

Wiley Rein Team Achieves Success in Pro Bono Disability Case

February 10, 2014

In January, Wiley Rein won a significant victory for a disabled pro bono client. A Social Security Administration (SSA) administrative law judge (ALJ) reinstated the client's wrongfully terminated and withheld benefits dating back to 2005.

Our client's troubles began in 2005 as he waited for almost a year for the SSA to approve his application for disability benefits. During that time, based on SSA's advice, he began working a part-time job through a disabled persons' employment agency. However, mere months after his benefits were approved, SSA revoked them because it believed he had worked too much while he waited for the decision.

Before contacting Wiley Rein, our client filed his own request for reconsideration, to which the agency never responded in writing. However, SSA went ahead and held an ALJ hearing without our client, which he predictably lost. After Wiley Rein became involved, SSA lost the paperwork for his subsequent appeal for nearly two years, after which it denied the appeal as "filed late" once it was found in 2012.

Wiley Rein successfully appealed both the original hearing and the late filing denial to the SSA Appeals Council, which ordered a new hearing. Our client finally had his day in court in December 2013, when the ALJ agreed with Wiley Rein's arguments. In January, the ALJ issued a fully favorable opinion granting a complete reinstatement of our client's disability eligibility back to 2005.

The client was referred to Wiley Rein in 2008 by Whitman-Walker Health after his first ALJ "hearing." Roger H. Miksad, then a Wiley Rein 2008 summer associate, worked with the client to start the appeals process. When he returned to the firm as an associate, he

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once again picked up the case. The Wiley Rein team working with the client included partner Mark B. Sweet, alumni partner Bill McGrath, and Mr. Miksad and fellow associate, Christen M. Price.