



SOCIAL SECURITY ADMINISTRATION

Refer To: [ClaimantFirstName][ClaimantMiddleName] [ClaimantLastName][ClaimantSuffix] BNC#: [BeneficiaryNoticeControl]

Office of Hearings Operations [LocalOfficeCompleteAddress] Tel: [LocalOfficePhone] / Fax: [LocalOfficeFax]



[Today's Date]

<if OBO> [OBOFirstName][OBOMiddleName][OBOLastName][OBOSuffix] on behalf of [ClaimantFirstName][ClaimantMiddleName][ClaimantLastName][ClaimantSuffix] [OBOCompleteAddress] <elseif> [ClaimantFirstName][ClaimantMiddleName][ClaimantLastName][ClaimantSuffix] [ClaimantAddress] <endif>

Dear <if OBO> [OBOFirstName][OBOMiddleName][OBOLastName][OBOSuffix]: <elseif> [ClaimantFirstName][ClaimantMiddleName][ClaimantLastName][ClaimantSuffix]: <endif>

<if SNO indicator=3, 4, 6 or 7> You will receive this document in both a <if SNO=3 Braille> standard print and Braille version. <elseif SNO=4 DataCD> standard print version and on a compact disc in Microsoft Word format. <elseif SNO=6 Audio Disc> standard print version and on an audio compact disc. <elseif SNO=7 Large Print> standard print and large print version. <endif> You will receive them separately. <endif>

<if Martinez=true (ClaimantLocation=NY And ClaimType=T2)> <if AC Remand> The Appeals Council returned your case to us for further action. This letter explains the hearing process and what you should do now to get ready for your hearing. <elseif Court Remand> The United States District Court returned your case to us for further action. This letter explains the hearing process and what you should do now to get ready for your hearing. <elseif No Remand> Thank you for your request for a hearing. <endif> We will mail a Notice of Hearing to you at least 75 days before the date of your hearing to tell you the time of the hearing, how you will attend, and, if applicable, the place of the hearing. Although we will make every effort to schedule your hearing as soon as possible, there may be a delay. If you wish to discuss the status of your case, you may call us or write to us. Our telephone number and address are at the top of this page.

We are required by the district court opinion dated May 28, 1985 in Martinez, et al. v. Secretary of HHS, E.D.N.Y., No. 73 Civ. 900, to notify you of procedures available to you in the event of

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unreasonable delay in processing your case. If, after requesting the status of your case, you believe your case is being delayed unreasonably, you may apply to the United States District Court for relief, including interim benefits.

<else Martinez=false>

<if AC Remand>The Appeals Council returned your case to us for further action. This letter explains the hearing process and what you should do now to get ready for your hearing. We will send you a notice after we schedule your hearing. We will send the notice at least 75 days before the date of your hearing. The notice will tell you the time of your hearing, how you will attend, and, if applicable, the place of your hearing. We generally process requests for hearing in the order that we receive them, processing the oldest requests first. However, we expedite cases returned from the Appeals Council. We will schedule your hearing as soon as we can, which may take several months.

<elseif Court Remand>The United States District Court returned your case to us for further action. This letter explains the hearing process and what you should do now to get ready for your hearing. We will send you a notice after we schedule your hearing. We will send the notice at least 75 days before the date of your hearing. The notice will tell you the time of your hearing, how you will attend, and, if applicable, the place of your hearing. We generally process requests for hearing in the order that we receive them, processing the oldest requests first. However, we expedite cases returned from the federal courts. We will schedule your hearing as soon as we can, which may take several months.

<elseif No Remand>Thank you for your request for a hearing before an administrative law judge (ALJ). This letter explains the hearing process and what you should do now to get ready for your hearing. We will send you a notice after we schedule your hearing. We will send the notice at least 75 days before the date of your hearing. The notice will tell you the time of your hearing, how you will attend, and, if applicable, the place of your hearing. We generally process requests for hearing in the order that we receive them, processing the oldest requests first. We will schedule your hearing as soon as we can, which may take several months.

<endif>

<endif>

### Ways to Attend a Hearing

We may schedule you to attend your hearing in one of four ways: (1) in person at one of our offices; (2) by audio using a telephone in a private location you choose; (3) by agency video using our video equipment in one of our offices; or (4) by online video using a personal electronic device, such as a smartphone, tablet, or computer in a private location you choose. You can object to attending your hearing by audio or agency video. We will only schedule you to attend by online video if you agree. We will send you a notice explaining the ways to attend a hearing and your options in more detail. If you object to attending your hearing by audio or agency video, or if you agree to attend by online video, you must tell us in writing within 30 days after the date you receive the notice explaining the ways to attend a hearing. We may extend the 30-day period if you show you had good cause for missing the deadline.

<if PriorApplication=true>

## Subsequent Application

Our records show that you have a prior application(s) pending at the Appeals Council. The Appeals Council must complete its action on your prior application(s) before we can act on your current request for hearing. The Appeals Council will complete its action as soon as possible and send you a notice explaining the outcome.

- If the Appeals Council denies or dismisses your request for review or makes a partially favorable or unfavorable decision on your prior application(s), we will hold a hearing on your current application(s). We will send you a Notice of Hearing at least 75 days before the date of your hearing to tell you the time of the hearing, how you will attend, and, if applicable, the place of the hearing.
- If the Appeals Council decides to remand your prior application(s) for a new hearing, we may combine your prior and current applications for the new hearing. We will send you a Notice of Hearing at least 75 days before the date of your hearing to tell you the time of the hearing, how you will attend, and, if applicable, the place of the hearing.
- If the Appeals Council makes a favorable decision on your prior application(s) that resolves all the issues in the current application(s), we will take no further action on your new application(s).

<endif>

## The Hearing

At your hearing, you may present your case to the ALJ who will make the decision on your claim(s). The ALJ will consider the issue(s) you raise, the evidence now in your file, and any additional evidence you provide. The ALJ may also consider other issues, including issues that were decided in your favor in the decision you appealed. The Notice of Hearing will list the issues the ALJ plans to consider at your hearing.

Your hearing is the time to explain why you believe the ALJ should decide the issues in your favor.

## Your Right to An Interpreter At Your Hearing

**You are not required to bring an interpreter.** However, if you need one, you **must** request an interpreter so we can provide one **free of charge**. To request an interpreter, call our office or send a letter to the address at the top of the first page of this letter. When you request an interpreter, tell us what language you prefer (including American Sign Language).

<if Rep=false>

## Your Right to Representation

You may choose to have a representative help you with your case. We will work with them just as we would work with you. If you decide to have a representative, you should find one quickly so they can start preparing your case.

Many representatives charge a fee only if you receive benefits. Others may represent you for free. Usually, your representative may not charge a fee unless we approve it. We are enclosing a list of groups that can help you find a representative.

If you get a representative, you or that person must notify us in writing as soon as possible. You may use our Form SSA-1696 Claimant's Appointment of a Representative. You can find this form and accompanying instructions online at [www.ssa.gov/forms/ssa-1696.html](http://www.ssa.gov/forms/ssa-1696.html). This form is also available at your local Social Security office.

### Outreach Call

If you do not have a representative, we may call you at the telephone number in our file to help you prepare for your hearing. The number we have is \*\*[Claimant's Telephone Number]\*\*. If this number is not the correct telephone number, please call us at the telephone number shown above. If we are unable to reach you, we may leave a message asking you to return our call or we may attempt to call you again later.

<endif>

### Submitting Evidence

We need to make sure that your file has everything that the ALJ will need to decide your case. After the ALJ reviews the evidence in your file, they may request more evidence to consider at your hearing.

You are required to inform us about or submit all evidence known to you that relates to whether or not you are blind or disabled. <if Rep=true> Your representative must help you inform us about or submit evidence. <else> You must inform us about or give us evidence no later than five business days before the date of your hearing. The ALJ may choose to not consider the evidence if you fail to provide it timely. <endif>

We can help you get evidence. If you need help, contact our office, your local Social Security office, or your representative (if you have one) immediately.

If someone, such as a doctor, is not providing documents important to your case, you may ask the ALJ to issue a subpoena. A subpoena is a special document that requires a person to submit documents or to testify at your hearing. The ALJ will issue a subpoena only if they think the evidence is necessary to decide your case, and the evidence cannot be obtained another way. If you want the ALJ to issue a subpoena, you must ask for one at least 10 days before your hearing date. Send your request in writing to the address at the top of the first page of this letter.

### You May See The Evidence In Your File

If you wish to see the evidence in your file, you can see it on or before the date of your hearing. If you wish to see your file before the date of your hearing, please call us as soon as you reasonably can at the number at the top of the first page of this letter.

### If You Have Any Questions Or Your Address Changes

If you have any questions, please call or write us. You must tell us if you change your address. For your convenience, we gave you our telephone number and address on the first page of this letter.

Sincerely,

[Signee Name]  
Hearing Office Director

<if Spanish=false>

Enclosures:

<if Rep=false>[SSA Publication No. 05-10075 \(Your Right To Representation\)](#) <endif>

<if Rep=false>HA-L1 (Important Notice Regarding Representation) <endif>

HA-L4 (What Happens Next)

HA-827 (Medical Release Notice)

<if Fully Paper=false>[SSA-827 Barcode Instructions](#)<endif>

[SSA-827 \(Authorization to Disclose Information to the Social Security Administration \(SSA\)\)](#)  
<endif>

<if Rep=true>

cc: [RepFirstName][RepMiddleName][RepLastName][RepSuffix]

[RepFirm]

[RepCompleteAddress]

<endif>

<if BarnettDay=true (ClaimantLocation=VT)>

**Notice Pursuant to <if T2>Day<elseif T16>Barnett<elseif T2 and T16>Barnett  
and Day<endif> Court Orders**

**You Have a Right to Have a Hearing Scheduled  
Within a Reasonable Time after Your Request**

We are requested by the United States District Court to give you the following notice:

Although we will make every effort to schedule a hearing in your claim, there may be delay in scheduling a hearing. If you wish to find out the status of scheduling your hearing, you may call the Manchester, New Hampshire Hearing Office at (888) 318-7973 or write to the Hearing Office at 1750 Elm St., Suite 303, Manchester, NH 03104.

You have a right to have your hearing scheduled within a reasonable time from your original request. If after getting a status report and learning more about your case, you feel that the scheduling of your hearing has been unreasonably delayed, you may wish to seek relief from the United States District Court for the District of Vermont as a member of <if T2> the class *Day v. Bowen*, Civ. No. 78-265 for Old-Age, Survivors and Disability (OASDI) claimants. <elseif T16> the class *Barnett v. Bowen*, Civ. No. 74-270 for SSI claimants. <elseif T2 and T16> both the class *Barnett v. Bowen*, Civ. No. 74-270 for SSI claimants and the class *Day v. Bowen*, Civ. No. 78-265 for Old-Age, Survivors and Disability (OASDI) claimants. <endif>

You may wish to consult an attorney regarding your rights. If you do not have an attorney, free legal services may be available if you qualify for them due to financial need. For further information, or to request free legal assistance, you may wish to contact the nearest office of Vermont Legal Aid., Inc.

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