

Reopening a Denied SSDI Claim

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[SSDI Claims Denied](#) By The Social Security Administration

In the state of Pennsylvania, individuals who qualify can apply to receive Social Security Disability Insurance (SSDI) program benefits. Thousands of claims are filed to the Social Security Administration (SSA) every year, but unfortunately, many of those SSDI claims are denied.



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Kenneth Saffren, Esq.

However, a denial on your initial claim isn't the be-all and end-all. If an applicant's claim is denied, they have the right to reopen the claim and appeal the SSA's decision. If your SSDI claim has been denied, it is in your best interest to contact a Social Security Disability attorney right away, so that they can help you navigate the appeals process.

Which Claimants Are Eligible?

When filing a Social Security Disability Insurance claim in PA, it's important to completely understand the requirements before applying, as the SSA will only grant SSDI if it deems that the applicant's illness or injury is debilitating to the point that they need it.

In addition to completing the SSDI application, those filing will also need to:

Complete two "earnings tests"

Establish that they do not have the same working ability as they did before the injury

Prove that the injury they have suffered can be considered disabling

After the claimant meets all of these requirements, they should begin to receive payments on a monthly basis. Unfortunately, there's still the chance that your claim will be denied, even if it is valid.

If this happens, you will have two months following the denial to request a hearing before an Administrative Law Judge (ALJ). Typically, the wait time for this hearing is about one year. If the claim is then denied again at this point, the applicant can request that their case be reviewed by the Appeals Council. The Appeals Council then has the rights to grant the request, dismiss it, or deny it.

The good news is, the Appeals Council does not have the authority to dismiss a case if it conveys evidence of any of the following:

- There was an abuse of discretion
- An error of law was made
- The decision made by the ALJ was not supported with substantial evidence
- The SSDI case raises a procedural or broad policy issue

After this, the final step in the SSDI appeals process is for the denied applicant to file a lawsuit in a United States District Court. Following the lawsuit, the case will then be reviewed for legal errors by a judge.

[Can I Reopen My SSDI Claim?](#)

The sad truth is that not many applicants are aware of their rights to appeal an SSDI denial, which results in the SSA permanently closing out their case. However, there are certain circumstances in which a claimant may reopen their old SSDI claim. The applicant can reopen their previous disability claim if:

- The prior claim is related to their current claim
- The second claim's onset date of the disability takes place between 17 months of the first application
- The prior claim was wrongly denied

However, if the previous claim involved an entirely separate illness or injury from the new claim, it is most likely that the applicant will be barred from reopening the older one. That being said, if you are able to reopen an old claim, it can be extremely beneficial to your current case since SSDI calculates benefits dating back to your original application.

If the above requirements are met, the claimant should be able to file a new SSDI application and also request that their previous claim be reopened. When completing your application, it's imperative that you include the date of onset of the illness or injury, since this can determine if the SSA will open a claim.

For instance, an SSDI claim that was previously denied by an ALJ is able to be reopened for any reason within one year of the decision. After it is a year old, the claim will become much more challenging to reopen. However, if it has been under four years since the claim was denied, there is still the possibility that it can be reopened if the SSA discovered good cause to do so. This can mean that:

- Additional material evidence regarding the claim has been revealed

A clerical error in calculation was made
The judge's initial determination is completely erroneous

It's highly uncommon for the SSA to reopen a prior application that is older than four years old – however, these claims can in, fact, be reopened if:

There has been evidence of fraud
A mistake was made while computing the claimant's benefits
The denial was originally based on a criminal conviction which was later overturned
The decision was utterly invalid

It's also important to note that when it comes to reopening an initial application, there are strict rules regarding who is permitted to do so. For example, if a claim was denied by an Administrative Law Judge, it can only be reopened by another ALJ or the Appeals Council. On the other hand, if the claim was denied by the Disability Determination Services (DDS), the claim can be reopened by another DDS claims examiner, the Disability Appeals Council, or an ALJ.

Speak With An Experienced SSDI Attorney Today

If your Social Security Disability claim has been denied and you would like to reopen it, or you need assistance completing a new application, the first step is to speak with a dedicated SSDI and SSI attorney who can help point you in the right direction. Contact the law firm of Saffren & Weinberg today at 215-309-9577 to schedule a free consultation for your Social Security Disability Insurance case with one of our disability lawyers, and determine if you are eligible to receive disability benefits.

Kenneth Scott Saffren / About the author

Attorney Kenneth Saffren, Esq, is a partner of Saffren & Weinberg located in Jenkintown, PA, practicing in workers' compensation, social security, and personal injury litigation. He is a member of both the United States District Court of New Jersey and Eastern District of Pennsylvania Supreme Court, as well as PHN Epsilon Roe.

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Ken Saffren, Partner
Saffren & Weinberg
+12153938700
[email us here](#)

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