



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:

- PERSONAL INJURY
- AIRPLANE ACCIDENTS
- DOG BITES/ANIMAL ATTACKS
- CAR ACCIDENTS
- HIGHWAY DEFECTS
- CHILD INJURIES
- TRUCK ACCIDENTS
- WORKERS' COMPENSATION
- CONSTRUCTION ACCIDENTS
- MOTORCYCLE ACCIDENTS
- PREMISES LIABILITY
- BURN INJURIES
- BICYCLE ACCIDENTS
- PRODUCT LIABILITY
- DROWNING
- 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



Experience. Compassion. Justice.

SEPT/OCT 2010
VOLUME 3 ISSUE 5

Legal Insider



EMPLOYEE SPOTLIGHT: ASHLEY J. DONALDSON



Ashley is our newest Case Administrator at the Charles D. Hankey Law Office. Ashley graduated from Indiana University in 2007 with a double major in International Studies and French. In her spare time she enjoys dancing, reading, and playing with her dog Betty Boop.

FROM THE DESK OF CHARLES D. HANKEY

ACCIDENTAL OVERPAYMENTS



On occasion, Social Security will accidentally pay someone more than they should. This is known as an overpayment. The overpaid amount then becomes a debt that the person who was overpaid is expected to pay back.

There are two types of overpayments; entitlement overpayments, and deduction overpayments. Entitlement overpayments are when Social Security pays a person money to which they are not entitled or pays them more than they are entitled. For example, if a person collects widows benefits, but Social Security later finds out they were never married, that would be an entitlement overpayment. The more common type of overpayment, a deduction overpayment, happens when something changes the amount of benefits a person is entitled to and Social Security is not informed. An example of this would be if a person collecting SSD returned to work and did not inform Social Security.

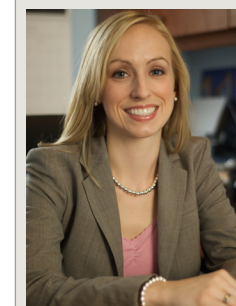
Social Security will seek repayment of overpaid benefits from the person collecting benefits, their spouse, their payee, their estate if they are deceased, and anyone else receiving benefits on their earnings record.

In order to avoid an overpayment, please make sure to immediately report any of the following events to Social Security:

- Change of address
- Change of living arrangements including marital status, the death of a member of your household, the addition of a new person living in your household, stays of 90 days or longer in a hospital or nursing home, admission to/release from prison or jail
- Changes in income
- Leaving the country for more than 30 days
- Improvement in your medical condition
- Return to work

continued on page 2

DON'T HURT YOUR OWN DISABILITY CASE



By Kirsten E. Wold
Reprinted from Sept./Oct. 2009 issue

Here are a few common mistakes people make that hurt their chances of winning their Social Security case. Please do not make these mistakes:

1. Don't miss doctor appointments! You often wait a long time to see your doctor, and you don't want to miss your turn. Also, the Social Security judge may wonder why you would miss your doctor appointments when you say that your condition is so bad that you are disabled.
2. File all Social Security forms on time. It's hard enough to win, don't give them an easy way to dismiss your case. Almost all the forms that Social Security sends you do have a time limit.
3. Make sure to remember ALL your symptoms when you see your doctor.
4. Ask for help! Our office can help you with the endless and repetitive forms Social Security sends to you. Don't just say "I cook my own meals," if what you mean is you can warm something up in the microwave. Don't say "I watch TV" if you mean that you do it because you must lie down to manage pain. Can you follow a story on TV, can you concentrate and remember what you've seen? If not, this information needs to be included. You can do your own washing, but how long does it take you? You can go for a walk, but do you need to rest afterward? The whole truth needs to be

continued on page 2

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	pg. 1
Accidental Overpayments	pg. 1
Don't Hurt Your Own Disability Case	pg. 1
Be Smart When Talking to Doctors	pg. 2
Disability Case Backlog	pg. 2
When Settlement Negotiations Fail	pg. 3
Recipe: Teriyaki Scallops in Bacon	pg. 3
Clip & Save: Helpful Contacts	pg. 3
Employee Spotlight - Ashley	pg. 4

In This Issue:



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

434 E. NEW YORK STREET
INDIANAPOLIS, INDIANA 46202

CHARLES D. HANKEY LAW OFFICE P.C.

Overpayment (continued from page 1)

It is important to keep good records of any such events, and records of when you notified Social Security about them. Keeping accurate records can be the difference between repaying an overpayment and not.

If you get a notice of overpayment, there are two things you can do. You can file a Waiver of Overpayment to request that Social Security waive their right to get the overpayment back and/or you can request reconsideration. It is best to do both simultaneously. You must do one of these two things within 30 days to obtain relief from recoupment. To request interim benefits and to avoid being terminated pending appeal, a request must be made within 10 days. The 10 day rule is based both on due process and statute.

MAKE YOUR CASE STRONGER BE SMART WHEN TALKING TO DOCTORS

By Attorney James DuBach



The most important FACTS in your SOCIAL SECURITY case are the ones about your MEDICAL CONDITION. So, if the medical records in your Social Security file show that you have significant medical and/or psychological conditions, then you will have a stronger case. That is a simple fact.

You can make your medical records more favorable to your case by remembering some important facts when you talk to your doctor.

1. Think about what you want to tell your doctor before your appointment so you will be ready to tell her as best you can what has been happening with your condition. Make a list, this will help you remember each of the two or three main things that you want your doctor to know.
2. Do NOT say things that may sound like an exaggeration. In normal conversation, we often say things like, "My back was killin' me all day," or we tell the nurse that our pain is 8 or 9, on a scale of 10. These kinds of statements will sound like exaggerations and judges or jurors just won't believe us. We must be careful and realistic in telling about our pain.
3. Be clear about where your pain is, how often you have that pain, how bad it is, and what you have to do to lessen the pain. For example, "Doctor, the only way that back pain will ease-up is if I lay down for a half an hour after taking my meds, is that OK, should I do that?" Ask your doctor to give you specific advice, in addition to taking your medicine, for things you should do to make your pain more tolerable.
4. Do not tell your doctor or nurse negative things about yourself or what's happening in your life that have nothing to do with your condition, for example, "I have no patience anymore, my son and his girlfriend moved in and she's driving me crazy". That kind of information will likely be used against you, so be protective of yourself and your private business when speaking to your doctor or nurse.
5. Perhaps most importantly, be on your best behavior. Doctors are just people, so try to be pleasant, and forget about the fact that you may have been waiting an hour and a half to be seen. Also, remember to thank the doctor and nurse for their attention to your care. You definitely want them to like you; they've got your health in their hands!

DISABILITY CASE BACKLOG

By Attorney Sondra Burger



Good News! Our Indianapolis Social Security Hearing Office (ODAR) has gotten better at processing claims. Indianapolis ODAR was 145 out of 147 at the beginning of 2009. Now the office is 137th. This is an improvement of 176 days.

It now takes Indianapolis ODAR 545 days to process a new claim from the opening of the claim to the hearing date. The best processing time in the country belongs to the ODAR in Ponce, Puerto Rico. It only takes that office 203 days to process a new claim. The slowest office is now the Lansing, Michigan ODAR at 616 processing days.

We still don't think this is good enough! SSA needs to recommit to real reform to improve both the quality and timeliness of disability decisions.

CASE ADMINISTRATOR REMINDER

By Hankey Law Firm Staff

Just as a reminder, when you call our office, for best service you should dial your case administrator's extension and speak to them. Once again, to find out who your case administrator is, look at the chart below and find the number range that includes the last two (2) digits of your Social Security number. Follow it across to see the name and extension of your Case Administrator.

SS# ends in	Case Administrator Name	Extension
00-16	Beth	221
17-34	Stephanie	236
35-51	Sharon	226
52-68	Anna	222
69-84	Martha	229
85-99	Cassie	249

Disability Case (continued from page 1)

on these forms. Our office can help you with these and be sure you are not hurting your own case by leaving out details.

5. Get treatment for any substance abuse problems. Please don't ignore these. Chances are that it is repeatedly mentioned in your medical record. Get treatment, get clean and sober, then the issue is manageable. Otherwise: it can be a barrier to winning benefits in many cases.

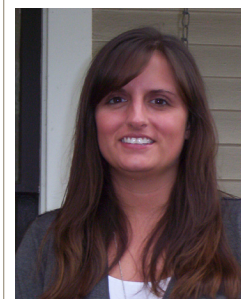
CONGRATULATIONS STACY!

The Charles D. Hankey Law Office would like to congratulate Stacy Burton on her September 18, 2010 marriage to Robert Crider. From henceforth, she will be Stacy Crider.



WHEN SETTLEMENT NEGOTIATIONS FAIL

By Ashley Marks, Law Clerk



95% of personal injury claims settle out of court. However, when negotiation attempts are unsuccessful, the Hankey Law Office is ready to represent our clients in court. In the past month, attorneys James DuBach and Melissa Davidson have litigated two personal injury cases, both stemming from automobile accidents.

Rear-end collisions, a common type of auto accident, cause some occupants to suffer soft-tissue injuries causing neck and/or back pain. Unfortunately, cases involving soft-tissue injuries are becoming more and more difficult to settle out of court and juries rarely award large sums of money for such injuries. This is due in part to the fact that soft-tissue injuries rarely show up on X-rays, CT scans, or MRIs.

If you are involved in a collision and suffer an injury, there are several steps you can take to strengthen your claim. Once you are aware that you have suffered an injury, you should seek treatment as quickly as possible. Also, if you are ordered to undergo therapy, it is very important that you complete the therapy and attend all of the therapy sessions.

If your personal injury claim has to be litigated, the trial will follow a typical pattern. After a jury has been selected, each lawyer gives an opening statement, explaining what they plan to prove during trial. Plaintiff's lawyer will then present Plaintiff's case, followed by Defendant's lawyer presenting Defendant's case. It is common for both Plaintiff and Defendant to testify, as well as one or more experts. Each lawyer can cross-examine the other party's witnesses and present evidence in an attempt to rebut the other's evidence. Once all the evidence from both sides has been presented, each lawyer gives a closing argument to the jury. The Judge will then give the jury instructions and the jury will retire to reach a verdict.

Our skilled attorneys are here to represent you if you are injured as the result of someone else's negligent actions. While we vigorously attempt to reach a favorable settlement for our clients, when a settlement cannot be reached, our attorneys are ready and able to represent our clients in court, in any county in Indiana. Mr. DuBach is also certified to practice in Illinois.

RECIPE:

TERIYAKI SCALLOPS IN BACON

By: Ashley J. Donaldson

Ingredients:

- 8 large sea scallops
- 1/4 cup teriyaki marinade
- 4-8 strips of bacon



Instructions:

Toss scallops with enough marinade to cover and marinate for 30 mins in the refrigerator. Preheat the broiler. Wrap each scallop with just enough bacon to wrap around fully without overlapping (it's best to stretch bacon fairly thin - it will crisp up easier that way). Thread a toothpick through the bacon and scallop to secure. Brush with a bit more of the teriyaki marinade, then place in the oven 6" below the broiler. Cook for 10 to 12 minutes until the scallops are firm and the bacon is fully cooked.

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.

“You try to give away what you want yourself.”

– Lois McMaster Bujold

With heartfelt thanks for your referrals!

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