

How To Get Disability For Peripheral Neuropathy

A Complete Guide From A Social Security Examiner

By Robert Franklin

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Acknowledgements

I would like to thank the Department Of Social Security Disability for giving me the opportunity to work for them reviewing disability cases for the last 15 years.

Preface

This book on getting disability for peripheral neuropathy has the critical information you need to help you win your claim. It goes into detail in terms of what the state is looking for in your record in order to grant you benefits.

The audio narration for this book is in mp3 format and can be downloaded so you can listen to it on your computer, smartphone, or ipod. It is very helpful to listen to the book being read in order to reinforce the key points you need to know for getting disability for your peripheral neuropathy problem.

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Chapter 1: Applying For Social Security Disability

Applying for disability can be a confusing, time consuming and frustrating experience.



Hopefully, this information will answer some of your questions about how to apply and improve your chances of success. I am a former claims examiner who has reviewed disability claims over many years and understand the important information needed to evaluate cases.

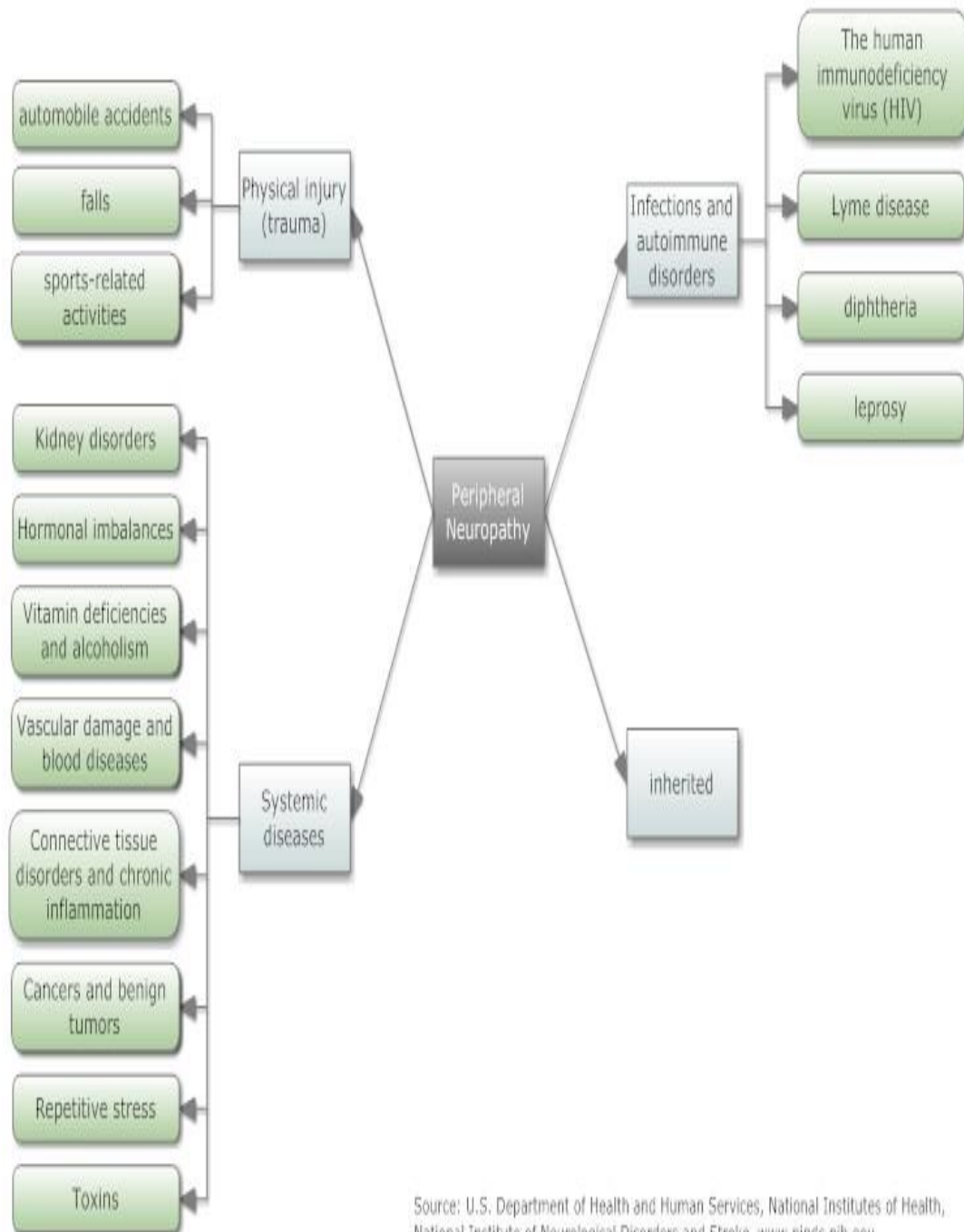
Chapter 2: Overview Of Peripheral Neuropathy

In recent years, peripheral neuropathy has become a rather frequent complaint in those applying for social security disability. This may be due to the increased number of individuals suffering from diabetes.

Peripheral neuropathy is present in about 50% of diabetics and can be a very debilitating complication of the disease. Many suffer from depression and in general their quality of life is significantly affected. Unfortunately, it is a known fact that even those whose blood sugar is under fairly good control can develop symptoms of peripheral neuropathy.

Peripheral neuropathy is a painful condition due to nerve damage most commonly affecting one's feet. In about one third of cases the cause is unknown. Some known causes are the result of drugs to treat aids and cancer. Other cases may be due to injuries, alcoholism, or vitamin deficiencies such as Vitamin B12.

Possible Causes of Peripheral Neuropathy



Source: U.S. Department of Health and Human Services, National Institutes of Health, National Institute of Neurological Disorders and Stroke. www.ninds.nih.gov

It is often described as a burning pain sensation associated with numbness and tingling. The pain may be very intense with a feeling of heaviness in the legs causing difficulty when walking.



Some individuals state they feel as if they have their socks on even though they are barefoot. Balance can also be affected since one may have difficulty determining where their feet are located due to loss of sensation. In addition, weakness in the legs may be present adding to difficulty with standing and walking.

Individuals may also note an extreme sensitivity to even light touch. As a result, some may develop infections and ulcers involving their feet due to loss of sensation. As an example, when walking barefoot one may not be aware of stepping on a sharp object which could later lead to an infection and possible foot ulcers.

Various examinations may provide a clue to the diagnosis. The doctor may test for your ability to feel using a small plastic wire on your feet as well as perform certain electrodiagnostic tests such as an EMG.



At times, these tests may be normal and the diagnosis is made by physical examination and the person's description of their symptoms.

Carpal tunnel syndrome affecting one's hands is an example of peripheral neuropathy due to nerve compression at the wrist.



An individual with proven carpal tunnel syndrome may be limited to only occasionally being able to use their hands for grasping and holding objects as well as limited to occasionally being able to perform fine fingering tasks such as typing, writing, tying and picking up small objects.

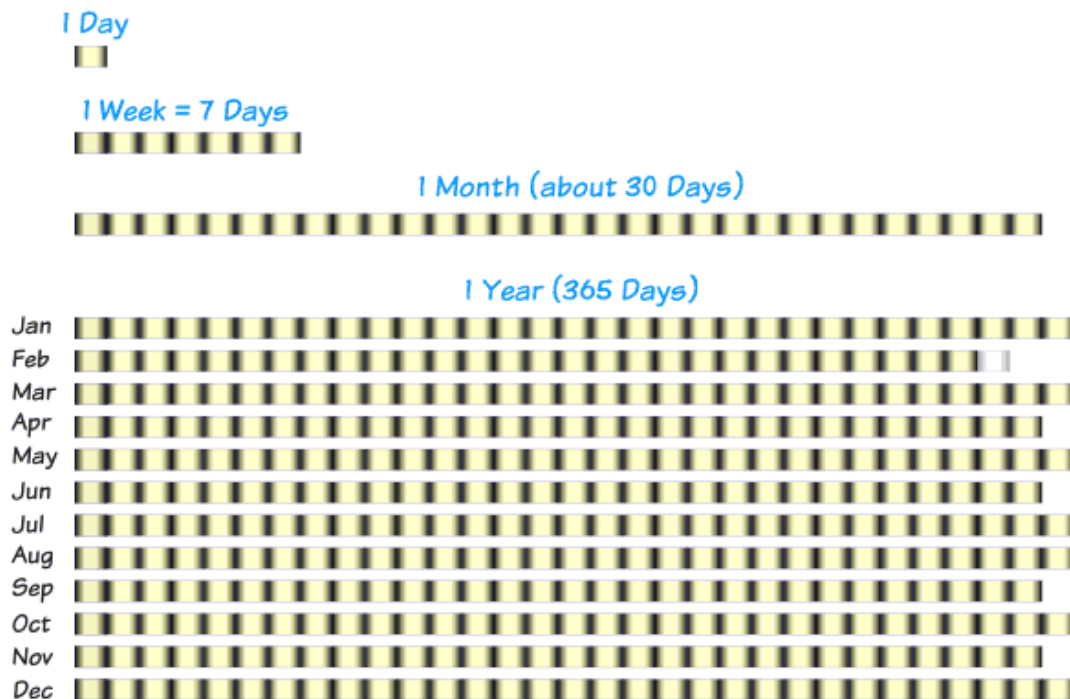
The key word is occasionally for under social security rules this means one third of the day. If it is determined that you are limited to this degree, chances for approval are significantly improved.

Chapter 3: Social Security Rules

Social security defines disability as an inability to engage in substantial gainful activity (work) due to a medical impairment.

Rule 1:

The impairment must last 12 consecutive months or at least be expected to last that long. This is important to understand since you may very disabled and barely able to walk or use your hands at the start, but with treatment you may improve greatly within one year and therefore possibly be denied.



Rule 2:

Information provided by a chiropractor is not considered to be from an acceptable medical source and will more or less be dismissed.



Acceptable medical sources are physicians, podiatrists, nurses and physical therapists. Generally, the best information is from your primary treating physician.

Rule 3:

Although you are just applying for peripheral neuropathy, if you have other medical conditions such as knee arthritis or back problems it is very important to have X-rays or an MRI in the medical record. A doctor merely stating that you have arthritis is not sufficient to establish the diagnosis of arthritis.



Figure 1



Figure 2

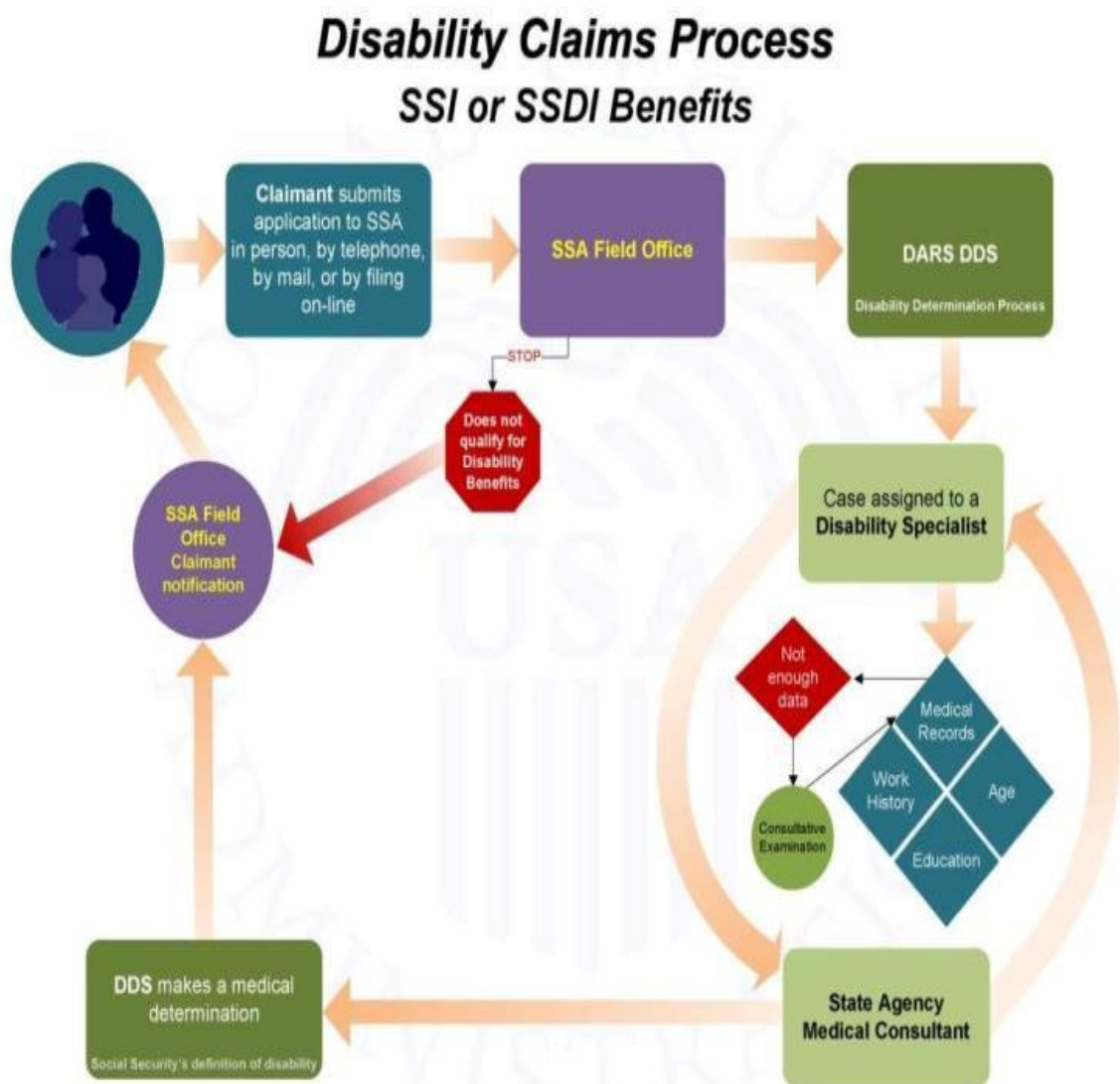
These studies need to be done and in the medical record to prove you have arthritis or some other abnormality in the joint.

Rule 4:

If you are working full time you are not eligible for social security benefits.

Chapter 4: The Disability Process

Social security considers your age, level of education and past employment history when evaluating a claim. The decision as to whether you are allowed or denied benefits is made by individuals at the state disability office called the DDS (Disability Determination Services) after they review your entire medical record.



After reviewing this information they complete a form called an [RFC which stands for residual functional capacity](#).

The logo features three stylized, overlapping chevrons pointing downwards in shades of blue. To the right of these chevrons, the words "Residual Functional Capacity" are written in a large, blue, sans-serif font.

Residual Functional Capacity

Basically, this states what you are able to do in terms of how many pounds you can lift, how long you can stand, walk and sit over an 8 hour day, and if a cane is medically needed.

In addition, they comment as to how well you can use your hands for grasping, typing, writing and picking up small objects. How they evaluate each one of these items determines one's ability to receive or be denied benefits.

However, there are instances where a person can be granted an allowance not on the results of the RFC, but when someone meets the so called [listing](#) which will be discussed later in this guide.

Individuals seeking benefits can obtain application forms at the local social security office or forms can be gotten online at www.socialsecurity.gov. The form is called 3368. The phone number for social security is 1-800-772-1213. On this form you state your reasons for disability and the date they began.

It is not unusual for those applying to declare they have other problems besides peripheral neuropathy such as arthritis in various joints such as their knees, hips or back pain.

The state will obtain all the information related to your problem including your own physician's progress notes, as well as records from any other physicians including possible treatment from a pain clinic or any treatment received from a physical therapist. In general, information obtained from physicians most involved in your actual care is considered the most important. Social security considers your age, educational level and past employment history when evaluating a claim.

Chapter 5: The CE Exam

Usually the state will attempt to obtain all medical records from doctors involved in your care and any other treating sources first, but if those records are meager or if the medical evidence is such that a reasonable assessment of your impairment cannot be made, you will be asked to have a general physical examination done by a CE which stands for consultative examination. This examination is paid for by the state.



An important point to understand is that if you fail to appear for this examination you automatically will be denied benefits. The doctor will perform a thorough general examination and report how well you walk, noting whether your gait is normal, limping or unsteady as well as your need for a cane for pain and balance.

Although your main complaint may be symptoms due to a peripheral neuropathy, the doctor will as part of a complete examination, check other functions involving your shoulders, hands, back, hips, knees and joints in your feet. As a result, further limitations involving other joints may be demonstrated which can make a significant difference in whether you are allowed or denied benefits.

For example, you may walk with a limping gait and be denied, but may be allowed benefits if you have other problems involving your hands, arms or legs.

It is important to keep in mind that when applying you should not leave out reporting any problems besides peripheral neuropathy since they could possibly add to your overall impairment and improve your chances for allowing benefits.

For instance, the CE may conclude that you can only stand and walk for 2 out of 8 hours due to your peripheral neuropathy which may result in a denial depending on your age and prior work history.



However, if he shows you also have other limitations involving your hands or shoulders, there is a good chance you would be allowed benefits, again depending on your age and past occupations.



The CE will consider all these possibilities when summarizing his findings and give his opinion as to how long you can stand, walk and sit over an 8 hour day, plus if a cane is medically needed for pain and balance.

In addition, he will give his opinion as to how well you use your hands for grasping and performing fine fingering tasks such as typing, writing and picking up small objects.

Chapter 6: How Long Can You Stand And Walk, Or Use Your Hands

Despite the cause of your peripheral neuropathy pain, the main issue is how long can you stand and walk or use your hands over an 8 hour day.



This is the critical question social security wishes to know. They want a specific number of hours. This is what is checked off by the state on the functional capacity form after reviewing all the medical evidence.

Are you limited to standing and walking or hand use for 6 out of 8 hours, 2 out of 8 hours or significantly under 2 out of 8 hours? In addition, is a cane medically necessary?



Listing Rules For Peripheral Neuropathy Disability

There are certain instances where you will be *automatically* granted an allowance. For peripheral neuropathy the listing is called 11.14.

In this case, one has very significant limitations when walking with need for a cane combined with difficulty using one's hands in terms of ability to grasp and perform fine motor skills such as typing, tying and picking up small objects.

Also, if an individual would have no problem using their hands, but would be unable to carry light objects when using a cane due to pain and poor balance then an allowance will be usually be granted.

Ineffective Ambulation

Ineffective ambulation means an extreme limitation of ability to walk due to loss of ability to permit independent ambulation associated with the need for a cane or walker.

Other factors that qualify for ineffective ambulation would be if you are unable to use standard public transportation, walk a block at a reasonable pace, have great difficulty in shopping, inability to climb a few steps at a reasonable pace without the use of a handrail and unable to carry out routine activities requiring walking.

Other Conditions That Limit Your Ability To Walk

There are other situations which may further limit your ability to walk. If you have another orthopedic condition besides your peripheral neuropathy such as arthritis in the knees, back pain due to a herniated disc , pain in your hips or feet due to arthritis.

Other conditions, such as marked obesity, heart or lung disease could also limit walking.

Grid Rules For Peripheral Neuropathy

Generally, the decision by the state as to granting an allowance is somewhat complicated depending on several factors. The state uses a formula called a “grid” which includes the results of the RFC combined with your age, education and past occupations.

Remember, the RFC (residual functional capacity) indicates what is your capacity for performing work over an 8 hour day. It describes how many pounds you can lift, how long you can stand, walk and sit, and if a cane is medically needed.

As a general rule individuals under 50 years of age require much stricter limitations to be allowed benefits than those over 50. However, if a cane is medically required for pain and balance, an allowance will usually be given.

Chances for an allowance for those under 50 years of age are greater if they have a combination of impairments such as pain in one's feet due to peripheral neuropathy resulting in difficulty walking combined with problems using one's hands perhaps due to carpal tunnel syndrome or arthritis involving the hands.

Another situation which would favour a younger individual receiving benefits would be if they have evidence of persistent infections or ulcers involving their feet despite ongoing treatment. As stated previously, due to loss of sensation in one's feet, individuals may be unaware of injuries to their feet making them more prone to developing infections.

Other instances favoring an allowance would be a combination of severe pain in one's feet due to peripheral neuropathy plus pain in the knee or hip due to arthritis which may result in a severely limited ability to walk with a possible need for a cane.

Also, being markedly overweight may result in great difficulty walking. If the state decides one is limited to walking significantly under 2 out of 8 hours chances for an allowance are greater

Another condition which may allow an individual to qualify would be if they could not sit for over 15-20 minutes due to pain with a need to get up for a few minutes only to sit again for a short time.

All of these limitations indicate the capacity for any type of work is extremely limited.

For those over 50 years of age less strict limitations are required, but again depending on one's past occupations and level of education.

Chapter 7: Degree Of Pain

The degree and persistence of pain is also considered in making an evaluation as to how it affects your walking ability or your ability to use your hands.

There is a [form provided](#) by the state that allows you to report how pain affects your daily activities such as preparing meals, shopping, banking, caring for personal needs and doing household chores as well as how pain medications affect your ability to think and function.

Severe and persistent pain from peripheral neuropathy affects one's ability to function in a very significant way especially in any work situation.

Have Your Doctor Write A Letter

It would be of great value if your doctor would write a letter giving his reasons why your ability to walk or use your hands is limited over an 8 hour day and if a cane is medically needed for pain and balance.

He should be ***as specific as possible*** as to how long you can walk or use your hands: 6 out of 8 hours, 2 out of 8 hours or significantly less than 2 out of 8 hours.

(See Residual Functional Capacity Form in Appendix)

He should also state whether you have been compliant in your treatment and have seen him on a regular basis.

No one is more capable of giving his opinion than your treating surgeon. The *state often gives great weight* to the opinion of your treating physician.

Also, it is important that you continue to see him on a regular basis since the state wishes to know your current status.

If your last visit was perhaps several months ago, your situation regarding your ability to walk, use your hands, or amount of pain you are having may have significantly changed.

Another important point to realize is that those applying for pain problems often also suffer from depression and anxiety. This is considered by the state and cases are frequently evaluated by psychologists who render their opinion as to how this affects their overall ability to function on a daily level when combined with their physical problem.

If Your Claim Is Denied

If your claim is denied, you may appeal it again through the state and give your reasons such as your condition has changed and now your pain is worse or you are using a cane all the time.

If you are denied again, you may choose to have your case reviewed by an administrative law judge called an ALJ who will make a decision for an allowance or denial. He will review your entire medical record.

If you decide to seek the services of an attorney, he can be present at the time of your hearing with the judge and assist you through the presentation.

If you are denied, there is no attorney fee which you must pay. If you are successful, your attorney will receive a onetime certain percentage of his fee paid for by the state.

Applying for social security disability is a complex process and having an attorney who practices social security law can be very helpful and may greatly increase your chances for a favorable decision.

Important Points To Remember

The state wishes to know in exact terms how long you can stand and walk or use your hands over an 8 hour day and if a cane is medically necessary.

Again, based on this information combined with your age, level of education and past work history, the state will determine whether you are allowed or denied benefits.

To repeat, your impairment must last at least 12 months or be expected to last that long. Of course, if you meet a [listing](#) you automatically will be granted an allowance.

Personal Message from Robert Franklin:

I hope you find this book and audio narration useful and that it helps you get the disability benefits you deserve for your peripheral neuropathy!

I have included an appendix which has a Residual Functional Capacity (RFC) form that will be necessary during your disability application.

Having your personal, treating doctor fill out a RFC form is very important in helping you with your Social Security Disability claim. It's a good idea to let your doctor know about your disability claim in advance so that he or she will be expecting to fill out the RFC form.

Your doctor may need up to an hour to fill out the form completely and may or may not charge a small fee for filling out your RFC.

The RFC form is critical because it will show not only your physical limitations, but why you are limited. In fact, an RFC form filled out by your treating doctor may even be more important than your medical records because it gives the doctor's opinion of your limitations from your peripheral neuropathy.

Appendix: Residual Functional Capacity Form

Residual Functional Capacity Form

Patient: _____

SS #: _____

Date of Birth: _____

Dear Doctor: _____

Please respond to the following questions regarding your patients' disability. This will be used as medical evidence for a social security disability claim or a private long term disability claim.

Please be specific with regards to your patients' medical ailments and how they affect his or her daily activities both at work and at home:

1. With regards to your contact with the patient, please describe the frequency and purpose:

2. Please describe the patients' symptoms as completely as possible:

3. Please state all clinical findings and any medical test results and/or laboratory results:

4. What is your diagnosis of the patients symptoms and test results?:

5. Please describe any treatment done so far and the results of treatment:

6. What is your prognosis for this patient?:

7. Would you expect the patients disability or impairment to last one year or more, or has it already lasted one year?:

Yes _____ No _____

8. Does the disability or impairment prevent the patient from standing for six to eight hours?:

Yes _____ No _____

Can the patient stand at all, and if so for how long?

9. Does the disability or impairment prevent the patient from sitting upright for six to eight hours?

Yes _____ No _____

Can the patient stand at all, and if so for how long?

10. If the patient cannot stand and/or sit upright for six to eight hours, what is the reason?:

11. Does the disability or impairment require the patient to lie down during the day?

Yes _____ No _____

If the answer is yes please explain why:

12. How far can the patient walk non-stop?:

13. Please check the frequency with which the patient can perform the following activities:

Percentage of Time

Rarely - 0-30%

Frequently- 30-70%

Consistently - 70-100%

Reach Up Above Shoulders

Reach Down to Waist Level

Reach Down Towards Floor

Carefully Handle Objects

Handle with Fingers

14. In pounds, how much weight can the patient lift and carry during an eight hour period?

_____ Less than 5 _____ 5-10 _____ 11-20 _____ 21-50 _____ over 50

15. In pounds, how much weight can the patient lift and carry regularly/daily?

_____ Less than 5 _____ 5-10 _____ 11-20 _____ 21-50 _____ over 50

16. Does the patients disability or impairment prevent the him or her from performing certain motions such as lifting, pulling, holding objects, etc.?:

17. Does the patient have any difficulty performing the motions below?
(Please include any range of motion information):

Bending _____

Squatting _____

Kneeling _____

Turning any parts of the body _____

18. Would the patient's disability or impairment prevent him or her from
travelling alone? Yes _____ No _____ Why?

19. Are there any other factors not addressed in the above questions that you believe may affect the patients' ability to work, or function normally in daily life?

20. If the patient has any complaints of pain, please address the following questions:

What is the nature of the pain?

How frequent is the pain?

How would you describe the level of pain?

How would you rate the patients' creditability with regards to claims of pain?

Is there an objective medical reason for the pain?

21. Given your experience with the patient, your diagnosis and the patient's disability or impairment, do you believe he or she could continue or resume work at current or previous employment?

Yes _____ No _____

If not, please explain why:

Is there other work the patient could do given his or her skills and disability or impairment?

22. How would you expect the patients diagnosis/disability to change over time?:

____ Disability is Not Likely to Change

____ Disability is Temporary: From: _____ To: _____

23. When would you expect the patient to be able to return to work, with

and/or without any restrictions?:

Please enclose all relevant medical, clinical and laboratory records you have for this patient, and use the space below for any additional comment or information you feel is relevant.

Date Report Completed:

Signature of Physician:

Physician Name:

Address:

Telephone:

Specialty:
