



KERR ROBICHAUX & CARROLL

CLIENT GUIDE

**How to Navigate
SSA's Process for
Obtaining Social Security
Disability Benefits**

2026

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OFFICE HOURS
M-F 8:00 AM to 5:00 PM

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ABOUT US

Kerr Robichaux & Carroll (KRC) specializes in representing clients seeking to obtain disability benefits from the Social Security Administration (SSA). The firm's partners, Kevin Kerr, Amanda Robichaux and Sara Carroll, understand the unique challenges that their clients with severe medical conditions face. They have created this guide as a demonstration of the level of transparency and quality advice they are committed to offering clients throughout this difficult process.

Kevin, along with Amanda and Sara, took over their current practice from the firm's former owner Merrill Schneider in 2020. Each of them have over a decade of experience helping clients navigate the Social Security disability process. They have represented clients at thousands of disability hearings.

MEET THE MANAGING PARTNERS



KEVIN KERR

Partner



AMANDA ROBICHAUX

Partner



SARA CARROLL

Partner

LIFE OF A CASE

The following chart outlines how claims typically progress through SSA's process for making determinations on applications for Social Security disability benefits.

The process is generally the same for Title II claims for Social Security disability and disability insurance benefits (SSD), disabled widows benefits, and child disability benefits, as it is for Title XVI claims for Supplemental Security Income (SSI).

The color Key below denotes which of the firm's departments helps with each of the stage.

KEY



STATE AGENCY LEVEL - INITIAL DETERMINATION

(~16 MONTHS)

APPLICATION

FIELD
OFFICE

DISABILITY
DETERMINATION
SERVICES

DENIAL

STATE AGENCY LEVEL - RECONSIDERATION DETERMINATION (~10 MONTHS)

FIELD
OFFICE

DISABILITY
DETERMINATION
SERVICES

ADMINISTRATIVE HEARING LEVEL (~8 MONTHS)

FIELD
OFFICE

OFFICE OF
HEARINGS
OPERATIONS

APPEAL OF HEARING LEVEL DETERMINATIONS (~12 MONTHS)

(~9 MONTHS)

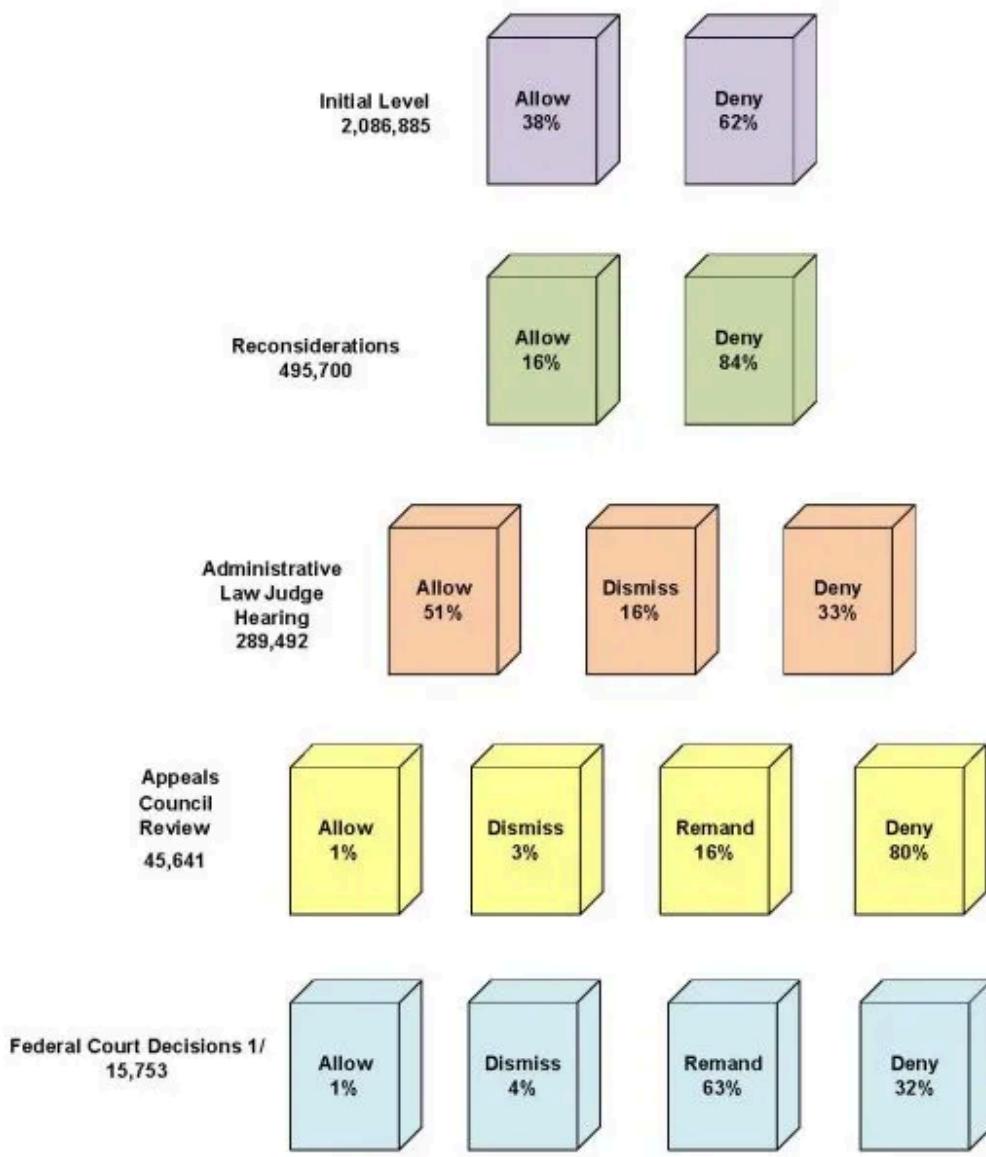
APPEALS
COUNCIL

UNFAVORABLE DECISION

U.S. DISTRICT
COURT

FISCAL YEAR 2024 WORKLOAD DATA: DISABILITY DECISIONS*

Continuing Disability Redeterminations (CDRs) are not included
except for Federal Court Level



*Includes Title II, Title XVI, and concurrent initial disability determinations and appeals decisions issued in FY 2024, regardless of the year in which the initial claim was filed, and regardless of whether the claimant ever received benefits (in a small number of cases with a favorable disability decision benefits are subsequently denied because the claimant does not meet other eligibility requirements.) Does not include claims where an eligibility determination was reached without a determination of disability. If a determination or appeals decision was made on Title II and Title XVI claims for the same person, the results are treated as one concurrent decision.

1/ Federal Court data includes appeals of Continuing Disability Reviews.

NOTE: Due to rounding, data may not always total 100%.

Prepared by: SSA, ODSSI (Office of Decision Support and Strategic Information)

Date Prepared: January 30, 2025

Data Sources:

1) Initial and Reconsideration Data: SSA State Agency Operations Report

2) Administrative Law Judge and Appeals Council Review data: SSA Office of Hearing Operations (OHO)

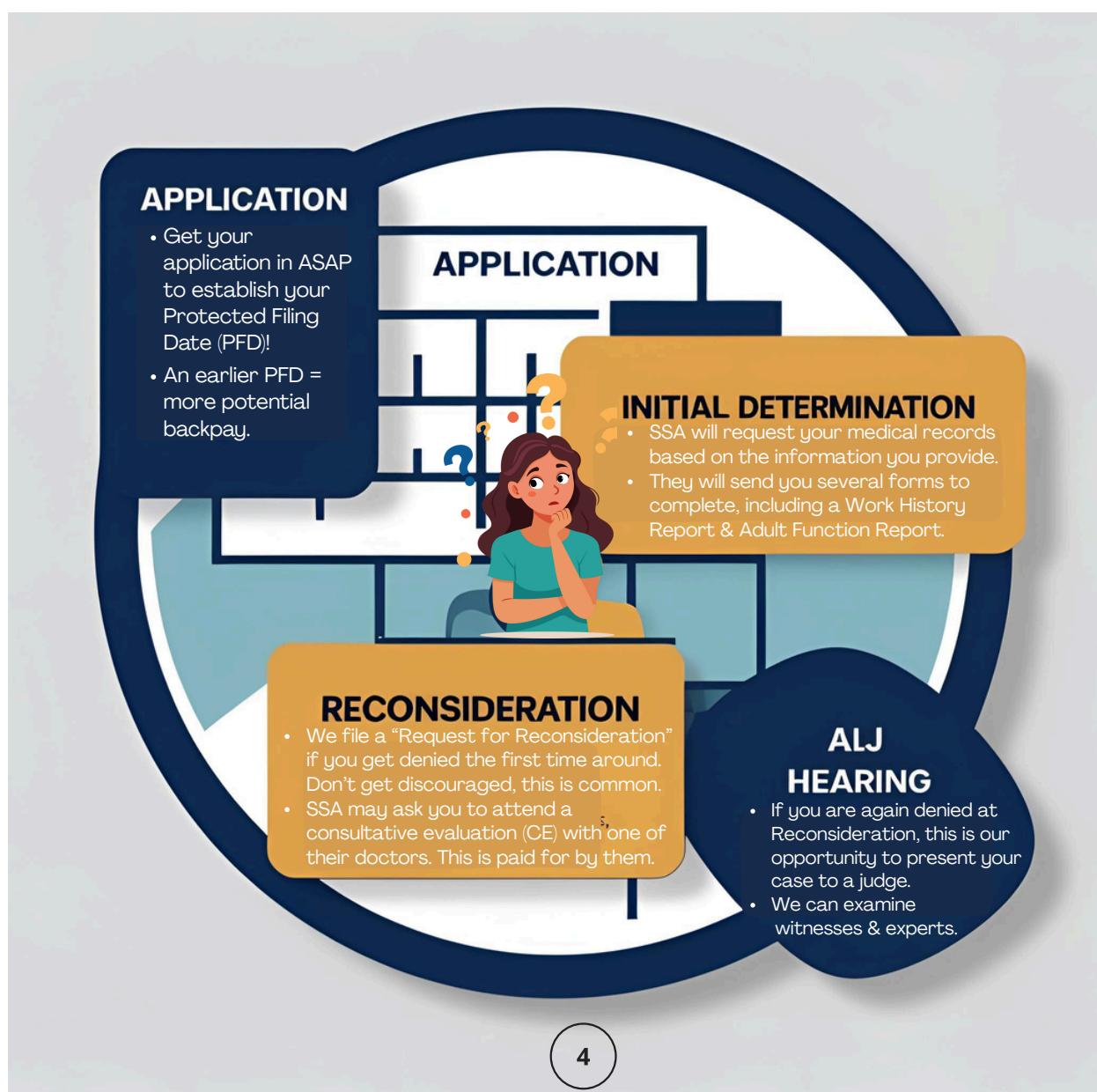
3) Federal Court data: SSA Office of General Counsel

GENERAL STRUCTURE OF THE FIRM

The process for obtaining disability benefits can vary greatly depending on each individual client's case. Some people may be approved at the Initial or Reconsideration levels of the State Agency's process and others may have to go to a hearing, or even appeal an ALJ decision.

We find that it benefits our clients to have team members focused on specific stages of the process. Any of a department's team members should be able answer your questions about issues or stages of the process their team handles. Team members can also escalate you to a supervisor or an attorney, if needed.

Our team will act as liaisons between you and SSA. We encourage you to talk to us prior to speaking with Social Security, even if SSA reaches out to you directly. We prefer that you speak to us first because we want you to understand the purpose of the questions SSA asks you and how your responses may affect your claim.



THE INITIAL STAGE

KRC's Application Department & the Initial Application

Generally, we file applications online through SSA's website. We also file paper applications directly with SSA. In either case, our office will reach out to you to gather the information needed for an application. In some cases, we will arrange for you to file applications directly with SSA through a phone call. We will set up the phone call for you, but we are not a party to that appointment. You may need more than one application depending upon which type(s) of benefit(s) you are claiming. Visit getSSD.com to learn more about SSA's different claim types.

We file applications on your behalf as a third party, so **it is very important that you certify your application with SSA**. Our Application team will discuss with you any paperwork needed, but without it, SSA will not process your application.

The application is the point where we provide SSA information about your medical conditions, your medical records, your work history, and about how your conditions affect you during the day.

After an application is filed, the appropriate SSA Field Office will process it. They are responsible for determining if you meet the basic non-medical requirements of the disability program you are applying for. SSA may need additional forms to process your application, such as an Authorization to Release Information, or a Work Activity Report. Our Application team will discuss with you any paperwork needed, but without these forms, SSA will not process your application. Medical facilities vary on the length of time they will honor SSA's Form 827 and consider it valid for requesting medical records. We recommend providing a new signed and dated SSA Form 827 to SSA every 9 months. We recommend doing this via your MySSA account.

We will send notification to SSA that you have appointed us as your representative with the SSA Form 1696 Appointment of Representative. Pay special attention to any mail from SSA because we will not automatically be copied on correspondence about your case until SSA acknowledges us as your representative.

KRC's Claim Development Dept. & the Initial Determination

Once the SSA Field Office processes your application, they will send your claim to a local state Disability Determination Services (DDS) office to further develop your case. SSA's Field Offices generally take about **1 to 3 months** to process an application and send it to DDS. It can take **an additional 6-8 months or more** for a case to then be assigned to an analyst. Some states, like California, have exceptionally long wait times and can take **12-14 months or more** for an analyst to be assigned, or longer. Once your case is assigned, the initial stage of the process generally takes **3 to 5 months or more** before a decision is issued.

Once your case has made it to DDS, your case will be managed by our Claim Development Department. KRC's Claim Development team will be your point of contact should you need to check on the status of your case, provide updates, get help filling out forms, or if you otherwise have any questions about the process.

The Claim Development Team has an automated system for sending out text and e-mail alerts when we receive notifications from SSA. Please pay careful attention to the information and instructions contained in those alerts. They will also be texting you and emailing you educational materials about what you can expect and what things you might consider doing to improve your chances of winning your case. If you get mail from SSA and do not hear from us, that means SSA may not be properly recognizing us as your representative. Please contact us immediately if that is the case.

It is very important to understand that at the State Agency level, **DDS is responsible for requesting your medical records**. This means that their office, not our office, will request that your records be sent directly to DDS. DDS will request your records based on which facilities you listed in your application materials or any updates they receive. You should reach out to us if you have any medical record updates and we will submit them for you. We are also happy to help if DDS has trouble getting or otherwise fails to get records you have told them about.

DDS may also send you additional forms such as a Work History Report (SSA Form 3369), Adult Function Report (SSA Form 3373), and Third-Party Function Report (SSA Form 3380). All of these forms can be found via a quick google search or on our website GetSSD.com.

While we do anticipate that most clients will be asked to fill out these forms eventually, we ask that you wait until after SSA has sent you a copy by mail to submit the form to SSA. The forms SSA sends you by mail should include a return envelope, addressed to the proper location, that you can use to send the form back in with. Waiting to complete forms until after you receive them from SSA helps ensure they are sent back to the right place and helps the Agency avoid misplacing your forms by keeping things on their schedule. We are happy to send you copies of forms if you lose an original sent to you by SSA.

Anyone over the age of 49 is **strongly advised** to schedule an appointment with us to complete their Work History Report. This is because Social Security's rules for determining disability for people age 50 or higher rely heavily on the individual's ability to perform their prior work. Please see our blog posts on our website for more information about the medical vocational guidelines for determining disability for individuals over the age of 50.

After DDS receives your forms and medical records, they may decide they need additional information. They could send you for a consultative evaluation (CE). This is a medical provider paid for by Social Security to establish which medically determinable impairments exist and any corresponding limitations. We strongly recommend that you attend these evaluations, even if we cannot guarantee whether the doctor will be helpful or not. Not doing so could result in SSA finding that there is insufficient evidence to make a determination in your case as a result of your failure to cooperate. We can provide you a form to give feedback if you have concerns about how the examination went. We can also attempt to rebut any findings made by the CE provider with statements from your treating providers, along with other evidence.

Once the DDS analyst believes that your case is fully developed, they will issue a determination and send your case back to the local Field Office (FO). The FO will review DDS's initial determination and issue a decision letter.



RECONSIDERATION

KRC's Claim Development Dept. – Initial Denial & Request for Reconsideration

If SSA denies your claim at the Initial stage, we call that an Initial Denial (ID). We will then file what is called a Request for Reconsideration of your claim. The Request for Reconsideration operates as an appeal of the ID. We will reach out to you to get information about any changes to your medical condition and/or medical updates to include in your Request for Reconsideration. If we are not able to reach you by the deadline for appeal, we will still file a Request for Reconsideration so that you do not lose your appeal rights.

After our appeal is filed with the FO, your claim is sent back to DDS and assigned a different analyst. DDS will again request updates of your medical records and may need more information and send additional forms (or even the same forms) and/or send you to additional evaluations. The new DDS analyst will issue another determination on your claim that is again sent to the FO. The FO will review DDS's Reconsideration Determination and issue a decision on your claim. The Reconsideration stage of the process generally takes **8 to 10 months or more**.

KRC's Claim Development Dept. – Reconsideration Denial & Request for Hearing

If SSA denies your claim at the Reconsideration stage, you will receive what is called a Reconsideration Denial (RD). If you receive a RD, the next step will be to appeal the denial by filing a Request for Hearing. We will again reach out to you to get information about any changes to your medical condition and/or medical updates to include in your request for hearing. We will also be in touch about which manner you would like to appear at hearing – in-person, by video or by phone. As with the ID, if we are not able to reach you by the deadline for appeal on the RD, we will still file a request for hearing so that you do not lose your appeal rights.

ALJ HEARINGS

KRC's Hearing Preparation Department & Hearings before an ALJ

Once a hearing is requested, it generally takes **6-8 months or more** to get a hearing scheduled. KRC's Hearing Preparation Department handles cases while they are pending at a Social Security Office of Hearings Operations (OHO).

Once we get a hearing scheduled, we will assign one of the firm's hearing attorneys to represent you at your hearing. You will be contacted by that attorney's legal assistant. The legal assistant will go over the medical records that SSA already has in their electronic file for you, and determine whether there are any older records, or new records we need to get. They also will talk to you about which of your providers may be willing to provide helpful medical opinions. The attorney's legal assistant will also set up a time for you to meet with your hearing attorney to go over the evidence in your case.

Your attorney will help prepare you for hearing by discussing the key issues in your case with you and by answer any questions you might have. It is very important that you stay in touch with us so that we make sure that we have an opportunity to properly prepare for your case.

At a hearing, we will present your case to an ALJ. The ALJ will hear your testimony and review any evidence and arguments that we provide. We will have the opportunity to highlight any supporting opinions from your medical providers and to cross examine SSA's witnesses. We will also determine, on a case-by-case basis, whether it makes sense to have any of your family members, friends, support persons, providers or other persons testify as witnesses.

In some cases, the ALJ may set a supplemental hearing to gather additional evidence and may include a medical or vocational expert. They may also send you to a consultative evaluation (paid for by the Agency). The ALJ will issue a decision.

After your hearing, it generally takes about **4 to 10 weeks or more** for the ALJ to issue a written decision.

APPEALS

KRC's Appeals Department & the Appeals Council & Federal Court Review

If the ALJ issues an unfavorable or partially favorable decision in your case, we may ask the Appeals Council to review that decision. Appeals at this stage are based on errors of law. That means the judge has a lot of discretion, and we will only recommend an appeal if we think that the ALJ made a legal error, not just if we disagree with their opinion about something. If we do not recommend an appeal, but you wish to pursue one anyways, you will need to file the appeal on your own or hire another attorney to help you with your appeal.

If we do file an appeal on your behalf and the Appeals Council denies our request for review, we may file an action in the United States District Court where you are the plaintiff and the SSA Commissioner is the defendant. We are licensed to perform USDC work in the following states: Oregon and Washington. If you are in another state, we may pair with a local attorney or refer your case to another attorney's office. If you are denied in District Court, our appeal's team will discuss with you any appropriate filings or courses of action beyond this stage.

If the ALJ decision is unfavorable to you, it generally takes about **9-12 months or more** to get a response on a request for review at the Appeal's Council. Actions filed in USDC generally take about **6 to 9 months or more** for resolution.

If you win on appeal your case will be remanded back to the Office of Hearings Operations. Usually it will be remanded back to the same ALJ who issued your last hearings level decision. If you end up having to appeal that ALJ's second decision you should be assigned a different judge for your next hearing.

HELP FROM OTHER KRC DEPTS.

KRC's Word Processing Department

You may from time to time be contacted by our Word Processing Department regarding paperwork they need for you to complete and return, like new or updated representation documents. The supervisor of this department also handles any requests made by clients to be sent a copy of their file. The Word Processing Department may reach out to you even though your case is primarily being handled by another of the Firm's departments.

KRC's Financial Department

If you are awarded benefits, your case will be taken over by our Financial Department. You should get texts and emails explaining what to expect after you have been awarded benefits. Please contact our office if you do not receive these. Our Financial Department is here to help you understand how much you should be getting in backpay and/or ongoing benefits. However, they will not be able to get into specifics about how much you will get until SSA has issued your Notice of Award. This is a document SSA will mail you explaining how they calculated your backpay and ongoing benefit amounts.

If the ALJ decision is favorable or partially favorable, it generally takes about **4 to 12 weeks** for SSA to issue a written Notice of Award. After the Notice of Award is issued, it generally takes about **4 to 6 weeks or more** for your ongoing benefits to be issued to you. After the Notice of Award is issued, it generally takes about **2 to 6 months or more** for your back benefits to be issued to you. Your backpay may be split into multiple payments.

If you are awarded SSI benefits, you will have to do a Preeffectuation Review Contact (PERC) with SSA to determine whether there will be any reductions to the monthly benefit amount you are owed for each month of backpay and/or reductions to your ongoing monthly benefit amount. Our team is happy to answer any questions you might have about that meeting. Please just review the text and emails we send you on that topic and reach out if you have any additional questions.

SSI is a resource-based program, so any changes to your income or resources could affect your eligibility. Please make sure we are aware of any changes in your resources or income.

KRC DIRECTORY



Main Line: (503) 255-9092

Department	E-Mail
Applications	AppsDept@GetSSD.com
Claim Development	ClaimDev@GetSSD.com
Hearing Preparation	HearingDept@GetSSD.com
Appeals	AppealsDept@GetSSD.com
Financial	FinDept@GetSSD.com

Text Line

(Your Message Will Be Routed to Appropriate Department)

(503) 809-5457

General Contact Information

Mailing Address:

P.O. Box 14490

Portland, OR 97293

Physical Address:

626 SE Alder St.

Portland, OR 97214

Phone: (503) 255-9092

RESOURCES ON GETSSD.COM

Blog Articles.

FAQ Videos

Community Resources

Common Forms

**Check Out Our Blog
Posts & Videos!**

Top 5 Must Read Blog Posts

- *What is SSA's Definition of Disability?*
- *What to Know about the Adult Disability Report*
- *How to Complete a Work History Report*
- *Understanding Evidence in an SSD Claim*
- *Social Security Disability Hearing Questions: What to Expect*



Top 5 Must See FAQ Videos

- *Tips to Get Your SSD Claim Approved*
- *What Evidence Is Needed to Support Your Disability Claim?*
- *How Does Social Security Analyze Your Past Work?*
- *What Can You Do For Me at Hearing?*
- *What Can an SSD Attorney Do For Me After My Hearing?*



CASE DEVELOPMENT TOOLS ON GETSSD.COM



Visit the Common SSA Forms Section of getSSD.com for tools to help you obtain statements from your doctors and employers. Also on our website we have a variety of symptom and treatment trackers to help you keep track of your conditions under the Case Development Forms section.

Opinion Evidence

Employer Questionnaire

Physical Residual Functional Capacity Assessment

Mental Residual Functional Capacity Assessment

Symptoms & Treatment Trackers

Seizure Calendar

IBS Log

Seizure Event Log

MS Symptom Log

Pain Log

Headache Log

Medical Treatment Log