

**My neighbor didn't get Social Security benefits when he applied so I won't get them either.**

- ✦ A person should not consider another person's case in deciding whether or not to apply for Social Security benefits. Every case is different.
- ✦ It is not always the same person deciding on whether an applicant is eligible for Social Security benefits or not.

**I don't need to worry about all these forms that the Social Security Office is sending me.**

- ✦ It is important to fill out all forms sent to you by Social Security completely, accurately, and quickly.
- ✦ The Social Security Administration does not know your case. It is up to you to present all evidence to them. If you do not tell them all of your problems and give them all the evidence they need, they may not be able to make a sound decision.

Call us at 225-769-4200  
or 800-769-3522

*Guiding you through  
the changes in life.*

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This brochure, prepared by Losavio and Dejean, LLC, is issued to inform and provide general information, not to offer advice. If you have a specific legal problem, you should try not to apply or interpret the law without the aid of a trained expert who knows the facts, because the facts may change the application of the law.

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# Applying for Social Security:

## The Top Ten 10 Mistakes



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## **I will apply for Social Security Benefits next month.**

- ❖ If a person believes that they are entitled to SSI or Social Security Disability Benefits, they need to apply with their local office as soon as possible. It can take months and even years before a favorable decision is granted.
- ❖ The calculation of back benefits may not commence until the filing date in certain cases, so you may also be losing money owed to you by delaying the filing of your claim.

## **The Social Security Office will take care of everything.**

- ❖ The Social Security Administration is a government entity that administers Social Security claims and renders decisions. The collection and presentation of evidence is primarily the responsibility of the claimant or their attorney.
- ❖ The Social Security Administration is not your lawyer. It is up to you or your attorney to ensure that your case and all evidence is properly presented.

## **I can't afford an attorney to represent me.**

- ❖ In most cases, a contingency fee contract approved by Social Security is used. Under a contingency fee contract, the claimant does not pay any fees to the attorney unless a favorable decision is rendered.
- ❖ The attorney can only charge 25% of the back benefits awarded to the claimant with a maximum fee of \$5,300.00.

- ❖ You can also pay your attorney on an hourly basis if both you and your attorney agree, subject to the approval of the Social Security Administration.

## **I don't have to worry about when I need to appeal an unfavorable decision.**

- ❖ You have sixty days to appeal any Social Security decision with which you disagree. If you don't appeal the decision it will become final and you may lose considerable back pay benefits by having to reapply.

## **If the local Social Security office tells me that I am not entitled to benefits, they must be right.**

- ❖ You have the right to appeal any unfavorable decision of the local office to an Administrative Law Judge.
- ❖ The local Social Security Office has sometimes been wrong. You have the right to appeal any unfavorable Administrative Law Judge's decision to Appeal's Council.
- ❖ Any unfavorable decision of Appeal's Council may be appealed to federal courts. If you win at any of these appellate levels, you will be entitled to benefits.

## **I have too much property to draw Social Security Disability benefits.**

- ❖ There are two Social Security disability programs: SSI and Social Security Disability benefits.

- ❖ SSI is based on need. To be eligible for SSI benefits, you have income and property limitations.

- ❖ However, if you have paid enough quarters into Social Security and you are found to be disabled, you will be entitled to Social Security Disability benefits.

- ❖ There are no resource limitations to be eligible for Social Security Disability benefits.

## **Children can't get Social Security benefits.**

- ❖ If they are found to be disabled and eligible, children can obtain SSI benefits. There is no requirement that the child has to have worked or paid any Social Security taxes.

## **Everything will be fine. I don't need a lawyer.**

- ❖ You have the right to representation by an attorney to handle your Social Security claim. The decision whether to hire an attorney is a personal one and you certainly don't have to hire one if you don't wish to do so. It is important to remember, however, that the Social Security Office will not serve as your attorney.
- ❖ Social Security regulations are long and complex. An experienced Social Security attorney can assist you by making sure that the evidence and your case is properly presented to the Social Security Administration.