

Regas Haag ^L_T^D.

Attorneys at Law Never Give Up.

- In Your Corner -

Inside this issue:

<i>How to get Medicaid while awaiting Disability</i>	2
<i>2006 Nextel Cup schedule</i>	2-3
<i>Child support and disability</i>	3
<i>Workers' Compensation notes</i>	3
<i>Meet the Staff</i>	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.

Working and Disability: How to handle both

If you have a Disability claim pending or are receiving Disability benefits, it is very important that you keep the following information in mind.

While you are awaiting a Disability determination

If you earn less than \$620 per month in gross wages, your claim will not be affected at all. If you earn between \$620 and \$859 per month in gross wages for any given month, Social Security will take notice. You will be allowed to earn wages in this range for up to three months – a “Trial Work Period.” If you earn this amount for more than three months, your claim could be dismissed, because Social Security may decide that you are not disabled. If you earn more than \$859 in any given month, Social Security will con-

sider this “Substantial Gainful Activity” and you will not be eligible for benefits for these months if you ultimately are found to be disabled. If you earn more than \$859 per month for more than three months, your claim will be dismissed.

While you are receiving Disability benefits

If you earn less than \$620 per month in gross wages, your claim will not be affected.

If you earn between \$620 and \$859 per month in gross wages for any given month, Social Security will take notice. You will be allowed to earn *unlimited* wages for up to nine months – a “Trial Work Period.” After a nine-month Trial Work Period, if you earn more than \$859 per month in any given month, your benefits likely will be terminated.



Social Security trying to accelerate disability decisions

The Social Security Administration is undertaking changes to speed up your disability determination and improve efficiency. The changes already are underway and include:

- A quicker disability determination process for claimants who are obviously disabled, meaning for those whose injuries or impairments leave no question as to eligibility (i.e., multiple amputations, traumatic injury, etc.).
- Eliminating the Request for Reconsideration stage of the appeals process. This would mean instead of sending your appeal back to the Bureau of Disability Determination in Columbus to

make a second decision on your claim, we will be sending an appeal to a Federal Reviewing Official, who will make a prompt decision about whether the state’s initial determination on your claim was correct. This should reduce or eliminate the four- to six-month wait for your Reconsideration. If the reviewing official agrees with the initial determination, you still will have the right to request a hearing before an Administrative Law Judge.

For more information about these and other changes, read about them online at www.socialsecurity.gov/disability-new-

Medicaid Q & A: Can I get medical coverage while I await a determination from Social Security?

Many Disability claimants find themselves without medical coverage while they are awaiting a final determination from the Social Security Administration about their Disability benefits. Going without medical coverage can be dangerous to you, and it can hurt your chances of winning Disability benefits.

Ohio offers medical coverage, called Medicaid, for Ohioans who qualify. For a personal interview and application, please contact your local county Department of Job and Family

Services, and explain that you would like medical coverage while your Disability claim is pending. Your caseworker should be able to make sure that you apply for the correct programs.

In the meantime, here are some commonly asked questions and our best effort at some answers for you.

Q: Am I eligible for Medicaid?

A: ABD Medicaid is available to you if you are 1) Age 65 or older; 2) Blind; 3) Disabled. If you have a disability claim pending with Social Security, you may qualify for Medicaid as being disabled. You should contact your local county DJFS and ask to apply for ABD Medicaid. Keep in mind, you also must qualify based on your income and resources. For 2006, you qualify if: 1) you are an individual and your income is less than \$525 per month and your resources amount to less than \$1,500; or 2) you are a couple and your income is less than \$904 per month and your resources amount to less than \$2,250. Your home and one car are not counted toward your resources.

Q: What is Medicaid "spend-down"?

A: If you qualify for Medicaid in all other ways, but your monthly income is too high, you may still qualify for a spend-down. This means that you will be able to subtract any monthly medical expenses from your income, so that your income will fall below the requirement. You then will be eligible for Medicaid for that month, and for any future month in which you are able to deduct enough medical expenses to qualify.

Q: I applied for Medicaid, but I received a letter in the mail telling me that I will not receive

Disability Medical Assistance (DMA) because the program was suspended in 2004. Am I out of luck?

A: No. Medical coverage in Ohio encompasses several different programs. One of those is DMA, which was suspended in 2004 due to lack of funds. If you have applied for medical coverage, your claim is continuing to be processed. This letter about DMA does not mean that you have been denied medical coverage. This letter is just automatically sent to anyone who has applied for Medicaid. It can take several more months before a final determination is made about your eligibility for medical coverage.

Q: How can I apply for Medicaid?

A: You need to contact your local county Department of Job and Family Services. If you don't know the number, call the Consumer Hotline at 1-800-324-8680, and ask for the number for your county. If you think you are disabled, you must tell your caseworker about that.



Going without medical coverage can be dangerous to you, and it can hurt your chances of winning Disability benefits.

2006 Nextel Cup Schedule

07/01/06 Pepsi 400, Daytona Int'l Speedway, FOX/7:30 p.m.
 07/09/06 USG Sheetrock 400, Chicagoland Speedway, TNT/3 p.m.
 07/16/06 New England 300, New Hampshire Int'l Speedway, TNT/1:30 p.m.
 07/23/06 Pennsylvania 500, Pocono Raceway, TNT/1:30 p.m.
 08/06/06 Allstate 400 at the Brickyard, Indianapolis Motor Speedway, NBC/2 p.m.

08/13/06 TBA, Watkins Glen International, NBC/1 p.m.
 08/20/06 GFS Marketplace 400, Michigan Int'l Speedway, TNT/2 p.m.
 08/26/06 Sharpie 500, Bristol Motor Speedway, TNT/7 p.m.
 09/03/06 Sony HD 500, California Speedway, NBC/7 p.m.
 09/09/06 Chevy Rock & Roll 400, Richmond International Raceway, TNT/7 p.m.

Our Declaration of Commitment to Our Clients

- *To treat you with respect and courtesy.*
- *To handle your legal matters competently and diligently, in accordance with the highest standards of the profession.*
- *To provide you with frank, open and honest professional judgment regarding your case.*
- *To return telephone calls promptly.*
- *To preserve the client confidences learned during our lawyer-client relationship.*
- *To exhibit the highest degree of ethical conduct at all times.*

Off the Subject: Understanding child support obligations and disability

Are you disabled and required to pay child support?

Our office receives many calls from clients who owe money to the Child Support Enforcement Agency, and the agency is either trying to put them in jail or suspend their drivers' licenses. Even though you are disabled, your child support obligation will remain in place until your child or children are of age. However, what many clients do not realize is that you can have your support order modified by simply writing a letter to your local Child Support Enforcement Agency, including your full name and Social Security number, and requesting a modification of your child support order. Once your letter is received, the modification process will begin.

Ohio Revised Code Section 3119.06, Minimum Support Order, states that the court

may issue a minimum support order of \$50 per month. The circumstances in which a court can issue such an order include "the nonresidential parent's *medically verified or documented physical or mental disability* or institutionalization in a facility for persons with a mental illness *or any other circumstances considered appropriate by the court.*" Regas & Haag would be glad to provide a letter for you to send to the Child Support Enforcement Agency, explaining your disability status.

For recipients of child support, please keep in mind that this provision under the law is designed to ensure that you continue to receive child support during the obligor's disability, instead of going without payments for two to three years, allowing a large arrearage to accumulate, and ultimately not receiving the support owed.

Workers' Compensation notes: New law may affect your Workers' Compensation claim

On March 8, 2006, the Ohio legislature passed a bill making substantial changes to Workers' Compensation. The bill became effective June 30, 2006. Although there are some benefits to injured workers, the majority of the changes appear to benefit employers. The following is a summary of some of the changes:

- 1) Aggravation claims are going to be almost impossible to have allowed, as the new law requires "substantial aggravation."
- 2) The life of a claim is reduced from five years to 10 years after the last payment of compensation or medical care.

3) The maximum number of weeks allowed for Wage Loss is reduced.

4) Changes were made making it more difficult to obtain an award of Permanent Total Disability.

The benefits to injured workers include the reduction in the 40-week waiting period for Permanent Partial Disability to 26 weeks, a more efficient settlement procedure, and a fraud program that affects employers. If you have any questions regarding how these changes may affect your claim, please contact John or Robin.

Chase For The Nextel Cup

09/17/06 Sylvania 300, New Hampshire International Speedway, TNT/12:30 p.m.

09/24/06 Dover 400, Dover International Speedway, TNT/12:30 p.m.

10/01/06 Banquet 400 presented by ConAgra Foods, Kansas Speedway, NBC/1:30 p.m.

10/08/06 UAW-Ford 500, Talladega Superspeedway, NBC/1:30 p.m.

10/14/06 Bank of America 500, Lowe's Motor Speedway, NBC/7

p.m.

10/22/06 Subway 500, Martinsville Speedway, NBC/12:30 p.m.

10/29/06 Bass Pro Shops MBNA 500, Atlanta Motor Speedway, NBC/2:30 p.m.

11/05/06 Dickies 500, Texas Motor Speedway, NBC/2:30 p.m.

11/12/06 Checker Auto Parts 500, Phoenix International Raceway, NBC/3 p.m.

11/19/06 Ford 400, Homestead-Miami Speedway, NBC/2 p.m.

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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.

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 if you have questions or to update her on your case. Robin also handles civil litigation responsibilities for all four 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.

Christina Pryor: Social Security paralegal. Christina assists Kelly and primarily handles Brad's cases. If you have updates or questions about your case, and Brad is not available, Christina can help. She's at extension 15, or christina@regashaag.com.

Norma Haag: Receptionist. Norma takes your calls until noon every day. She makes sure your call or message gets to the right person as soon as possible.

Visit us online at <http://www.regashaag.com>, under "About Us". We're in the office Monday through Thursday, 9 a.m. to 5 p.m., and Friday until 1 p.m. Call us 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.