

The Gottesman Report

A Newsletter For Your Benefit

June 2007

Update on SSA News ...

SSA has taken steps to appoint additional Administrative Law Judges. Nationwide, there are many thousands of Claimants who are waiting for hearings. In New York and New Jersey alone, both states have a backlog in the thousands. This is why it is taking well over a year to schedule a hearing date.

What Can Claimants Do While Awaiting a Hearing Date ...

Our office believes that preparing the case as we go along is the best way to maximize our chances of winning a hearing. This is why we explain to our clients, when we take in a new case, that the most important thing they can do for their case is to keep in touch with us and to attend all medical appointments.

Claimants should try to have their doctor send or give them the chart note each time they have an appointment. In most instances, when seeing a private doctor, the patient must ask for that day's chart note at the end of the visit and either have it mailed or pick it up when it is available. This is the best way to make sure all of the medical evidence is available to us. Chart notes and test results should always be sent to our office, not to SSA.

For those who see doctors at clinics and hospitals, it is more difficult to obtain chart notes. However, after a hospitalization, operation or major procedure, the patient should ask for all of the chart notes and records pertaining to that procedure. In this

way, a large bill for medical records is avoided and we make sure that our records and those of SSA are up to date.

What to Discuss When You See Your Doctor ...

These days it seems that it is difficult for the patient to get his/her doctor to listen to the complaints for which the doctor is actually treating him/her, much less new complaints or questions about medications and long-term health issues.

Nevertheless, when you are trying to win a Social Security disability claim, it is very important to get your doctor's attention regarding how you are feeling, whether your medications are working, and how much pain you are having.

It is never wise to tell your doctor that you are feeling "fine" if you are not. Do not be afraid that your doctor will think you are a complainer or make fun of you.

Doctors' notes are crucial to the success of your claim. If you are unable to work, then you are not feeling "fine," and your complaints about problems that are preventing you from working must be documented.

Even if your doctor does not ask, you should tell your doctor when you are in pain, how much pain you have, and where the pain is located. Likewise, tell your doctor if your medication is not working or you are having unpleasant side effects. If the doctor recommends a course of treatment for you that you are against, tell your doctor that you do not want to do it, and tell him/her why. Social Security law allows the Judge to draw a conclusion against you if you do not

follow your doctor's recommendations and it is undocumented as to why you oppose those recommendations. Even if you do not particularly like your doctor, these issues must be discussed and documented.

Update on Our Office ...

Our office has been working on technology updates.

First, you are invited to visit our new and improved web site at www.disabilitybenefitsattorney.com. We have provided many enhancements to the site, and all our future newsletters will be posted to the site. We welcome feedback on how our site can be improved.

Second, we have recently partnered with FindLaw.com and we can now be reached through that site. This will make information about our office available more widely than ever before. FindLaw.com has a wealth of legal information for those interested in legal issues as well as for attorneys.

Third, we have become a participating attorney at LegalMatch.com, a service that matches people seeking attorneys with potential clients in the attorneys' areas of expertise.

We are proud of these upgrades and affiliations, and anticipate that they will allow us to serve more clients more efficiently.

Our Practice Areas ...

We would like to remind our readers that our practice areas in New York consist of Social Security disability /SSI claims; long-term disability claims; and matrimonial law, including custody, visitation and support matters. In New Jersey, our practice areas consist of Social Security disability/SSI and long-term disability claims only. Please call our office if you have any questions about

our practice areas.

Employer Bias Cases ...

The U.S. Supreme Court has recently decided, in a 5-4 opinion, that employees cannot reach more than six (6) months back to complain about discriminatory employment practices. This means that the EEOC complaint, which is a pre-requisite to suing your employer, cannot be filed more than six (6) months after the last (not first) discriminatory act occurred. This is a huge step back for employees, who used to have nearly a year to decide whether to file a complaint against an employer.

As we have said previously, it is very important that the EEOC complaint be drafted in exact and thorough language, as it serves as the notice to the employer of the charges against it. If the EEOC complaint is not drafted precisely, it can be used as the basis for the employer to make a motion to dismiss the Federal Court action.

This office is available to assist workers with filing an EEOC complaint and representing you before the EEOC.

Finally ...

If you are interested in seeing a particular issue addressed in this Newsletter, or if anyone you know wishes to be placed on the mailing list for future Newsletters, please let us know.

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Remember: The best "thank you" for a job well done is your referral of a potential new client.