

## When Will a Social Security Attorney Receive Payment?

Q: Who can submit an application for disability through Social Security?

A: A person is eligible to apply for social security disability benefits if he has a mental or medical condition that is expected to prevent him from working for a minimum of twelve months. A person can also submit an application, if he can still be employed in some fashion but will have an income below what the Social Security Administration calls "substantial gainful activity" (currently just below \$1000 pre tax monthly). If your injury will not prevent you from working for at least 12 months or you will make more than the minimum amount allowed by Social Security, you should not apply. If you have any questions about eligibility for your particular situation, you may wish to consult a social security attorney.

Q: What do you do if your physician is not responsive when you decide to submit an application for disability benefits?

A: The claims examiner for your case will place a lot of importance on the letter your personal physician has to provide for your claim. If your physician is not willing to provide a statement or does not believe you should be submitting an application for benefits, it will be extremely damaging to your case. No one understands your condition and how it affects your ability to work more than the doctor who has treated you. The claims examiner will also need complete and recent medical information to fairly review your claim. Having a cooperative physician will assure that you will not hit any snags when trying to obtain copies of your records. If your doctor is not on your side, it would be wise to find another who is. If you are having difficulty finding a new physician or cannot pay for additional care, you may wish to speak with a social security attorney.

Q: If you have hired a social security attorney, how is he paid?

A: A social security attorney does not collect payment for your case unless you are awarded disability benefits. Most claims that are awarded benefits do not receive approval until they have been through a hearing. In those cases, most claimants receive back pay. The SSA will automatically pay the social security attorney representing a case when it issues the claimant back pay. Your attorney is entitled to 25 percent of your total retroactive benefits payment.

## About the Author

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