

MCS and SSA

A Beginners Guide for Hospital and Clinic Social Workers

By: Kristin Malaer, LCSW CCTSW-MCS

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Disclaimer:

The information provided in this document is provided for educational purposes only. You should not rely on this information as a substitute for, nor does it replace, the policies and procedures of the social worker's employer or hospital institution. Neither is it a substitute for, nor does it replace, the patient consulting with legal counsel. If you as the social worker or your patient have concerns or questions pertaining to a specific SSA claim, always consult with local legal counsel. The use of any information provided in this document is at the reader's own risk.

Document Lifetime:

Social Security Administration may occasionally update their processes and guidelines after release of this FAQ. Consequently, this document may not contain the most up-to-date information. Please always refer to www.SSA.gov for the most current information.

If there is additional information you would like to see added please contact Kristin Malaer, LCSW CCTSW-MCS at kmalaerlcsw@gmail.com

Note:

The Social Security Administration (SSA) provides financial benefits to people with disabilities through several programs. These programs have different names (i.e, SSDI, SSI, etc.) and different financial eligibility requirements. This FAQ sheet applies to all SSA disability benefit programs.

SSA regulations define what it means to be "disabled" for purposes of receiving SSA disability benefits. In very general terms, SSA find an adult is "disabled" when he or she cannot work at their job or any other suitable, full-time job for at least a year.

When a patient applies for SSA disability benefits, SSA evaluates their application and their medical records to determine whether the applicant meets SSA's definition of "disabled." The applicant's medical records can be voluntarily submitted to SSA or requested by SSA.

When applying for SSA disability benefits, certain applicants are eligible for expedited processing of their applications (Citation: [POMS DI 23020.001](#)).

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Preface

MCS patients (LVAD, TAH, etc.) are faced not only with a tremendous shift in their lifestyle but also their available resources. Patients who once worked are now navigating a complex application process that can sometimes take months or even a year or more to reach a resolution. As social workers, we can assist in the navigation as well as provide advocacy to the patient and community.

Our call as social workers to advocate for our patients extends past the hospital institution at which we are employed. Advocating for the MCS patient population also includes the greater community at both a local and national level. We know as medical professionals that advancements in medicine can surpass the available resources and policies in the community both at the local and federal level. This gives us a unique position as content experts to bridge the gap between the treatment team, patient and the community as a whole.

This FAQ sheet is intended to explore ways in which MCS social workers can advocate for their patients throughout their application for Social Security benefits both pre and post implant.

-Kristin Malaer, LCSW CCTSW-MCS
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About this Guide

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SSA regulations define what it means to be “disabled” for purposes of receiving SSA disability benefits. In very general terms, SSA find an adult is “disabled” when he or she cannot work at their job or any other suitable, full-time job for at least a year.

When a patient applies for SSA disability benefits, SSA evaluates their application and their medical records to determine whether the applicant meets SSA’s definition of “disabled.” The applicant’s medical records can be voluntarily submitted to SSA or requested by SSA.

When applying for SSA disability benefits, certain applicants are eligible for expedited processing of their applications (Citation: POMS DI 23020.001).

Who Should Use It

This document is intended for Mechanical Circulatory Support Social Workers who have direct contact with patients and their caregivers. This guide assumes that you have some knowledge of MCS as well as Social Security Disability (SSDI). It is intended for educational purposes only. You should not rely on this information as a substitute for, nor does it replace, the policies and procedures of the social worker's employer or hospital institution. Neither is it a substitute for, nor does it replace, the patient consulting with legal counsel.

1 FAQs: Expedited Processing

This section addresses Expedited Processing of Social Security Claims

1.1 How does a patient apply for Social Security Disability?

Question	How does a patient apply for Social Security Disability?
Answer	The patient can begin the application process by calling 1-800-772-1213 or apply online at SSA.gov/onlineservices

1.2 How is an applicant selected for expedited processing?

Question	How is an applicant selected for expedited processing?
Answer	There are two ways. SSA tries to identify qualifying applicants upon their initial application submission. The other way is for the applicant to specifically request expedited processing. This is where we can help!

1.3 Who qualifies for expedited processing?

Question	Who qualifies for expedited processing?
Answer	There are several ways to qualify for expedited processing. For patients who may need or already have an LVAD, the most applicable expedited processing designation is called a "Compassionate Allowance" designation.

1.1 What are other designations that qualify for expedited processing?

Question	What are designations that qualify for expedited processing?
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Answer	<p>There are several. Click the links below to learn more.</p> <ul style="list-style-type: none"> • Compassionate Allowance Diagnosis • Veterans - 100% Permanent & Total Disability rating from the VA; • Veterans – Wounded Warriors; • Patients with Terminal Illnesses; • Dire Need – Patients without access to medical treatment, shelter, and/or food.
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1.2 Once they've applied, how can the patient obtain a status update on their disability benefits application?

Question	How can the patient obtain a status update on their disability benefits application?
Answer	<p>The SSA web site has instructions posted on checking the status of an application. But in general, the squeaky wheel gets the oil – the patient can call the SSA field office processing their application and ask for an update on their Compassionate Allowance designation request. Ask to confirm medical records were received. A little nudge can go a long way.</p>

2 FAQs: Compassionate Allowance

This section addresses Compassionate Allowances, a type of Expedited Processing

2.1 What is a Compassionate Allowance designation?

Question	What is a Compassionate Allowance designation?
Answer	Some serious medical conditions are more likely to satisfy Social Security’s statutory standard for “disabled” than others. SSA has created a list of serious medical conditions that are likely to result in disability benefits application approval. If an applicant has one of the medical conditions identified by SSA, their case receives a “Compassionate Allowance” designation for expedited processing.

2.2 Is having a LVAD considered an identified medical condition for Compassionate Allowance?

Question	Is having a LVAD considered an identified medical condition for Compassionate Allowance?
Answer	A Ventricular Assistive Device Recipient is one of the identified medical conditions on the Compassionate Allowance List (Citation: POMS DI 23022.570). The full list of qualifying medical conditions, which includes several other heart conditions, is listed here .

2.3 Are applicants with a Compassionate Allowance designation automatically approved for disability benefits?

Question	Are applicants with a Compassionate Allowance designation automatically approved for disability benefits?
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Answer	No, but their applications receive expedited processing. They can still be denied benefits. If a patient is denied benefits they are encouraged to appeal the decision as soon as possible – within 60 days of receiving the denial.
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3 FAQs: Newly Implanted MCS and SSDI Claims

This section addresses FAQs related to newly implanted LVADs and disability claims

3.1 Is having a LVAD considered an identified medical condition for Compassionate Allowance?

Question	Is having a LVAD considered an identified medical condition for Compassionate Allowance?
Answer	Ventricular Assistive Device Recipient is one of the identified medical conditions on the Compassionate Allowance List (Citation: POMS DI 23022.570). The full list of qualifying medical conditions, which includes several other heart conditions, is listed here .

3.2 Are applicants with LVADs automatically approved for disability benefits?

Question	Are applicants with LVADs automatically approved for disability benefits?
Answer	If medical records show an applicant has a Ventricular Assistive Device for at least 90 consecutive days, they should be approved for disability benefits. Medical documentation must be provided to SSA for verification (Citation: POMS DI 23022.570).

3.3 Why after 90 days?

Question	Why after 90 days?
Answer	Some claims are put on “medical hold” to allow SSA to determine if the patient will make a full, partial or no recovery at all. If the patient’s records indicate that their disability is not yet “stable” (i.e. still hospitalized, sternal precautions, etc.) and stabilization may later impact their determination. In these situations, the SSA will require

	<p>additional evidence 3 months (i.e. 90 days) following the event before evaluating the patient for disability.</p> <p>Also, during the development of standards such as 90 days post LVAD, SSA interviews physicians specializing in the diagnosis at the time they are established. With the development of more advanced medical technology and dischargeable devices, it is beneficial to consider advocating for policy change regarding this guideline.</p>
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3.4 If SSA finds the patient is “disabled” based on their LVAD, is the patient considered disabled permanently?

Question	If SSA finds the patient is “disabled” based on their LVAD, is the patient considered disabled permanently?
Answer	No, but they will receive disability benefits for at least a year (12 months). After that, SSA will conduct a “continuing disability review” to determine whether the patient continues to meets their definition of “disabled.”

4 FAQs: Previously Implanted MCS and SSDI Claims

This section addresses FAQs related to previously implanted LVADs and disability claims

4.1 What if my LVAD patient is working after implant and tries to file for disability?

Question	What if my LVAD patient is working and later tries to file for disability?
Answer	If someone with an LVAD is still employed at the time they file for SSDI and making more than \$1310/month (<i>in 2021</i>), their application will be denied. (Citation: Substantial Gainful Activity) Only people earning \$0-\$1309/month from work activity will be considered for SSDI. <i>This amount is condition to change. Please refer to the SSA website for the most accurate monthly amount.</i>

4.2 What if the patient is not working but still getting paid? (i.e. benefits through employer, etc.)

Question	What if the patient is not working but still getting paid? (i.e. STD, LTD, PTO, etc.)
Answer	If the patient is not working but still getting paid (through paid time off or disability benefits through employer, etc.) they can still be considered for disability benefits but they have to provide documentation from their employer that they are not working.

4.3 If SSA finds the patient is “disabled” based on their LVAD, is the patient considered disabled permanently?

Question	If SSA finds the patient is “disabled” based on their LVAD, is the patient considered disabled permanently?
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Answer	No, but they will receive disability benefits for at least a year. After that, SSA will conduct a “continuing disability review” to determine whether the patient continues to meets their definition of “disabled.”
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4.4 How can the patient obtain a status update on their disability benefits application?

Question	How can the patient obtain a status update on their disability benefits application?
Answer	<p>The SSA web site has instructions posted on checking the status of an application. But in general, “the squeaky wheel gets the oil” – the patient can call the SSA field office processing their application and ask for an update on their Compassionate Allowance designation request. Ask to confirm medical records were received. A little nudge can go a long way.</p> <p>If your patient has been denied benefits, encourage the patient to file an appeal right away – within 60 days of receiving the denial.</p>

5 FAQs: How can the Hospital or Clinic Social Worker help?

This section addresses FAQs related to the role of the social worker

5.1 How can we help our patients receive a Compassionate Allowance designation from SSA?

Question	How can we help our patients receive a Compassionate Allowance designation from SSA?
Answer	We can help a patient write a letter or write a letter on their behalf to SSA, requesting a Compassionate Allowance designation for expedited processing (See sample letters below).

5.2 Where should we send the letter/records?

Question	Where should we send the letter/records?
Answer	<p>There are three ways to submit a letter:</p> <ol style="list-style-type: none">1. The fastest way to submit the letter is via fax to the local SSA field office that is processing the patient's application for disability benefits. You would search by the patient's zip code. Search Here2. Give directly to the patient and or legal next of kin / MPOA to correspond with SSA.3. If the patient has already filed for disability then the last page of their confirmation of filing will include a barcode. Use the barcode as the first page of anything faxed over to Social Security. This will scan it and get it into the patient's file faster. <p><i>Note:</i> Be sure to have the patient or legal next of kin / MPOA to complete a release of records form with your institution.</p>

5.3 What should I include with the letter?

Question	What should I include with the letter?
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Answer	<p>Along with the letter, attaching copies of medical records that document the patient has an LVAD is very beneficial, although not explicitly required (Citation: POMS DI 11005.604).</p> <p>The faster SSA can obtain and review the patient’s medical records, the faster the patient’s disability benefits application will be processed.</p>
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5.4 What kind of medical records does SSA want to see?

Question	What kind of medical records does SSA want to see?
Answer	<p>Suggested Medical Records for Disability Evaluation with LVAD include:</p> <ul style="list-style-type: none"> • Clinical description of findings; • Hospital admission and discharge summary; • Operative report; • Cardiology consultation; • Imaging studies; • EKG; and/or • Echocardiography. <p>Citation: POMS DI 23022.570</p>

5.5 What are potential barriers that could result in a delay in processing and/or a denial of benefits?

Question	What are potential barriers that could result in a delay in processing and/or a denial of benefits?
Answer	<p>The #1 reason disability benefits applications are delayed in processing or denied is because SSA does not have access to the patient’s medical records. All SSA disability determinations are based on reviewing objective medical findings in the patient’s medical records.</p>

	<p>If SSA has to reach out to the patient’s medical providers and request their medical records, the medical records request process can take months. If the medical records don’t arrive or do not support the claimant’s disabling allegations, the patient’s disability benefits application will be denied. The patient can appeal, but appeals can take a very long time.</p> <p>Encouraging the patient to voluntarily, proactively, and regularly submit their medical records via fax to the SSA field office processing their application is the best thing that can be done to obtain an efficient and positive outcome.</p>
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5.6 What if the letter doesn’t work, is there another option to expedite the application?

Question	What if the letter doesn’t work?
Answer	<p>According to the National Organization of Social Security Claimants’ Representatives (NOSSCR), only about one third of Social Security Disability claims are approved at the initial level.</p> <p>If the patient is denied, encourage the patient to start the appeal process as soon as possible. They can also find vetted disability attorneys through NOSSCR.</p> <p>A social worker can advise their patient to contact their local representative at the Federal Level or assist in facilitating the call if necessary. You would first determine who their federal level representative is based on their place of residence. Search Here</p> <p>Second, the patient and/or next of kin can call the representative’s office and explain the patient is pending Social Security Disability under Compassionate Allowance and are awaiting a determination.</p>

5.7 How can the patient obtain a status update on their disability benefits application?

Question	How can the patient obtain a status update on their disability benefits application?
Answer	The SSA web site has instructions posted on checking the status of an application. But in general, the squeaky wheel gets the oil – the patient can call the SSA field office processing their application and ask for an update on their Compassionate Allowance designation request. Ask to confirm medical records were received. A little nudge can go a long way.

6 Sample Letters

Note: The following letters are appropriate to send immediately upon filing for SSA disability benefits. If the patient’s application for benefits has already been denied and they requested a hearing before an Administrative Law Judge (ALJ), a different letter format should be used and the patient is advised to seek legal counsel. For a list of Social Security Disability Attorneys visit www.nosscr.org.

6.1 Pre-LVAD with no medical records

Letter Type	Pre-LVAD with no medical records
Answer	<p>To: SSA Field Office</p> <p>Fax: <Insert Fax # Here></p> <p>Date: <Insert Date Here></p> <p>Re: “Request for Expedited Case Processing – COMPASSIONATE ALLOWANCE”</p> <p>Claimant: <Insert Name Here></p> <p>SSN: <Insert SSN Here></p> <p>To Whom It May Concern:</p> <p><Insert Name> has <insert CAL qualifying health condition here>, which is Compassionate Allowance Condition. This identification is sufficient to establish a Compassionate Allowance designation (POMS DI 11005.604 B.2). Therefore, please designate this case as a Compassionate Allowance case for expedited case processing.</p> <p><Name></p> <p>LCSW,</p> <p><Insert Hospital Name Here></p>

6.2 Pre-LVAD with medical records

Letter Type	Pre-LVAD with medical records
Answer	<p>To: SSA Field Office</p> <p>Fax: <Insert Fax # Here></p> <p>Date: <Insert Date Here></p> <p>Re: "Request for Expedited Case Processing – COMPASSIONATE ALLOWANCE"</p> <p>Claimant: <Insert Name Here></p> <p>SSN: <Insert SSN Here></p> <p>To Whom It May Concern:</p> <p><Insert Name> has <insert CAL qualifying health condition here>, which is Compassionate Allowance Condition. Please see attached medical records for corroborating documentation. This objective medical information is sufficient to establish a Compassionate Allowance designation (POMS DI 11005.604 A). Therefore, please designate this case as a Compassionate Allowance case for expedited case processing.</p> <p><Name> LCSW, <Insert Hospital Name Here></p>

6.3 Post-LVAD (less than 90 days) with no medical records

Letter Type	Post-LVAD (less than 90 days) with no medical records
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Answer	<p>To: SSA Field Office</p> <p>Fax: <Insert Fax # Here></p> <p>Date: <Insert Date Here></p> <p>Re: "Request for Expedited Case Processing – COMPASSIONATE ALLOWANCE"</p> <p>Claimant: <Insert Name Here></p> <p>SSN: <Insert SSN Here></p> <p>To Whom It May Concern:</p> <p><Insert Name> is a Ventricular Assist Device Recipient, which is Compassionate Allowance Condition (POMS DI 23022.080). On <insert date> he/she underwent implantation of an LVAD in the form of <insert device>. This identification is sufficient to establish a Compassionate Allowance designation (POMS DI 11005.604 B.2). Therefore, please designate this case as a Compassionate Allowance case for expedited case processing.</p> <p><Name></p> <p>LCSW,</p> <p><Insert Hospital Name Here></p>
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6.4 Post-LVAD (less than 90 days) with medical records

Letter Type	Post-LVAD (less than 90 days) with medical records
Answer	<p>To: SSA Field Office</p> <p>Fax: <Insert Fax # Here></p> <p>Date: <Insert Date Here></p> <p>Re: "Request for Expedited Case Processing – COMPASSIONATE ALLOWANCE"</p>

	<p>Claimant: <Insert Name Here></p> <p>SSN: <Insert SSN Here></p> <p>To Whom It May Concern:</p> <p><Insert Name> is a Ventricular Assist Device Recipient, which is Compassionate Allowance Condition (POMS DI 23022.080). On <insert date> he/she underwent implantation of an LVAD in the form of <insert device>. Please see attached medical records for corroborating documentation. This objective medical information is sufficient to establish a Compassionate Allowance designation (POMS DI 11005.604 A). Therefore, please designate this case as a Compassionate Allowance case for expedited case processing.</p> <p><Name> LCSW, <Insert Hospital Name Here></p>
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6.5 Post-LVAD (at least 90 days) with no medical records

Letter Type	OPTION 5: Post-LVAD (at least 90 days) with no medical records
Answer	<p>To: SSA Field Office</p> <p>Fax: <Insert Fax # Here></p> <p>Date: <Insert Date Here></p> <p>Re: "Request for Expedited Case Processing – COMPASSIONATE ALLOWANCE"</p> <p>Claimant: <Insert Name Here></p> <p>SSN: <Insert SSN Here></p>

	<p>To Whom It May Concern:</p> <p><Insert Name> is a Ventricular Assist Device Recipient, which is Compassionate Allowance Condition (POMS DI 23022.080). On <insert date>, more than 90 days ago, he/she underwent implantation of an LVAD in the form of <insert device>. This identification is sufficient to establish a Compassionate Allowance designation (POMS DI 11005.604 B.2). Therefore, please designate this case as a Compassionate Allowance case for expedited case processing.</p> <p>In addition, please consider allowing the claim, as 90 consecutive days or more of implanted VAD establishes listing-level medical equivalence of 4.09 (POMS DI 23022.570). Supporting documentation is forthcoming.</p> <p><Name> LCSW, <Insert Hospital Name Here></p>
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6.6 Post-LVAD (at least 90 days) with medical records

Letter Type	OPTION 6: Post-LVAD (at least 90 days) with medical records
Answer	<p>To: SSA Field Office</p> <p>Fax: <Insert Fax # Here></p> <p>Date: <Insert Date Here></p> <p>Re: "Request for Expedited Case Processing – COMPASSIONATE ALLOWANCE"</p> <p>Claimant: <Insert Name Here></p> <p>SSN: <Insert SSN Here></p> <p>To Whom It May Concern:</p>

	<p><Insert Name> is a Ventricular Assist Device Recipient, which is Compassionate Allowance Condition (POMS DI 23022.080). On <insert date>, more than 90 days ago, he/she underwent implantation of an LVAD in the form of <insert device>. Please see attached medical records for corroborating documentation. This objective medical information is sufficient to establish a Compassionate Allowance designation (POMS DI 11005.604 A). Therefore, please designate this case as a Compassionate Allowance case for expedited case processing.</p> <p>In addition, please consider allowing the claim, as 90 consecutive days or more of implanted VAD establishes listing-level medical equivalence of 4.09 (POMS DI 23022.570).</p> <p><Name> LCSW, <Insert Hospital Name Here></p>
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Appendix A: Acronyms, Abbreviations & Definitions

Term	Meaning
MCS	Mechanical Circulatory Support
LVAD	Left Ventricular Assist Device
SSDI	Social Security Disability Income
SSA	Social Security Administration
NOSSCR	National Organization of Social Security Claimant Representatives

7 Appendix B: Related Documentation

#	Document Title	Location
1	Disability Application Process	https://www.ssa.gov/benefits/disability/#anchor2
2	POMS DI 23022.570	https://secure.ssa.gov/poms.nsf/lnx/0423022570
3	POMS DI 11005.604	https://secure.ssa.gov/poms.nsf/lnx/0411005604
4	Substantial Gainful Activity	https://www.ssa.gov/oact/cola/sga.html
5	List of Compassionate Allowances (CAL) Conditions	https://secure.ssa.gov/poms.nsf/lnx/0423022080
6	Veterans – 100% Permanent and Total Disability rating from the VA	https://www.ssa.gov/pubs/EN-05-10565.pdf
7	Veterans – Wounded Warriors	https://www.ssa.gov/people/veterans/ww.html
8	Patients with Terminal Illness	https://secure.ssa.gov/poms.nsf/lnx/0423020045
9	Dire Need Patients	https://www.ssa.gov/OP_Home/hallex/I-02/I-2-1-40.html
10	Find Representative	https://www.house.gov/representatives/find-your-representative
11	Find Social Security Office	https://www.ssa.gov/locator/
12	NOSSCR	https://nosscri.org/
13	Allsup	https://www.allsup.com/