

Can You Appeal After a Hearing and Do You Need a Social Security Disability Attorney to Do It?

Q: If you are denied benefits again after a hearing, can you appeal and should you have a social security disability attorney to do it?

A: Yes, you can appeal if you are denied benefits after having your case heard by an administrative judge. And, yes, you should have a [social security disability attorney](#) for this stage of appeal. Your first step to appeal is to submit a request to have your case reviewed by the Appeals Council. The Appeals Council can do one of three things. It can deny the request for review. It can grant a review and decide that another hearing should be scheduled (called a "remand.") It can grant a review and reverse the decision made by the judge, which means you will be approved for disability benefits. If your request for review with the Appeals Council is denied, your next step is to file a suit in the Federal District Court. You will need a social security disability attorney to do this, since to appeal to the Federal Court you are bringing a suit against the Social Security Administration. Such action should not be taken lightly. Your social security disability attorney will be able to determine what your appropriate actions should be, based on the decision made by the judge after a hearing and the circumstances surrounding your case.

Q: If you think a judge missed some crucial medical evidence supporting your case when deciding to deny benefits after a hearing, what should you do?

A: If you believe the judge missed important medical evidence that you provided during a hearing, speak with a social security disability attorney immediately. If you already have an attorney, he or she has most likely already realized the mistake and is taking steps to appeal. You will want to request a review by the Appeals Council within the required deadline. With the help of your social security disability attorney, the Appeals Council will agree to review your case, acknowledge the oversight and overturn the decision or request that a new hearing be held.

About the Author

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