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# The SSDI Project

Social Security Disability 101

Approved by the SSDI Project  
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# The #SSDI Project

## Social Security Disability 101

Since 1956, Social Security Disability Insurance SSDI has been an effective social insurance program that helps individuals whose physical or mental disabilities are so severe that they cannot do substantial work. The inability to work, along with disability-related expenses, can make meeting basic financial needs nearly impossible.

### Key Facts

- Our Social Security system protects American workers and their families against death, disability and retirement
- Few workers have alternatives; just 1 in 3 private sector workers has employer-provided disability insurance
- SSDI provides vital economic security to more than 8 million disabled workers
- Workers must have paid in to Social Security via payroll taxes to be eligible for benefits
- They must also meet the strict Social Security Administration standards to qualify
- Average benefits are modest: Individuals, \$1,132 per month; for a family, \$1,919 per month
- Benefits replace half or less of pre-disability earnings for most disabled workers

By keeping this program strong for people who have paid into the system, it prevents serious burdens such as homelessness brought on by foreclosures, evictions and bankruptcies.

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### GROWTH IN SOCIAL SECURITY DISABILITY INSURANCE

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Demographics explain the recent expected growth in Social Security disability insurance rolls.

While the growth in the number of people receiving SSDI was expected, it is leveling off. What explains the growth in recent years?

**BABY BOOMERS:** aging and reaching “high disability years.” People are twice as likely to be disabled at age 50 as they are at age 40 and twice as likely to be disabled at age 60 as they are at age 50.

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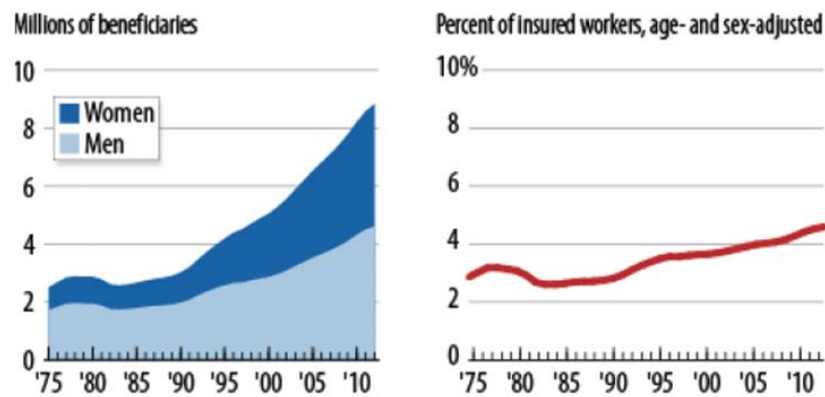
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**WOMEN:** increasing numbers of women in the workforce in recent decades who are now themselves eligible for benefits.

#### DEMOGRAPHICS EXPLAIN MOST OF THE GROWTH IN SOCIAL SECURITY DISABILITY INSURANCE ROLLS



Source: Social Security Administration, Office of the Chief Actuary. Data are age- and sex-adjusted using 2000 weights. Center on Budget Policy Priorities, [cdpp.org](http://cdpp.org)

**RAISED RETIREMENT AGE:** as the Social Security retirement age rises, disabled workers receive SSDI for longer before converting to retirement benefits.

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#### ENSURING A STRONG FUTURE FOR SOCIAL SECURITY DISABILITY INSURANCE

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A strong disability insurance program is vital to the economic security of American workers and their families. Achieving long-term solvency for our nation's Social Security system should be a national priority. Reallocating payroll taxes -- as has been done nearly a dozen times, equally in both directions -- to replenish the Disability trust fund will make put both funds on sound footing. Thereafter, several policy options exist to ensure long-term solvency of the whole Social Security system for current and future generations.

Signed into law by President Nixon in 1972, Supplemental Security Income (SSI) works in tandem with Social Security to protect low-income seniors and people with severe disabilities against the worst effects of poverty. The modest income support from SSI gives seniors and

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people with disabilities who have limited income and resources the ability to keep a roof over their heads and food on the table, and pay for needed, often life-sustaining medications.

### Key Facts

- SSI provides vital income support to more than 8 million Americans – including 1.2 million children with severe disabilities
- There are strict requirements to qualify for SSI. Assistance is reserved for people who are blind; age 65 or older; or have a severe disability – and who meet very strict income and asset limits
- Benefits for SSI are extremely modest, and average around \$509 per month, or just \$6,108 per year -- just half the Federal poverty level

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### SUPPLEMENTAL SECURITY INCOME ADDRESSES A CRITICAL NEED IN OUR COUNTRY

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Disability can strike at any time. As part of our nation's Social Security system, Supplemental Security Income plays a key role in helping millions of Americans and their families maintain dignity and independence. Congress must preserve and strengthen SSI to ensure the economic security of some of our most vulnerable neighbors and their families.

The following information provides a snap shot of Social Security disability benefits. Individuals may receive benefits under either Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI).

#### **If I am approved for Social Security disability benefits, how much will I get?**

- For disability insurance benefits, the amount depends on how much you have worked and earned in the past.
- For disabled widow's and widower's benefits, the amount depends upon how much the late husband or wife worked and earned.
- For disabled adult child benefits, the amount depends upon how much the parent worked and earned.

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In general – benefits are very modest. The average SSDI benefit for a disabled worker is about \$1,130 a month. For a family, the average benefit is \$1,919 a month.

### **If I am approved for SSI benefits, how much will I get?**

For all types of SSI benefits, there is a base amount that an individual with no other income receives. Other income that an individual has reduces the amount of SSI which an individual can receive.

Under SSI, the maximum benefit for 2013 is \$710 per month for an individual, just three-quarters of the federal poverty line and less than \$17 a day. Because a beneficiary may receive less due to their earned income, or the individual's living situation, the average SSI monthly benefit is \$509 per month for an individual.

### **How far back will they pay benefits if I am found disabled?**

- For disability insurance benefits and for disabled widow's and widower's benefits, the benefits cannot begin until five months have passed after the person becomes disabled. In addition, benefits cannot be paid more than one year prior to the date of the claim.
- For a disabled adult child, there is no five-month waiting period for benefits to begin, but benefits cannot be paid more than six months prior to the date the application for benefits was filed.
- SSI benefits cannot be paid prior to the start of the month following the date of the claim

### **I am already receiving Social Security disability benefits, but I am worried that my benefits will be stopped in the future. What are the chances of this happening?**

Social Security periodically reviews individual cases to determine eligibility for disability benefits. When Social Security reviews a case of someone already on Social Security disability benefits, they continue benefits in clear majority of cases.

In the next few years, Social Security will be completing far more reviews of individuals to determine whether they are still disabled. However, most individuals who are reviewed will see their Social Security disability benefits continued.

### **If Social Security tries to cut off my disability benefits, what can I do?**

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You should appeal immediately. If you appeal within 10 days after being notified that your disability benefits are being ceased, you can ask that your disability benefits continue while you appeal the decision cutting off your benefits. If you do not appeal within the first 60 days of receiving notification, you may lose the right to appeal.

You may also want to talk with an attorney about representing you on your case, but you should file the appeal immediately.

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#### DEFINING DISABILITY

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To qualify for Social Security disability benefits, you must be found "disabled" under Social Security's definition. By law, Social Security has a very strict definition of who is considered disabled.

##### **To be found disabled:**

- You must have a severe impairment;
- You must be unable to do substantial work because of your medical condition(s); and
- Your medical condition(s) must have lasted, or be expected to last, at least 1 year, or be expected to result in your death.

For your child to be found disabled:

- The child must have a physical or mental condition(s) that very seriously limits his or her activities; and
- The child's medical condition(s) must have lasted, or be expected to last, at least 1 year or result in death.

Some applicants have medical conditions that are so severe that their conditions obviously meet disability standards. To quickly identify and help these individuals, Social Security has a list of **Compassionate Allowances**, or conditions that that will qualify for benefits based on evaluation minimal, official medical records.

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There are also 14 categories of “listed impairments” where SSA will consider specific medical tests and limitations to make a faster disability determination, without the need to consider age, education, or work experience. Most types of illnesses, however, can vary from minor to severe. This makes defining disability tricky, as it depends on how badly the illness or disease has affected you.

### **I AM 60% DISABLED. DO I GET 60% OF MY SOCIAL SECURITY DISABILITY BENEFITS?**

No. There are no percentages of disability in Social Security disability determination. For purposes of Social Security disability benefits, you are either disabled or not disabled according to the strict Social Security standards. There are no percentages of disability, nor any percentages of disability benefits.

### **I HAVE SEVERAL HEALTH PROBLEMS, BUT NO SINGLE ONE DISABLES ME ON ITS OWN. IT IS THE COMBINATION THAT DISABLES ME. CAN I GET SOCIAL SECURITY DISABILITY BENEFITS?**

Social Security will review the combination of impairments that an individual suffers in determining disability. Many claimants for Social Security disability benefits have more than one health problem and the combined effects of all the health problems must be considered.

### **I GOT HURT IN AN AUTOMOBILE ACCIDENT. I AM DISABLED NOW, BUT I EXPECT THAT I WILL BE ABLE TO RETURN TO WORK AFTER I RECOVER. SHOULD I FILE FOR SOCIAL SECURITY DISABILITY BENEFITS?**

If you expect to be out of work for a year or more because of illness or injury, you can file for Social Security disability benefits.

### **I AM DISABLED BECAUSE OF A MENTAL ILLNESS. CAN MENTAL ILLNESS SERVE AS THE BASIS FOR A SOCIAL SECURITY DISABILITY CLAIM?**

Yes. Both mental and physical impairments must be considered by Social Security in evaluating disability claims.

### **CAN PEOPLE SUFFERING FROM ALCOHOLISM OR DRUG ADDICTION GET SOCIAL SECURITY DISABILITY BENEFITS FOR THEIR ADDICTION?**

Congress prohibits Social Security from paying disability benefits based on alcoholism or drug addiction alone. However, just like anyone else, people suffering from alcoholism or drug addiction can have heart attacks, get cancer or get sick in other ways. Those who become disabled apart from alcoholism or drug addiction can be eligible for Social Security disability benefits.

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### **EMPLOYMENT & WORKERS' ISSUES**

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#### **MY DAUGHTER HAS NEVER BEEN ABLE TO WORK BECAUSE SHE HAS BEEN DISABLED FROM BIRTH BY CEREBRAL PALSY. CAN SHE GET DISABILITY BENEFITS FROM SOCIAL SECURITY?**

Possibly. If the child is under 18 and you have limited income and resources, the child may be able to qualify for SSI disability benefits. If the child is over 18, she may be able to qualify for SSI disability benefits without regard to the income of her parents. If either of her parents is drawing Social Security benefits of some type or is deceased, and the child's disability began before age 22, the child may be eligible for Disabled Adult Child (DAC) benefits.

#### **I USED TO WORK, BUT LATELY I HAVE BEEN STAYING HOME TAKING CARE OF THE KIDS. I RECENTLY BECAME SICK. CAN I GET SOCIAL SECURITY DISABILITY BENEFITS?**

Possibly. If you worked five out of the last ten years before becoming disabled, you may have enough earnings to qualify for Social Security disability benefits. For individuals 31 or less, the requirements are a little different, since such individuals have not had such a long time to work. Unless a person has been staying home and taking care of their children for quite a long time, it is very possible that they will qualify for Social Security disability benefits based upon their own earnings. A homemaker, depending on their financial situation, may be able to qualify for Supplemental Security Income (SSI) whether he or she has worked in the past.

#### **I AM DISABLED, BUT I HAVE NEVER WORKED. CAN I GET SOCIAL SECURITY DISABILITY BENEFITS?**

If you have very limited income and resources, you may qualify for Supplemental Security Income (SSI) if you are disabled, even if you have not worked in the past. It is also possible to qualify for Disabled Adult Child benefits on a parent's work history if you became disabled before age 22, or for disabled widow's or widower's benefits on the work history of a late husband or wife.

#### **I AM A WIDOW. I HAVE NOT WORKED IN FOR MANY YEARS, BUT I AM DISABLED. CAN I GET SOCIAL SECURITY DISABILITY BENEFITS?**

If you are over 50 and became disabled within seven years after your husband or wife died or within seven years after you last drew mother's or father's benefits from Social Security, you can get disabled widow's or widower's benefits. If you are age 65 or older, or have a disability,

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and very limited income and resources, you may be eligible for Supplemental Security Income benefits.

#### **I GOT HURT ON THE JOB AND I'M DRAWING WORKER'S COMPENSATION BENEFITS. CAN I GET BOTH WORKER'S COMPENSATION AND SOCIAL SECURITY DISABILITY BENEFITS?**

Yes, you can receive both at the same time. However, either your worker's compensation or your Social Security disability benefits will be reduced to make up for the dual enrollment. You do not have to wait until the worker's compensation ends. It is best to file the Social Security disability claim as soon as possible because otherwise there may be a gap between the time the worker's compensation ends and the Social Security disability benefits begin.

#### **I AM STILL ON SICK LEAVE FROM MY EMPLOYER. CAN I FILE FOR SOCIAL SECURITY DISABILITY NOW OR DO I HAVE TO WAIT UNTIL THE SICK LEAVE IS EXHAUSTED?**

No, you do not have to wait until the sick leave is exhausted. You should file for Social Security disability benefits now, if you believe that you will be out of work for a year or more. More information is available online about [Worker's Compensation and Other Disability Payments May Affect your Benefits.](#)

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### **WHEN TO APPLY FOR DISABILITY**

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#### **HOW LONG DO I HAVE TO WAIT AFTER BECOMING DISABLED BEFORE I CAN FILE FOR SOCIAL SECURITY DISABILITY BENEFITS?**

Not even one day. As a rule, you should apply sooner rather than later. You can file for [Social Security disability benefits](#) on the very same day that you become disabled. Many individuals make the mistake of waiting months and even years after becoming disabled before filing a Social Security disability claim. There is no reason to file a Social Security disability claim if one has only a minor illness or one which is unlikely to last a year or more. However, an individual who suffers serious illness or injury and expects to be out of work for a year or more should not delay in filing a claim for Social Security disability benefits.

#### **I AM DISABLED, BUT I HAVE SUFFICIENT AMOUNT MONEY IN THE BANK FOR NOW. DO I HAVE TO WAIT UNTIL THIS MONEY IS GONE BEFORE I APPLY FOR SOCIAL SECURITY DISABILITY BENEFITS?**

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No. If you have worked in recent years or if you are applying for disabled widow's or widower's benefits or Disabled Adult Child (DAC) benefits, it does not matter how much money you have in the bank. There is no reason to wait to file for Social Security disability benefits.

#### **CAN I RECEIVE SOCIAL SECURITY DISABILITY BENEFITS IN ADDITION TO MEDICARE AND/OR MEDICAID?**

Everyone eligible for Social Security Disability Insurance (SSDI) benefits is also eligible for Medicare after a 24-month waiting period. During this waiting period for Medicare, an individual may be eligible for health insurance through a former employer. The employer should be contacted for information about health insurance coverage.

Applying for Social Security disability benefits can be a difficult process. While you can apply on your own, many individuals choose to get help from a Social Security disability attorney as they go through the application process.

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### **APPLICATION STEPS**

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#### **Apply immediately if you have become disabled and expect to be disabled for more than a year.**

The best way is to file for disability benefits online. Alternatively, you can make an appointment with your local Social Security office and file a disability claim in person or via phone by calling Social Security's toll-free telephone number 1-800-772-1213.

- Your application will be evaluated by a state disability agency.
- A decision to either award or denies benefits will be made and you will be notified in writing, by mail. It usually takes between 3 and 4 months to get a decision.
- If your application is denied, you can appeal. You must appeal within 60 days of the date on the denial notice.

#### **How does Social Security determine if I am disabled?**

- After you file a claim for benefits, your application is sent to a Social Security disability examiner at the disability determination agency in your state. The disability examiner, working with a doctor, gathers your medical records and carefully considers all your health problems, as well as your age, education, and work experience.

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- The examiner evaluates your eligibility for benefits, including whether you are able to do your previous work or if you are able to do other types of work.
- The disability examiner then makes the initial decision on your application.

#### **Why does Social Security consider my age in determining whether I am disabled?**

The Social Security Act requires the Social Security Administration to consider age in determining disability. As people get older, they become less adaptable, less able to switch to different jobs to cope with health problems. A severe foot injury which might cause a 30-year-old to switch to a job in which he or she can sit down most of the time, might disable a 60-year-old person who could not make the adjustment to a different type of work.

#### **Is there a list of illnesses that Social Security considers disabling?**

Some applicants have medical conditions that are so severe that their conditions obviously meet disability standards. To quickly identify and help these individuals, Social Security has a list of Compassionate, or conditions that that will qualify for benefits based on minimal evaluation and official medical records. There are also 14 categories of “listed impairments” where SSA will consider specific medical tests and limitations to make a faster disability determination, without the need to consider age, education, or work experience. Most types of illnesses, however, can vary from minor to severe. This makes defining disability tricky, as it depends on how badly the illness or disease has affected you.

#### **What can I do to improve my chances of winning my Social Security disability claim?**

- First, be honest and complete in giving information to Social Security about what is disabling you. Many claimants, for instance, fail to mention psychiatric problems to Social Security because they are embarrassed about them. Some individuals who were slow learners in school fail to mention this fact to Social Security, even though it can have a good deal to do with whether the Social Security disability claim is approved.
- Second, be persistent in appealing, and consider getting help from an advocate. Two-thirds of claims are denied at the initial level, and many applicants are approved at higher levels of review. A knowledgeable advocate who understands the disability determination process can help.

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### **How long does it take before Social Security decides once I file a claim for Social Security disability benefits?**

In most cases Social Security makes the first decision within four months.

### **Where can I go to get help with my Social Security disability claim?**

For help, go to a lawyer or other person who represents Social Security disability claimants on a regular basis. The Social Security Advocates, LLC specialize in Social Security disability cases.

### **How do lawyers who represent Social Security disability claimants get paid?**

Attorney fees are capped at \$6,000 or 25% of a claimant's past-due benefits, whichever is less. Attorneys are only paid if the claimant wins. All fees are determined by the Social Security Administration.

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## **IF YOU'VE BEEN DENIED**

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Only about one-third of Social Security disability claims are approved at the initial level. Read the denial notice you receive from Social Security carefully -- it will tell you what you need to do.

Generally, here are the next steps to take:

### **File an appeal right away!**

- If you are denied benefits at the initial level, you should appeal as soon as possible (within 60 days of the date on the denial notice). In most states, you do this by filing a special form called a Request for Reconsideration. (Some states have no Reconsideration phase. In these states, you must file a Request.)

### **Request a hearing before an Administrative Law Judge (ALJ)**

- In the Reconsideration phase, your claim will be reviewed a second time. If you are denied at this phase, you should file a request for an ALJ hearing.
- [Click here](#) for more information about Social Security hearings.

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### Request review by the Appeals Council

- If your claim is denied at the ALJ hearing stage, you have the right to appeal to Social Security's Appeals Council. The Appeals Council reviews hearing decisions and has the power to "remand" or send cases back to judges when they make mistakes. It also reverses decisions in a small share of cases. It can take about a year to get a decision from the Appeals Council.
- If your claim is still denied at this level, you can file an appeal in Federal Court.

### Get help!

- You have the right to representation. Consider getting help from a Social Security disability attorney or representative -- the sooner the better.

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## WHAT IS "RECONSIDERATION"?

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When a claim for Social Security disability benefits is denied at the initial level, the next step for a claimant in most states is to request "Reconsideration," or a re-evaluation of their case. The case is then reviewed a second time and a new decision is made. Unfortunately, in nearly 90% of the cases, the reconsideration decision is the same as the initial decision—a denial.

### How long does it take for Social Security to make a Reconsideration decision?

In most case Social Security makes the reconsideration determination within four months.

### How long does it take to get an ALJ hearing?

Processing time varies by hearing office. Nationally, the average processing time for an ALJ hearing in 2013 is 380 days.

### How long does it take for Social Security to act upon a request for an Appeals Council review?

About a year, maybe longer.

### What is the Social Security definition of "disability"?

While tens of millions of Americans live with disabilities, Social Security disability benefits are restricted to individuals with the most severe disabilities and illnesses. Individuals who are unable to do "substantial gainful activity" (defined as earning \$1,040 per month in 2013) due to

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one or more severe mental and/or physical impairments may be eligible for Social Security disability benefits. Social Security wants to make sure that everyone who receives disability benefits meets Social Security's definition of disability -- a process that typically requires a new of extensive medical and other evidence.

#### **My doctor and/or the VA says that I am disabled, so why is Social Security denying my Social Security disability claim?**

Social Security has different, often stricter requirements for determining disability. While it will consider your doctor's opinion, or the decisions made by other agencies, Social Security must make its own decision of whether you meet the disability standard for Social Security disability benefits.

#### **Will it help if I ask my Congressional Representative to help me get Social Security disability benefits?**

Many Social Security disability claimants become frustrated with claim delays and eventually ask their U.S. Representative or Senator to help. The local Congressional office typically will have staffers who are experienced with Social Security procedures and personnel. A "Congressional Inquiry," as it is called, may help to get a stalled process moving again. However, a Congressional Inquiry will have no impact on how Social Security decides the outcome of the case.

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**If you've been denied as part of the application process, you may need to request a hearing with an Administrative Law Judge (ALJ).**

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#### **How can I request a hearing?**

Click here to learn more about how to [appeal a decision and request a hearing](#).

#### **How long does it take to get a hearing on a Social Security disability claim?**

There is some variation around the country, but the national average is a little over one year.

#### **What is the Social Security hearing like?**

The hearings are informal. The only people likely to be there are the judge, a court employee operating a tape recorder, the claimant, the claimant's attorney, and anyone else the claimant has brought with him or her. In some cases, the [ALJ](#) has a medical doctor or vocational expert present to testify at the hearing. There is no jury nor are there any spectators at the hearing.

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#### **What are my chances of winning at a hearing?**

About half of claimants who go to a Social Security disability hearing win. About 90% have presentation at their hearing.

#### **If the Administrative Law Judge denies my claim, can I appeal anymore?**

Yes. You can appeal to the Appeals Council within the Social Security Administration.

#### **What is the Appeals Council?**

The SSA Appeals Council reviews decisions made by the ALJ. The Appeals Council can reverse a decision made by the ALJ. If the Appeals Council thinks more information is needed, they may remand your claim for another hearing with the ALJ.

#### **What if I disagree with a decision made by the Appeals Council?**

If you disagree with the decision made by the Appeals Council, you can file a civil action suit in the United States District Court, and then appeal to the Circuit Court. A Social Security disability claim could go all the way to the Supreme Court. Every one or two years, the United States Supreme Court hears an appeal involving a Social Security disability case.

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