

Mississippi outranks neighboring states in denying disability claims

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Investigative Reporting



Amanda Evans, 51, of Pearl was reduced to using a rolling walker by the time an administrative law judge overturned three previous denials for Social Security disability. Evans, who was diagnosed with multiple sclerosis in 1996, sought disability in 2014 and finally got it in 2016.
(Courtesy Photo)

Amanda Evans sought Social Security Disability Income 20 years after being diagnosed with multiple sclerosis when her advancing condition made it more and more difficult for her to move around her Pearl home.

But it wouldn't be until 2016, two years after applying, before an administrative law judge determined she was eligible for benefits.

She had to go before a Social Security administrative law judge (the third level of appeal after initial claim and reconsideration). She had been denied on three separate initial applications and finally exercised her right of appeal on the third application. By then, she had to use a rolling walker to get into the courtroom.

Evans said the judge looked at her and said, "I am so sorry that this has happened, and no one has paid attention."

Her experience is not an uncommon one in Mississippi, which has the lowest rate of allowances for initial claims and reconsiderations among its neighboring Southern states, according to data from the Atlanta Regional office for the Social Security Administration.

In fiscal year 2019, Mississippi Disability Determination Services (<https://www.mdrs.ms.gov/Disability/Pages/default.aspx>) (the 100 percent federally funded state agency tasked with reviewing claims for medical eligibility) allowed three of every 10 initial claims and only six of every 100 claims at the reconsideration level.

During FY 2019, Mississippi processed 38,884

initial claims and 12,815 reconsiderations for adults and children applying for Social Security Disability Insurance and Supplemental Security Income (<https://www.ssa.gov/disability/>), according to Patti Patterson, regional communication director for the Social Security Administration's Atlanta public affairs office. The agency also handled 12,218 continuing disability reviews, called CDR's, in which a case is reviewed to see if the claimant is still disabled.

Susan Hammett, who retired as a unit supervisor for Mississippi DDS in 2015, said that for much of her 36 years with the agency, the

Southeast region often had lower allowance rates than other regions of the country. "When I left, it seemed that states in the Northeast, the Northwest, and the Midwest had higher rates," Hammett said, recalling that some regions had allowance rates as high as 40 percent.

Mississippi also has a higher processing time for claims than what SSA considers reasonable, with the SSA field offices taking an average of eight days to determine financial eligibility for benefits, while the Mississippi DDS takes 76 days on average to make a medical decision.

Officials with Mississippi

DDS would not respond for comment.

Hammett said the Mississippi DDS office had a goal of taking 60 days to process a case, approximately two months. A new program introduced in 2013 flagged certain severe impairments, such as cancers, as "quick decision" cases, which were to be completed in 10 to 20 days.

Among the various reasons Hammett cited for Mississippi having such a low allowance rate are that claimants in the state tend to be younger and have fewer severe impairments than in other states. Younger claimants, some in their 20s and 30s, tend to be denied at a higher rate because the Social Security regulations assume, if they can no longer do their past work, then they can be retrained to do other work because of their youth.

Claimants with less severe impairments are also denied at a higher rate because the impairment has a minimal effect on their ability to work. Hammett said when she worked as a caseworker, she would see claimants applying for benefits because of allergies, low back pain, nonmalignant high blood pressure, early stages of diabetes or depression.

Such impairments may keep a claimant from continuing their past work but not prevent them from doing other work — a critical component of regulations many are unaware of. Hammett noted that Social Security regulations also do not take into consideration that work the claimant could still do may not be available to them in their rural community. "All SSA is concerned with is if you have the physical capacity to do the work, not if the work is available," Hammett said "So many people apply for benefits because they could not find work."

Local Vocational Rehabilitation offices can help claimants who have been denied SSDI or SSI benefits.

"Anyone with an employment goal, who has been denied disability benefits by SSA, can request services by contacting one of our vocational rehabilitation counselors in an office near them. Office locations statewide can be found at [mdrs.ms.gov](https://www.mdrs.ms.gov)," said Jan Schafter, communications director for Mississippi Department of Rehabilitation Services. (<https://www.mdrs.ms.gov/Pages/default.aspx>)

Documentation helps, but not always

Where the DDS caseworkers are encouraged to put forth their effort is on claimants over 50 years old

because the regulations will allow more older applicants with severe medical impairments depending on their age, past work experience and educational levels, Hammett said.

Evans was 44 years old when she called the Social Security hotline and was sent the appropriate forms to fill out before her case was transferred to the Mississippi Disability Determination Services to determine if she was medically eligible for benefits.

She had 10 years' worth of medical records from her doctors in Jackson, who diagnosed her MS, as well as records for where she had been treated at Johns Hopkins Medical Center in Baltimore, Maryland. "I thought maybe the doctors in Jackson had it wrong," Evans said. "But they were exactly right."

Many claimants, however, come to SSA with little medical documentation for their claims, Hammett said. In such cases, DDS sends them on a medical exam to determine the severity of their medical impairments — mental and physical. The exam can be with the claimant's treating physician or with one of a list of doctors in the claimant's area who has agreed to see the claimant for what DDS will pay for the exam and any tests needed. Finding doctors to see patients for what DDS will pay has always been an issue for DDS, especially in the area of specialists such as orthopedists or neurologists.

SSA is obligated to follow up with development of evidence for any impairments that may be discovered during the collection of a claimant's medical records, and that process can often draw out the time taken to develop a disability claim.

Other factors that can add to the time taken to develop include the nature of the impairment; if a claimant recently had a heart attack or stroke or other major surgical procedure, the case would be deferred for

a period of time — usually three months — to evaluate how the claimant recovered from the impairment, Hammett said. "There are many spokes to the wheel, so to speak," Hammett said.

SSA did not provide figures on how many total cases administrative law judges handled in Mississippi in fiscal year 2019, but it did say 4,720 cases handled by SSA were allowed at that level — about a third of the number of reconsiderations handled by the DDS, according to the data provided.

Pocketing a profit on delays and denials

In Tennessee, which ranks next to lowest, an investigative report (<https://www.tennessean.com/story/news/2019/01/06/tennessee-doctors-disability-claims/1077220002/>) by the Tennessean newspaper in Nashville published in January 2019 found the Tennessee's Disability Determination Services rejected 72 percent of all claims in 2017. The national average for denials was 66 percent. The report found about 50 doctors contracted to review applications for Tennesseans seeking disability, one of whom hired to review applications quickly denied on average 80 percent of the cases he reviewed, earning more than \$2.2 million since 2013.

Evans hired a lawyer versed in Social Security law to help her when she was appealing to the administrative law judge. Hammett said a

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