



SOCIAL SECURITY
DISABILITY SSI
RESOURCE CENTER

How Long Does a Social Security Disability or SSI Appeal Take?

Your Records Are Here

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A disability appeal can take longer or shorter, depending on the type of appeal that is filed. Hearing requests (the second level of appeal), for example, will, almost by necessity, take considerably longer than a request for reconsideration (the first level of appeal). A request for review of an administrative law judge's decision (this is the third appeal and the review is carried out by the appeals council) may take even longer than the hearing level.

The first appeal, the request for reconsideration - This appeal is submitted after a disability application (filed with the social security administration for either SSDI or SSI benefits) has been denied. The reconsideration appeal is processed, like the disability application, by a disability examiner at disability determination services, or DDS. The reconsideration appeal is generally processed in shorter time.

Why? Because the reconsideration appeal must be requested within 60 days of the denial date of the disability application. This means that when the reconsideration appeal is assigned to a

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reconsideration-level examiner, it will already have most of what is needed to make a decision.

The reconsideration examiner may need to request additional medical records. To make a decision on a claim, an adjudicator must have at some medical evidence that is not older than 90 days; however, for the most part, the reconsideration-level examiner will already have most of his or her work already done (done by the initial examiner who, just a few weeks earlier, worked on the disability application).

A reconsideration appeal can usually be decided in as little as four weeks or as long as twelve weeks; whereas an application for disability can take as long as six months (usually, if it takes this long it is due to difficulties in procuring medical records from various doctors and other medical providers).

2. **The second appeal, the request for hearing**

- This appeal is markedly different from the request for reconsideration. It is not handled by a disability examiner or by disability determination services at all. This appeal level is where the case moves outside of the lower levels and it is distinguished by the following facts:

a. The social security administration no longer gathers medical records for the case at this level. At the hearing level, this is now the responsibility of the claimant and/or the claimant's social security lawyer.

b. The claimant and/or their representative (the attorney, or non-attorney if the claimant has chosen a non-attorney representative) will actually interact with the decision-maker, an administrative law judge at a hearing office.

c. The claimant and/or their representative can have the opportunity to make certain types of

Cited in Mackinac Free Journal, no. 15-5118 Archived on 6/20/17

requests to either the judge or the hearing office director. The first request, sent to the hearing office director, is a request for the claim to be expedited due to dire need, which can be for medical or dire financial reasons. Dire need requests usually need to be substantiated by some type of documentation.

For example, if a person is in danger of losing their domicile and becoming homeless due to prolonged lack of income, they may submit copies of foreclosure or eviction notices along with their dire need request letter.

A second type of request that can be made at this level is for an on-the-record review. This is a request for the evidence of the case to be reviewed before a hearing is even held.

When an OTR review is granted, it is usually because the disability attorney handling the case believes that the medical evidence (and the case itself) is very strong and that there is a good chance that the administrative law judge will approve the claim following an on-the-record review of the case.

If a judge decides to approve the case following an OTR review, it must be fully favorable. Anything less than a fully favorable request would mean either that a hearing would still need to be held, or that the claimant would have to agree to the terms requested by the judge to approve the claim without the need for a hearing -- usually, this would mean that the judge would propose altering the onset date for the claimant's disability, which would mean less in back pay benefits, and the claimant would need to formally agree to this.

Cited in Mackinnon Tribe v. Jewell, No. 15-5118, received on 6/20/17.



Return to: [Social Security Disability Resource Center](#), or read answers to [Questions](#)

Cited in Mackinac Tribe v. Jewell, no. 15-5118. Archived on 6/20/17.

Related pages:

[The Levels Of The Social Security Disability and SSI Application and Appeal Process](#)

[How does the Social Security Disability Appeal Process work?](#)

[Is it better to appeal or file a new claim if your disability is denied?](#)

[How Long Are You Given To Appeal Your Social Security Disability Denial?](#)

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[How Long Does It Take To Get SSDI If You Have To Appeal?](#)
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[Winning a Social Security Disability Appeal or SSI Appeal](#)

Information on the following topics can be found here: [Social Security Disability Questions](#) and in these subsections:

[Frequently asked questions about getting Denied for Disability Benefits |](#)
[FAQ on Disability Claim Representation |](#) [Info about Social Security Disability Approvals and Being Approved |](#) [FAQ on Social Security Disability SSI decisions |](#) [The SSD SSI Decision Process and what gets taken into consideration |](#) [Disability hearings before Judges |](#) [Medical exams for disability claims |](#) [Applying for Disability in various states |](#) [Selecting and hiring Disability Lawyers |](#) [Applying for Disability in North Carolina |](#) [Recent articles and answers to questions about SSD and SSI](#)

These pages answer some of the most basic questions for individuals who are considering filing a claim.

[Filing for disability - How to file for SSD or SSI and the Information that is needed by Social Security](#)
[How to Apply for Disability - What medical conditions can you apply and qualify for?](#)
[Applying for Disability - How long does it take to get Social Security Disability or SSI benefits?](#)
[What happens if I file a disability application and it is denied by a disability examiner or Judge?](#)
[How to Prove you are disabled and qualify to win disability benefits](#)
[How do you prove your disability case if you have a mental condition or impairment?](#)
[Social Security Disability Back pay and How Long it Takes to Qualify for it and receive it](#)
[Social Security Disability SSI - Eligibility Requirements and Qualifications Criteria](#)

Cited in Mackinnon v. Jewell, No. 15-5118, 2017 WL 1062017

Cited in Mackinac Tribe v. Jewell, no. 15-5118. Archived on 6/20/17.