

Why Protect Your Filing Date? It is wise to file promptly or protect your filing date in order to:

Have Your Application on Record While SSDI Coverage Continues. Your disability insurance coverage doesn't continue forever. Though you may file an SSDI claim after coverage expires, normally it is better if you apply (or protect your filing date) prior to your "date last insured". This is "the last day in the last quarter when disability insured status is met." See SSA Program Operation Manual System (POMS) § RS 00301.148 Date Last Insured (DLI) <https://secure.ssa.gov/poms.nsf/lnx/0300301148>. Any SSA office can tell you your date last insured. (We can't tell you, because the period in which SSDI coverage continues after employment varies according to individual work histories.) If you don't file a claim (or protect your filing date) before your "date last insured" you take on the extra burden of proving to SSA you became disabled on or before they date your disability insurance coverage expired.

Protect Any Retroactive Benefits. Filing early or protecting your filing date also preserves your retroactive benefits. Also, your retroactive benefits will be measured from the date of your claim. You can recover a maximum of 12 months retroactive benefits, measured from the date of your application. Code of Federal Regulations, Title 20, Section 404.621(a)(1) says: "If you file an application for disability benefits . . . you may receive benefits for up to 12 months immediately before the month in which your application is filed. Your benefits may begin with the first month in this 12 month period in which you meet all the requirements for entitlement." http://www.ssa.gov/OP_Home/cfr20/404/404-0621.htm

Some claimants have medical conditions that potentially qualify for both SSDI and Workers' Compensation. Attorneys helping them get workers' compensation may advise delaying the SSDI claim. If you receive this advice, we suggest asking the workers' compensation attorney your date last insured for SSA benefits and the reasons for and against delaying the SSDI claim. In general it is better to file an SSDI claim or protect your filing date prior to your date last insured. If you have claims for both workers' compensation and SSDI, it is good to have a lawyer with experience in both fields. Ask how the two claims affect one another. Do not wait too long to apply for SSDI and lose benefits!

3. Write Things Down And Keep Copies.

Keep copies of *everything*. SSA sometimes loses things. You should keep records of all your dealings with the agency. When you telephone, write down the name of every person you talk with and the date and substance of the conversation. The same advice applies to face-to-face conversations.