

3/30/10 Update to Social Security Article - Jim Leach

Some of the numbers in the article have changed since 1991. For example, the dollar amount needed to earn a covered quarter (page 72) has changed, and the monthly amount of earnings that constitute substantial gainful activity (page 74) has changed. The new numbers are readily available through Google. The system moves more slowly now: I say it takes about 5 months to get a hearing (page 79), but now in most places it's more like 14 to 16 months. The maximum fee an attorney can receive based on a fee agreement (page 90) is now \$6,000.

But in all significant respects, the system is the same now. SSDI (Title II) and SSI (Title XVI) (p. 72-74) work the same; the five-step disability evaluation (p. 74-78) is the same; the six levels of adjudication (p. 78-80) are the same; preparation for the administrative hearing (p. 81-86) is the same, with the exception that some case records are now electronic rather than paper; hearings (p. 86-87) are the same; the Appeals Council (p. 87-88) works the same; the workers' compensation offset (p. 88) works the same (if this subject interests you, I wrote an article on it, also published in the Practical Litigator, which I can e-mail you on request), and attorney's fees (p. 89-91) work the same, except that the potential fee agreement maximum has been increased as noted above. Most attorneys now use fee agreements (p. 90) rather than fee petitions.