

How to Appeal a Denial of Social Security Benefits

If you are denied Social Security benefits, you have the right to challenge that decision (“appeal”). This flyer gives you information about how to appeal.



How do I appeal?

The decision you’re appealing has instructions on how to appeal. For Stages 1 – 3, you can also appeal online at <https://www.ssa.gov/benefits/disability/appeal.html>.



What are the stages of an appeal?

There are 4 possible stages in the appeal process.

Stage 1: Request for Reconsideration.

If your Social Security claim is denied, you have to file an appeal within 60 days. This is called a "Request for Reconsideration"



After the Reconsideration, Social Security will mail you a decision. *If they deny you again, you have **60 days** to appeal that decision to an Administrative Law Judge (Stage 2).*

Stage 2: Hearing by an Administrative Law Judge.

If you disagree with the Reconsideration decision, you can ask for a hearing by an Administrative Law Judge.



After the hearing, the Administrative Law Judge will mail you a decision. *If the Judge denies you, you have **60 days** to appeal that decision to the Appeals Council (Stage 3).*

Stage 3: Review by the Appeals Council

If you disagree with the Administrative Law Judge's decision, you can ask for a Review by the Appeals Council.



After their review, the Appeals Council will mail you a decision. *If the Appeals Council denies you, you can file a lawsuit in federal court (Stage 4).*

Stage 4: Federal Court Review

If you disagree with the Appeals Council's decision or the Appeals Council decides not to hear your case, you can file a lawsuit in the U.S. District Court for the District of Columbia. *There's a filing fee. If you can't pay it, ask for a fee waiver.*



The Federal Court will send you a decision.



What if I miss a deadline to appeal?

If you miss an appeal deadline, the Social Security office will close your case. To try to re-open it, send in your appeal **plus** a written explanation of why you missed the deadline. Mail these two documents to your local Social Security office. You can find this address [here](#). If Social Security thinks you have a good reason for missing the deadline, they may re-open your case.

Examples of good reasons: I never got the notice, I was sick, etc.

If you want legal help, Legal Aid might be able to help you at Stage 2 of your appeal. Call Legal Aid at (202) 628-1161 or go to www.legalaiddc.org/online-intake/.



What if I have questions?

If you have any questions about your Social Security claim, you can find the contact information for your local Social Security office at <https://www.ssa.gov/locator/>.

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