

LEGAL INSIDER



How can friends and family help prove my disability case?



By Melissa A. Davidson
Managing Attorney

The help or support you receive from friends and family is considered by Social Security as part of the complete picture of daily functioning. A friend

or relative you designate is asked to complete a third party questionnaire shortly after an application for benefits is made.

However, because the wait times are so long, we encourage you to have friends or family write a new statement about the kind of help you need with your daily activities. People who do not have a financial interest in the outcome of your case are ideal.

We suggest neighbors, a pastor or other church friend, social worker, or any non-relative. If you do not have this kind of person available, a statement from a spouse, significant other, or relative would still be helpful.

What should the letter say?

The person should include the kind, extent, and frequency of help and support they provide. The following are examples of items to address in the statement:

1. How does the person know the claimant?
2. How long has the person known the claimant?
3. How often does the person talk to or visit the claimant?
4. Does he/she notice any memory or concentration problems? Ex: repeat things, forget where things are, need reminders for medication and appointments, unable to follow a movie plot or story line.
5. Is the person depressed, anxious, or have a hard time getting along with others? Do they cry frequently, isolate themselves, decline invitations to leave the house, have panic attacks, or have lost interest in things they used to enjoy?

6. Does the person need help to get groceries, manage the grocery list, complete housework and laundry. Does he/she fail to bathe or dress on a regular basis?

Sometimes people challenged with mental (or physical) conditions are embarrassed to admit that they have problems with some of the items listed above. It can be helpful to use letters from friends and family to give the attorney and the judge a better understanding of what daily life is like.

This is often a better way to convey the message than having another person testify, as any small inconsistency in the testimony of a third party can unravel credibility. It also relieves the third party from the hassle of coming to court. Please remember that third party statements by themselves cannot prove disability. You must have received, or be receiving, treatment for your conditions to document their severity.

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SAFE SUMMER CYCLING TIPS

Bicyclists have the same rights and responsibilities as any other driver on the road.



By Attorney Melissa Davidson

With Indianapolis increasing the bicycle lanes and trails each year, drivers and riders must both be aware of the rules of the road. Bicyclists on the roadway have the same rights and responsibilities as any other driver on the road.

This means that those on a bicycle must obey traffic signs, signals, and lane markings. They must ride in the same direction as other traffic. They can increase their visibility by wearing brightly colored clothing and helmets. Bicyclists must also use lights and reflectors if on the road after dusk or before dawn.

Problems come when bicyclists ride on sidewalks rather than the roadway. Many feel safer on the sidewalk, but this actually causes them to be less visible to drivers. A driver turning right on red may not have time to stop if a bicycle shoots into the crosswalk.

I've seen cyclists nearly hit downtown riding on the cross walk assuming since the walk light was lit that they were safe to fly across the street. I've also seen cyclists

use the bike lane to go in both directions. The bicycle lane should only be used for the same direction as other traffic.

Drivers need to remember to look for cyclists before turning left or right, opening a door or pulling out of a parking space, and should not pass a cyclist unless they can be given 3 feet of space when doing so.

It is important to remember that many cyclists do not know the laws and may do the unexpected. For example, they may change lanes without signaling, move from the road to the sidewalk, or vice versa, and may pass a car when traffic is slow. Defensive driving is the best practice when a bicycle is in the area.

If you are in an accident involving a bicycle, you may need an attorney to assist in sorting out who is at fault and how much compensation is appropriate. The attorneys at the Hankey Law Office are experienced and knowledgeable with bicycle accidents and injuries.

May is Mental Health Month. Get Involved.

The National Alliance for Mental Illness (NAMI) is spreading the message that they are "into mental health" and are encouraging others to be inspired, informed, and involved.

One in five adults in the United States are currently dealing with a mental illness. And one in 25 adults, or 10 million Americans, are currently dealing with a serious mental illness that inhibits their daily activities.

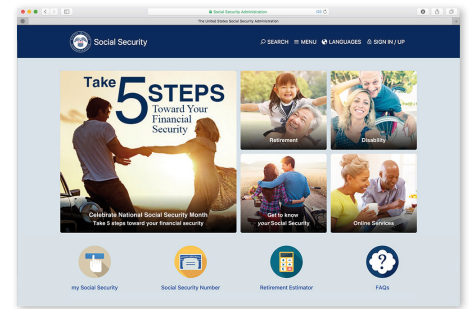
Remember, there is help out there. Roughly 80% of individuals have significant reduction of symptoms and quality of life when undergoing proper treatment and



with the right support.

Taking care of your mental health is just as important as taking care of your physical health. If you or a loved one is battling serious, debilitating mental illness, call the Hankey Law Office today for more information about your options.

MY SOCIAL SECURITY ONLINE ACCOUNT



If you've ever wanted to keep track of your Social Security information, it's easy to make your own account on the Social Security website.

With this account you can:

- Check the status of your application or appeal
- Get a Benefit Verification letter
- Change your address and phone number

And if you win your case, you can also update your direct deposit preferences and check your payment information.

Visit: www.SSA.gov.

Case Administrator, Chelsea, to Attend Law School

Congratulations to one of our Case Administrators, Chelsea McIntyre, for being accepted into the Indiana University Robert H. McKinney School of Law!



We are so proud of her, and we feel very fortunate to have her on our staff. We can't wait to see what she does in the future!



Track Symptoms to Improve Chances at Your Hearing

The Hankey Law Office has created a custom symptom log for you to track your physical and emotional ailments from day to day. This log can help track your well-being leading up to your hearing. It can also provide additional evidence to the judge and give insight on what challenges you on a regular basis.

While the symptom log is already attached here, call today if you need more copies!



Stay in Touch

Changes in medical treatment or contact information is imperative and, often, time sensitive to your claim. So, be sure to call us. We're here to help!

We will update our files and also notify Social Security on your behalf.

Symptom Log



Symptoms Date: _____

Fatigue					
Pain					
Fogginess/Memory					
Poor Sleep					
Depression/Mood Change					
Irritable Bowel					
Abdominal Pain					
Dizzy / Balance Problems					
Headache					
Joint Pain					
Had to Lie Down					

None: 0 Mild: 1-3 Moderate: 4-6 Severe: 7-9 Very Severe: 10

Revisions to Rules Regarding the Evaluation of Medical Evidence



By Attorney Megan Cain

Social Security recently revised several important rules. These changes impact how an Administrative Law Judge (ALJ) will evaluate medical evidence

in support of your disability claim. The following is a summary of the new rules. Please keep in mind that these rules apply to claims filed on or after March 27, 2017:

1) Social Security no longer gives special weight to your treating doctor's medical opinion

When you file a Social Security Disability claim, ALJs and claim reviewers evaluate your medical evidence in order to reach a conclusion about whether or not you are disabled. That medical evidence often takes a variety of forms – treatment notes, test results, and professional opinions (in the form of a letter or tailored form) from your doctor. Historically, those professional opinions were given more weight than any other piece of evidence because it was from your treating doctor. Under the new rules, an ALJ is no longer able to give special weight to these professional opinions. In other words, no deference or

controlling weight is to be given to your doctor's opinion about your case. The new rule requires all medical opinions and prior medical findings be viewed equally, and will be based on "consistency and supportability" factors. Should you have additional questions, your lawyer will explain this standard during your hearing preparation appointment.

2) Social Security expands its list of Acceptable Medical Sources (AMS)

Medical evidence supporting your disability claim comes from medical service providers. These are the doctors and healthcare professionals who have treated or evaluated you regarding your condition. With the new rules, SSA broadens the existing list to be more in sync with the treatment many disability claimants receive under our current national healthcare system. The following are now considered acceptable medical sources:

- 1) Licensed Physician
- 2) Licensed Psychologist



- 3) Licensed Optometrist
- 4) Licensed Podiatrist
- 5) Qualified speech-language pathologist
- 6) Licensed audiologist
- 7) Licensed Advanced Practice Registered Nurse (APRNs)
- 8) Licensed Physician Assistant (PAs)

Regardless of the kind of doctor you see, it is still important to get their opinion in writing.

If you have a treating doctor or nurse practitioner that will support your case, call for forms to take to your appointment.



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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)
- Car Accidents
- Premises Liability
- Long Term Disability
- Truck Accidents
- Product Liability
- Short Term Disability
- Motorcycle Accidents
- Brain/Head Injuries
- Worker's Compensation
- Bicycle Accidents
- Spinal Injuries
- Employment Law
- Railroad Crossing/
Train Accidents
- Dog Bites /Animal Attacks
- Workplace Discrimination
- Airplane Accidents
- Child Injuries
- Wage & Hour Issues
- Highway Defects
- Construction Accidents
- Insurance Law
- Workers' Compensation
- Burn Injuries
- Personal Injury
- Drowning

Employee Spotlight: Lori



Everyone say hello to Lori! She's one of our case administrators at Hankey Law.

Lori joined the Hankey Law team in November of 2015. She has been happily married to her husband for 20 years, and together they are raising their two teenagers.

She is a fan of the arts and music and watches movies when she has free time. Lori is a creative spirit and loves crocheting and nail art.

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.

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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. You can find out more about the team and our services on our website at hankeylaw.com.