

Legal Insider



FROM THE DESK OF CHARLES D. HANKEY

Tips to Completing Your Activities of Daily Living (ADL) Questionnaire

Individuals who apply for Social Security Disability (SSD) or Supplemental Security Income (SSI) will most likely be asked to complete an Activities of Daily Living (ADL) questionnaire. It is used to help evaluate how severely a medical impairment affects a person's life and what their functioning level is now. It asks some basic questions about daily activities that any self-sufficient person must perform, such as "Do you cook your own food?" and "Do you need help caring for others or pets?"

The Administrative Law Judge may also use the document to evaluate credibility by asking questions similar to those in the questionnaire to see if the claimant's answers are consistent.

As you can imagine, these reports can be very helpful for your claim, but can also be harmful if you do not understand the questions or rush to complete them. Below are five useful tips to help you navigate this essential questionnaire.

Tip #1: Be specific and do not leave room for Social Security to assume things

This is by far the most important tip! The ADL questionnaire provides the claimant with a chance to highlight their limitations but, way too often, claimants provide inaccurate information that is used against them by Social Security. When you read each question remember the context – Social Security is asking these questions to evaluate whether or not you can work a full-time job. It is important that you fully answer all the questions so Social Security cannot make assumptions.

In a typical example on how a claimant unintentionally hurt her case by what she wrote in her ADL, the claimant stated that she "babysat her nephew everyday". To Social Security, this was indicative of the claimant's ability to work. However, when we

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WHEN SEMI-TRUCK ACCIDENTS ARE CAUSED BY NEGLIGENCE

More than 500,000 semi-truck accidents happen each year in the United States. Because of their larger size and heavier weight, trucks cause severe damage to the vehicles they collide with.



About 5,000 semi-truck accidents each year result in a fatality. 98 percent of the time, that fatality is in the smaller vehicle. Even when it's not fatal, being hit by a semi-truck can leave one seriously injured.

Many of those accidents could have been prevented were it not for the negligence of the semi-truck drivers or the companies they work for. If you or someone you know has been injured in an accident with a semi-truck, it's important to know about your legal rights. You might be able to seek compensation – especially if negligence can be proven.

Negligence by the truck driver may include:

- Speeding
- Unsafe driving in adverse weather
- Distracted driving (e.g. talking on the cell phone, texting or eating)
- Driving while excessively tired

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ADL Questionnaire... (continued from page 1)

asked for more details, she explained that her nephew was already 12 and was dropped off at her house by the school bus every day for just for a few hours until his mother picked him up after work. The child often helped her with everyday chores such as taking out the garbage, microwaving food, reaching objects in the kitchen cabinets and carrying the laundry basket. In this situation, the claimant could have actually helped her case if she had been more specific about her babysitting activities.

Tip #2: Be honest and realistic

This may seem like a no brainer but many claimants over-exaggerate on these reports. The best approach to completing the ADL questionnaire is to be honest and realistic. For example, if the question asks "How far can you walk before needing to stop and rest?" Some claimants will respond by saying "I cannot walk at all because of my back problems" when what they mean is "I can maybe walk up to ten minutes but I'm in constant pain and need to stop sometimes for a break". Tell them the actual truth. Make sure they understand your pain and your daily life.

Tip #3: Take the report seriously and read the questions carefully

Many claimants do not take the time, or enough time, to complete the function report because they think it is unimportant. That is a mistake. Social Security, including the judges, use your answers on the form to determine how well you function, how bad your condition is and how consistent you are with your answers. If you blow the report off or only complete a few questions, you are doing yourself a disservice.

Tip #4: Do not overestimate or underestimate your capacity

Be conscious about underestimating or overestimating what you can do. If you can lift 25 pounds but then after you spend two days in bed, then you cannot lift 25 pounds. If you can sit for four hours but doing that requires you to take a 10 minute break every hour then make sure you say that. Saying "I can sit for four hours" is an overestimation and can be damaging for your case. Take time to clarify those important distinctions. When considering how long you can sit, make sure to estimate for sitting in a work chair, not a comfy recliner. Always remember that Social Security is evaluating your ability to work full time.

Tip #5 Do it yourself but do not be afraid to ask for help.

Most people assume that your attorney should be the one completing your activities of daily living questionnaire – this is not true. This report does not require you to be a good writer or have excellent handwriting. This is your opportunity to come across as honest and, if that means having a sloppy written report or misspelled words, that is okay. For example, several claimants have issues holding a pen or writing for a long period of time due to carpal tunnel or neuropathy. You should note that on the report.

However, if you do not understand the questions or are unable to complete it, please let us help. You are more than welcome to drop by the office and we will review the report with you and help complete it. In fact, we will be able to note on the questionnaire that we had to assist you because you were unable. That is another strong indicator that you are unable to focus in an eight-hour workday environment. Bottom line – ask for help when you need it.

WINTER SAFETY: SNOW SHOVELING PRECAUTIONS

After last year's record snowfall, it's important to be prepared for this year's impending weather.



Here are some precautions to take when shoveling snow.

- You should be especially careful if you are over the age of 40 or relatively inactive.
- If you have heart trouble, check with your doctor before doing any strenuous activity.
- Do not shovel after eating or while smoking.
- Take it slow! Be sure to stretch out and warm up beforehand.
- Make sure you are hydrated, drink plenty of water.
- Do not pick up too much at once.
- Lift with your legs, not your back. Keep your back straight.
- Do not work to exhaustion. If you run out of breath, take a break.
- Dress warmly.

UPDATE: INDIANA'S HEARING OFFICE WAIT IS NOW 14.5 MONTHS

At the Office of Disability Adjudication and Review (ODAR) in Indianapolis, 11 different administrative law judges (ALJ) conduct Social Security Disability (SSD) hearings and Supplemental Security Income (SSI) hearings. Currently, in Indianapolis, the average wait time for a SSI or SSD hearing has increased to 14.5 months. The average case processing time in Indianapolis is 472 days. Your attorney cannot change the wait time, but we can keep you updated during the process. We know this is a difficult time for most clients and we will continue to do everything we can to build a strong case.

RECIPE:

Easy Crock-Pot Potato Soup

Ingredients:

- 1 30oz. bag of frozen diced hash browns
- 1 32 oz box of chicken broth
- 1 10oz. can of cream of chicken soup
- 1 pkg. cream cheese (8 oz, not fat free)
- 3 oz bacon bits
- 1 cup shredded cheddar cheese
- salt and pepper to taste



Instructions:

Put the potatoes in the crockpot. Add in the chicken broth, cream of chicken soup and half of the bacon bits. Add a pinch of salt and pepper. Cook on low for 7-8 hours or until potatoes are tender.

An hour before serving, cut the cream cheese into small cubes. Place the cubes in the crock pot. Mix a few times throughout the hour before serving. Once the cream cheese is completely mixed in, it's ready to serve. Top with cheddar cheese and some additional bacon bits and enjoy!

Semi-Trucks... (continued from page 1)

- Driving while under the influence of alcohol or drugs
- Aggressive driving (e.g. failing to maintain safe distances)

Additionally, the trucking companies they work for can be held liable if any of the following can be shown:

- Deferred repairs making trucks and equipment unsafe
- Unbalanced or overweight cargo loads
- Poor driver hiring, training, or supervision
- Unsafe trucks or equipment due to negligent maintenance or inspections
- Unrealistic deadlines which require drivers to speed or exceed daily driving limits
- Failure to follow state and federal safety regulations

Every case is unique so it is important to talk with an experienced attorney as soon as possible after the accident.

HANKEY LAW NOW TAKING INSURANCE LAW CASES



Do you need effective representation on an insurance-related issues? The Hankey Law Office is happy to announce we are now reviewing these types of cases.

There are a variety of different laws governing the purchase and sale of insurance, as well as laws that regulate how insurance companies can do business. Luckily, each state has laws in place to regulate insurance companies and prevent them from taking advantage of consumers.

If you have been denied coverage or feel that an insurance company has mismanaged your policy, please contact us to discuss a potential case. We offer free consultations and only get paid if we win your case. We look forward to helping you.



Winter

*Days get colder
Snow gets whiter
Lights get brighter
Sweaters get bigger
Books get thicker
Blankets get larger
Chimney gets hotter
Snuggling gets nicer
Hearts get closer*

CLIP & SAVE: Helpful Contacts

Charles D. Hankey Law Office P.C.

Lockerbie Square, 434 East New York Street, Indianapolis, IN 46202
Office: 317-634-8565 | Toll Free: 800-520-3633 | Fax: 317-634-9818
www.hankeylaw.com

Contact us if:

- You moved to a new address or changed your phone number
- You received a denial letter
- You went to see a new doctor
- You have been admitted to the hospital
- Your doctor has diagnosed you with a new medical condition
- You had a new test/MRI/X-ray

Additional Resources

Information Referral Network – 317-926-HELP

Crisis Line – 317-251-7575

Center Township Trustees (can assist with rent, utilities, takes applications for Food Stamps, TANF, and Medicaid)

863 Massachusetts Avenue – 317-633-3610

Healthy Indiana Plan: low cost insurance for Indiana Families – 877-438-4479 | www.hip.in.gov

RX for Indiana: assistance with prescription drug cost – 877-793-0765 | www.rxforIndiana.org

Advantage Program: health care program for uninsured, low-income Marion County residents – 317-221-2000 | www.hhcorp.org/adv.htm

Div. of Disability & Rehabilitative Services (DDRS) – 800-545-7763
www.in.gov/fssa/ddrs/4938.htm

Damien Center: help for those afflicted by HIV/AIDS – 317-632-0123 | 800-213-1163 | www.damien.org

Indiana Free Clinic Information: low cost or free health care for low-income or uninsured – www.freeclinicdirectory.org/indiana_care.html

Housing Help:

Indianapolis Resource Center for Independent Living – 317-926-1660

Colonial Park (chronic homeless program) – 317-353-6784

Indianapolis Public Housing Agency (section 8) – 317-261-7200

Barton Center (sleeping rooms - \$278, 2 bedrooms \$500-613) – 317-423-2575

You can apply for Social Security disability benefits by calling 1-800-772-1213, online at www.ssa.gov, or in person at your local office

Indianapolis Area Local Social Security Office Addresses*:

West Side: 6745 Network Place – 866-218-2309

Downtown: 575 N. Pennsylvania, Suite 685 – 866-931-7057

East Side: 5515 N. Post Rd. – 866-220-7899

*If you live outside of the Indianapolis area, please ask a Case Administrator for the address and phone number to your local social security office.

GET CONNECTED ONLINE

It's easy for you to stay connected with the Hankey Law Office online. You can like us on Facebook, follow our tweets, meet us on Google+, and watch our videos on YouTube.





WITH 80 YEARS OF COMBINED EXPERIENCE, BOTH IN AND OUT OF THE COURTROOM, THE LEGAL PROFESSIONALS OF THE CHARLES D. HANKEY LAW OFFICE CAN RESOLVE CASES INVOLVING:

- DISABILITY CLAIMS (SSD/SSI)
- LONG TERM DISABILITY
- SHORT TERM DISABILITY
- WORKER'S COMPENSATION
- EMPLOYMENT LAW
- WORKPLACE DISCRIMINATION
- WAGE & HOUR ISSUES
- INSURANCE LAW
- PERSONAL INJURY
- CAR ACCIDENTS
- TRUCK ACCIDENTS
- MOTORCYCLE ACCIDENTS
- BICYCLE ACCIDENTS
- RAILROAD CROSSING/
TRAIN ACCIDENTS
- AIRPLANE ACCIDENTS
- HIGHWAY DEFECTS
- WORKERS' COMPENSATION
- PREMISES LIABILITY
- PRODUCT LIABILITY
- BRAIN/HEAD INJURIES
- SPINAL INJURIES
- DOG BITES/ANIMAL ATTACKS
- CHILD INJURIES
- CONSTRUCTION ACCIDENTS
- BURN INJURIES
- DROWNING

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EMPLOYEE SPOTLIGHT: Erin

Meet Erin! Erin is the new Appeal Assistant for the Hankey Law Office. Erin is a proud mother of her 14 year old son who keeps her busy! Her son is involved in many sporting activities and is also in the school band. In Erin's spare time she loves to cook, listen to music and sings in her church choir. We are so happy to have Erin as part of the Hankey Law Team!

Past results afford no guarantee of future results. Every case is different and must be judged on its own merits. The contents of this newsletter do not constitute legal advice.

From the Desk of Charles D. Hankey

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