SUCCESSFULLY REPRESENTING YOUR CLIENT AT A FEDERAL SOCIAL SECURITY DISABILITY HEARING

Scott Daniels, Esq.
Markhoff & Mittman, P.C.
sdaniels@markhofflaw.com
(914)-946-1452

www.markhofflaw.com
www.SSDPI.com
Scott Daniels, Esq.

Scott Daniels is an attorney for the office of Markhoff & Mittman, P.C., a boutique plaintiff's litigation firm based out of New York. Mr. Daniels serves as the managing attorney for the firm's disability department. A native of the Philadelphia area, Mr. Daniels holds an undergraduate degree from The Ohio State University and a law degree from Touro Law School. He has extensive experience in the field of Federal Social Security Disability and has conducted hundreds of disability hearings across the country. In addition to representing individuals seeking disability benefits, Mr. Daniels frequently lectures to attorneys throughout the country on the topic of Federal disability benefits.

Mr. Daniels also serves as the Educational Director for The Social Security Disability Practice Institute, an organization that educates attorneys on disability law and marketing a practice. Mr. Daniels is the co-author of the book, "The Disability Guys' Guide to Navigating Through The Social Security Disability Maze".
# Table of Contents

- A primer on Social Security Disability benefits
- The general process
- The 5 step sequential evaluation process
- Advising a client after an initial denial
- Proper evidence
- The Social Security Disability hearing
- Protecting your client’s rights at the hearing
- Recap

**DISCLAIMER**

The information given in this lecture is purely educational. The verbal contents and written materials are not legal advice and should be construed as legal advice. This lecture is provided to attorneys seeking to fulfill their continuing legal education requirements and no attorney-client relationship exists as a result of purchasing this course.
A Primer On Federal Social Security Disability Benefits

- What are Social Security Disability benefits?
- Who is entitled to them?
- Title II, Social Security Disability Insurance benefits
- Title XVI, Supplemental Security Income (SSI)
- Child SSI
- The credit system

www.markhofflaw.com
www.SSDPI.com
The General Process

- Initial Application Stage: 3-5 months
- Consultative Examinations
- Hearing Level
- Appeals Council
- Federal District Court

www.markhofflaw.com
www.SSDPl.com
The 5 Step Sequential Evaluation Process

1. Is the claimant performing substantial gainful activity (SGA)?
2. Does the claimant have a severe medical impairment?
3. Does the impairment(s) meet or equal a Medical Listing?
4. Can the claimant perform their past relevant work?
5. Can the claimant perform any other work in the local or national economy?

www.markhofflaw.com
www.SSDPl.com
Advising A Client After An Initial Denial

- Procedural deadlines
- Reconsideration Stage (only in select states)
- Appealing a DENIAL
- Your client’s expectations
- The attorney’s responsibilities in preparation for a hearing
- Medical development

www.markhofflaw.com
www.SSDPl.com
Proper Evidence

- The Federal rules of evidence
- 20 CFR § 404.1512. Evidence
- Types of medical evidence
- Physical vs. Mental claims
- Non-medical evidence
- The attorney’s and SSA’s responsibilities
- Residual Functional Capacity Reports

www.markhofflaw.com
www.SSDPl.com
THE SOCIAL SECURITY DISABILITY HEARING

- Explanation of the issues to your client
- Interactions with the Judge
- Use of Pre-hearing conferences
- Evidentiary procedures
- Your client’s testimony
- Opening and closing statements
- Expert testimony
- Hearing briefs

www.markhofflaw.com
www.SSDPl.com
Protecting Your Client’s Rights At The Hearing

• Objections to admissibility of evidence
• Keeping the record open to allow for further medical development
• Cross-examination of experts
• Knowledge of other legal cases your client might be involved in
• Client preparation

www.markhofflaw.com
www.SSDPl.com
Recap

Successfully Representing Your Client At A Social Security Disability Hearing

• Intro to SSD and SSI
• An overview of the process
• 5 Step Sequential Evaluation
• Handling a denial
• Proper evidence
• The disability hearing
• Protecting your client’s rights

Scott Daniels, Esq.
Markhoff & Mittman, P.C.
sdaniels@markhofflaw.com

www.markhofflaw.com
www.SSDPI.com