

# BENEFITS & BEYOND

Social Security Disability

THE  
JAN DILS  
FOUNDATION

MAY 2022

## Degenerative Disc Disease and Social Security Disability



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**D**egenerative disc disease (DDD) occurs when the discs of the spine wear out over time. Spinal discs are “cushions” that act as shock absorbers between your vertebrae, but they can dry out or become damaged. While the neck or back pain resulting from DDD can make life miserable and make it very difficult to continue working, it's not easy to get disability benefits for the condition, especially for individuals younger than 50.

#### What Causes DDD?

Disc degeneration in the lower back or neck can be caused by:

- *Your discs drying out, which happens with age*
- *Injuries from daily activities like lifting heavy boxes or carrying children*
- *Sports injuries that cause minor tears in the discs*

Common symptoms of degenerating discs include:

- *Pain that gets worse when lifting items, bending over or twisting the back*
- *Pain that gets worse while sitting*
- *Numbness and tingling in the arms or legs*

#### Complications From Degenerated Discs

When the intervertebral discs become dried out or damaged, the vertebrae can rub against each other, causing bone spurs (bony

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**One big problem regarding back pain is that only the person experiencing the pain actually knows how much it hurts.**  
”

growths) and muscle weakness. Over time, disc degeneration can lead to:

- *Spinal stenosis (narrowing of the spaces within the spine) and weakness*
- *Spondylolisthesis, retrolisthesis, or lateral listhesis (vertebrae slipping out of place)*
- *Herniated discs compressing a spinal nerve*
- *Degenerative adult scoliosis (degeneration on one side of the spine that causes the spine to curve)*
- *Loss of motion in the spine and leg weakness*
- *Sciatica and nerve root compression*

#### How Does Social Security View Degenerative Disc Disease?

DDD is one of the most common impairments cited by people applying for disability benefits and, unfortunately, Social Security doesn't approve many claims.

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## Letter From Jan

Ah, back pain. There aren't many of us who can say we've never experienced it.

The human spine is a marvel of natural engineering, but with so many vertebrae, discs, muscles, tendons and ligaments all working together, many things can go wrong. Be careful when lifting heavy objects, and be mindful of lifting safely.

One of the most common impairments for which people seek disability benefits is Degenerative Disc Disease or DDD. This often occurs when the discs in the spine wear out over time. These spinal discs are supposed to act as shock absorbers for your vertebrae, but they can dry out or become damaged. While neck or back pain can make your life miserable and make it hard to continue working, it's often difficult to get disability benefits, especially for those younger than 50.

Here are a few tips for establishing disability for DDD:

- **Get regular medical treatment.** This cannot be overemphasized.

Disability examiners who work for Social Security find it difficult to approve cases where the newest medical records are more than two months old.

- **Go to the right kind of medical provider.** Get medical treatment from a medical doctor (M.D.) or osteopath (D.O.). Social Security can't accept a diagnosis from a chiropractor or a physical therapist.
- **Stick with one doctor.** Try to see the same physician on an ongoing basis. In doing so, you can develop a relationship with your doctor, who may be more attentive to your condition.
- **Mention your difficulties to your doctor.** Make your doctor aware of your physical limitations during your office visit. If, for example, you have trouble bending, stooping, or crouching, let the doctor know.
- **Keep your friends and family up to date on your physical limitations.** Disability examiners often call applicants to ask questions about their daily activities, but they may also contact relatives and friends of applicants for "supporting" information.

Here is a bonus tip to strengthen your back: Get out and exercise, if you can. Spring is finally here, and it's a great time to get outside.

## MINDFUL MATTERS

### National Mental Health Month

May is National Mental Health Awareness Month. To reduce the stigma so many people experience, it is important to recognize that millions of Americans live with mental illness. According to Johns Hopkins Medical Center, an estimated one in four adult Americans suffer from mental illness, but nearly two-thirds of people with a diagnosis of mental illness never seek treatment.

Anxiety disorders are among the most common forms of mental illness. These disorders start early; the National Institute of



Mental Health estimates that 8% of American teenagers already have an anxiety disorder. Anxiety is caused by many factors including brain activity, genetics, and life events. Many studies indicate that exercise may be a good way to reduce the effects of anxiety. If you're feeling anxious, here are some steps you can take:

- **Take a nature walk.**
- **Take deep breaths. Count slowly to 10.**
- **Talk to a close friend or mental health professional.**
- **Do a calming activity you enjoy to clear your head.**
- **Find something that makes you laugh.**
- **Learn what triggers your anxiety.**

Source: <https://nationaltoday.com/mental-health-awareness-month/>

## Recreational Spotlight

### Cuyahoga Valley National Park

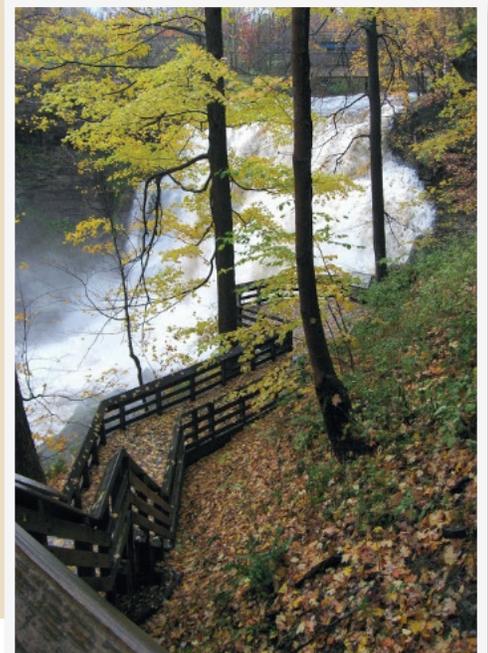
Nestled between Cleveland and Akron, Ohio, Cuyahoga Valley National Park lies along the Cuyahoga River. This park is the perfect escape from the hustle and bustle of the city. It features roaring waterfalls, lavish hiking trails through forests and hills, and an abundance of native plants and wildlife.

Hiking not your thing? No problem! There are plenty of ways to enjoy the beauty of the park including the Boston Mill Visitor Center and a Towpath Trail ride that follows the historic route of the Ohio and

Erie Canal. If you're ready for an adventure in the Cuyahoga Valley, here are a few things to know before you go:

- **Make reservations early.** Many national parks are still requiring tickets to enter, and they sell out fast. Avoid the crowds by visiting on weekdays, mornings or late in the day.
- **Be sure to check the weather.** Conditions often change quickly.
- **Bring plenty of water to stay hydrated during your hikes.**
- **Check out the Boston Mill Visitor Center first.** There, you can find information on the park and important safety reminders.
- **Visit <https://www.nps.gov/cuva/index.htm> or download the NPS app to help you navigate.**

*Let the adventure begin!*



# Why Is There a Five-Month Waiting Period for Social Security Disability?



**THE FIVE-MONTH** pause has been part of SSDI since the program began in the mid-1950s. The idea is to make sure applicants genuinely have a lasting disability, not a short-term illness or injury from which they might recover quickly, and to deter those who can work from applying. Congressional research has found that eliminating the waiting period would cost Social Security billions of dollars per year.

## When the Waiting Period Starts

The five-month waiting period starts on the claimant's established onset date (EOD) of disability: the date on which the SSA says the claimant became disabled. The date of entitlement to Social Security benefits (when the claimant becomes eligible for a monthly

payment) doesn't start until five months after the EOD.

Let's say you applied for SSDI in August 2021 due to chronic, worsening back pain. In January 2022, Social Security grants your claim, determining from its review of medical and other evidence that July 15 is when your condition became severe enough to stop you from working. Your first payment would be for January, and you'd get it in February.

## Yes, There Are Exceptions to the Waiting Period.

**SSI.** SSI claimants who have been approved to receive disability benefits are not subject to the five-month waiting period. SSI claimants will be eligible for their first payment on the first of the month after they apply for

disability (but they will likely receive the first few months' payments in SSI back payments, since the SSA takes at least a few months to start making disability benefits).

**Reinstatement.** If you were approved for SSDI benefits, went back to work, stopped receiving benefits, and then become disabled again, you will not have to wait five months to receive benefits, as long as no more than five years have passed between your first onset date of disability and the second. This is called expedited reinstatement.

**Dependent benefits.** If you are applying for benefits as the child of a disabled worker, your application is not subject to any waiting period.

**ALS (amyotrophic lateral sclerosis, or Lou Gehrig's disease).** A federal law passed in 2020 eliminated the wait for ALS. If Social Security determines that your disability resulting from ALS began in October, you would be entitled to a benefit for November.

If you need help with your initial application, or if you receive a denial letter and feel your case is strong enough to win an appeal, consider contacting an experienced disability law firm for assistance. The team at JanDilsFoundation.org is ready to serve you. Call us at **833.534.3577** or email us at [contact@JanDilsFoundation.org](mailto:contact@JanDilsFoundation.org).

Sources: <https://www.disabilitysecrets.com/five-month-waiting-period.html> / <https://www.aarp.org/retirement/social-security/questions-answers/how-long-does-it-take-for-disability-benefits-to-start.html>

## What's Cooking?

### LENTIL CHOPPED SALAD WITH HONEY WALNUT DRESSING



Try this easy, healthy springtime salad that can keep well 4-5 days in the refrigerator. By **Mary-Michael McClung**.

#### INGREDIENTS

2 cups dried green lentils  
2 cups green cabbage, chopped fine  
2 cups cherry tomatoes, halved  
3 green onions (white and green parts), sliced thin  
2/3 cup feta cheese, crumbled  
Kosher salt

#### Honey Walnut Dressing:

1/3 cup toasted walnuts  
1 large garlic clove, smashed and peeled  
1 Tbsp. honey  
1/3 cup apple cider vinegar  
1/3 cup extra virgin olive oil  
1/2 tsp. kosher salt  
1/4 tsp. freshly cracked black pepper

**DIRECTIONS:** Bring a medium saucepan of heavily salted water to a boil over medium-high heat. Rinse dried lentils in a strainer, then add to boiling water. Cook for 15-20 minutes until lentils are tender but not falling apart. While the lentils cook, make the dressing. Add all dressing ingredients to a blender and blend for 20-30 seconds. The dressing should be smooth and thickened, with a little bit of texture from the walnuts. When lentils are done, strain and add to a large serving bowl with cabbage, tomatoes and green onions. Break up the feta and add to the bowl. Drizzle the salad with the toasted walnut dressing and toss well. Serve or refrigerate, as this will keep well for 4-5 days.

## IT'S GAME TIME

### COMMONYMS

#### What's a commonym, you ask?

A commonym is a group of words that have a common trait in the three words/items listed. For example, the words: A car - A tree - An elephant... they all have trunks. These will make you think!

1. Easy - High - Lounge
2. Matchbooks - Magazines - Beds
3. Malls - Bacon - Comic
4. Cuba - Ireland - Japan
5. Mud - Java - Joe
6. Corn - The U.S. Army - Kentucky Fried Chicken
7. Nanny - Kid - Billy
8. Judges - Ruth - Kings
9. Black - Lazy - Bloodshot
10. Body - Crossing - Life

**Answers:** 1. chairs 2. they have covers 3. they come in strips 4. island nations 5. slang for coffee 6. they have colonels 7. goats 8. books of the Bible 9. eyes 10. guards

MAY 2022

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PERSONAL INJURY / VETERANS DISABILITY / SOCIAL SECURITY DISABILITY

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One big problem regarding back pain is that only the person experiencing the pain actually knows how much it hurts. Claims examiners will give little consideration to complaints of severe pain unless you have medical records with objective evidence to back up your claim. Social Security generally grants disability benefits only to those who can produce medical imaging — such as X-rays, MRIs or CT scans — showing that DDD has severely impacted the vertebrae or spine. Medical records are of the utmost importance in these cases.

After checking your medical records, the disability examiner will determine whether there's enough evidence to meet one of Social Security's spinal disorder listings:

- *Nerve root compression (such as a positive result on a straight-leg raising test)*
- *Spinal stenosis (such as an MRI showing*

*narrowing of the spinal column)*

If your DDD has advanced enough to cause one of these conditions, you must meet the criteria outlined in Social Security's listing for that condition. More criteria information can be found at <https://www.disabilitysecrets.com/social-security-disability-back-pain-nerve-root.html>.

#### **How to Strengthen Your Claim**

To have the best chance of getting approved for disability, consider submitting any or all of the following to your medical examiner:

- *A history of any treatments you have tried and what the results were*
- *A record of any hospital or ER visits*
- *Any results of tests such as X-rays or MRIs*
- *A statement from a former employer about your condition*
- *Any work performance evaluations reflecting your physical difficulties*

- *A record of sick leave from your last job*
- *A statement from your doctor about your restrictions and limitations*
- *A statement from a family member about how your condition makes it difficult for you to engage in daily activities*

#### **How to Apply for Disability Based on DDD**

If you're applying for Social Security Disability Insurance (SSDI), you can file your claim on Social Security's website (<https://secure.sss.gov>). If you need help in determining whether your Degenerative Disc Disease qualifies for SSDI, email us at [contact@JanDilsFoundation.org](mailto:contact@JanDilsFoundation.org), or call **833.534.3577** for your free consultation. We are here to help.