

What witnesses or evidence will I need at the hearing?

Medical reports are critical. Objective testing, examination, and medical opinions supported by prior office visits are required for a favorable decision. Doctors are NOT asked to attend hearings or give depositions in SS hearings. Most non-medical testimony is presented by written letter, not in person. Evidence is weighed by quality not quantity.

Can I work and receive SS benefits?

SS law requires that you report any income or benefits while you are receiving checks. You cannot work and be disabled at the same time. However, SS law permits you to make some efforts to work without jeopardizing your eligibility. If you fail to report any earnings you make while trying to work, your SS benefits could be terminated. The law on making attempts to work is complicated and changes on a regular basis. You should consult a qualified lawyer before deciding how to approach this issue.

Can I draw SS checks and Workers' Compensation checks at the same time?

Yes, but your SS check will be reduced or offset by the amount of your Workers' Compensation check. SS law mandates an offset of disability checks when your combined income totals 80% or more of your pre-injury earnings. Federal law requires that you report all income or benefits that you receive while receiving SS checks. The offset or reduction in SS benefits can be lessened or minimized by careful planning and legal wording in your Workers' Compensation settlement. You should consult a qualified SSD lawyer to help you maximize your payments from each source.



The most important things you need to know about applying for Social Security Disability from one of Asheville's most experienced injury and disability lawyers.

Social Security Disability Facts

828-252-2852

Free Online Disability Evaluation

For more than 30 years, the David Gantt Law Office has represented people suffering from accident injuries and disabilities throughout Western North Carolina. Our firm primarily helps people seek and acquire Social Security Disability Benefits.

Social Security Disability claims are always handled on a contingency basis. This means that our fee is recoverable only if your claim is successful. The amount of the favorable decision is based on the amount of your back benefit and must be approved by the Administrative Law Judge who decides your claim. Since your initial consultation is free, there is no risk in seeking the advice of a qualified and experienced lawyer. David will be happy to meet with you at his office. Call for your appointment today and learn about your legal right to benefits under the Social Security laws.

DAVID GANTT LAW OFFICE



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What type of disability is required before I qualify?

You may be eligible for Social Security Disability (SSD) if you have a physical and/or mental disorder severe enough to keep you from working for a period of twelve (12) months. The inability to return to your present job, your age, education, and work experience are all factors that the Social Security Administration will consider.

What is the difference between SSD and SSI?

Both SSD and SSI (Supplemental Security Income) have the same requirements for disability, an inability to work at a sustainable job for a continuous period of twelve (12) months or more. SSD benefits are based on the amount of taxes you have paid into the system for the ten (10) year period before you became disabled and are typically higher than SSI benefits. SSI benefits are based on financial need and you may be eligible for benefits even if you have never worked. In some cases you may be eligible to receive both SSD and SSI benefits, as well as other benefits involving children and spouses. Your lawyer should help you identify each type of benefit you may be entitled to receive.

How do I file an application?

You can apply for Social Security Disability benefits by applying online at <https://ssa.gov>, or by contacting your local Social Security Office.

- **Asheville** (866) 572-8361
- **Hendersonville** (866) 964-5053
- **Franklin** (866) 562-0738

What happens if my application is denied?

Most claimants are denied several times before they receive a favorable decision on their claim for benefits. Do not give up. Your best opportunity to prove your disability occurs with a lawyer at an Administrative Law Judge hearing. You should aggressively pursue your rights to acquire your benefits.

How much will my lawyer cost?

SSD cases are handled by lawyers on a contingency basis, generally 25% of any award for back benefits you might be entitled to. All attorneys fees must be approved by the ALJ and there is no fee against future benefits. Even if you



How much money will I collect if I am awarded benefits?

The SSA is the only agency with access to your benefit amount. Based on the date you became disabled, they will calculate your benefits and inform you about any monthly benefits and/or past benefits you may be eligible to receive.

What is an Administrative Law Judge Hearing?

An Administrative Law Judge (ALJ) presides over Social Security Disability hearings. Judges assigned to the Western North Carolina area are competent and reasonable. Hearings are informal and use relaxed rules of evidence. The point of the hearing is to ensure the ALJ understands what is wrong with you and why you are unable to return to work. In order to ensure this, the ALJ may ask you questions, but most often your lawyer will do so. There is no jury, though testimony may be required by a medical or vocational expert. Once the ALJ has heard all of the testimony and reviewed your medical evidence, a decision will be rendered based on the ALJ's findings.

When can I expect a hearing on my claim?

Many months often pass between decisions at each level of an appeal. Generally claimants are given several months notice prior to a hearing before an ALJ. Outside extraordinary reasons, you are expected to attend the hearing in person. Even though time frames can vary slightly, due to the high volume of appeals to be processed, there is very little that can be done to expedite the ALJ appeal hearing. Waiting times can reach three (3) years. Once the hearing is held, a decision will be filed in written form within a few months.

lose your case, you are only obligated to reimburse your lawyer for expenses like costs to obtain medical records and long distance phone calls. No attorneys fees are payable unless you win your case.

What if my disability is caused by alcohol or drug addiction?

Congress has passed legislation that severely limits the receipt of SSD benefits if your substance abuse problems contribute to your disability. While the current law is very unfavorable to these types of claims, careful analysis by an experienced lawyer may help you find other grounds that are legitimate to qualify for SS benefits.

Why won't SSA pay my disability without an ALJ hearing?

Only a small number of applicants are awarded benefits in North Carolina in advance of an ALJ hearing. SS decisions and opinions prior to the ALJ hearing are generally made by people who have never even spoken to you. Many SS physicians will render opinions on your physical and/or mental condition without the benefit of even examining you. It is extremely important that you establish and maintain a good relationship with a physician and to fully explain the reasons you are applying for SSD benefits. The SS system takes a disgraceful amount of time to determine disability. However, if you are persistent and have evidence of your medical disability, you will get the benefits you are entitled to.

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