



Why's it so tough to get disability in Michigan?

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May 20, 2010 (McClatchy-Tribune Regional News delivered by Newstex) -- Kelly Young considers herself lucky.

Diagnosed with multiple sclerosis at 34 and unable to take the medicine that could slow the disease, she lost her job as a secretary and applied for Social Security benefits in early 2009. Three months later, her claim was rejected for lack of medical proof.

"I just felt more overwhelmed," said Young of Redford Township.

After Young hired an attorney, her claim was approved in January -- just before the savings she and her husband were living off of ran out.

"That's extremely scary, and when you're stressed out, the MS flares up like a monster," she said. "It came when I needed it, finally."

She is among about 40,000 Michiganders waiting for Social Security to decide their pleas for disability benefits, a backlog among the nation's worst because of the state's lingering economic problems.

The Social Security Administration told Congress last month that it may use Michigan for an experiment to cut the wait.

That worries some lawyers for those waiting on claims.

"It's going to make a bad situation worse," said Cliff Weisberg, a Southfield attorney whose firm handles about 2,000 cases a year. "What good is it ... if by the time you get to a hearing, the client is dead?"

Agency could have local offices reconsider the rejected claims

When Lindsay Cronin turned 18, her dad, Larry Cronin, sought Social Security disability benefits for her so that the mental disabilities she was born with would not leave her destitute when her parents could no longer give her care.

Nearly three years later, the Cronins got an answer. After initially rejecting the request -- and ruling that Lindsay was capable of doing jobs such as cleaning offices -- Social Security granted the Cronins' appeal in January.

"All of her peers were getting this, and we weren't. It was like, 'What the hell is going on?'" Larry Cronin said.

It's a question 40,000 Michiganders waiting for the same call can relate to.

With an economy struggling to create jobs for healthy workers, let alone those limited by ailment, the U.S. government expects 3.3 million requests for disability aid this fiscal year nationwide, up 700,000 from 2008.

The agency has boosted efforts to clear the backlog, opening new hearing offices in Livonia and Mt. Pleasant, while allowing Michiganders to appeal their cases to administrative law judges in other states with video hearings. Yet Social Security Administrator Michael Astrue told a U.S. House committee last month that Michigan was still stuck with "some of the most backlogged hearing offices in the country."

That has led Social Security to consider bringing back a step it eliminated in 1999 known as reconsideration.

Making a long process shorter

Here's how the process works: People seeking disability benefits file a request with a local Michigan Disability Determination Services office. Those offices make the first judgment on a request. It typically takes three to four months. Nationwide, about two-thirds are rejected. Local experts say Michigan's rate is higher.

About half of those rejected once stop asking. In 40 states, people who want to fight their rejection can seek

reconsideration by the local office. In Michigan and nine other states, Social Security eliminated that step in 1999, forcing people to appeal to a bank of administrative law judges.

Astrue said cutting the step was supposed to reduce the backlog, but pushed more people in those states to appeal, increasing the wait. So for the fiscal year that begins Oct. 1, Astrue told Congress on April 27, the agency is planning to bring reconsideration back.

Doing so would lead to "a significant number of cases" being approved at that step, Astrue testified, speeding payments while cutting the number of people who need to file appeals.

That plan has raised an outcry from attorneys who work in the system and say such reviews typically rubber-stamp the decisions already made.

Some say plan could backfire

"That's a huge mistake," said Carl Anderson, a Detroit attorney who handles Social Security cases. "The same people who didn't pay the case the first time, didn't pay the case the second time."

Anderson and other lawyers said people who apply for disability typically don't have the money to wait out a lengthy appeal.

"I probably rescue something like 12 people a year from homelessness," said Lisa Welton, a Southfield attorney. "There are probably twice that many living in a relative's basement, and a much larger number that wouldn't be living in their homes if their case didn't go through."

The inspector general of Social Security also has questioned the plan. Patrick O'Carroll said at a House hearing last month that if the agency makes the change in Michigan, people who win reconsideration will likely wait only nine months. But people who seek an appeal after reconsideration would wait at least 2 1/2 years.

Nothing in stone yet

But the move has supporters, as well. Tom Kendziorski helped the Cronins with their case as executive director of the Arc of Oakland County, a nonprofit that aids people with developmental disabilities. He said many cases that could be approved with a little more medical information needlessly go to appeal.

"I think reconsideration is a wonderful thing," Kendziorski said. "If I can help somebody get their benefits administratively without going to a hearing, that speeds things up."

Kendziorski noted that attorneys for Social Security disability seekers get paid only if they win a case on appeal, with up to \$6,000 per case paid out of any backdated benefits.

In response to a question from the Free Press, Social Security spokesman Mark Lassiter said the decision to bring reconsideration back in Michigan "is currently on hold," adding "a final decision has not been made."

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