

Awake in Philly

Community Education Group

Publisher of *The Sleep-e Times*

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Meeting Minutes for Wednesday, March 12, 2003

Source: <http://www.AwakeInPhilly.org/Meetings/2003/Mar2003/minutes.shtml>

A. OPENING STATEMENTS

Michele called to order the regular meeting of the *Awake in Philly Community Awareness Group* at 6:40 pm on Wednesday, March 12, 2003 in the Conference Room at the Northeast Regional Branch of the Free Library of Philadelphia. After calling the meeting to order, she led the group in reciting the Pledge of Allegiance, and then welcomed everyone, followed by her reading the standard disclaimer.

B. DISCUSSION

The guest speaker for this meeting was Howard Hyman, an attorney in Northeast Philadelphia, who has over 20 years of legal experience. He graduated from Central High School, and went on to receive his Bachelor of Arts and *Juris Doctor* degrees from Temple University. Howard received the "American Jurisprudence Award" for outstanding achievements while in law school, and is listed in *Who's Who in American Law*.

During his presentation, Howard said that regular disability or retirement benefits received from the Social Security Administration are the "average" of a person's last few years of employment income. He further explained that Supplemental Security Income (SSI) is a program that covers children and adults who have few non-exempt assets and low income, which would include cash-on-hand, as well as any stocks and bonds. Howard said the asset limit is approximately \$2,000. SSI is considered by many people to be a form of federal welfare, but he emphasized that it is not.

If you have been collecting Social Security, or have been classified by the Social Security Administration as disabled for two years or more, you may also qualify for Medicare, Howard explained. A person may also be able to apply for Medicaid, which is a state-level health insurance program with asset and income limits similar to SSI.

If you make over approximately \$600 per month, you may not qualify for Social Security Disability since this amount is presumed to be an indication of the ability to work. To be considered disabled, you have to have a serious condition or conditions expected to last for more than one year or which is likely result in death. Howard also dispelled a myth that many hold. He said that many people believe there is something called "partial disability." Howard told the group this simply is not fact-based.

When a person's disability case is being decided, the judge will take into consideration the person's age, education, and work background. This will be used to determine if you have the

experience to do another job. The chief issue is if the person may safely work – without endangering their health or safety, while still earning an income. The income level, however, is not the sole factor in deciding the case. For example, someone with a college degree who was earning \$80,000 per year at an office job may be told they could still work at another non-physically demanding job, while an older person with no education and only a background in hard, physical labor may be found disabled, and qualified for Social Security Disability.

If you are seeking SSI or Social Security Disability, yet do not have a regular healthcare provider, the court will provide doctors to examine you, which, of course, is also paid for by the court. Once the results are received from the examining physician, the judge or disability adjudicator will determine if you are disabled. Howard explained that a large percent of people seeking Social Security Disability are found *not disabled* on their first application. If, however, a person chooses to appeal the decision, they have 60 days to do so.

To win a case, Howard says you need to provide the judge with objective evidence, which may include witnesses, healthcare providers, X-rays, CAT scans, MRI results, or other diagnostic test results. He also said that emotional injury, as well as any subsequent depression might magnify your problem.

The order in which to file for Social Security Disability is: initial application; administrative appeal; Social Security Appeals Council; and the last option is the U.S. district court. According to Howard, most cases do not go past the administrative law judge, but added that between 85 to 90 percent of the cases that go to appeals court are successful.

The SSI rules say that you cannot receive money for any full month prior to the first whole month you applied in. Also, you're not entitled to receive full Social Security Disability payments if you are also receiving Worker's Compensation. This rule helps prevent "double dipping" on these funds.

C. INDIVIDUAL DISCUSSION/SUPPORT ISSUES

Q: *"I've been appealing the decision that I am not disabled for about 2½ years. If the judge decides that I am disabled, can the pay start from the first hearing?"*

A: "A case that is still being appealed for 2½ years might ultimately be won. If you win this case, you might potentially receive SSI benefits from the first full month after you applied for SSI. If you applied for regular (Title II) Social Security Disability benefits (subject to a mandatory five-month "deductible"), you can potentially receive benefits as far back as one year prior to your application date."

D. ACKNOWLEDGEMENT OF SPONSORS

Awake in Philly sponsors, in alphabetical order, include B.F. Ascher & Co., Inc.; the Free Library of Phila. (NE Regional Library); Maril Products; and Respironics, Inc.

E. AGENDA FOR NEXT MEETING

The next meeting is slated for Wednesday, April 9, 2003, at 6:30 pm, in the Conference Room at the Northeast Regional Branch of the Free Library of Philadelphia. The speaker will be Dr. Charles Cantor, who will speak on the topic of: *"Sleep Disorder Symptoms Unraveled."* Dr. Cantor serves as medical director of the Penn Sleep Centers, serves as medical director of the affiliated Pennsylvania Hospital Sleep Disorders Center, as well as a neurological consultant to the University of Pennsylvania's Center for Sleep Disorders. He is also a clinical assistant professor of Neurology at the University of Pennsylvania School of Medicine.

E. OTHER ANNOUNCEMENTS

The third annual *Pennsylvania Sleep Awareness Week* will be from April 2 through April 9, 2003, and the third annual *Pennsylvania Sleep Apnea Awareness Day* will be Wednesday, April 9, 2003.

A new publication, *The Sleep-e Times*, made its debut in February. The quarterly publication, launched by Awake In Philly, with a national circulation, is focused on sleep-related issues, and has garnered a great deal of interest, as well as positive feedback. More information about *The Sleep-e Times* may be found at: http://www.scoop0901.net/Sleep-e_Times/

Awake In Philly is hosting a "Sleep and Surface Transportation" forum on Wednesday, April 2, 2003, at the Pennsylvania Dept. of Transportation (PennDOT) offices in King of Prussia, PA., on Wednesday, April 2, 2003, with several speakers, including Dr. Allan I. Pack, from the University of Pennsylvania, and Dr. Stephen Jenner, a Human Performance Accident Investigator from the Washington, D.C. office of the National Transportation Safety Board.

F. ADJOURNMENT

Michele adjourned meeting at 8:14 p.m.