease the time it takes to receive a decision from us.

If you live outside of the United States, now you can also appeal your Social Security disability decision online.

## Continuation of payments

In some cases, if you ask for an appeal within 10 days after the date you receive our letter, your payments will continue while we make a decision on your appeal.

If your appeal is turned down, you may have to pay back any money you weren't eligible to get.

## Continuation of medical assistance for Supplemental Security Income (SSI) beneficiaries

If your SSI stops, any medical assistance you have that is based on SSI also may stop. If this happens, your medical assistance agency will contact you.

## Filing a new application

You have the right to file a new application at any time, but filing a new application isn't the same as appealing this decision. If you disagree with our decision and file a new application instead of appealing:

- You might lose some benefits or you may not qualify for any benefits.
- We could deny the new application using our decision to stop your payments if the facts and issues are the same.
- You may not ask for payments to continue during the appeal of a new application. If you disagree with our

decision to stop your benefits, ask for an appeal within 60 days.

## Your right to representation

You may choose to have someone help you with your appeal or represent you. Your representative may be a lawyer or other qualified person familiar with you and the Social Security program. We will work with your representative just as we would work with you. He or she 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 us.

We can give you information about organizations that may help you find a representative. Many representatives charge a fee, but there are others who provide free services if you qualify, or who only charge a fee if you're awarded benefits. Usually, your representative will need our written approval before collecting a fee. If you decide to select a representative, you need to tell us in writing. You may use our special form for this purpose, Appointment of Representative (Form SSA-1696-U4).

You should be aware of another type of representation called Advanced Designation. This relates to the Strengthening Protections for Social Security Beneficiaries Act of 2018, which was signed into law on April 13, 2018.



## What do I need to know about Advanced Designation?

Advance Designation allows capable adult and emancipated minor applicants and beneficiaries of Social Security, Supplemental Security Income, and Special Veterans Benefits to choose one or more individuals to serve as their representative payee in the future, if the need arises.

To help protect what's important to you, we now offer the option to choose a representative payee in advance. In the event that you can no longer make your own decisions, you and your family will have peace of mind knowing you already chose someone you trust to manage your benefits.

You can submit your advance designation request when you apply for benefits or after you are already receiving benefits. You may do so by direct electronic submission through your *my* Social Security account, by telephone, in person, or in writing.

## Reconsideration

A reconsideration is a complete review of your claim by someone at Social Security (or at the state Disability Determination Services if you're appealing a disability decision) who had no part in the first decision. That person will look at all of the evidence used to make the original decision, plus any new evidence.

When we make a decision on your reconsideration, we will send you a letter explaining the decision. If you're appealing a decision about your medical condition, your reconsideration will be handled by a process we call case review. If you're appealing any other decision, you can choose either a case review, an informal conference, or a formal conference. They are explained below.

- **Case review:** In this kind of reconsideration, we look at your case without meeting with you. But you have the right to see what's in your file before we look at your case. You can also give us more information about your case.
- **Informal conference:** Just like a case review, you can look at your file and give us more information. You can also come to the conference and tell the person who'll be looking at your case why you disagree with our first decision. You can bring witnesses to talk about your case. And you can bring your representative, if you have one, to the conference.
- **Formal conference:** This method is available if we change or stop your payment. A formal conference allows you to question witnesses, and we can require witnesses to appear.

When we make a decision on your reconsideration, we'll send a letter to you explaining the decision.

## 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 original 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.

Before the hearing, we may ask you to give us more evidence and to clarify information about your claim. You may look at the information in your file and give new information.

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

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 we'll do this in your 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 one. 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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It is usually to your advantage to attend the hearing in person or video conference. You and your representative, if you have one, should come to the hearing and explain your case.

If you are unable to attend a hearing or do not wish to do so, you must tell us why in writing as soon as you can. Unless the administrative law judge believes your presence is necessary to decide your case and requires you to attend, you won't have to go. Or we may be able to make other arrangements for you, such as changing the time or place of your hearing. You must have a good reason for us to make other arrangements.

After the hearing, the judge will make a decision based on all the information in your case, including any new information you give. We will send you a letter and a copy of the judge's decision.

## Appeals Council review

If you disagree with the hearing decision made by the administrative law judge, you may ask for a review by Social Security's Appeals Council. The Appeals Council looks at all requests for review, but it may deny a request if it believes the hearing decision was correct.

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If the Appeals Council decides to review your case, the Council will either decide your case itself or issue an order returning your case to an administrative law judge for further action.

If the Appeals Council denies your request for review, we will send you a letter explaining the denial. If the Appeals Council decides your case 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 decision also will tell you how to ask a court to look at your case.

## Contacting Social Security

There are several ways to contact us, such as online, by phone, and in person. We're here to answer your questions and to serve you. For more than 85 years, Social Security has helped secure today and tomorrow by providing benefits and financial protection for millions of people throughout their life's journey.

## Visit our website

The most convenient way to conduct Social Security business from anywhere is online at [www.ssa.gov](http://www.ssa.gov). You can accomplish a lot.

- Apply for Extra Help with Medicare prescription drug plan costs.
- Apply for most types of benefits.
- Find copies of our publications.
- Get answers to frequently asked questions.

When you create a personal *my* Social Security account, you can do even more.

- Review your *Social Security Statement*.
- Verify your earnings.
- Get estimates of future benefits
- Print a benefit verification letter.
- Change your direct deposit information.
- Request a replacement Medicare card.
- Get a replacement SSA-1099/1042S.
- Request a replacement Social Security card, if you have no changes and your state participates.

## Call us

If you don't have access to the internet, we offer many automated services by telephone, 24 hours a day, 7 days a

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week. Call us toll-free at **1-800-772-1213** or at our TTY number, **1-800-325-0778**, if you're deaf or hard of hearing.

A member of our staff can answer your call from 7 a.m. to 7 p.m., Monday through Friday, if you need to speak with someone. We ask for your patience during busy periods since you may experience a high rate of busy signals and longer hold times to speak to us. We look forward to serving you.

### **Schedule an office visit**

You can find the closest office location by entering your ZIP code on our office locator webpage.

If you are bringing documents for us to see, remember that they must be original or certified copies that are certified by the issuing agency.



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