



DISABILITY NEWS

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Introduction

In order to keep our current and former clients informed about new rules and regulations affecting social security, long-term disability, and disability insurance claims, we are sending this quarterly newsletter. In this issue, you will read about a new rule affecting social security claims. In future issues we will

address similar new rules or important rules that make a difference in the lives and claims of our clients. In this issue, we start out by describing a new rule that says that social security claimants who are denied by an ALJ must choose whether to appeal the denial they think is wrong or file a new application,

but cannot do both. We think this rule is unfair, and it is subject to being challenged, but it is a rule that we will help our clients deal with and give them the best advice that we can. Please keep an eye out for future newsletters from us informing you of similar issues.

SSA Rule 11-IP: How does it affect my case?

In the past, social security claimants had the option of filing an additional claim while their first claim was pending with social security. This option ensured that if the first claim was unsuccessful, the additional claim was further along. This helped many claimants get their benefits sooner – sometimes years sooner.

Thanks to Social Security Ruling 11-1p (“SSR 11-1p), claimants must choose between their appeal rights and an additional application. This month’s article discusses this new rule, and how it may affect your social security case.

What is the new rule?

The new rule: Social security “will no longer process a subsequent disability claim if you already have a claim under the same title and of the same type pending in our administrative review process.” This new rule applies while your claim is being considered by social security at the initial level,

the reconsideration level, the hearing level, and the next level, the “Appeals Council.” 20 C.F.R. Part 402.35(b)(1). This new rule only applies to claims for the “same type” of benefits. For example, if you have an SSI claim pending, you can file a Title II claim without violating the rule, and vice versa.

How does it affect my case?

If you are denied by an ALJ, you now have two options: 1) drop your current application and pursue a new one, or 2) appeal your current claim. The only “correct” choice is the choice that works best for you and your case.

Option #1: Drop Current Application + File a New Claim

A new claim may give you a “fresh start” with a new judge, new consultative examiners, etc. This is often a good idea if you feel that your hearing did not go well, and/or you feel that your appeal will be unsuccessful. In some rare cases, your new claim may move faster than your

appeal.

However, the last denial on your first claim becomes “final.” 20 C.F.R. § 404.987; Drummond v. Commissioner of Social Security, 126 F.3d 837 (6th Cir. 1997). This means social security cannot find you disabled before the date of this denial. Valuable evidence before this date becomes unusable. Further, if the final denial is after your “date last insured” for Title II benefits, **you will forfeit your Title II benefits.**

Option #2: Appeal Current Application

This choice may allow you to use more evidence, rather than evidence being blocked by a final denial. **Also, this is the only option that preserves your Title II benefits if your “date last insured” is before the last denial.**

This sums up the basic elements of this new rule. If you are a client, and these issues arise in your case, an attorney will discuss your options in detail and help you make the best choice.

Services Select Seal of Satisfaction

Eric Buchanan & Associates was awarded the 2012 Services Select Seal of Satisfaction in the attorney category for Chattanooga. Seal recipients are an elite group of companies who have committed to uphold the highest standards of business excellence represented by the Seal of Satisfaction. In each of over 70 professional service company categories, an evaluation and interview process is conducted prior to a company receiving the Seal of Satisfaction certification mark and award in their professional services category. Seal recipient companies commit to uphold the Seal of Satisfaction's highest standards of business excellence and customer/client/patient satisfaction.

Disability Attorney	<i>Nominated by local Consumers</i>
 <p>ERIC BUCHANAN & ASSOCIATES, PLLC Attorneys at Law</p> <p><i>The Disability Benefits Team</i></p> <ul style="list-style-type: none"> • Social Security Disability* • Long-Term Disability Insurance • Private Disability Insurance • ERISA Benefits & Healthcare Claims 	 <p>2012</p> <p>Meg & Eric Buchanan Molina Haynes</p>
 <p style="color: #4a4a8a;"><i>Let Eric's disability and benefits team help you move forward with your life.</i></p> <p><small>*Eric L. Buchanan, R. Scott Wilson, and D. Seth Holliday are certified as Social Security Disability Specialists by the Tennessee Commission on CLE and Specialization.</small></p> <p>www.buchanandisability.com 423-634-2506</p>	

"We thank all our clients who nominated us for the 2012 Seal of Satisfaction Award in the attorney category for Chattanooga.

We are honored to receive this recognition for the hard work that our disability and benefits team has put into helping our clients move forward in their lives."

- Eric L. Buchanan

Helpful Numbers to Know

The process of obtaining disability benefits is a long one and we understand that our clients may need assistance until their benefits have been approved. Our firm has compiled a list of low cost and sometimes free medical assistance which may be offered in the Chattanooga area. This list is subject to constant change as programs are added or deleted.

Health Clinics

Dodson Avenue (423) 778-2800
Southside Clinic (423) 778-2700

Northside Clinic (423) 756-1506
Westside Clinic (423) 634-0225
Eastlake Clinic (423) 698-4234
Homeless Clinic (423) 265-5708

Dental Resources

TN State Health (423) 778-2856
Hamilton County Health (423) 209-8000

Mental Health

Fortwood Center (423) 266-6751
Johnson Mental Health (423) 756-2740
Safety Net Services (800) 758-1638

Prescription Health

RX Outreach 800-769-3880
Pharma Assist 866-362-8962

Assistance

United Way (423) 752-0300
Salvation Army (423) 756-1023
Hamilton County Dept of Human Resources (423) 634-6200



For additional numbers, please contact our office.

Review our Attorneys



Here at Eric Buchanan and Associates, our primary goal is to provide excellent service and representation by striving to better meet the needs of our clients. We are committed to continuous improvement in all areas of our firm.

“Working hard to better serve our clients.”

We make sure that our staff receives regular training. Once a year, we also require our staff to attend a week long seminar for extensive training on social security disability claims, long-term disability claims, individual disability claims, ERISA claims, subrogation claims and customer service.

As valued clients, your opinion is critical in helping us provide the level of service for which we strive.

We have added a new option on our website to allow our clients to review our attorneys.

Once you log onto our website at www.buchanandisability.com, click on the header tab that says “Our Attorneys”. Scroll down to the attorney you would like to submit a review on and click on the red bar that says “Review as a Client”. This 5 minute questionnaire, plus any additional feedback, will let us know how we are doing and what we can do to improve our services. We appreciate any comments or suggestions you have to offer.

Eric’s disability team is prepared to handle the toughest disability cases.

Social Security Press Release

On April 11, 2012, social security increased the number of Compassionate Allowances.

The list of 113 diseases and conditions was expanded with the announcement of 52 new conditions which will meet the criteria for a quicker decision. The new conditions include rare genetic disorders in children, early-onset Alzheimer’s, immune system

conditions and other disorders.

“The Compassionate Allowances initiative identifies claims where the nature of the applicant’s disease or condition clearly meets the statutory standard for disability. With the help of sophisticated new information technology, the agency can quickly identify potential Compassionate Allowances and then quickly make decisions.” This creates a

potentially more streamlined process.

These new conditions will go into effect on August 13, 2012. For the complete list of Compassionate Allowance Conditions visit the social security website.

<http://www.socialsecurity.gov/compassionateallowances/conditions.htm>



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. For those other types of cases, there are other attorneys that we recommend that 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.

Serious Lawyers for the Seriously Injured

The lawyers at the Law Office of Morgan Adams handle serious and catastrophic injury cases arising from semi truck wrecks and car accidents as well as workplace accidents, workplace accidents, medical malpractice and nursing home abuse.

They are known for thinking outside of the box and reaching creative solutions for difficult problems. The results of the firm speak for themselves with multiple million dollar recoveries for their clients in cases throughout the Southeast.

They are dedicated to preserving your rights and are committed to aggressively pursuing legal remedies to ensure you receive the

maximum compensation to which you are entitled under the law.

Contact the Law Offices of Morgan Adams at (423) 265-2000 or toll free at (866) 580-4878 to see how they can help you.

The Adams Building
1419 Market Street
Chattanooga, TN 37402

www.tennesseeaccidentlaw.com



Morgan Adams

Eric's Answers



How long does it actually take to receive social security disability benefits?

Social security uses a four step process. The first step, which is called the application level, usually takes five to six months. If you're turned down at the first level, then you're allowed to apply for what is called Reconsideration. The reconsideration level can also take

five to six months. If you're turned down at the reconsideration level, then it is usually about a year to a year and a half wait for a hearing in front of a social security administrative law judge. (ALJ). Some hearing offices can take up to two years to schedule a hearing, so unfortunately, by the time someone gets in front of a social security ALJ it means their case has been going on for two to three years. However, cases are paid at a higher percentage at the ALJ level, so having a hearing in front of a social security ALJ is usually your best chance to win. If someone is denied at the ALJ level, then there is still another appeal. At the fourth step, the

Appeals Council may elect to review ALJ decisions. That can take a year or two and really stretch out the process. However, most people win in front of the ALJ.

In unique instances, the decision of the Social Security Administration may be reviewed by a Federal Court. This occurs in very rare occasions, but can increase the length of time a person must wait for their disability determination even longer.

Unlike many law firms, we can handle both long-term disability cases and social security disability cases.



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