PacificCPE

COURSE
82254A

Appeals, Civil Service Retirement, and Veterans Benefits

When Social Security decisions go wrong, clients need to know their options. This course covers the appeals process step by step, helping you guide clients through administrative reviews and hearings. It also expands beyond Social Security to address federal civil service retirement benefits and the range of benefits available to veterans. For tax and financial professionals working with government employees, retirees, or military families, this course provides essential background on programs that often intersect with broader retirement and tax planning strategies.

CREDIT HOURS 2 | FIELD OF STUDY BUSINESS | EXAM QUESTIONS 10

Start Course ↓ | Final Exam Copy ↓

Assignment

- Study the full course materials included here.
- Complete the review questions after each chapter.
- Answer 10 final exam questions.
- Final exam is scored immediately, 70% or better passes.
- Certificate of completion is available in your account.
- Failed exams can be retaken free of charge.

Course Objectives

- Recognize the process for appealing a Social Security decision.
- Identify the factors involved in determining retirement benefits.
- Identify eligibility requirements for veteran benefits.

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Chapter 1: APPEALING A SOCIAL SECURITY DECISION

Chapter Objective

After completing this chapter, you should be able to:

- Recognize the process for appealing a Social Security decision.

No matter how certain you feel that you deserve Social Security benefits, the agency might have other ideas and deny your claim. Sometimes this is a mere mistake that can be corrected. More often, the decision was a matter of judgment, especially with disability claims, where questions about medical conditions, ability to work, or income levels are subjective and susceptible to different interpretations.

But if your application for benefits is initially denied or is granted but you're awarded less than you believe you deserve, that need not be the end of the matter. Virtually all decisions of the Social Security Administration can be appealed, and many appeals, especially with regard to disability, are successful.

If Social Security has denied a new benefit or reduced an existing benefit, you can appeal the decision as long as you follow some fairly simple rules and are willing to think creatively about how to present your case in a convincing way. You'll need to put yourself into the shoes of the Social Security workers who first denied your claim, try to understand their reasoning, and then provide convincing evidence so that the next person who sees your file during the appeal process won't view your claim in exactly the same way.

This chapter explains the four possible levels of appeal following any Social Security decision. The first level is called "reconsideration"; it's an informal review that takes place in the local Social Security or Disability Determination Services (DDS) office where your claim was filed.

The second level is a hearing before an administrative law judge (an ALJ); this is an independent review of what the local Social Security office or Disability Determination Services office has decided.

The third level is an appeal to Social Security's national Appeals Council in Falls Church, Virginia. And the final level is filing a lawsuit in federal court.

The appeals process is explained in the sections below. Social Security also provides information about the appeals process on its website at www.ssa.gov/apply/appeal-decision-we-made.

Caution!

Beware of the time limit for filing appeals. The same time limit applies to each step of the appeals process. From the date on the written notice of Social Security's decision—whether denying or granting a benefit—you have 60 days to file a written notice that you're appealing that decision to the next stage in the process. If you receive the notice by mail, you have an additional five days to file your notice of appeal.

RECONSIDERATION OF DECISION

When a claim for any type of Social Security benefits—retirement, disability, dependents, survivors—or SSI is denied, or an existing benefit is ended, or you receive an amount that's less than what you believe you're entitled to, the first step to appeal that decision is to request reconsideration.

If the negative decision involved a denial of Social Security benefits, follow the procedures discussed below. Some additional procedures you need to follow when appealing the denial of an SSI claim are discussed in "Requesting Reconsideration of an SSI Decision," below.

Is an Appeal Worth the Effort?

The first question that might occur to you when considering an appeal is whether it is worth the effort.

Let's start with some encouraging numbers: A substantial percentage of decisions are changed on appeal, particularly for disability appeals, half of which are favorably changed in the appeal process.

Appealing a Social Security claim need not be terribly difficult. If you properly organized and prepared your original claim, some of your work for the appeal has already been done. In many situations, the appeal will require submitting any missing or new medical records and explaining once more why the information you've presented should qualify you for a benefit. In other cases, it may involve hiring a lawyer to help you collect the proper medical documentation and prepare for a hearing. In all disability cases, you should submit information from your doctor about more recent visits or test results.

A negative Social Security decision can affect your rights for many years. Because it's so important, and because the appeal process is relatively simple, it's almost always worth the effort to appeal, especially for a disability claim.

Requesting Reconsideration of Decision on Initial Benefits Claim

To start the appeal process, you can file a request for reconsideration online at www.ssa.gov/apply/appeal-decision-we-made or you can file a form requesting review of the decision, called a *Request for Reconsideration* (SSA-561-U2). The form is available online from Social Security's website at www.ssa. gov/forms/ssa-561-u2.pdf. You can also obtain a copy at your local Social Security office or by calling Social Security at 800-772-1213. See a sample of the form below.

The information requested is straightforward: name, address, Social Security number, and type of claim—retirement, disability, dependents, or survivors.

Completing the Request for Reconsideration Form

The first few lines of the *Request for Reconsideration* form are fairly simple. On the top left, fill in your own name, exactly as it appears on your Social Security card.

On the top right is the box for the Social Security claim number. Copy that number from the written decision about your claim that you received from Social Security.

The most important part of the form follows the words: "I do not agree with the Social Security Administration's (SSA) determination and request reconsideration. My reasons are: . . . ." On those lines, state briefly and simply why you think you were unfairly denied your benefits.

You need not go into great detail, because your entire file will be examined—including any additional materials you want to submit. Your statement should simply identify the problem, such as: "The decision that I am not disabled was based on insufficient evidence about my condition. I am submitting an additional letter from my doctor about my condition." Or: "The DDS evaluation of my disability did not take into account my inability to sit for prolonged periods."

Along with your completed *Request for Reconsideration* form, you need to submit a form called a *Disability Report—Appeal* (SSA-3441-BK) to explain any changes in your condition since you filed your original claim for benefits and tell Social Security about recent medical visits you've had. In addition, you can submit a statement on Form SSA-795 describing in more detail why you think Social Security's decision was incorrect. The form allows you a full page to explain why you can't work.

If you're filing a request for reconsideration online, you won't need to fill out any forms separately.

Whichever way you choose to appeal, you should also submit any other relevant materials to the agency, such as recent medical records or a statement from a doctor or an employer about your ability to work. Such new material might be crucial to winning your reconsideration request—government workers have a tendency to believe that their agency was right the first time, unless you give them something new and different to change their minds.

This additional information does not have to be submitted by the 65th day after the written decision (the date by which the request itself must be filed). But if you're planning to submit it after

requesting a reconsideration, indicate this on the form or online and submit the material as soon as possible.

Be sure to include your Social Security number and your claim number, in addition to your full name (as it appears on your Social Security card) and the date, on all material you send in. And keep a copy for your records.

Form **SSA-561** (08-2025) UF
Discontinue Prior Editions
Social Security Administration

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OMB No. 0960-0622

REQUEST FOR RECONSIDERATION

NAME OF CLAIMANT:	CLAIMANT SSN:	CLAIM NUMBER: *(If different than SSN)*

ISSUE BEING APPEALED: *(Specify if retirement, disability, hospital or medical, SSI, SVB, overpayment, etc.)*
I do not agree with the Social Security Administration's (SSA) determination and request reconsideration.
My reasons are:

CONTACT INFORMATION

CLAIMANT SIGNATURE - *OPTIONAL:*		NAME OF CLAIMANT'S REPRESENTATIVE: *(If any)*	
MAILING ADDRESS:		MAILING ADDRESS:	
CITY: STATE: ZIP CODE:		CITY: STATE: ZIP CODE:	
TELEPHONE NUMBER: *(Include area code)*	DATE:	TELEPHONE NUMBER: *(Include area code)*	DATE:

SUPPLEMENTAL SECURITY INCOME (SSI) OR SPECIAL VETERANS BENEFITS (SVB) RECONSIDERATION ONLY

THREE WAYS TO APPEAL

I want to appeal your determination about my claim for **SSI** or **SVB**. I have read about the three ways to appeal.
I have checked the box below:

☐ **CASE REVIEW** - **You can pick this kind of appeal in all cases**. You can give us more facts to add to your file. Then we will decide your case again. You do not meet with the person who decides your case.

☐ **INFORMAL CONFERENCE** - **You can pick this kind of appeal in all SSI cases except for medical issues. In SVB cases, you can pick this kind of appeal only if we are stopping or lowering your SVB payment.** You will meet with a person who will decide your case. You can tell that person why you think you are right. You can give us more facts to help prove you are right. You can bring other people to help explain your case.

☐ **FORMAL CONFERENCE** - **You can pick this kind of appeal only if we are stopping or lowering your SSI or SVB payment.** This meeting is like an informal conference, but we can also get people to come in and help prove you are right. We can do this even if they do not want to help you. You can question these people at your meeting.

TO BE COMPLETED BY SOCIAL SECURITY ADMINISTRATION

1. HAS INITIAL DETERMINATION BEEN MADE? ☐ Yes ☐ No

2. IS THIS REQUEST FILED TIMELY? ☐ Yes ☐ No

(If "NO", attach claimant's explanation for delay. Refer to GN 03101.020)

FIELD OFFICE DEVELOPMENT (GN 03102.300)

☐ NO FURTHER DEVELOPMENT REQUIRED
☐ REQUIRED DEVELOPMENT ATTACHED
☐ REQUIRED DEVELOPMENT PENDING, WILL FORWARD OR ADVISE STATUS WITHIN 30 DAYS

SOCIAL SECURITY OFFICE ADDRESS AND DATE APPEAL RECEIVED:

SSI CASES ONLY - GOLDBERG KELLY (GK)
(SI 02301.310) RECIPIENT APPEALED AN ADVERSE ACTION:

☐ WITHIN 10 DAYS AFTER RECEIVING THE ADVANCE NOTICE;
☐ AFTER THE 10-DAY PERIOD AND GOOD CAUSE EXISTS FOR EXTENDING THE TIME LIMIT
☐ PAYMENT CONTINUATION APPLIES AND INPUT MADE TO SYSTEM

NOTE: Take or mail the **completed original** to your local Social Security office, the Veterans Affairs Regional Office in Manila, or any U.S. Foreign Service post and keep a copy for your records.

The Importance of Reviewing Your File

Sometimes a Social Security or SSI claim is denied because a document or another piece of information that should be in your file is not there. Or perhaps some information in the file is incorrect or unclear. This happens most often on medical issues, where medical records are missing or the report from the consultative examination includes a mistake based on a misunderstanding with the doctor who did the exam.

The only way for you to find out if such mistakes exist is to look at your file, which should contain all documents related to your claim. After you file your *Request for Reconsideration*, call your local Social Security office to set up an appointment to see your file or have it sent to you on a CD.

If you find a mistake in the file, write a letter to Social Security explaining the situation. Send the letter to your local Social Security office, asking that it be made part of your file for reconsideration. And, as always, keep a copy of the letter.

The Reconsideration Process

Your claim will be reconsidered by someone in the Social Security or DDS office other than the person who made the decision on it the first time around. The claims examiner will consider everything that was in your file when the decision was made, plus anything you've submitted to the office since the original decision.

You don't appear in person for this review; you don't have the right to speak face to face with the claims examiner making the decision, although you can request a chance to talk to them by phone. But the examiner doing the review may request more information—from you, your doctors, or your employer— and might ask you to come in for an informal interview.

You will receive a written notice of the decision made on your request for reconsideration—usually within 30 days (except for disability claims). If 30 days go by with no word, contact the local Social Security office and ask about the delay.

Reconsideration of a disability claim often takes five to eight months, particularly if new medical information has been provided during the course of the appeal. If several months go by with no contact, you can call the DDS office and ask them about your disability reconsideration. Or you can check the online portal (by logging into your Social Security account) if you filed the appeal online.

Once you receive your written decision, you can, if the decision is negative, file a request for an administrative hearing. (See the discussion of administrative hearings, below, for more information.) You must file your request within 65 days of the date of the written decision.