

Social Security Disability

Social Security Disability is a program that helps disabled people be able to meet their needs. Social Security Disability is largely a straightforward process but can take some time to fully complete. A person must be determined to have a disability and in turn, be disabled. You can apply for Social Security Benefits online at:

<http://ssa.gov/applyfordisability>

Determination of Disability

A person must be considered to be disabled by the Social Security Administration. 42 U.S.C. § 421(a)(1), 20 C.F.R. § 404.1520. To be determined for disability status you must apply to the Office of Disability Determination Services (DDS).^{*} American Samoa does not have a DDS office but does have a Social Security Field Office which may assist you in filing for disability, the office is located at: Centennial Bldg, 3rd Floor Suite 302, Pago Pago, AS 96799. All disability claims for American Samoa are processed through the DDS office in Guam. Disability Determination Services, Western Pacific Islands, 655 Harmon Loop Road, Suite 300, Dededo, Guam, 96929, phone: 671-635-4779. Applications may also be submitted online.

Eligibility: 42 U.S.C. § 423(a)

A person is considered disabled if they, were set to be eligible for Social Security by the time they reached 62 and filed an application and has worked between five and ten years. 42 U.S.C. § 423(c)(1). They must also not yet reach the retirement age (66 years and two months). They must be a U.S. citizen or national. They must have applied for disability. Finally, they must have a disability. Disability means a person cannot engage in work by a medical physical or mental impairment which may be expected to result in death or which will likely last longer than a year, OR if a person is 55 years old and is blind and cannot work. § 423(d)(2)(A). Critically, a person cannot continue to work if they receive disability payments. § 423(e).

Filing the Application

As stated, applications may be filed in person at the Social Security Field Office, or online. You may file an application one month before you satisfy the requirements for eligibility. § 423(b).

Evaluation: 20 C.F.R. § 404.1520

Five steps are followed in any evaluation of a person who applies for disability. First, work activity is considered, if a person applies and is still working then they will be denied. Second, you must have an impairment that is physical or mental that can be determined medically and last longer than one year or result in death. Third, the SSA considers how severe the impairment is, confirming if the impairment is on their list and it meets the duration requirement that the impairment will likely last for more than one year. Fourth, there is an assessment of your remaining function and past work; if you can still do your

past work then you will not be eligible. Fifth, your age, education, and work experience are taken into account to see if you can adjust to other work, if you can adjust to a new job then you will not be eligible. All these steps must be satisfied to be eligible for disability.

Waiting Period

There is a five-month-long waiting period for people who have applied for disability. With the earliest payments beginning on the first day of the sixth month in the waiting period. Meaning a person must wait at least five months for their disability application to be approved. § 423(c)(2).

Appeal for Denied Applications:

If your application for Social Security Disability is denied, you have the right to appeal. You must appeal the decision within 60 days of your application being denied. You may file your appeal at <https://www.ssa.gov/benefits/disability/appeal.html>. Your claim will be reviewed by the Disability Determination Services, they will make a new determination. If you disagree with their new determination you may request a hearing via an administrative court. If you are still unsatisfied with the outcome of the administrative court, you may take your case to federal court to resolve it.

Your Right to Question the Decision Made on Your Claim, Social Security Administration, <https://www.ssa.gov/pubs/EN-05-10058.pdf>, at 1.