

ABOUT GREY & GREY . . .

The History of Grey & Grey, LLP

In 1967, David Grey opened a law office in Farmingdale, New York to represent injured and disabled workers. In 1971 his father, Arthur Grey, retired after a forty-year career with the New York State Workers' Compensation Board and joined the firm, forming the original Grey & Grey, Esqs. (known today as Grey & Grey, LLP).

David Grey served as the firm's managing partner for over forty years from 1967 through 2008. Arthur Grey retired in 1980, but Robert Grey, David's son, joined the firm in 1990, becoming the third generation of the family to practice law. Robert has been the firm's managing partner since 2009.

Grey & Grey Today

Today, Grey & Grey is made up of nearly 40 partners, associates, and staff taking care of clients in four offices (Manhattan, Queens, Nassau, and Suffolk). Our three departments handle cases involving workers' compensation, Social Security disability, personal injury, long term disability, and disability retirement. In addition to offering superior legal representation, Grey & Grey has been widely recognized as a leader in our practice areas. Our attorneys lead political action committees that advocate for the interests of injured workers, serve on government task forces, provide technical assistance, education and representation to unions, and serve on the boards of non-profit organizations that protect and educate workers. In recognition of our knowledge, experience, and leadership, we are routinely asked to give continuing legal education lectures to other lawyers throughout the state.

When you choose Grey & Grey to handle your case, and when you recommend us to your friends and family, you can do so with confidence.

ABOUT SOCIAL SECURITY DISABILITY . . .

Disability insurance coverage was added to the Social Security Act by Congress in 1956. It provides disability benefits to certain workers under age 65 who are unable to engage in any work activity for a continuous period of twelve months or more.

WHAT IS COVERED . . .

To receive benefits, you must first prove that you are **insured**. To be insured, you must have worked a sufficient number of years and paid sufficient social security taxes. Some individuals may receive benefits on another worker's account (widows, disabled adult children). You can find out if you are insured for social security disability or retirement by contacting the Social Security Administration.

If you are insured, then you must prove that you have a medical problem (physical, mental, or emotional) which has lasted or will last for at least twelve months and which prevents you from doing any job you have done in the past fifteen years, or any other job for which you are suited medically and vocationally.

If you return to work within one year of the onset of your injury or illness, you are not entitled to disability benefits. However, a short unsuccessful attempt to return to work may not disqualify you from benefits. No benefits are ever given for the first six months of disability. If benefits are awarded, they may be retroactive for up to 12 months before the application date. However, if you apply more than 18 months after the onset of the disability, you will lose a month of benefits for every month you delay.

If you are not insured for Disability Benefits, but are disabled within the meaning of the Act, you may be eligible to receive benefits under the Supplemental Security Income (SSI) program. SSI benefits are provided to poor individuals and both income and asset tests must be met in addition to proving disability.

BENEFITS PROVIDED . . .

The amount of social security disability benefits which you can receive is determined in part by your past earnings. Social Security has a record of those earnings and you can check to see that the record is correct. In addition, a disabled person is entitled to Medicare benefits after they have received social security disability benefits for two years.

Disabled workers often receive disability benefits under several plans and government programs. For example, many workers receive workers' compensation benefits at the same time they receive Social Security Disability benefits. However, special rules may limit the total amount the disabled worker can receive.

If you win your Social Security Disability case, you may receive an initial award for a retroactive period of disability. If you are still disabled, benefits may continue to be paid on a monthly basis. If you are no longer disabled, you will only receive benefits for the period of disability.

The test for receiving Social Security Disability benefits is that you must be unable to perform substantial gainful activity. Therefore, if you return to work while receiving disability, you must report that to the Social Security Administration. Not all work is substantial gainful activity, however, and under some circumstances limited work, or work for a limited period of time, may not affect your entitlement to benefits.

Receiving Social Security Disability benefits can affect your retirement benefits in a positive way. Retirement benefits are based on an average of your total lifetime earnings. When you are disabled you have no earnings. However, if you are found eligible for Social Security Disability benefits your zero earnings for the time you are disabled will not count and your retirement benefits may be higher.

THE PROCESS . . .

Most disability applicants should expect to spend about eighteen months waiting for their case to be approved. There are several steps in a disability case. First, an initial application is filed with the local social security office. Social Security checks the record to be certain that you are insured, obtains birth certificates and possibly work records, and requests medical information from your doctors. This process may take up to eight months, and many people are denied at this point.

If the initial application is denied, we can request a hearing before an Administrative Law Judge. The judge will then review the entire case, take testimony from the applicant and any other witnesses, and make a decision based on the evidence. Due to delays in the Social Security system, however, it sometimes takes a year or more for the Administration to schedule a hearing.

If the application is denied by an Administrative Law Judge, there are further appeals possible, up to and including an appeal to the federal courts.

WHAT A SOCIAL SECURITY DISABILITY CLIENT SHOULD DO . . .

– You must see a doctor on a regular basis. Disability can only be proved with medical reports. While you may see chiropractors, physical therapists, and clinical social workers for therapy, Social Security does not regard these individuals as doctors. Therefore, you must see a medical doctor, preferably a specialist, about your problem.

– You must provide us with information about your work history for the past 15 years and all medical treatment and evaluation you have received for your disability. You must come into our office to complete forms when we ask you to. You must fill out forms that Social Security sends to you.

– You must advise our office if you return to work of any kind. Some work efforts are

encouraged by Social Security and will not hurt your case. We must evaluate each situation individually.

– You must contact us when you receive a decision from Social Security (a denial or an approval of your case) and when you receive your first check. (While Social Security is required to notify us, in approximately 30% of our cases they never send us a copy of what they have sent you.)

– If we do not represent you in your workers' compensation case, you must provide us with copies of decisions in your case showing the amount of benefits you are receiving.

– You must pay for medical records from your treating doctor at the time we request a hearing on your behalf.

WHAT GREY & GREY DOES . . .

– If you contact us after you have been disabled for three to six months and you have not filed an application for Social Security Disability benefits, we will prepare and file your application for you.

– If you have been denied in your application for benefits, we will prepare and file your appeal papers for you.

– We will review your file prior to a hearing and ensure that all available necessary medical information is provided to the Administrative Law Judge.

– We will appear at a hearing on your behalf and present your case to the Judge.

– If your application is denied by an Administrative Law Judge, we will work with you to determine whether an appeal is warranted.

– We will check the benefits you receive after a favorable decision to ensure that you are receiving the correct amount and that workers' compensation offsets have been correctly computed.

– We want to obtain the best possible result for you in your Social Security Disability claim and will work with you to obtain the benefits to which you are entitled.

– In addition to Social Security Disability Benefits, Grey and Grey represents claimants in connection with government pensions, (NYCERS and NYSLERS), as well as Long Term Disability Insurance provided under employer benefit plans. Please call for more information.



GREY & GREY, LLP

- Workers' Compensation
- SOCIAL SECURITY DISABILITY
- Personal Injury

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