

MEMBERS OF THE FIRM

Benjamin R. "Ben" Gardner

Philip G. "Phil" Gardner

Hoyett L. "Len" Barrow, Jr.

B. Patrick "Pat" Sharpe

231 E. Church St.

4th Floor - Fidelity Bank Building
Martinsville, VA 24112

Phone 276-638-2455

Fax 276-638-2458

IMPORTANT INFORMATION ABOUT SOCIAL SECURITY DISABILITY BENEFITS

from the Law Firm of



231 E. Church St.
4th Floor - Fidelity Bank Building
Martinsville, VA 24112

Phone 276-638-2455

Fax 276-638-2458

Listed below is important information about Social Security Disability.

“When Bad Things Happen To Good People”

At Gardner, Gardner, Barrow & Sharpe, P.C. Attorneys at Law, we believe that the more you know about your benefits, the better off you are. The information contained herein is only a small part of what you need to know to successfully pursue your claims before the Social Security Administration. If you care to know more details, please call us for a free consultation at (276) 638-2455.

What is Social Security Disability, and how does it differ from Supplemental Security Income?

There are two different kinds of disability benefits.

One is Social Security Disability and the other is Supplemental Security Income (commonly called SSI).

- Social Security Disability is like insurance that you have paid for by working. You must be disabled and you must have worked enough in the past to have paid in enough to be eligible. You must have worked five (5) out of the last ten (10) years to meet insured status. Even if you think that you have not worked enough years to qualify, we would encourage you very strongly to go ahead and apply anyway.

- Supplemental Security Income (SSI) is not funded by your previous wages. It's paid for by all taxpayers. Not only do you have to be disabled to get the benefit, but you must also be in pretty severe financial circumstances to get the benefit. You can't own much property, or have many assets, or have a lot of income. If you do, then you don't qualify. The SSI benefit is usually a lot lower than Social Security Disability benefits. Unlike SSI, regular Social Security Disability is not based on need. If you are eligible for Social Security Disability, then you can be awarded benefits no matter how many assets you own, or what your level of income is from non-working sources.

How and where do I apply for Disability or SSI?

You apply at the Social Security Administration Office located at 320 W. Commonwealth Blvd. Their representative will assist you in filling out your application and will tell you what additional documentation and information they need to complete the application process.

What does it cost to apply?

Nothing.

How long do I have to apply?

These rules are very complicated. As a rule of thumb, you should apply as soon as possible after you become disabled. Even if you think you have waited too

long to apply, you should apply anyway and explain why you waited. There are some rules which allow you to file late in some circumstances. You should file as soon as you become disabled.

Suppose I have applied before and been turned down, can I apply again for Social Security Disability?

Yes. If you are still eligible based on your work history (you still meet insured status) you can apply again. If your condition is the same you will probably be denied again, but, if your condition has gotten worse, you might prevail. Also, if you have passed a certain age you can sometimes get Disability benefits at certain ages when the same condition might not be disabling at a younger age. Therefore, we always encourage you to reapply again.

How bad off do I have to be to get Disability?

You have to have a severe impairment. A "severe impairment" is one which affects your ability to work and prevents you from engaging in work activities and is expected to last 12 months.

How do I prove I am disabled?

It is very important that you have medical documentation for the impairments you claim. This is usually done by having your doctor provide medical reports. But even after the doctors have provided all the information, it may very well be that the

only way that you can convince the Administration that you are disabled is to have a lawyer assist you.

Suppose I am denied benefits, what do I do next?

You must go to the Social Security Office and ask for reconsideration. You must do this within 60 days of the date of the initial denial letter.

Suppose I am denied again, what should I do then?

You should file an appeal with the Office of Hearings and Appeals and ask for a hearing before an Administrative Law Judge. You must do this within 60 days of the notice advising you that your request for reconsideration has been denied (this is routinely referred to as the "second denial"). You can file your appeal at the Social Security Office. Our firm will file the appeal for you if we have been retained by you.

Do I need a lawyer?

You have a better chance of getting benefits if you hire an experienced lawyer. The rules relating to disability can be very technical and tricky.

Experienced lawyers know how the rules apply and can help you best present your case before the Administrative Law Judge.

How do I pay for a lawyer?

The lawyers at Gardner, Gardner, Barrow and Sharpe take these cases without a retainer or “up-front” money and no fee is charged unless the case is won and the benefits paid to you.

How much does it cost to have a lawyer?

The Social Security Administration allots 25% of past due benefits for payment of attorney's fees. Any fee must be approved by the Social Security Administration. As part of our initial consultation, we review and explain the fees charged by our firm, if you choose to hire us to represent you. We do not charge a fee for the initial consultation.

Why should I hire Gardner, Gardner, Barrow & Sharpe?

- Because we have handled hundreds of these cases over the last thirty years.
- Because we have a proven track record of success in handling these claims.
- Because a licensed lawyer handles every claim - we do not send non-lawyers to your hearing.
- We attend training seminars to stay up to date on how to handle these cases. We subscribe to books and services to stay abreast of current changes in the laws regarding Social Security Disability.
- Because we care about you and your claim.

Do you handle other kinds of cases?

Yes, at Gardner, Gardner, Barrow & Sharpe we handle a wide variety of cases, including **automobile, motorcycle, truck and tractor trailer accidents, insurance claims, slip and fall cases, defective products, and other cases involving bodily injury, disability and wrongful death.** We do not charge a fee for a consultation about these cases.

How do I hire Gardner, Gardner, Barrow & Sharpe?

Call our receptionist at (276) 638-2455 and tell her you would like a free consultation about your case and you will be given a prompt appointment. You are under no obligation to hire us and there is no charge for the consultation. We are conveniently located in the Fidelity Bank Building.