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A Personal Injury Law Firm

606-297-5888 or 324-0000 or 886-9494 or 437-9234 or 1-888-461-5475

KIRK LAW FIRM

Paintsville, Inez, Pikeville, Ashland, Prestonsburg, Louisa, McDowell

YOUR SOCIAL SECURITY CLAIM

Who We Are

KIRK LAW FIRM was founded in 1970 by John Walton Kirk. He was later joined by his son, John Coleman Kirk, and for over 40 years, we have helped thousands of individuals throughout Eastern Kentucky and surrounding areas get the Social Security Benefits they deserve. Our 8 OFFICES and TEAM OF ATTORNEYS are ready to help you as well. Everyone on our team works together for you. We don't get paid unless you win. We pay all the costs up front on your behalf. We have highly trained staff devoted entirely to PROTECTING YOUR RIGHTS and getting you the BENEFITS YOU DESERVE.

What We Do

We meet with you to discuss your claim. We take detailed information and discuss with you the specific details of YOUR case. We will file your application for Social Security benefits on your behalf and we do this online to expedite the process as much as possible. We provide your medical records to Social Security so you don't have to. We can answer any questions you may have and guide you through the process. Most importantly, WE ARE WITH YOU EVERY STEP OF THE WAY. We understand that the process is long and daunting and the personal problems many people face while trying to obtain the benefits they need to survive, and WE WORK TIRELESSLY to help you in any way that we can.

Benefits Available

While there are many benefits available from Social Security that we can discuss with you, there are three main types of benefits available: Children's Disability Benefits, Social Security Income Benefits and Social Security Disability Benefits.

Children's Disability Benefits are available to children with marked impairments of functioning in their daily lives and other serious health problems. There are many conditions which could entitle your child to these benefits. If your child has problems understanding, remembering, behaving, learning, interacting with others, or other health conditions which you believe impairs your child in anyway, discuss this with us to see if we can file a claim on behalf of your child.

Social Security Income (SSI) Benefits are available to individuals who have permanent injury and who are unable to work. This is a need-based benefit, and it is available regardless of your work history. If you have a serious, permanent injury and are no longer able to work, you have a claim for SSI Benefits.

Social Security Disability (SSD) Benefits are available to individuals who have permanent injury and who are unable to work. This is a work-based benefit, and you have to have enough work history to qualify for these benefits. Generally, if you have worked 5 of the last 10 years, you will qualify for these benefits. And **YES, YOU CAN QUALIFY FOR BOTH SSI and SSD.**

How It Works

When you first meet with us, we will gather the information we need to file an application for Social Security Benefits on your behalf. We will need your name, biographical data, work history, current living situation, current sources of income and a description of the injuries that prevent you from working. We will also need a list of the medications you currently take and a list of all the doctors you've seen in the past 15 years. We will send this application to Social Security on your behalf. It usually takes about an hour for this initial meeting. If your application is approved, you will begin drawing benefits. It usually takes around 3-6 months for a decision on your application to be made.

If you are not approved, we file a Request for Reconsideration with the Social Security Administration on your behalf. This forces Social Security to take a second look at your claim and explain why they feel you are not disabled. **WE DO ALL THE WORK FOR YOU.** It usually takes around 2 months for Social Security to re-examine your claim. If your claim is approved, you will begin drawing benefits.

If your Request for Reconsideration is denied, we file an appeal on your behalf and take your case to a hearing in front of an Administrative Law Judge (ALJ). Because of the current back log of Social Security cases, it can take up to two years for a hearing date to be set. While this is a long time to wait, it is a delay that **ALL** Social Security attorneys face and **NO ONE** can get a hearing faster that we can. We

are fighting for you every step of the way . Hearings are held in Prestonsburg, Hazard, Lexington or Huntington, depending on your location.

Once a hearing date is set, you will meet with one of our experienced Social Security attorneys who will prepare you for your hearing in front of the ALJ. This usually happens around 1-2 months prior to your hearing. The attorney will walk you through the hearing process and explain what kind of information the ALJ will want from you. Generally, the ALJ will:

- Ask about your biographical information;
- Ask about your current living arrangements;
- Ask about current sources of income;
- Ask about your work history;
- Ask about your job duties at all your past jobs;
- Ask about your medical conditions and why you feel they prevent you from working.

We are there **BY YOUR SIDE EVERY STEP OF THE WAY** to make sure the ALJ has all the information he/she needs to award you benefits. Hearings usually last a half an hour.

The ALJ will make a decision on your case after the hearing, usually within 60 days. We will receive a copy of the ALJ's decision in the mail. You will receive a copy as well. If the ALJ denies your claim, you can either (1) file a new claim or (2) appeal the ALJ's denial to the Social Security Appeals Council. At this step, we will meet with you to discuss these options and what we feel is the best way to proceed in your case.

Fighting for your Social Security Benefits is a lengthy process and you need an **EXPERIENCED** law firm on your side. We handle **HUNDREDS** of Social Security cases every year and with over 40 years experience our team of attorneys and trained staff are ready to **FIGHT FOR YOU**.

WAYS TO IMPROVE YOUR SOCIAL SECURITY CLAIM

1. ALWAYS keep us updated with your current mailing address and telephone number. If we need to reach you, it is extremely important that we be able to do so.
2. ALWAYS call and update us if you begin seeing a new doctor or your condition changes. Even if you think something doesn't matter, let us know anyway. Even the smallest of changes can make a world of difference.
3. GO TO THE DOCTOR. This is the single most important thing you can do. Part of your Social Security claim is proving that you have a serious injury which prevents you from working. The best way to do that is with objective medical evidence from a doctor who is familiar with you, your medical history and your injuries.
4. When you go to the doctor, tell the doctor everything that is bothering you and how it bothers you. Explain to your doctor that you are attempting to get Social Security and ask your doctor to document all of your conditions and your complaints.
5. If your doctor feels you are unable to work, ask your doctor to write a letter to Social Security explaining that they feel you are unable to work and why. Your doctor can mail the letter to us or give it to you to bring to us.
6. If your doctor is busy, Social Security has forms your doctor can fill out and sign while they meet with you.
7. Ask your doctor to forward us your medical records every time you go. We are constantly requesting your records from your doctors and updating Social Security, but sometimes doctors are slow in responding to our requests. Tell your doctors that we NEED your records and have them send your records to us.
8. If you are claiming disability based upon a mental or psychological condition, make sure you discuss these issues with your doctor and receive treatment for them. Get regular treatment for these conditions, just like with a physical condition.

TIPS FOR YOUR HEARING

1. ALWAYS be nice to the ALJ and his/her staff. If your case progresses to the hearing level, whether you are awarded Social Security benefits will be the decision of ONE PERSON - the ALJ. While he/she is bound by Social Security regulations, it is still good to be nice and respectful at all times.
2. At the hearing, dress appropriately. You don't need to wear a suit and tie or a dress, but wear nice clothes and dress neatly.
3. DON'T WEAR A HAT TO THE HEARING.
4. Cover any tattoos you may have.
5. ALWAYS BE HONEST. We understand that many people make mistakes and don't like discussing things from their past. However, the ALJ knows EVERYTHING about you and your past and will immediately know if you are not being truthful. If you are not truthful about something, the ALJ may not find ANY of your testimony credible, including your testimony about your medical conditions and how they affect you.
6. The ALJ may ask you about your "alleged onset date." This is the date you have told us and Social Security that you became disabled. You will need to tell the Judge why you chose that date. For many people, this is the date that they quit working or became injured. It may be the date that you applied for Social Security Benefits, and it may simply be a day that you realized you were not able to work. Any answer is acceptable, but be prepared to answer this question.
7. Arrive at the hearing site 30 minutes early. If you are late, the Judge will dismiss your claim and the process will start over from the beginning. We can provide you directions if you do not know where you are going.
8. Bring a government issued ID with you, preferably a driver's license. If you don't have a driver's license, any other government issued ID is acceptable.