

SOAR Dialogue Call

May 2024



NC COALITION to end
HOMELESSNESS

Updates & Reminders

- Another new SOAR DDS examiners contact list posted at: <https://www.ncceh.org/nc-soar/>
- Submit outcomes into OAT!
- SOAR Annual Meeting date has been set!
 - Friday, September 27 from 10 A.M. to 3:30 P.M.
 - Location TBD – Asheboro or Winston-Salem



Updates & Reminders

- SSA updated the definition of past relevant work (PRW). Effective June 8, SSA will only consider work from the past 5 years (reduced from 15) that lasted more than 30 days to be PRW.
- Beginning September 30, 2024, SSA will expand nationwide its In-Kind Support and Maintenance (ISM) rental subsidy exception. Rental assistance, such as discounted rent, will be less likely to impact a person's SSI eligibility or benefits.
- Beginning September 30, 2024, SSA will no longer include food in ISM calculations. This updated policy removes the barrier to SSI eligibility due to an applicant's or beneficiary's receipt of informal food assistance from friends, family, and community networks of support.



APPEALS



SSA Appeals Process

1. Initial determination
2. Reconsideration
3. Administrative Hearing
4. Appeals Council Review
5. Federal Court Review



*Issue Brief: [Effective SOAR](#)

[Representation for Social Security Appeals](#)

Reconsideration

- First level of appeal
- Must be filed within 60 days of the date of the receipt of the initial denial notice.
- Three forms to file:
 - SSA-561: Request for Reconsideration
 - SSA-3441: Disability Report- Appeal
 - SSA-827: Authorization to Disclose Information to SSA
- The applicant may submit additional medical evidence and records
- DDS takes a new look at the case and makes a “recon determination”
 - New disability examiner/analyst and reviewing physician



What To Do If the Deadline Has Passed?

- The applicant can still appeal if there is “Good Cause” for missing the deadline
- Accepted “good causes” for late filing:
 - Related to applicant’s disability
 - Limited English proficiency and/or education
 - Failure to understand the requirements
 - Failure to receive denial notice within 5 days of the date on the notice
 - Unusual or unavoidable circumstances such as hospitalization



SOAR Tool: [Sample Good Cause Letter](#)



Appeal vs. New Application

- Starting a new application results in:
 - The loss of the earlier protective filing date and potential loss of months of back benefits
- Requesting reconsideration:
 - Preserves the protective filing date and potential eligibility for months of back benefits

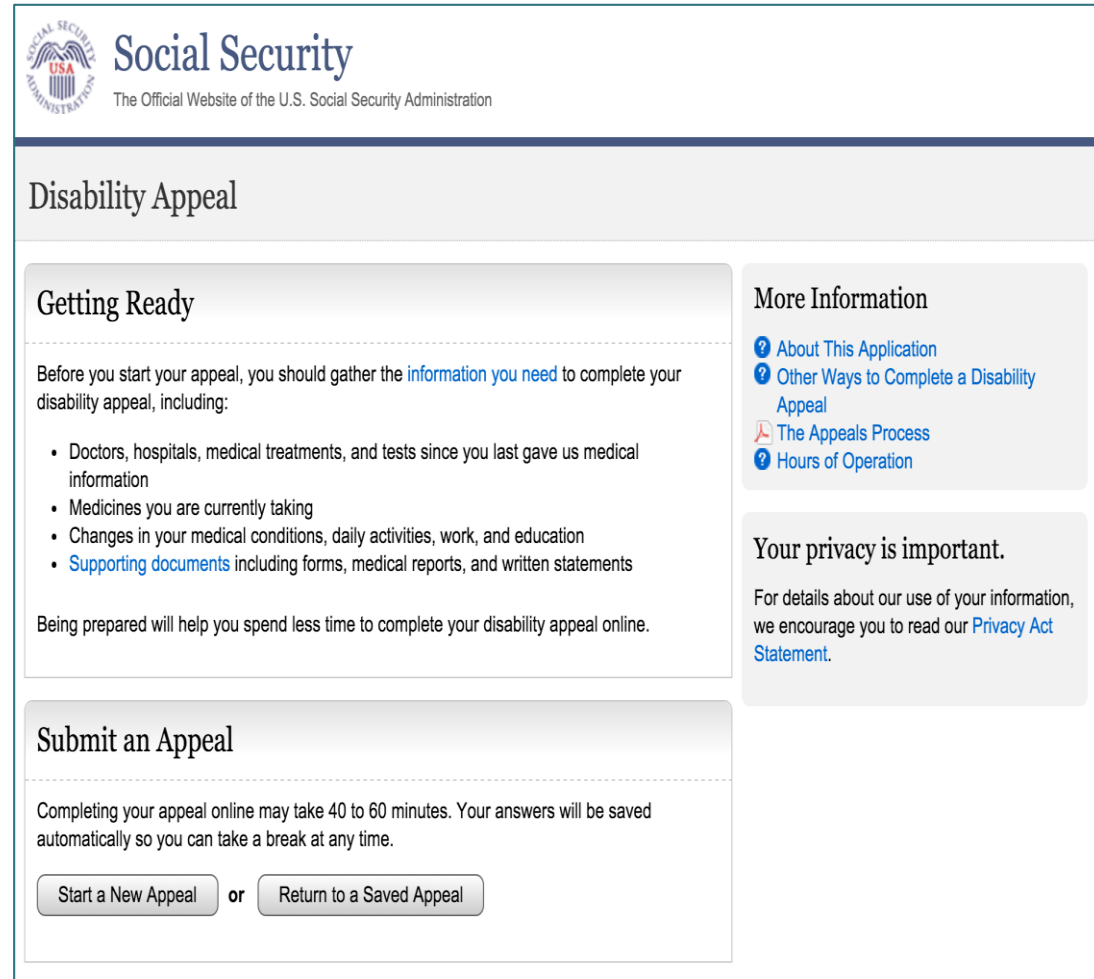
Administrative Law Judge (ALJ) Hearing

- Second level of Appeal if denied at Reconsideration
- You do not need to be an attorney!
- File within 60 days of decision; submit new evidence if applicable
- Three forms to file:
 - SSA-501: Request for Hearing by Administrative Law Judge
 - SSA-3441: Disability Report- Appeal
 - SSA-827: Authorization to Disclose Information to SSA
- It takes, on average, one year or more for the hearing to be scheduled with OHO
- You can submit a request for an expedited hearing due to dire need



iAppeals – Appeal Online!

- Online submission allows you to complete and submit, simultaneously:
 - Request for Reconsideration (i561) or Request for Hearing by ALJ (i501)
 - Disability Report - Appeal (i3441)
 - SSA-1696
 - Medical authorization, medical records, school records, and other supporting documents
- SSA online services for appeals now includes appealing non-medical denials (e.g. overpayments, income, resources, insured status, etc.)



The screenshot shows the Social Security Administration's website for filing a Disability Appeal. At the top, the SSA logo and the text "Social Security The Official Website of the U.S. Social Security Administration" are visible. The main heading is "Disability Appeal". Below this, there are two main sections: "Getting Ready" and "Submit an Appeal".

Getting Ready

Before you start your appeal, you should gather the [information you need](#) to complete your disability appeal, including:

- Doctors, hospitals, medical treatments, and tests since you last gave us medical information
- Medicines you are currently taking
- Changes in your medical conditions, daily activities, work, and education
- [Supporting documents](#) including forms, medical reports, and written statements

Being prepared will help you spend less time to complete your disability appeal online.

Submit an Appeal

Completing your appeal online may take 40 to 60 minutes. Your answers will be saved automatically so you can take a break at any time.

[Start a New Appeal](#) or [Return to a Saved Appeal](#)

More Information

- [About This Application](#)
- [Other Ways to Complete a Disability Appeal](#)
- [The Appeals Process](#)
- [Hours of Operation](#)

Your privacy is important.

For details about our use of your information, we encourage you to read our [Privacy Act Statement](#).

Filing an Online Appeal

- Go to <https://secure.ssa.gov/iApplsRe/start>.
- Enter the date on the denial notice, the applicant's name, date of birth and Social Security Number.
- You do not need to complete all the appeal forms in one session.
- If/when you exit, you will be provided with an application re-entry number that you will use to return and complete the iAppeal by the deadline. Save this number!
- You will receive a message that alerts you to how many days are left until the deadline. Be sure to mark your calendar so the appeal deadline is not missed.
- The iAppeal is not considered complete and SSA will not take action on the appeal until the i561 (Request for Reconsideration)/i501 (Request for Hearing), e827, and i3441 (Disability Report-Appeal) are submitted.

Submitting an Online Appeal

- The end of the iAppeals screen path has a single “Submit Appeal” button.
- If the applicant is not with you, as the authorized representative you are permitted to submit the appeal.*
- When you click the “Submit Appeal” button, iAppeals automatically submits all the completed forms and attachments to SSA as one package.
- After submission, select the link with “Personalized Cover Sheet” which lists all items sent as well as those items you may need to bring or mail to SSA.
- **Note:* this is not the case when filing an SSDI (Title II) initial application online.

What's next?

- Just like when filing the initial application online, SSA will develop the case for other issues, and good cause for late filing of the appeal when necessary.
- The appeal request will be electronically delivered to the Disability Determination Services (DDS) or the servicing Office of Hearings Operations (OHO) as appropriate, who will develop the case for other issues, such as, new medical conditions, updated medical documentation, and worsening functional limitations.
- SSA will mail a copy of the appeal request to the claimant and authorized representative



Four Steps of an iAppeal

1. Identification

- Basic screening information about applicant and preparer
- Reentry Number provided
- Appeal Requests (i561 or i501)

2. Medical (i3441)

- Updated information about applicant
- Updated medical information
- Updated contact information
- Activities and Training (i3441)
- Updated information on education and work activities



Four Steps of an iAppeal

3. Remarks Section

- Medical Authorization
- Review (Attachments)
- Review entered information prior to submission

4. Attachment Utility

- Confirmations and Receipts
- Personalized Cover Sheet option
- Start another appeal application option

[SSA iAppeals Instructional Video \(with screenshots\)](#)



NCCEH

Know the Reason(s) for Denial

- Request the electronic folder from SSA or the Office of Hearings Operations (OHO)
- Review electronic folder to ascertain evidence on file and rationale for denial
- Make note of errors, omissions and plan your strategy



On the Record (OTR) Review

- A written request asking that the ALJ to make a favorable decision based on the evidence in the applicant's case record
- You are requesting a decision based on new evidence that has become available since the DDS denial
- Can be requested by the claimant or SOAR representative, but is often done through a screening process by the OHO Attorney Advisors in an effort to clear hearing backlogs

Appointed Representative Services

- Online access to SOAR applicants' electronic folders or eFolders (EFs) is now available for Appointed Representatives with ALJ hearing and Appeals Council level cases
 - View all documents in real-time
 - eFolder access provides uploading and downloading capabilities
- How to enroll: <https://soarworks.prainc.com/article/appointed-representative-services>

Referring Denials to Legal Services

- After applicant makes an informed decision to continue appeal to ALJ or AC levels, you may refer him/her to the following places for legal help in your community:
 - Legal Aid
 - Pro-Bono
 - County Bar Association
 - Law School Legal Clinics

Appeals Resources

- [Submitting Appeals Using SOAR: Tools & Resource Packet](#)
- [Tips for Pending Applications & Appeals](#)
- [Reviewing Denial Notices and the Electronic File](#)
- [Filing Online with iAppeals](#)
- [Appointed Representative Services \(ARS\)](#)
- [Opening an Encrypted SSA CD-ROM](#)
- [Continuing Disability Review \(CDR\) FAQs](#)
- [ALJ Hearings: On the Record](#)

<https://soarworks.prainc.com/topics/appeals>

<https://soarworks.samhsa.gov/article/soar-tools-and-worksheets>



NC Appeals Data – Cumulative

Recon



■ Approved
■ Denied

ALJ



■ Approved
■ Denied

Approvals	30	8
Denials	50	0
Total Decisions	80	8
Approval Rate (%)	38%	100%
Avg Days to Decision	159	378



NC Appeals Data – FY23-24 (so far)

Recon



■ Approved
■ Denied

ALJ



■ Approved
■ Denied

Approvals	11	3
Denials	15	0
Total Decisions	26	3
Approval Rate (%)	42%	100%
Avg Days to Decision	154	535



Discussion

- Got Reconsideration?
- What would you like to know more about?
- Are there consistent barriers?
- How is your SOAR program handling SSA appeals?
 - In-house representation?
 - Soft hand off to a legal advocate?
 - Withdraw current application to file new SSA application?
 - Unsure at the moment?
- Any tips or experiences you want to share?

