

Can You Receive Social Security Benefits from Retirement and Disability Programs?

Q: Can you receive both social security retirement and disability social security benefits?

A: No, you cannot receive both retirement and disability payments. You will receive retirement benefits in lieu of disability benefits, when you reach the retirement age criterion. The social security benefits payment amount will not change, though. Your benefits will automatically convert.

Q: Should you be worried if Social Security is reviewing your disability claim and you currently receive social security benefits through the program?

A: Social Security regularly reviews all disability cases that receive benefits. The reviews are conducted every several years. The claims representatives may be a bit behind, depending upon the number of cases he has to review, which can push the schedule a bit. For that reason, you come across claimants who are surprised to have their cases under review for the first time after years and years. Do not be concerned if your case is currently under review. The reviews are normal. Just because your file is being reviewed does not mean you are in jeopardy of losing your social security benefits. To assure that Social Security has the most recent information about your medical condition and its impact on your employment, a periodic review is done. The majority of social security benefits claims that are reviewed are awarded continuing benefits. There needs to be medical data that demonstrates that the condition has resolved to a point that a person could take on employment, in order for payments to stop. It is possible that the case examiner will ask that you undergo a medical examination, if you have not been treated by a physician in quite a while. Again, that is not a sign that you are in jeopardy of losing your social security benefits. The purpose of the exam is to assure your case has current and thorough data.

Q: If you are not awarded disability benefits, how do you pay the lawyer that represented your case?

A: A social security disability attorney is paid from your awarded benefits. The lawyer payments are established by Social Security. One quarter of the amount you receive in backpay will be paid to your attorney. A social security disability lawyer cannot collect more than \$5,300, regardless of how much your backpay benefits are. If your claim is denied benefits, your attorney does not receive a payment.

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