

**Social Security Administration
RETIREMENT, SURVIVORS AND DISABILITY INSURANCE
SUPPLEMENTAL SECURITY INCOME
Notice of Disapproved Claims**

DATE: **MAR 09 2005**

We are writing about your claims for Social Security and Supplemental Security Income (SSI) disability benefits. Based on a review of your health problems you do not qualify for benefits on either claim. This is because you are not disabled or blind under our rules.

THE DECISION MADE ON YOUR CASE

The following information was used to decide this claim:

LAURA L FELDMAN DO report received 01/24/2005
SANDRA K KNIGHT PHD - No report received
RONALD M LAUB MD report received 01/18/2005
VICTOR NEUFELD PHD report received 01/24/2005
JAMES R SPADONI MD report received 01/25/2005
HEALTHSOUTH report received 01/24/2005
MEMORIAL HOSPITAL report received 01/21/2005
PENROSE HOSPITAL report received 01/21/2005
Any reports already in file were used.

We have determined that your condition is not severe enough to keep you from working. We considered the medical and other information, your age, education, training, and work experience in determining how your condition affects your ability to work.

Disability is claimed because of closed head injury, back problems with surgery, bipolar, diabetes, asthma, low thyroid, severe nerve pain, memory problems.

The medical evidence we received shows that you can walk normally and have good strength. You have good motion in your lower back. X-rays of your lower back showed some problems. X-rays of your chest were normal. The evidence also shows that you have had surgery for carpal tunnel. The evidence shows you injured your head in March 2000. Special testing shows that you have average intelligence but work at a slower pace. You have good reasoning and judgement. You also suffer from depression. The evidence shows you have been stable on medications. You can perform most normal daily activities. You are on insulin for your diabetes. We realize that your impairments cause you problems. You should not do complex heavy work that requires you to bend at the waist often. Less strenuous work is possible.

Although some kinds of work are not possible, your condition does allow other less demanding work. This conclusion takes into consideration your age and education.

If your condition gets worse and keeps you from working, write, call or visit any Social Security office about filing another application.

ABOUT THE DECISION

Doctors and other trained staff looked at your case and made this decision. They work for your State but used our rules.

Please remember that there are many types of disability programs, both government and private, which use different rules. A person may be receiving benefits under another program and still not be entitled under our rules. This may be true in your case.

RULES FOR SOCIAL SECURITY DISABILITY

You must meet certain rules to qualify for Social Security disability benefits:

FOR DISABLED WORKER'S BENEFITS:

You must have the required work credits and your health problems must:

keep you from doing any kind of substantial work (described below), and last, or be expected to last, for at least 12 months in a row, or result in death.

RULES FOR SSI DISABILITY AND BLINDNESS

You must meet certain rules to qualify for SSI payments based on disability:

FOR PAYMENT AS A DISABLED ADULT:

If you are age 18 or older your health problem must:

keep you from doing any kind of substantial work (described below), and last, or be expected to last, for at least 12 months in a row, or result in death.

You must meet certain rules to qualify for SSI payments based on blindness:

your eyesight must be no better than 20/200 in the better eye with the use of a correcting lens, or

your visual field must be restricted to 20 degrees or less.

You can qualify for SSI benefits due to blindness even if you can do substantial work.

INFORMATION ABOUT SUBSTANTIAL WORK

Generally, substantial work is physical or mental work you are paid to do. Work can be substantial even if it is part-time. To decide if your work is substantial, we consider the nature of the job duties, the skills and experience you need to do the job, and how much you actually earn.

Usually we find that your work is substantial if your gross earnings average over \$830 per month after we deduct allowable amounts. This monthly amount is higher for Social Security disability benefits due to blindness.

Your work may be different than before your health problems began. It may not be as hard to do and your pay may be less. However, we may still find that your work is substantial under our rules.

If you are self-employed, we consider the kind and value of your work, including your part in the management of the business, as well as your income, to decide if your work is substantial.

INFORMATION ABOUT OTHER BENEFITS

SOCIAL SECURITY BENEFITS

Based on the application you filed, you are not entitled to any other benefits, besides those you may already be getting. In the future, if you think you may be entitled to other benefits you will need to apply again. If you disagree with this decision, you have the right to appeal. The appeal is described later in this letter.

MEDICAID

Since you are not receiving SSI payments, you are not automatically eligible for medical assistance under the Medicaid program. However, if you need help with medical bills, you still may be eligible for medical assistance.

The application you filed with us is not an application for medical assistance or Medicaid. An agency of your State will advise you about the Medicaid program. If you have any questions about your eligibility for Medicaid or need immediate medical assistance, you should contact your local social services office.

STATE ASSISTANCE PAYMENTS

You may want to contact your local public assistance office to find out if you qualify for payments from them.

IF YOU DISAGREE WITH THE DECISIONS

If you disagree with these decisions, you have the right to request a hearing. A person who has not seen your case before will look at it.

You have 60 days to ask for a hearing.

The 60 days start the day after you get this letter. We assume you got this letter 5 days after the date on it unless you show that you did not get it within the 5-day period.

You must have a good reason for waiting more than 60 days to ask for a hearing.

You have to ask for a hearing in writing. We will ask you to sign a form HA-501-U2, called "Request for Hearing." You may complete this form online at <http://www.socialsecurity.gov/online/ha-501.pdf>. Contact one of our offices if you want help.

In addition, you have to complete a "Disability Report-Appeal" to tell us about your medical condition since you filed your claim. You may contact one of our offices or call 1-800-772-1213 to request this form. Or, you may complete this report online at <http://www.socialsecurity.gov/disability/hearing>.

Please read the enclosed pamphlet "Your Right to Question the Decision Made on Your Social Security Claim". It contains more information about the hearing.

HOW THE HEARING PROCESS WORKS

After we send your case for a hearing, an Administrative Law Judge (ALJ) will mail you a letter at least 20 days before the hearing to tell you its date, time and place. The letter will explain the law in your case and tell you what has to be decided. Since the ALJ will review all the facts in your case, it is important that you give us any new facts as soon as you can.

The hearing is your chance to tell the ALJ why you disagree with the decision in your case. You can give the ALJ new evidence and bring people to testify for you. The ALJ also can require people to bring important papers to your hearing and give facts about your case. You can question these people at your hearing.

Please read the enclosed pamphlet, "Your Right to Question the Decision Made on Your Claim." It has more information about the hearing.

IT IS IMPORTANT TO GO TO THE HEARING

It is very important that you go to the hearing. If for any reason you can't go, contact the ALJ as soon as possible before the hearing and explain why. The ALJ will reschedule the hearing if you have a good reason. If you don't go to the hearing and don't have a good reason for not going, the ALJ may dismiss your request for a hearing.

NEW APPLICATION

You have the right to file a new application at any time, but filing a new application is not the same as appealing a decision. If you disagree with either of these decisions and you file a new application for Social Security or SSI instead of appealing, you might lose some benefits, or not qualify for any benefits. Also, we could deny the new Social Security application using this decision, if the facts and issues are the same. So, if you disagree with either decision, you should ask for an appeal within 60 days.

IF YOU WANT HELP WITH YOUR APPEAL

You can have a friend, lawyer or someone else help you. There are groups that can help you find a lawyer or give you free legal services if you qualify. There are also lawyers who do not charge unless you win your appeal. Your local Social Security office has a list of groups that can help you with your appeal.

If you get someone to help you, you should let us know. If you hire someone, we must approve the fee before he or she can collect it. And if you hire a lawyer, we will withhold up to 25 percent of any past due Social Security benefits to pay toward the fee. We do not withhold money from SSI benefits to pay your lawyer.

FAMILY BENEFITS

If you have a spouse or child we cannot pay them benefits unless you are entitled to Social Security benefits.

IF YOU HAVE ANY QUESTIONS

If you have any questions, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at the number shown below. We can answer most questions over the phone. You can also write or visit any Social Security office. The office that serves your area is located at:

COLORADO SPRINGS DISTRICT OFFICE
1049 N ACADEMY BLVD
COLORADO SPRINGS, CO 80909
(719) 574-9279

If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly.

James C. Everett
SSA REGIONAL COMMISSIONER

SSA-L442d-U3-p/L442D-P
Enclosures: Your Right to Question the Decision Made on Your Claim
DRC169/drc169
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