



# DISABILITY NEWS

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## Introduction

We created our newsletter, Disability News, to keep our current and former clients informed about new rules and regulations affecting social security, long-term disability, and disability insurance claims. All of our past newsletters can be found on our website at [www.buchanandisability.com](http://www.buchanandisability.com)

## Why Getting Ongoing Medical Treatment is Critical to your Social Security Case - By Rachael V. Pas

For many people it can take two long years or longer to successfully win their social security disability case. In the meantime, many claimants face extreme economic hardships. Many are unable to continue getting critical medical treatment because they lose their health insurance when they stop working. One of the most frustrating aspects of pursuing a social security disability claim is that, despite the numerous obstacles, you *must* continue to get adequate medical treatment in order to prevail on your claim.

The Social Security Administration (SSA) cannot find you disabled without medical proof of your disability. Diagnoses by your doctor, alone, are not enough. The regulations specifically require that you submit proof of "signs, symptoms, or laboratory findings" of your medical impairment(s). 20 C.F.R. (s) 404.1508. In other words, SSA requires evidence in the form of treatment notes from your doctor, imaging (MRIs, CT scans, x-rays, ultrasounds, etc.), blood test results, evidence of surgeries you may have had, documenta-

tion of side effects from any medications you take, or documentation of any other treatment you have undergone for your condition(s). Of course, the best type of medical evidence for your claim will depend on your specific disability. For instance, MRI's and x-rays will not be useful in a claim based primarily on mental conditions, such as anxiety, depression, or bipolar disorder. It is most important that you are able to show SSA you require and are seeking ongoing medical treatment for your condition(s).

It is essential that medical documentation show that you are disabled due to your condition for at least 12 continuous months and *remain* disabled due to your condition. For this reason, you must continue to get treatment throughout the duration of your claim, even when doing so is financially difficult. A lack of evidence of ongoing medical treatment can cause SSA to deny benefits on the assumption that your condition was never disabling to begin with, or has improved since your last date of treatment. Without definitive evi-

dence to counteract this assumption, there is little you can do to save your claim.

If you are unable to afford the necessary medical treatment, do not give up on your claim. There might be low cost and/or free healthcare clinics in your area. In Chattanooga, there are several such clinics that help our clients on a daily basis. Many of these clinics have doctors who are even willing to fill out medical opinion forms that help our clients have a strong disability case.

### WHAT IF MY DOCTOR REFUSES TO FILL OUT DISABILITY PAPERWORK FOR ME?

Unfortunately, physicians do not have to fill out paperwork in support of your disability claim. For this reason, it is important that you have a serious conversation with your treating physician at the beginning of your disability claim. A supportive physician can make the difference between winning and losing your case.

SSA looks most favorably on

### Why Getting Ongoing Medical Treatment is Critical to your Social Security Disability Case continued from page 1

medical opinions rendered by physicians who have treated you for a lengthy period of time. The reason for this is practical in nature. Physicians who have treated you for a lengthy period of time are most familiar with your medical condition and its impact on your ability to work. Such physicians are most able to give SSA a “detailed, longitudinal picture of your medical impairment(s).”

20 C.F.R. §404.1527(c)(2). For this reason, the best evidence in your social security disability case is an actual medical opinion from your treating doctor about your condition(s) and their impact on your ability to work. In fact, the Social Security Regulations state that SSA has to adopt an opinion from a treating doctor, so long as it is consistent with your doctors’ treatment records. 20 C.F.R.

§404.1527(c)(2).

In sum, *talk* to your doctor about your disability claim. If he or she is unwilling to support you, there may be other doctors out there who will. Having a doctor on your side is the best ammunition for winning your social security disability case.

## Firm News



Eric Buchanan spoke to the Chattanooga Area Society Of Healthcare Human Resources Administration on February 26th on what business owners, managers and HR professionals need to know about their duties under ERISA.

The attorneys at Eric Buchanan & Associates are available to speak to your organization regarding Social Security Disability, ERISA Long-term Disability, Group Long-term Disability, Private Disability Insurance, ERISA Benefits, Denied Health Insurance Claims and Life Insurance Claims.

Contact Molina Haynes, Office Manager at (423) 634-2506 or via email at [mhaynes@buchanandisability.com](mailto:mhaynes@buchanandisability.com)

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**ERIC BUCHANAN & ASSOCIATES, PLLC**  
Attorneys at Law

**The Disability Benefits Team**

- Social Security Disability\*
- Long-Term Disability Insurance
- Private Disability Insurance
- ERISA Benefits & Healthcare Claims

*Let Eric's disability and benefits team help you move forward with your life.*

\*Eric L. Buchanan and R. Scott Wilson are certified as Social Security Disability Specialists by the Tennessee Commission on CLE and Specialization.

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### Services Select Seal of Satisfaction 2014 Recipient

Eric Buchanan & Associates was awarded the 2014 Services Select Seal of Satisfaction in the Chattanooga attorney category for the third year in a row.

We want to thank our clients who recognized our quality customer service by nominating us for this award.

It is our continued to commitment to uphold the highest standards of business excellence.



## Get to Know our Attorneys & Staff

Rachael Pas graduated from the Walter F. George School of Law at Mercer University in 2012. During law school she participated in the Wagner National Moot Court Competition and earned the Cali Award for Excellence in Labor and Employment Law. She completed the Legal Writing Certificate Program and earned a Cali Award for Excellence in Advanced Legal

Writing. She also interned at the Monroe County, Georgia District Attorney's Office and was licensed to practice criminal law in Georgia during her third year of law school. Prior to law school, Ms. Pas attended Agnes Scott College and graduated *cum laude* in 2009 with a major in political science and a minor in history.

She was a gymnast for nearly 10

years, and coached competitive gymnastics throughout college. After attending school in Georgia, Ms. Pas, her husband, and two year old son returned home to Chattanooga. She spends her free time with her family – fishing and biking. Since retiring from gymnastics, she has taken up long-distance running and hopes to complete a marathon one day.



Rachael V. Pas  
Associate Attorney

## Social Security Press Release - February 2014

### Faster Benefit Decisions for Veterans

February brought great news for veterans: beginning March 17, 2014, a new expedited disability process. Carolyn W. Colvin, Acting Commissioner of Social Security, along with Congressman John Sarbanes (D-MD) unveiled a new initiative to expedite disability applications from veterans with a Department of Veterans

Affairs (VA) disability compensation rating of 100 percent Permanent and Total (P&T). Under the new process, Social Security will treat these veterans' applications as high priority and issue expedited decisions, similar to the way the agency currently handles disability claims from wounded warriors.

"Our veterans have sacrificed so

much for our country and it is only right that we ensure they have timely access to the disability benefits they may be eligible for and deserve," said Acting Commissioner Colvin.

Learn more by reading the press release on the subject at [www.socialsecurity.gov/pressoffice/pr/2014/expedited-dib-process-pr.html](http://www.socialsecurity.gov/pressoffice/pr/2014/expedited-dib-process-pr.html).



## Attorney Referral - Attorneys We Trust

Eric Buchanan & Associates can help with disability insurance, social security disability, long-term disability insurance, and other employee benefits, such as life insurance and health insurance. But, in order to do the best job for our clients in those areas, we don't handle some other types of cases, such as truck and car wreck cases, workers' compensation, or medical malpractice. There are other attorneys we recommend who do a great job on those types of cases. In addition to providing information about our firm, and the types of cases we handle, we would like to help our clients by providing information about attorneys we trust in other fields of law. Each quarter we will showcase one of these attorneys. If you decide to call one of the attorneys we recommend, be sure to mention you heard about the attorney in the Eric Buchanan & Associates newsletter.



Levitt & Levitt are experienced attorneys who are committed to providing premier legal representation in the areas of criminal defense, personal injury and Tennessee workers' compensation. They take pride in the personal attention and care that they provide their clients. In

every case, they continue their tradition of keeping clients involved while providing legal service that focuses on integrity and preparation.

If you need a Tennessee or Georgia lawyer with a reputation for providing positive outcomes

in personal injury, criminal defense and Tennessee workers' compensation claims, contact the law firm of Levitt & Levitt.

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## Eric's Answers



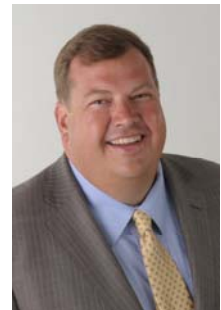
**If you could talk to the doctors who treat people who are applying for social security what would you tell them?**

First, I would like to say that doctors who help people with their disability case by filling out forms give those people a really fair chance at being proven

disabled. I would like to thank the doctors who do that. However, sometimes some of my clients have doctors who say I don't want to get involved in the process or I am not trained as a disability doctor and I don't know how to fill out these forms.

That is really unfair to those people because social security places great weight on the opinion of the treating physician. If the person has an opinion from their treating physician that says they are

disabled, they really have a good chance at winning their disability case. But if the doctor doesn't want to get involved and won't fill out the forms, that really puts that person at a disadvantage and often social security will then go with the opinion of a one-time examining doctor who only saw the person one time, usually for a short amount of time and says the person is not disabled. That can often cause a person who is really disabled to lose their case.



**Eric L. Buchanan**  
President