

## **HOW THE ADJUDICATION PROCESS WORKS IN CLAIMS FOR SOCIAL SECURITY AND SSI DISABILITY BENEFITS**

Social Security's disability adjudication process currently varies depending on where the applicant is living. There are currently three different adjudication procedures.

Processing times vary widely. The waiting time for decisions at the state agency level can vary from as little as 45 days to as long as six months. At the administrative hearing level delays can vary from six months to over two years.

1. Three step process. This is the most common process at the present time. The initial disability decision is delegated by Social Security to a state disability determination service (DDS), more commonly known as "the state agency." If an applicant receives a denial letter, they are informed that they have 60 days to request "Reconsideration." Reconsideration is a second review of the claim by the same state agency. The applicant may submit additional evidence before this second decision is made. If the reconsideration review is also a denial, the applicant will be informed that they have 60 days to request an administrative hearing - the third step.

2. The two step process. Since October 1999 this model has been used by Social Security as an experiment in ten states. The ten states are: Alabama, Alaska, California (Los Angeles North and West areas), Colorado, Louisiana, Michigan, Missouri, New Hampshire, New York (Brooklyn and Albany areas), and Pennsylvania. This process eliminates the "reconsideration" step. This allows the claimant to request an administrative hearing immediately upon a state agency denial decision.

3. The Disability Service Improvement program (DSI). Social Security is in the process of implementing a completely new disability adjudication model. It eventually will replace both the three step process and the two step process. Implementation of this new model began in Social Security's Region I (including Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire and Maine) in August 2006. The goal is to approve claims faster and more accurately. The emphasis is on a better analysis of the claim at the initial review stages. Since DSI is still in its earliest stages, it is too soon to tell if it will achieve its goals. More information about DSI is available at: [www.masslegalservices.org/cat/3221](http://www.masslegalservices.org/cat/3221)

### **CURRENT PROCESS**

- \* Initial decision
- \* Reconsideration (some states)
- \* Administrative Law Judge
- \* Appeals Council
- \* Federal Court

### **DSI PROCESS**

- \* Initial decision  
(Quick Disability Determination)
- \* Federal Reviewing Official
- \* Administrative Law Judge
- \* Decision Review Board
- \* Federal Court