

# Regas Haag <sup>L</sup><sub>T</sub><sup>D</sup>

Attorneys at Law Never Give Up.

- In Your Corner -

**Inside this issue:**

R&H on the Web: New site launched	2
FAQ: The process explained	2
Employee spotlight: Sharon Regas joins firm	3
Workers under attack in proposed changes	3
Meet the staff: We're here to help you	4

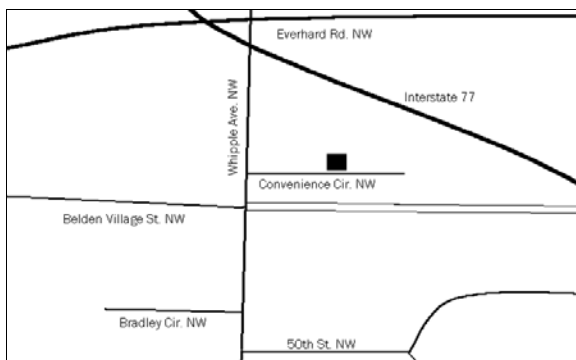
**Cases through the Social Security disability process, 2002. For every 100 cases:**

- Initial claims: 38 approved, 21 appeal.
- Reconsiderations: 3 approved, 19 appeal.
- Hearings: 12 approved, 5 appeal.
- Appeals Council: 1 approved, 1 appeal to Federal Court.

*Courtesy of Social Security Administration.*

## New office location serving clients better

Since relocating last November, our firm has settled in to our new office in the Belden Village area of Stark County, not far from our old location. The new office is larger, more accommodating for meeting with our clients, and it is easier to get to from Interstate 77. John and Andy are pleased with the new location, and those of you who have visited have found it to be an improvement, as well.



The new space has given everyone here a little bit more breathing room, and it gave Brad a permanent office from which to work. We all find it easier to do our jobs here. Our new conference room is better suited for meeting with clients and their families, and we have enough space now for multiple meetings to happen at the same time in different parts of the office. Overall,

we're excited to be here, and we invite you to stop by anytime and see it.

Getting here is easier than before. From the south, exit Interstate 77 at the Belden Village Street ramp. Turn right at the end of the ramp, onto Whipple, and make another right immediately, onto Convenience Circle. From the north, exit Interstate 77 at the Everhard Road ramp, and turn left at the light at the end of the ramp onto Everhard. Turn right at the first light, onto Whipple, and left at the first street, Convenience Circle, between Kinkos and Big & Tall. We're the last building on the left, the low one with a red roof. Drive around the right side of it. We're the first office on that side. The entrance is handi-capped-accessible.

## OHA backlog: Cases sent to California for processing

The Cleveland Office of Hearings and Appeals recently announced that a significant number of cases have been transferred for processing to hearing offices located in California. Clients may receive notification of this transfer by mail. This will not delay the processing of claims.

Prior to this change, the Cleveland Office of Hearings and Appeals had reported **an 11,000-case backlog**. This backlog had dramatically increased the delay for Social Security claimants – clients were being ad-

vised that the wait from initial application until a hearing date could be as long as two years, with some clients waiting nearly three years for their hearings.

Clients affected by this transfer to California will still attend their hearings in Cleveland once they are scheduled. Video conferencing will be utilized to conduct the hearing with a Judge in California.

“We are optimistic that this is a positive change that will benefit our clients,” said John Regas.

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*Please note: The unfortunate Florida case of Terry Schiavo illustrates for all Americans the critical need to have the appropriate health-care and end-of-life documents in order. These include a Durable Power of Attorney, Durable Power of Attorney for Health Care, and Living Will. If you would like to talk to us about preparing or modifying these documents for you, please call. We'd be glad to answer your questions.*

(330) 649-9102  
(800) 520-2200

## Regas & Haag on the Net: New site launched

If you've got Internet access at home or at a public library nearby, log on to <http://www.regashaag.com>. We've compiled a bulk of information there for you, and we'd be glad to hear your feedback. We're hoping that this Web site will make it easier for you to find information you need about the Social Security process, the Workers' Compensation system, or just about John, Andy, and the rest of the staff. Click on any of the links for more information, and then use the yellow arrows to scroll through the text.

If you can't find what you're looking for on the Web site, you're always free to

call and ask one of our staff for help (see page 4). But give the Web site a try first. Check out the frequently asked questions, in particular. We hope they're helpful. We've included an e-mail link, also, so that you can send us a question or comment in writing, at your convenience. A main advantage to a Web site is that it is available to you 24 hours a day, 7 days a week, not just during business hours.

If you've got some ideas of how we can modify it to better suit your needs, let us know. We will continue to expand and improve the site, too, so check back again.

## Frequently Asked Questions: The process explained

### **What is the definition of disability used by Social Security?**

Under the Social Security Act, "disability" means "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months."

### **How long do I have to wait after becoming disabled before I can file for Social Security disability benefits?**

Not even one day. You can file for Social Security disability benefits on the very same day that you become disabled. Many individuals make the mistake of waiting months and even years after becoming disabled before filing a Social Security disability claim.

### **I got hurt on the job. I am drawing Workers' Compensation benefits. Can I file a claim for Social Security disability benefits now, or should I wait until the Workers' Compensation ends?**

You do not have to wait until the Workers' Compensation ends, and you should not wait that long. An individual can file a claim for Social Security disability benefits while receiving Workers' Compensation benefits. It is best to file the Social Security disability claim as soon as possible because otherwise there may be a gap between the time the Workers' Compensation ends and the Social Security disability benefits begin.

### **Do you have to be permanently disabled to get Social Security disability benefits?**

No. You have to have been disabled for at least a year or be expected to be disabled for at least a year or have a condition that can be expected to result in death within a year.

### **Why does Social Security consider my age in determining whether I am disabled?**

Social Security has to consider age, because that is what the Social Security Act requires. As people get older, they become less adaptable, less able to switch to different jobs to cope with health problems. A severe foot injury which might cause a 30-year-old to switch to a job in which he or she can sit down most of the time, might disable a 60-year-old person who could not make the adjustment to a different type of work.

### **What is the Social Security hearing like?**

The hearings are fairly informal. The only people likely to be there are the judge, a secretary operating a tape recorder, the claimant, the claimant's attorney, and anyone else the claimant has brought with him or her. In some cases, the Administrative Law Judge has a medical doctor or vocational expert present to testify at the hearing. There is no jury nor are there any spectators at the hearing. There is no attorney at the hearing representing Social Security trying to get the judge to deny the disability claim.

*Courtesy and Copyright Charles T. Hall, Esq., National Organization of Social Security Claimants' Representatives.*

## Firm in Focus: Sharon Regas joins R&H, brings trial, employment experience

Sharon Regas, the wife of John Regas, joined us January 1st after more than a decade of practicing employment law and litigation, mostly representing employers. She was working at the law firm of McDonald, Hopkins in Cleveland until late last year. She now has shifted the focus of her practice to representing employees who were wrongfully terminated or who otherwise were treated unfairly and illegally by their employers.

Having been on the other side of the table, she knows a lot of the other side's tricks and can anticipate the responses you may experience in bringing your own claim against an



**Sharon Regas.**

employer.

You can contact Sharon if you have a claim about your termination from a job, your harassment on the job or the failure of employers to consider you for hire when you are qualified for the job. Sharon also will handle the Workers' Compensation court appeals in the office. Sharon even assists people who didn't get their full wages or overtime payments paid to them, so if you have a question about that, please contact her.

She is admitted into all the courts of Ohio, and the U.S. District Courts in Ohio, and is a member of the Ohio State Bar Association and the American Bar

*"These changes are a prime example of Ohio's leadership looking to put more money in the pockets of big business at the expense of Ohio's workers."*

## Ohio Legislature attacking workers, helping big business with proposed legislation

Despite Ohio citizens' having voted down Workers' Compensation reform in 1997, the Ohio Legislature is again attempting to make changes that would limit the rights of injured workers. On February 17, 2005, the Ohio House of Representatives introduced reform legislation that would benefit Ohio employers by cutting the benefits of injured workers. Some of the proposed changes include:

1. Making it more difficult to have a claim allowed under an aggravation theory.
2. Greatly reducing the number of weeks available for wage loss.
3. Making Permanent Total Disability much more difficult to obtain by eliminating most vocational factors (such as age) from consideration.
4. Limiting the amount of time an injured worker can remain on benefits while

participating in vocational rehabilitation.

5. Changing Permanent-Partial evaluations in order to benefit employers.

Considering the premium reductions and rebates that every Ohio employer has received in the past several years, these proposed changes are not only unnecessary, but they are a prime example of Ohio's leadership looking to put more money in the pockets of big business at the expense of Ohio's workers.

Contact your local state representatives, and tell them that you are opposed to House Bill 72.

If you need contact information for your state senator or representative, you can find it on the Ohio AFL-CIO Web site, under the title "The People's Lobby."

<http://www.unionvoice.org/ohioaflcio>

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**Never Give Up**

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## Meet the staff: We're here to help you

**Kelly Gabel:** Social Security paralegal. If you are a current client and John or Andy is working to win you Social Security benefits, Kelly should be your first call. If she can't answer your question immediately, she probably can get you the information you need and call you back. If we've asked you to call and update us on medical treatment, or if you need to report any changes in your status, Kelly needs this information. She's at extension 13, or you can e-mail her at [kelly@regashaag.com](mailto:kelly@regashaag.com).

**Robin Phillips:** Workers' Compensation paralegal. If we represent you in a Workers' Comp claim, Robin is managing your case. Call her at extension 14, or e-mail her at [robin@regashaag.com](mailto:robin@regashaag.com) if you have questions or to update her on your case. Robin also handles civil litigation responsibilities for all three attorneys. If you have a civil case with

us, Robin's familiar with it and can help or can point you in the right direction.

**Brad Davis:** Law clerk. Brad does a little bit of everything. If you've dealt with him on your case already, feel free to make him your contact for updates on your condition, or to ask questions about your case. Also, if you have general questions and Kelly or Robin is unavailable, try Brad. He's happy to research your question and call you back if he doesn't have an answer. He's at extension 15, or [brad@regashaag.com](mailto:brad@regashaag.com).

Learn more about us online at <http://www.regashaag.com>, under "About Us". We're in the office Monday through Friday, 9 a.m. to 5 p.m. Call us locally at (330) 649-9102, or toll-free at (800) 520-2200. If you need to fax something to us, it's (330) 649-9103. We look forward to hearing from you.