



You and Your  
Social Security  
Disability Benefits

*A Personal Guide For Those  
Seeking Their Disability Benefits*

*Jack W. Buck, Sr.*



Buck, Jack

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Security Disability  
Benefits

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During his four year battle to receive Social Security Disability Benefits, *Jack Buck* lost everything -- his home, savings, and worst of all...hope. In 2006 he won the battle and promised he would write a book helping those facing the same frustrations. This book is the culmination of that promise and is an essential tool for those facing the same difficulties.



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**DISCLAIMER—PLEASE READ**  
**CAREFULLY**

The information contained within this book is based on personal experience only and does not reflect all the guidelines or requirements set forth by Social Security in receiving disability benefits. It is intended to be used as basic data only and may not apply to all situations or circumstances. No guarantee or implied award of any kind is intended. No legal advice is offered herein.

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## Dedication

*This book is dedicated to all those hard-working Americans who have spent their entire lives helping others and now are in need themselves.*

*“I have fought the good fight,  
I have finished the race,  
I have kept the faith.”  
2 Timothy 4:7*

## Acknowledgments

During the four years I spent battling for my Disability Benefits, one individual was instrumental in being awarded my case. She was always available with answers to many questions, no matter how small or incidental. To this day, we have never personally met, yet we have maintained a friendship, which will endure the years to come.

Unfortunately, due to her political affiliation, I cannot mention her by name; however, upon reading this book, she will know how very dear that friendship is to me.

This may appear as an oxymoron, a contradicting statement, but how can I not be thankful for the very country we live in. As Americans, we may find ourselves wrapped in the “Red Tape” our beloved politicians have placed us in, yet we still maintain our God given rights set forth by our forefathers.

This book is a prime example of those precious rights, our freedom of speech, and our freedom to share our thoughts and opinions no matter how “Politically Incorrect.”

Therefore, I thank our country, with all its political downfalls, and give grateful thanks to our Lord above for the United States of America.

Finally, but by no means last, I am thankful, and more than fortunate, to be blessed by the love and patience of my lady, my wife, for all her support and patience during the preparation of this book.

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# Introduction

How often have you gone to the internet searching for an answer to a specific question in a certain field? You finally find the subject matter only to be faced with a maze of information that does not pertain to your original question. You are operating on a time sensitive project that requires a precise response and is critical in nature. Critical because your very future relies on how you respond, even while being bombarded with frustrations and what would seem to be insurmountable barriers.

Applying for your Social Security Disability Benefits, just like the above, can be complex and filled with frustrations. If you are not properly equipped and are unaware of the various steps required, then your chances of being approved begin to diminish rapidly.

This book summarizes the basic requirements set by Social Security in receiving your disability benefits. It may not touch on all the aspects of the path you will have to take or answer all the questions you will have, but it will definitely help. Being aware of what lies before you and having an idea of how the entire process works will help to eliminate many of the frustrations you would otherwise encounter.

You will notice throughout this book I keep emphasizing **“DON’T GIVE UP.”** Please, above all, keep that 11<sup>th</sup> commandment. The so-called “System” is designed to wear you down, hoping you will get so frustrated you will just walk away. You have worked all your life for benefits that rightfully belong to you, don’t let those barriers keep you from receiving your benefits.

Prayerfully the information enclosed will be of some benefit to you and will see you past the rough times ahead.



# I — Personal Testimony

In August of 2003, I applied for my Social Security Disability Benefits. During 2002, I began having difficulty walking. I fell frequently and after multiple testing it was determined, I had developed a severe case of neuropathy (nerve damage) and myopathy (muscle deterioration) in both legs. It was during 2002 that my mother passed away, my wife had multiple surgeries, and I was battling my own physical difficulties.

Early 2003 (February), I received an emergency phone call at work stating that my wife had suffered a slight stroke. My employer told me to take off from work and see to her needs. The next day I was called into my employer's office and was fired due to absences from work. Two months later my wife passed away. I knew I was at the point physically where I could no longer work; in fact, it was even dangerous for me to drive.

It was determined, by several physicians, that my impairment was irreversible and there was no cure for the damage already done in both legs. In June of 2003, I placed a call to the local Social Security office to file for my disability benefits.

I had worked for 35 years straight, all within the same vocation—Civil Engineering. According to my Social Security Statement, I began paying into Social Security at the age of 12. I felt confident that the “System” would take care of me; after all, I had paid for those benefits nearly all my life.

I was completely naïve and unaware that in order to receive my rightfully earned benefits I would have to go through years of battling a bureaucratic nightmare. At the time I felt I had sufficient savings to last for an extended period of time, however, it did not take long to deplete all savings when there was no income whatsoever.

As stated earlier, I had originally filed for my disability benefits in August of 2003. It took all of three years plus to receive those benefits and then it was only because I had filed a new application. I finally began receiving disability payments in March of 2006. It was during that period that I lost everything, my home, vehicle, all savings and worst of all, all hope.

I have informed you of this for one purpose only. Not for your sympathy in what I went through but to let you know that no matter what you are going through, above all, **DON'T GIVE UP.** You will become frustrated, angry, and, more than likely, feel as if there is no end to what you are going through, and that you have hit rock bottom, I know, I have been there.

I have continued my battle with Social Security for benefits going back to when I originally filed in 2003. My case was remanded to another Judge for a final decision, and on June 14 of 2007, I won the war. The back pay was not an exorbitant amount but it was sufficient enough to begin a new life.

I promised myself that no matter what the outcome, regarding my case, I would do everything in my power to help those who are attempting to collect benefits that were promised them by our government. I am an American, and I will fight for America to the end, but our government has failed us, and has become more of an obstacle than a helping hand.

What I went through, the appeals, the phone calls, the cries for help, all have equipped me with the personal experience that I pray will be helpful to you in your own battle. The outcome may not be the same, what you will have to face may be totally different, but the basic information enclosed in this book will definitely be helpful in your pursuit for obtaining your benefits,

**YOU WILL SUCCEED. YOU WILL PREVAIL, AND YOU WILL HOLD YOUR HEAD UP HIGH ONCE AGAIN. EVEN IF YOU DO NOT USE ANY OF THE INFORMATION ENCLOSED, HOLD ON TO WHAT WAS STATED EARLIER:**

**DON'T GIVE UP!!!**

God bless you and keep you close in all your endeavors.

Jack W. Buck, Sr.

## II — Frequently Asked Questions

### 1. HOW DO I KNOW IF I QUALIFY FOR DISABILITY BENEFITS?

Social Security has five basic rules for qualifying:

- a. Your disability has to have lasted or expected to last for a continuous period of not less than 12 months.
- b. If you are still working, your disability must have caused a significant reduction in pay. Your pay has to be less than what Social Security defines as “Substantial Gainful Activity” or SGA (less than \$900.00 per month GROSS)
- c. Your disability must limit your ability to perform basic work activities such as walking, sitting, standing, seeing or remembering. There is an “Impairment List” that Social Security compares your disability with in determining the extent of your disability.
- d. Your medical condition must be severe enough to prevent you from performing in your past relevant work or another form of gainful employment.
- e. Even if you cannot do your past work, Social Security will consider such things as your age, education and your work history. If they determine you are able to function in another trade, they will deny your application.

### 2. HOW DO I APPLY FOR MY BENEFITS?

For an application, contact your local Social Security office by phoning their National Hotline at 1-800-772-1213 or through the internet at [WWW.SSA.GOV](http://WWW.SSA.GOV). (Section IV—GETTING STARTED)

### 3. HOW CAN I LOCATE THE SOCIAL SECURITY OFFICE NEAREST MY RESIDENCE?

Call their National Help Line at 1-800-772-1213 or go to the internet at [WWW.SSA.GOV/LOCATOR](http://WWW.SSA.GOV/LOCATOR). You can then type in your zip code and not only will you receive their physical address, you will also see a map of their actual location.

4. ONCE I SUBMIT AN APPLICATION ALONG WITH MY MEDICAL REPORTS CAN I EXPECT TO BE APPROVED?

NO. The vast majority of first time submittals are denied (Over 90% in some states) and a large amount are denied the second time. (Section VI—THE APPEAL PROCESS)

5. MY DOCTOR DETERMINES I AM DISABLED, ISN'T THAT ENOUGH?

NO. During the appeal process, Social Security may very well have you see a doctor of their choice. His examination and evaluation is reported directly to Social Security and actually carries more weight than your own physician. (Section VII PHYSICAL ASSESSMENT FORM)

6. HOW LONG WILL IT TAKE BEFORE I AM APPROVED?

It all depends on the severity of your disability, how well organized and complete your documentation is and how heavily populated your community is. The national average ranges anywhere from 2 to 4 years. If your disability is terminal in nature, it may be 6 months to a year, but that is still not a guarantee.

7. WHEN I AM APPROVED HOW MUCH CAN I EXPECT TO BE PAID?

Your own personal Social Security Statement shows how much you have paid into Social Security and calculates how much they will pay if you are determined disabled. (Section IV—GETTING STARTED)

8. HOW CAN I OBTAIN A COPY OF MY STATEMENT?

Contact Social Security's National Help Line at 1-800-772-1213 or through the internet at [WWW.SSA.GOV](http://WWW.SSA.GOV). (Section IV GETTING STARTED)

9. IF MY SPOUSE GOES TO WORK, OR IS WORKING, WILL IT AFFECT MY DISABILITY PAYMENTS?

NO. Your Social Security account is yours and yours alone. The only way it is affected is if your disability changes and you are able to return to work. You, however, cannot make more than \$900.00 per month, gross.

10. WHAT IS THE DIFFERENCE BETWEEN SOCIAL SECURITY DISABILITY AND SUPPLEMENTAL SECURITY INCOME (SSI)?

Supplemental Security Income is only managed by Social Security. It is paid for by the U.S. Treasury and not funds collected by Social Security. It is for individuals with low income and either 65 years of age or disabled. It is more restrictive than Social Security Disability requirements and the amount paid is a set amount, not based on your personal work history. It pays approximately \$630.00 per month, and if you have \$2000.00 or more available, you will not qualify. (Section IX SUPPLEMENTAL SECURITY INCOME)

11. WHEN DO I NEED AN ATTORNEY AND HOW MUCH CAN I EXPECT TO PAY?

Most attorneys will not get involved until after your second appeal. It is at this time your case will be heard by an Administrative Law Judge. This is when you will need legal counsel. There is a cap of 25% of your back pay set by Social Security. Your attorney cannot charge more than that and payment is automatically deducted from your back pay. (Section VI—THE APPEAL PROCESS & Section VIII—THE HEARING)

12. IF I AM DENIED AT THE HEARING LEVEL, DOES THAT MEAN I DON'T STAND A CHANCE?

NO. Even if the Administrative Law Judge finds against your case you can still carry your appeal one more step. A "Request for Reconsideration" is forwarded to a separate judging council located in Falls Church, Virginia. You even have the right to re-file a brand new application without having any impact on the ongoing appeal. (Section VIII—THE HEARING)

13. WHAT ABOUT MEDICARE? IF I AM APPROVED, AM I IMMEDIATELY COVERED?

NO. According to Federal Law you have to wait for 2 years after the onset date of your disability before you qualify to receive Medicare benefits. However, if you suffer from ALS (Lou Gherig's Disease), Renal Failure or other severe disabilities you may be approved for Medicare earlier.

Remember, Medicare and Medicaid are two entirely different animals. Medicare is federally operated while Medicaid is state.

14. WHAT IS THE DIFFERENCE BETWEEN THE “ONSET DATE OF MY DISABILITY” AND THE DATE I FILED AN APPLICATION FOR BENEFITS?

The Department of Disability Determination Services reviews your entire medical history and determines the date that your disability actually began. Most applications for benefits are filed with Social Security months after your disability has been diagnosed. This is to your benefit, especially if you are approved and awarded back pay. Back pay is calculated to the date you became disabled and not the date you filed.

15. IS THERE ANYTHING I CAN DO TO HELP SPEED UP THE PROCESS?

YES. Be sure to collect and organize all documents required for your first meeting. These documents are listed in Section V, THE INITIAL APPLICATION. By being thorough and organized prior to your first meeting will eliminate the need to forward any material at a later date.