

## Disability Checklist for patients

1. File FMLA paperwork through current job. FMLA stands for “Family and Medical Leave Act”-this law allows someone up to 12 months of medical leave to take care of themselves (recover from surgery or illness) or a family member without the penalty of losing their job. They can ask off for 1 year of intermittent leave or 3 months (12 weeks) of continuous leave. This will allow them the time off to research and apply for Social Security Disability (SSDI) and Medical Retirement or Disability from their occupation. This is also called Short Term Disability for some companies.
2. Application for SSDI must be made online at [www.ssa.gov](http://www.ssa.gov) . There is a checklist of all the documentation that they need BEFORE they sit down and fill out the online application. If they do not have access to a computer, then any local library can give them access. We should encourage them to use a computer within their family, since they will be reporting personal information.
3. Once the online application is received by SSA, they (SSA) will send a medical records release and request to ALL the providers that patient has seen for their Multiple Sclerosis. This includes their PCP, Pain Management Dr., Physical Therapist, and other specialists. If that patient has seen any of our providers at different locations, they must do a medical records release to EACH facility they were seen. SSA gives providers 6 months to reply to a medical records request, but the sooner they receive them, the sooner they can make a determination.
4. PLEASE REMEMBER: It is up to the SSA to DETERMINE DISABILITY. All we can do is offer medical records. In some rare cases, SSA can determine someone as only partially disabled. This usually happens in cases where there is mild impairment OR if the patient is requesting disability for something that is fairly subjective, like mental illness.
5. If someone’s SSA application is denied, or they find the person is NOT disabled, we can send them to the “next level” to appeal. This means a referral to an attorney that specializes in Social Security Disability Claims. Most attorneys will work their case for free, but will ask for a % if they win. 15-20% is typical, but some attorneys charge up to 50%. If someone’s application is denied, we also might refer them to Vocational Rehab, so they can learn a new job skill that they can perform, given the severity of their illness.
6. If someone’s SSA application is approved, then their benefits will be back dated from the time they first applied (in most cases).

7. The SSA application process is different for everyone. My experience with SSA is that for Multiple Sclerosis, the typical time from application to decision is 3-6 months. This depends on the evidence that is presented and the doctor's notes. My experience with general disability claims (not chronic or terminal illness or with less impairment), the process can take up to one year to get a "determination."