
OPINION

Disability claims are often first denied

As a professor who teaches Social Security disability law, I believe that your article ["House probe: Approved disability claims up," News, June 25] is sadly off the mark. The grim truth is that 1 in 5 male and 1 in 7 female beneficiaries dies within five years of being granted benefits. Many are poor and extremely sick.

There are two reasons that judges overrule earlier rejections of claims on appeal. First, the state agencies that decide claims initially for Social Security are notoriously understaffed, causing poor initial decisions. Second, many claimants, after a denial, will hire attorneys who are skilled in uncovering previously miss-

ing medical records and arguing that a claimant is disabled.

In addition, the recently settled federal class action case, where five Queens judges were accused of anti-claimant bias, is proof that obtaining disability benefits is no easy task. As a result of this pending settlement, more than 4,000 claimants who were unfairly denied disability benefits since 2008 will have the right to new hearings before different judges. It appears that some New York judges did not follow the suspected national trend of approving claims too easily.

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