



CHARLES D. HANKEY LAW OFFICE P.C.

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:

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- RAILROAD CROSSING/
TRAIN ACCIDENTS
- BRAIN/HEAD INJURIES
- SPINAL INJURIES

CHARLES D. HANKEY
SONDRA L. BURGER
STACY J. CRIDER
JAMES M. DUBACH
MELISSA A. DAVIDSON

EDITOR:
SHARON ROBERTS

434 EAST NEW YORK STREET
INDIANAPOLIS, IN 46202

OFFICE: 317-634-8565
TOLL FREE: 800-520-3633
FAX: 317-634-9818
WWW.HANKEYLAW.COM



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Legal Insider



EMPLOYEE SPOTLIGHT: JENNIFER WHITE

Jennifer has been a legal assistant here at the Charles D. Hankey Law Office since July 2009. She is married to her husband of 13 years and has a 5 year old daughter. Some of her favorite things are spending time with family, shopping, watching sports, reading and Disney.



**FROM THE DESK OF CHARLES D. HANKEY
TIPS FOR ESTABLISHING DISABILITY
IN TEENS AND YOUNG ADULTS**

The hardest age groups to establish disability for are teenagers and young adults between the ages of 14 and 25. They don't really fit well with Social Security's criteria for children, or adults.

The child standards, applied up to age 17, look at ability to function in six different domains. These are acquiring and using information, attending and completing tasks, interacting and relating with others, moving about and manipulating objects, caring for oneself, and health and physical well-being. Disability is established if the child has serious limitations in two of these domains or an extreme limitation in one.

The adult disability standard, applied to those 18 or older, asks if one is unable to engage in substantial gainful activity (work) because of conditions, and if those conditions have lasted or will last at least one year or result in death. In cases of teenagers and young adults however, there must be a blend of the child and adult standards. In both, it is important to have information from an acceptable medical source.

Acceptable sources for child cases can include school psychologists in cases involving mental retardation, learning disabilities, and borderline intellectual functioning; and qualified speech and language pathologists. Evidence can also be obtained from therapists, counselors, and teachers. Therefore, school records are very important in these cases, especially if the child or young adult has IEPs.

In cases of young adults, information can also be obtained from social workers or social welfare agencies; observations of people who know you such as family, friends, neighbors, and clergy; medical practitioners who aren't doctors, such as chiropractors, physicians assistants, and nurse practitioners, therapists, and educational personnel (school records again).

A young adult's inability to understand, remember, and carry out instructions; communicate appropriately; pay attention for long

continued on page 2

**WORKING WHILE WAITING
FOR YOUR BENEFITS**

By: Melissa A. Davidson



Social Security Disability is for people who are unable to work. To qualify for benefits, you must have a disabling condition that will prevent you from working 12 months in a row.

However, Social Security will allow you to work part time. For 2010, a person waiting for approval of their claim can earn up to \$1,000 per month before taxes. However, if you do work, Social Security will want to know why you can only work part time rather than full time. This can be a hard question to answer in court.

If you must work, we suggest that you do not work more than 20 hours per week, and be sure you stay well under \$1,000 per month.

If you are receiving Long-Term Disability (LTD) Benefits from your employer or an insurance company, we do not advise that you work at all. In most cases, every dollar you earn is subtracted from the monthly LTD benefit.

If you are working, or do get a job while waiting for your benefits, please notify your case administrator right away so we can help you stay within the limits allowed by Social Security.



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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Toll Free: 800-520-3633 | Phone: 317-634-8565 | Fax: 317-634-9818
WWW.HANKEYLAW.COM

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INDIANAPOLIS, INDIANA 46202

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TIPS FOR STAYING AWAKE AT THE WHEEL

By Attorney James DuBach



A nap can be pleasant and relaxing – unless you're at the wheel of a car when it happens.

The U.S. Department of Transportation estimates that sleep related driving accidents cause 40,000 injuries and 150 deaths every year. Don't be one of them.

Follow these tips for staying awake and alert on the road:

- Get enough sleep. If you know you'll be driving a long distance, plan to get the sleep you need ahead of time. Take a nap before you leave if you'll be driving late – but avoid driving late at night if at all possible, as you'll be naturally sleepy anyway no matter how rested you feel.
- Take breaks. Don't try to drive for hours at a time. Stop about every two hours for 10-15 minutes of rest, brisk exercise, and stretching.
- Get proper nutrition. Stay hydrated – drink lots of water. Coffee, tea and energy drinks may provide a temporary boost, but they can wear off quickly and leave you with less energy than before. The same goes for candy. Eat fruit, sunflower seeds, or high-carb granola bars, and don't gobble them down in a few bites. Eating slowly forces you to keep your attention level up.
- Don't get too comfortable. Open the window to keep cold air blowing on your face, or adjust your seat just enough to be noticeable as you drive (but not enough to distract you). Listen to loud music – maybe music you don't like – or talk radio, as long as it doesn't get you too upset.
- Pull over. If all else fails, find a safe spot to pull over and take a nap. Fifteen or 20 minutes may be enough to get you through the rest of your trip.



WHAT IS A MOMENT REALLY WORTH?

By Hankey Law Firm Staff

Someone once posted this sign on the bulletin board of a California company to remind everyone of how time is relative – but the value of time is priceless:

- To realize the value of one year: ask the student who has failed his final exam.
- To realize the value of one month: Ask the mother who has given birth to a premature baby.
- To realize the value of one week: Ask the editor of a weekly newspaper.
- To realize the value of one day: Ask the daily wage laborer who has 10 kids to feed.
- To realize the value of one hour: Ask the lovers who are waiting to meet.
- To realize the value of one minute: Ask the person who has missed the train, bus, or plane
- To realize the value of one second: Ask the person who survived an accident.
- To realize the value of one millisecond: Ask the person who won a silver medal in the Olympics.

TIPS FOR ESTABLISHING DISABILITY IN TEENS AND YOUNG ADULTS (continued from page 1)

periods of time; work with authority figures; interact with others; regulate mood and behavior; and engage in physical activities when they were in school is considered evidence they cannot do those things in a job.

If a student is in special education, or gets some sort of special help, Social Security must consider how the child would perform without that special help. Similarly, if an adult is in a structured work environment where their earnings are subsidized due to their disability, Social Security cannot count the extra earnings from such employment. Social Security must consider their ability to function outside such a structured environment.

Social Security must also consider how both teenagers and young adults react to stress, the effects of medications and treatments, and the results of failure to follow prescribed treatment.

When a child who had been receiving disability turns 18, Social Security must re-evaluate their case to see if they are still disabled. Often this results in benefits being taken away. They must then re-apply and be evaluated under the adult standards. If you have been cut off after turning 18, contact our office for help.

SOCIAL SECURITY DISABILITY FAQs

At the Charles D. Hankey Law Office, our case administrators strive to answer your questions. Periodically, we will answer some of the most frequently asked questions in this newsletter for you.

Q: Why does it take so long to get a hearing?

A: The Social Security Administration has a huge backlog of cases waiting for hearings. For a long time, they've simply had more people needing hearings than judges and staff could handle. Congress has made it a priority to see that Social Security reduces their backlog and has increased Social Security's funding so they can open new hearings offices and hire new judges to process claims faster. The Indianapolis office is one of the most backlogged, but has been sending cases to other cities for video hearings and pre-hearing review. This has improved the wait time somewhat. Currently the wait time for the Indianapolis office is 540 days, or about 1 1/2 years. Columbus, Ohio is 544 and Lansing Michigan, the slowest in the nation is 566.

RESOLVING WORKER'S COMPENSATION CLAIMS



By Stacy Crider

Not all Workers' Compensation cases go to a hearing in front of the Indiana Workers' Compensation Board. In fact, the majority of cases are resolved before they ever get to a hearing. In many cases, a claimant needs medical bills paid, more medical care, or protection for their jobs due to medical restrictions on their work release. These things are often needed immediately or as soon as possible.

This makes it in the claimant's best interest for their attorney to work with the insurance provider or opposing counsel to reach a resolution. I make it my practice to work as hard as I can to reach this understanding while still protecting my client's interests. If the parties cannot reach an agreement, mediation is also a possibility. This is a process where a third person, the mediator, listens to both sides and attempts to help come up with an agreement that makes everyone happy. Only if both of these options fail, would a workers' compensation case go to a hearing.

There are things that can help the settlement process stay on the right path. It's important that you not only stay in communication with your attorney to make sure your interests are met, it's also important to cooperate with your attorney and doctors. Making your doctor's appointments and fulfilling treatment obligations as instructed, helps your recovery as well as the negotiation process.

Insurance adjusters tend to be more amicable with a claimant who is compliant.

RECIPE: MONKEY BREAD

By: Jennifer White

Ingredients:

- 1/2 cup granulated sugar
- 1 teaspoon cinnamon
- 2 cans (16.3 oz each) Pillsbury® Grands!® Homestyle refrigerated buttermilk biscuits
- 1/2 cup chopped walnuts, if desired
- 1/2 cup raisins, if desired
- 1 cup firmly packed brown sugar
- 3/4 cup butter or margarine, melted



Instructions:

Heat oven to 350°F. Lightly grease a 12-cup fluted tube pan with shortening or cooking spray. In a large-storage plastic food bag, mix granulated sugar and cinnamon.

Separate dough into 16 biscuits. Cut each into quarters and shake in bag to coat. Arrange in pan, adding walnuts and raisins among the biscuit pieces.

In small bowl, mix brown sugar and butter; pour over biscuit pieces.

Bake 28 to 32 minutes or until golden brown and no longer doughy in center. Cool in pan 10 minutes. Turn upside down onto serving plate; pull apart to serve.

Serve warm.

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

Voc. Rehab. Services: 317-254-6707 | 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

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: 4279 N. Lafayette Rd. – 317-290-3233

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

East Side: 5515 N. Post Rd. – 317-541-3642

*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.

“Gratitude is not only the greatest of virtues, but the parent of all others.”

– Cicero (106 BC - 43 BC), ‘Pro Plancio,’ 54 B.C.

With heartfelt thanks for your referrals!

Please feel free to pass this newsletter on to relatives, friends, and neighbors. Thank you!