



DID YOU KNOW?

...**M**ost automobile insurance companies do not offer first party medical benefits on motorcycle policies. However, a small number of companies do offer these benefits.

...**I**f you are receiving or entitled to worker's compensation benefits, you may be eligible to receive a lump sum settlement. If you or someone you know is receiving these benefits and is interested in a lump sum settlement, please do not hesitate to contact Karl Januzzi, a partner at Shollenberger & Januzzi, who has successfully handled similar cases for fifteen years.

...**Y**our automobile insurance company is required to offer you underinsured and uninsured motorist coverage equal to the amount of your bodily injury liability coverage.

...**S**enior partner, Tim Shollenberger, is a past president of the Pennsylvania Trial Lawyers Association (Now called Pennsylvania Association for Justice), a state wide organization of trial lawyers that works to further the rights of injured people across Pennsylvania. Every attorney at Shollenberger & Januzzi is a member of the organization.

Am I Disabled? Applying for Social Security Disability Benefits

Over the years, many clients have inquired about the possibility of applying for Social Security Disability benefits. Social Security has very specific rules regarding eligibility. While a medical condition may prevent you from working for a period of time that does not necessarily mean that you are "disabled" under the rules upon which the Social Security Administration bases their decisions. In fact, most people who apply for benefits are turned down. One statistic indicates that two-thirds of those who apply are turned down at the initial stage and only fifty percent of those who appeal are granted benefits. CBSNews.com "Failing the Disabled", January 15, 2008.

Knowledge about how the administration makes their decisions can go a long way in successfully obtaining benefits. The administration defines the term "disability" as an 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 but which has lasted or can be expected to last for a continuous period of not less than twelve (12) months." 42 U.S.C. §423(d)(1)(A).

In order to evaluate each claim, the administration employs what is known as the "Sequential Evaluation Process." The administration goes step by step through each case and looks at certain things such as whether the person is currently working; will their condition improve within twelve months; whether they can perform their prior job(s) or whether there are other jobs that are readily available that the person could do with their condition. A number of factors are considered in the ultimate determination process including age, education and the skill level of your prior jobs. However, if the answer to all of the previous questions is no, most of the time the person is granted benefits.

There is another way a person can qualify for disability benefits. Benefits can be awarded if an individual is not working, their condition has lasted, or will last, longer than twelve months and the condition meets or exceeds what is called a "Medical Listing". The administration has acknowledged a number of diagnoses or conditions that, when coupled with certain limitations and/or medical findings, render a person disabled without the need to look at whether there is a job they can do. Generally this requires some assistance from the person's treating doctor to determine whether or not the person meets or equals the listing and why.

Often times the initial disability determination process can take a number of months and, unfortunately, often results in what the administration calls a "disapproved claim." To better your chances, it is important that prior to applying you make a detailed list of your medical providers and when you treated with them, as well as a list of your employers for the past five years and your duties at each job.

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It is also important to let your treating doctor know that you are applying for social security disability. In addition, you should also consider how your condition affects your ability to do your day to day activities. The initial application can be done online at www.ssa.gov or you can schedule an in-person or telephone interview by calling 1-800-772-1213.

Receiving a "Notice of Disapproved Claim is often frustrating and troublesome. However, you do have the

right to appeal if you take the appropriate steps within sixty days of the date of the notice. It is important that the appeal is handled correctly or you could be in for another long process that will result in another disapproval of your claim. Adam Wolfe, an associate with Shollenberger & Januzzi, is experienced in handling social security disability appeals. If you or someone you know has been denied benefits or just wants to talk about the application process, please do not hesitate to contact our office and ask for Adam.

NEWS FROM THE FIRM

The firm would like to welcome a number of new employees:

Danielle Koellner has joined the firm as the medical records clerk. Danielle replaces Liz Wilson who retired in December after three years as the firm's medical records clerk. Liz will be greatly missed, but Danielle is eagerly learning the job and brings with her a paralegal certificate from York Technical Institute.

Amy Sweger is another new addition to firm. Prior to spending the past few years as a stay-at-home mom, Amy worked in human resources. Amy will serve as a legal assistant and afternoon receptionist.

Shollenberger and Januzzi recently celebrated its 15th year of service to injured and disabled people across Pennsylvania. The employees of the firm would like to acknowledge the vision and labor of the partners, Tim Shollenberger and Karl Januzzi, as well as Marissa Shollenberger, the firm's business manager. You have built a law firm with a stellar reputation that we are proud to work for.

Retraction: In the November 2007 Newsletter, it was improperly printed that Doris Wright was previously a director of admissions for a college. Doris was actually Director of Administration of the Army War College Foundation in Carlisle, PA. Our apologies to Doris for the misprint.

OUR PURPOSE

Shollenberger & Januzzi, LLP is committed to excellence in providing superior legal services in personal injury cases. Publication of this quarterly newsletter is another example of our determination to keep friends and clients informed about legal matters important to them. It is not intended to be offered as a source of advice pertaining to any specific matter. Please feel free to share the newsletter with neighbors, friends or anyone you think may benefit from the information it contains.

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