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Need disability benefits? Get in line

By **JEREMY COX**,
The Times-Union

Herniated disks in her back and neck left Ivy McCoy's legs so weak and crippled with pain that she couldn't get through her shift working at a convenience store without taking several breaks.

The Fernandina Beach woman eventually got laid off from that job. On her doctor's orders, McCoy now uses a walker and hasn't gone back to work. If her leg problems weren't enough, the 45-year-old also has lupus, high blood pressure and diabetes, and she suffered a stroke last year.

Broke, McCoy finds herself struggling against a bureaucracy that even bureaucrats call "an uphill battle."

Social Security is mired in a nationwide backlog of more than 760,000 pending disability cases, a total that has nearly doubled since 2001. McCoy's case is one of them.

"I feel like they're waiting for me to die so they don't have to deal with me," said McCoy, who has been waiting three years for a ruling.

In the meantime, she has lived off the largesse of others: the empathetic landlord willing to let the rent bills pile up, the friend who pays for her prescriptions, the government-issued food stamps.

Some aren't so lucky. They become homeless or die before they ever see a check, federal officials and claimant advocates say.

Calling it a "moral imperative" and the agency's "highest priority" in federal documents, Social Security has launched an ambitious campaign to whittle the backlog to 466,000 by 2013 and cut the typical wait to get a ruling in half, to 270 days.

The overhaul includes hiring nearly 200 new administrative law judges nationwide, using a computer program to quickly decide clear-cut cases, increasing the use of video hearings, and moving from paper to electronic records.

By the end of September, the new measures had virtually wiped out the more than 63,000 cases that had been on the docket for more than 1,000 days. Next up are cases that have been around for more than 900

days.

What drove Social Security into arrears was an ill-timed combination of funding shortfalls and skyrocketing demand, said Mark Hinkle, an agency spokesman. Congress gave Social Security less than its requested budget total for 15 years straight, resulting in a total deficit of \$1.1 billion, he said. In 2008, lawmakers finally gave more than the requested amount.

And from 2000 to 2007, the number of annual claims climbed from 2.1 million to 2.5 million.

"You have work going up, staff and funding levels going down. It doesn't take much to imagine what the outcome is," Hinkle said.

The typical wait to see a judge at Social Security's Jacksonville hearing office was 557 days in 2007, 11/2 months longer than the national average.

The local wait had remained steady for several years until it dropped this year, to 532 as of September. The office received one new judge that month to deal with the workload, Hinkle said.

At least one Jacksonville claimant attorney, though, questions whether big strides can be made against the national backlog.

With baby boomers getting older and a flagging economy forcing some employers to lay off sick or injured workers, the incoming tide of claims will swell beyond what Social Security can handle, Tracy Tyson Miller said.

"We just have cases that are stacked up," she said.

For her part, Miller's Web site bears the disclaimer that because of "overwhelming responses," she can only respond to claims involving Northeast Florida residents.

The process is slow for a reason, said Bill Choisser, an Orange Park doctor who has been doing medical evaluations for the disability program and claimant attorneys for 20 years.

"The system is designed to be very careful before persons are considered disabled because, of course, they don't want people to be collecting who don't meet the criteria," Choisser said.

To be eligible, people must prove they suffer from a mental or physical illness that precludes them from working on any job for at least a year. Choisser uses what he calls "Walmart criteria." That is, "if a store like Walmart wouldn't hire them to do an entry level job, they're probably unemployable," he said.

Many claimants are rejected twice during administrative reviews, sending them down the lengthy path toward a judicial review. Judges approve about three out of five claims they hear, according to Social Security estimates. Those who win get a lump sum for the benefits they would have received while waiting.

The typical monthly check is about \$1,000.

David Webb, a 49-year-old Northside man, said his two brothers in Atlanta who suffer from bipolar disorder both got quick approvals a few years ago. Webb, who is afflicted with the same condition, applied for disability 13 months ago, was rejected and is now appealing. His attorneys tell him it could

be another year before he hears back.

He had to quit taking house-painting jobs, he said, because his wild swings between manic episodes and depression were destroying his relationships with clients and co-workers. Until he can claim disability, the only check reaching his home is from his wife's job as a secretary.

"The people who are pulling a [scam], they should be turned down," Webb said. "But with the documentation I have and seeing the doctors I have, it's obvious that I'm not trying to scam them."

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