

# YOCUM, KROWL & ASSOCIATES, LLP

---

1041 N. Royal Ave., Suite B., Evansville, IN 47715

## Medical Evidence and Your Disability Claim

### Why do I need to go to the doctor while I am waiting for my disability hearing?

Throughout the application process you will be asked by Social Security to complete many forms listing what medical conditions (impairments) you have and how they affect your ability to work. When your case comes before a judge, he/she will review your file:

- Judges look for medical records showing that the conditions you've identified have been properly diagnosed and that the problems you've described are documented by your doctors or other healthcare providers. Some judges take the position that if a condition isn't noted in your medical records, it essentially doesn't exist. The Social Security Administration expects that any serious or disabling problem will be reported to your doctor and reflected in your medical records.
- Looking for consistency. Some judges comb through your file to find inconsistent statements (you told the social security doctor you could sit for only ten minutes, but you told your PCP you could sit for 30 minutes). The Social Security regulations state that one thing that supports a person's credibility about their symptoms and limitations is the consistency of their reports to their doctors, and in the record, i.e., forms filled out as part of the application process. You want to try to be as consistent as possible in what you tell your doctors. The same is true for what you tell the Social Security Administration.

### Why should I make sure I tell my doctors what troubles I'm having at every appointment?

When you file for disability, the Social Security Administration generally collects all your medical records for up to one year before the date you said your impairments caused you to stop working (your "onset date"). Many conditions are long-term and/or chronic. They may have been diagnosed years ago but are still troubling you. You may have a long-term relationship with your doctor such that he is very familiar with your medical problems. He may be aware, for example, that you suffer from migraines on average 2x a week that last for 1-2 days at a time. Maybe you've had this problem for several years. His office visit records after several years of treating you for these migraines might say "Migraines - stable" which gives a whole different impression to the judge than "Migraines 2x a week, lasting 1-2 days at a time. The problem has been going on for 2 years. No better with medications."

Review your problem list at each appointment. Include a description of the problem, how often it occurs, how long it lasts, what impact it has on your daily activities, and whether or not the treatment prescribed is working. Example: "I get charley horses several times a day, all up and down my left leg. I lose my balance when they hit. I've fallen. They last up to 10 minutes at a time. The pain is so bad I can't think straight. I can't bear any weight on my left leg while it is going on,

and I have trouble walking for an hour or so after they hit. I don't think the medication is helping much. They seem to happen just as often as before."

### Should I get updated X-rays, MRIs, Lab tests, etc.?

It is often helpful to get updated laboratory or radiology testing to support your disability claim. This is particularly true when lab or radiology testing is more than a year old and/or there has been a worsening of your symptoms. Remember, the Social Security Administration is not going to take your word for it. They are looking for objective medical evidence that supports your reports of pain or other difficulties. Often the best way to show this is through radiology or laboratory testing. Speak to your doctor about ordering new or updated testing.

### What if I can't afford to see doctors or get treatment?

You should pursue treatment through free or low-cost clinics. A list of local resources has been provided to you. If you meet the financial eligibility requirements, you should apply for Medicaid coverage. If you are an Indiana resident, you may qualify for the Healthy Indiana Plan, a state-sponsored insurance plan. Applications are available. Call our office at 812-421-1865 or 800-238-0755 for more information.

### Should I tell my doctors anything else?

Try to keep your conversations with your doctors, their nurses or other staff limited to your medical problems. For example, you reported that you tried to go on vacation with your family to Florida but ended up spending the whole time in the hotel room in bed. What might get into the doctor's record, however, is: "Went on vacation to Florida." The Social Security Administration may question whether you are disabled considering your ability to travel/go on vacation, etc. The same thing is true of telling your doctors about your daily activities, caring for your children, visiting relatives, doing yard work, babysitting, attending school or social events, moving or helping friends to move, part-time employment, drinking, smoking and drug use. If you tell your doctors about these things they may or may not end up in your medical record in the way you reported them to your doctor and may also be interpreted by the judge to support a denial of your claim.

### Should I send you my medical records?

Please do not send us medical records at this time. In general, our office will request the medical records directly from your providers when necessary. If there is an issue where we need your assistance in obtaining your medical records, our office will contact you directly to discuss the situation.