



Social Security Newsletter

This is a newsletter of interest to professionals who provide services to potential Social Security disability and SSI claimants. © 2023

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Long COVID Disability Cases Increasing

To win a claim, properly documenting symptoms in the medical record is paramount.

IT HAS BEEN NEARLY 3 years since the beginning of the pandemic. While the death rate has dropped thanks to vaccine development and deployment, one of the lingering effects of infection is a growing population of people suffering from post-COVID Conditions (PCC) or “long COVID.”

CURRENTLY, NEARLY 23 MILLION people suffer from long COVID and 4 million people are out of work, according to the CDC.

SYMPTOMS OF LONG COVID are wide-ranging and could last months or years. Some of the more common traits of sufferers are extreme fatigue, breathing difficulties, heart palpitations, brain fog and more. In some cases, a COVID infection may have exasperated an existing condition, resulting in someone being unable to return to work.

IN JULY 2021, LONG COVID was recognized as a disability under the Americans with Disabilities Act (ADA). For people whose long COVID qualifies as a disability, they are

FREE CONSULTATION

With healthcare workers stretched thin, we offer our expertise to assist those who are suffering from long COVID apply for benefits.

If you have a client that is in need of a case evaluation, please call our office. We can help.

allowed “reasonable modifications” under the law. However, the SSA has yet to recognize long COVID as a separate disease under the Listings of Impairments. Nevertheless, that does not mean that disability claims are not being filed for people unable to work due to long COVID.



TO WIN A CLAIM AND QUALIFY for disability, “a person must have a medical condition or combination of conditions that prevents the individual from working and is expected to last at least one year or result in death,” according to the Social Security Administration.

SO HOW DOES A CLAIMANT build a solid case? The steps are similar to other disorders that are hard to diagnosis definitively, but the SYMPTOMS and doctor records create the story that full-time work is not possible.

REMEMBER THAT SOCIAL SECURITY is not focused only on the diagnosis. Instead, Social Security battles are all about the symptoms caused by the diagnosis, and how those symptoms impact day to day func-

tioning. Social Security evaluates the severity of those symptoms based upon the findings contained in the clinical charts, social workers’ notes, psychological test results, etc. We teach clients at our initial meeting the important symptoms and functional problems that SSA will be looking for:

- what are the symptoms,
- are they chronic,
- what functional limitations are imposed
- how severe are those limitations.

WITHOUT THE ABOVE DETAILS, a report is not given much weight. A client’s testimony, and the testimony of his family members, may support or amplify the medical chart, but it cannot replace a failure of the chart to document the symptoms. We tell our clients: “If it’s not in the chart, it doesn’t exist.”

WHAT SHOULD BE DONE?

Patients have to fully communicate ALL of their long COVID symptoms to their doctors, therapists and counselors so that they can maximize their medical treatment and document their functional problems. Medical professionals have to be aware of the importance of their medical charts and make sure they document the problems described by patients. Advocates have to gather all of those records, discern what is relevant to the disability claim, and go fight for their clients’ benefits.