**Disability Appeals in Texas**

* Only about 30% of initial claims are approved.
  + Remember that SSA may see if you are eligible for SSDI first (meaning you – or a deceased, retired, or disabled parent paid in enough work quarters). So you could get a rejection for SSDI, but then still need to apply for SSI.
  + Local offices do the initial review (of work—checking to see if the person is engaging in Substantial Gainful Activity), then send to DDS for medical review.
* Biggest reason for denials is incomplete/missing forms, or forms not returned within a 15 day window.
  + Function Report/Activities of Daily Living (SSA-3373) VERY important
  + Another reason for denial is often due to email, phone, or address change
* “Compassionate” conditions may speed process, but there is still a work review component.
* Generally, all initial disability application approvals are processed in ninety days or less. If an individual’s initial disability claim is denied but approved on their reconsideration appeal they are still likely to be approved in less than six months.
* If your initial claim is denied, the next step in Texas is to seek a "reconsideration" from DDS.
* If your request for reconsideration is denied, then the next step is to ask for a hearing with an administrative law judge (ALJ). ALJ hearings are administered through Social Security’s Office of Disability Adjudication and Review (ODAR).
  + The main ODAR office in Texas is located at Suite 460, 1301 Young Street, Dallas, Texas 75202-5433. Its telephone number is (214) 767-9401.
  + ODAR also operates several hearing offices that serve Texans. Hearing offices are located in Fort Worth, Harlingen, and San Antonio, plus Dallas and Houston each have two hearing offices. In addition, hearing offices in Albuquerque, New Mexico; McAlester and Oklahoma City, Oklahoma; and Shreveport, Louisiana, serve some Texans close to their borders. To find the office that serves your location, check Social Security's hearing office locator.
  + While you do not need an attorney for a reconsideration or an appeal, it may be advantageous especially if you have lost one appeal.
* Appeals must be made within 60 days or the process starts over.
* Eligible children will have to re-apply when they become adults
* If found eligible after an appeal for SSI--$ may be back paid to time of eligibility—resulting in a “windfall” which could put someone over the resource limits for SSI.

**Other considerations:**

1. When filing a claim, try to do so in person at a local SSA field office or at least over the phone. Speak with an SSA claims representative. If you use the online process, you will not have the chance to ask direct questions about the process of filing. You will also not have the chance to file for SSI which does not have an online process currently. A claims representative may help you to properly indicate what your onset date is (when your condition became disabling) and may also help ensure that you list all of your conditions, small and large.
2. Make sure that when you apply for disability, you remember to submit complete information about your history of medical treatment and your work history for the 15 year period prior to becoming disabled. SSDI and SSI decisions are usually made as "medical-vocational" decisions, meaning that your age, functional limitations, work experience, and education will be figured into the determination of whether you can A) go back to your old job and B) if you can find some type of other work to perform.
3. Be prepared to wait. If you are applying for either SSI or SSDI, do not assume that you will receive a decision on your claim for several months. Though approximately 30 percent of initial claims are approved in Texas, this still means that the majority of claims are initially denied. Figure this into your financial planning when you file a claim for disability benefits. The unfortunate reality is that most individuals will have to file one or more appeals.
4. Document and keep all correspondence or letters from either the social security office, disability determination services, and/or the hearing office (the Office of Disability Adjudication and Review). Make sure you open it, read it, and understand it.
5. If your claim is denied, consider getting a social security disability lawyer or a non-attorney Social Security Disability representative (many non-attorneys are former employees of the Social Security Administration, or are even former disability claims examiners who made decisions on cases for years and, therefore, know intimately how the system actually works).
6. Meet the deadline for Appeals. Filing new disability applications over and over is not a good strategy. By contrast, those who file appeals will eventually get their case decided on by a federal judge, and the odds of being approved will be substantially higher.

The Arc of Greater Houston

PO Box 924168

Houston, Texas 77292

713-957-1600 (o)

[**http://www.aogh.org/**](http://www.aogh.org/)



**The Arc promotes & protects the human rights of people with intellectual & developmental disabilities & actively supports their full inclusion & participation in the community throughout their lifetimes.**