

## **SOAR Dialogue Highlights 4/17/14**

**Attendees:** TJ Reynolds-Emwanta, Grace Maynard, Charlene Powell, Candice Chilton, Daphne Drew, Pamalia Davis, Elizabeth Lewin, Joyce Allen, Cecelia Colson

### **Introductions and Updates:**

- TJ Reynolds-Emwanta, CenterPoint: holding an upcoming “implementing SOAR” training on May 8 in Winston-Salem. DDS will present on medical summaries, an attorney will discuss fatigue, and TJ will discuss appeals. Anyone interested in attending can email TJ or go to CenterPoint’s website ([www.cphs.org](http://www.cphs.org)) to sign up. TJ has had a presumptive approval and two full approvals in the last month.
- Grace Maynard, Urban Ministry Center: has had a couple approvals in the last month.
- Charlene Powell, ECBH: looking forward to TJ’s training in May.
- Candice Chilton, LATCH at Duke: interested in attending TJ’s training in May.
- Daphne Drew, ECBH: has had two approvals for non-SOAR applicants.
- Pamalia Davis, Housing for New Hope: just got an approval two days ago that was awarded back pay to May of 2011. She has one case pending and four more ready to work on.
- Elizabeth Lewin, PATH team in Iredell County: just had an approval and has picked up two reconsideration cases.
- Joyce Allen, Alliance of Disability Advocates: just picked up a new case.
- Cecelia Colson, Pisgah Legal Services: agency has an average rate of about three approvals per week.

### **Reconsiderations and Appeals**

#### **Challenges of reconsiderations:**

- Clients get notice at the last minute and time can run out before the caseworker gets the case
- Clients have applied multiple times and come to caseworker at the last minute for help
- Can be difficult for the caseworker to know where to begin, especially if they were not involved in the initial applications

#### **Tips for reconsiderations:**

- Use a good cause letter to try to extend the deadline for a request for reconsideration. Be very specific about the reasons the client needs an extension (client was in hospital or jail, does not have a reliable address, etc.). Send all other pieces of the application with this letter to help expedite the process.
- In reconsiderations, the caseworker is trying to show something different than they did in the initial application.
- Stay in touch with DDS regularly to stay informed of when they are processing your cases.
- TJ noted that she always did an updated medical summary for reconsiderations which was shorter, more precise, and referred to the original medical summary. It should include any changes since the original application and demonstrate that the person has not been able to work since the original application was filed.
- As soon as a caseworker gets a reconsideration, they can ask for CD from the local office that will show everything that has been filed on the case. This is helpful if caseworker was not involved in original application.

**ALJ (administrative law judge) hearing:**

- Caseworker would request a hearing after a denial from a reconsideration
- Have 30 days to file a request for a hearing
- Reconsiderations are done at DDS; ALJ hearings are done by ODAR, which is a separate/neutral body reviewing the case. Hearings are held at ODAR offices, which may be in a different county than the case is located in.
- Caseworkers have to file a new disability report (3441), another 1696, and another 827 for hearings. Caseworkers can also file any new medical evidence/records.
- Caseworkers will usually automatically receive a CD in the mail with all information on file for the case

**Preparing for the hearing:**

- Caseworker needs to know what evidence is on file and where to find it
- Tip: write an appeals brief addressed to the ODAR office and keep it as precise and short as possible. Include the client's name, SSN, and hearing date; include a brief introduction describing homelessness, work history, and how the client's disability prevents them from working; refer to their medical summary; describe medical evidence on record and their physical impairments.
- Tip: caseworkers should try to submit all documents at the time they request the hearing. The judge may make a decision based on review of documents, meaning the caseworker does not need to attend a hearing.
- Tip: DDS has a "critical request evaluation sheet" that has space to indicate if the client has a terminal illness, is eligible for compassionate allowance, or is lacking food, medicine, or shelter. Most homeless people qualify under the lack of shelter criterion. Caseworkers can file this form for hearings to indicate this is a SOAR case and to help expedite the hearing. TJ was taught that the form can be used at the recon, hearing, and appeals stages.

**During the hearing:**

- The people present include the judge, a court reporter, the client, the caseworker, and possibly a Vocational Rehab specialist (caseworker will be informed of this prior to hearing)
- The caseworker can provide a short introduction and ask the client a few questions
- If the client also has an attorney, the caseworker will usually help with preparation prior to the hearing (such as sending the attorney medical records or documents), but is less likely to need to speak during the hearing.

**Challenges of hearings:**

- Judges can have a dislike for certain client behaviors, such as drug or alcohol use
- Getting someone approved at the hearing level seems like a very different process than the initial application or reconsideration – judges seem to be looking for different things than SSA is looking for
- Tip: before attending their first hearing, caseworkers are encouraged to ask an attorney to sit in on at least one hearing so they will know what to expect.