



Securing today
and tomorrow

Your Right to an Administrative Law Judge Hearing and Appeals Council Review of Your Social Security Case

[SSA.gov](https://www.ssa.gov)



You can question the decision Social Security makes on your case

If you are eligible for Social Security benefits or Supplemental Security Income, we want to make sure that you get your payments on time and in the right amount.

After we decide your eligibility, or whether to stop or change the amount of your payments, we will send you a letter explaining our decision. If you do not agree with our decision, you have the right to appeal it.

When you appeal our decision, we may review all of the decision, including any parts that you agree with.

Four steps of appeal

There are four steps of appeal:

1. **Reconsideration** — If you disagree with our first decision, you may ask us to reconsider it. Someone who did not make the first decision will review your case and make a new decision. We call this decision a reconsideration determination. You may request a reconsideration determination online at www.ssa.gov/apply/appeal-decision-we-made/request-reconsideration.
2. **Administrative Law Judge Hearing** — You may request a hearing before an administrative law judge (ALJ) if you disagree with the reconsideration determination. You may request a hearing online at www.ssa.gov/apply/appeal-decision-we-made/request-hearing. After your hearing, the ALJ will make a decision on your case.
3. **Appeals Council Review** — You may ask the Appeals Council to review your case if

you disagree with the ALJ's decision. You may submit a request for Appeals Council review online at www.ssa.gov/apply/appeal-decision-we-made/request-review-hearing-decision.

4. **Federal Court Review** — After the Appeals Council completes its action on your case, you can file a civil suit in Federal district court. Federal court review is the last level of the appeals process. To learn more about the Federal Court review process, visit www.ssa.gov/appeals/court_process.html. For instructions on filing a civil action in Federal district court, please visit www.ssa.gov/apply/appeal-decision-we-made/file-review-federal-district-court.

If you have already received a reconsideration determination on your claim, below are the appeal steps to request a hearing and Appeals Council review.

You may have a representative

You may want a lawyer or other qualified person to represent you. If you have a representative, you may have to pay the representative's fees. For more information about representation and about the fees a representative may charge, read *Your Right to Representation* (Publication No. 05-10075) at www.ssa.gov/pubs/EN-05-10075.pdf.

If you decide to have a representative, you need to tell us in writing as soon as possible. Use Form SSA-1696, *Claimant's Appointment of a Representative*, to inform us about your representative. You can find the form online at www.ssa.gov/forms/ssa-1696.html or get it from any Social Security office.

How to request a hearing or Appeals Council review

You or your representative may request a hearing before an ALJ. The ALJ assigned to your case will not have any prior involvement in your case. After the ALJ makes a decision on your case, or dismisses your request for a hearing, you may request that the Appeals Council review the ALJ's decision or dismissal.

Your request for a hearing or Appeals Council review must be in writing. There are 3 ways to request a hearing or Appeals Council review: (1) Complete one of our forms, (2) Send us a letter or other written request, or (3) Submit a request online at: www.ssa.gov/apply/appeal-decision-we-made/request-review-hearing-decision. We can also help you request a hearing or Appeals Council review at any Social Security office.

You have 60 days to appeal our decision

Generally, you have 60 days after you receive the notice of our decision to ask for an appeal.

- In counting the 60 days, we presume that you receive the notice of our decision 5 days after we mailed it unless you can show that you received it later.
- You must have a good reason if you wait more than 60 days to request an appeal.
- If you do not submit an appeal on time, the ALJ or the Appeals Council may dismiss your appeal. If the ALJ or the Appeals Council dismisses your appeal, the decision you appealed may be the final decision on your case.

If you file an appeal after the deadline, you must explain the reason you are late and request that we extend the time limit, in writing. We can explain this process further and help you file a written request to extend the time limit. You may call our toll-free number at 1-800-772-1213 (TTY 1-800-325-0778), or contact your local Social Security office for assistance.

When, where, and how your hearing is held

After you request a hearing, we will send your case to a hearing office to prepare your case for a hearing. While we try to schedule all hearings promptly, delays may occur due to the high volume of requests ahead of yours.

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; (3) by agency video using our video equipment; or (4) by online video using a personal electronic device, such as a smartphone, tablet, or computer. Shortly after we receive your request for hearing, we will send you a notice explaining the different ways to attend a hearing. If we schedule you to attend your hearing by audio or by online video, you can attend from any private location you choose. If we schedule you to attend your hearing in person or by agency video, you will attend from one of our offices, usually within 75 miles of your home. If travel arrangements will present a problem for you, tell the Social Security office when you request a hearing or as soon as possible after that.

You can object to attending a hearing by audio or agency video. We will not schedule you to attend a hearing by online video unless you agree to attend in that way.

At least 75 days before the hearing, the ALJ will send you a notice telling you the date and time of the hearing as well as how you will attend it. If we schedule you to attend the hearing in person or by agency video, the notice will also tell you the place of the hearing.

For more information about attending a hearing in person, by audio, by agency video, and by online video, see *How to Attend Your Hearing* (Publication No. 80-102).

ALJ hearing

Before the hearing:

- You and your representative, if you have one, can look at the evidence in your case file and submit new evidence.
- Submit any additional evidence you want the ALJ to consider as soon as possible and be sure to tell us about or submit written evidence at least 5 business days before your hearing. If you do not have the evidence when you request a hearing, send it to the ALJ as soon as you can. If your case is electronic, you can fax evidence into the claim file using a special fax number and bar code provided by the hearing office or sent by your representative through Electronic Records Express (ERE) at www.ssa.gov/ere.

You must let us know in writing if you do not wish to attend or cannot attend the hearing

It is important to know that your testimony at a hearing could be valuable to the ALJ who decides your case. If you do not wish to attend the hearing, you must let us know in writing. Tell us why you do not want to attend or cannot attend the hearing and ask the ALJ to make

a decision based on the evidence in your file and any new evidence. If your claim involves “disability,” you may also explain how your medical problems limit your activities and prevent you from working.

The ALJ may decide that your presence at the hearing will be helpful, especially if only you can best explain certain facts. If so, the ALJ may schedule a hearing even if you asked not to attend one.

At the hearing:

- The ALJ explains the issues in your case and may question you and any witnesses at the hearing.
- You may ask witnesses, such as a family member or a friend, to testify at your hearing. The ALJ may ask other witnesses, such as a medical expert or vocational expert, to testify at the hearing.
- You and the witnesses answer questions under oath or affirmation. The hearing is informal, and we make an audio recording of it.
- You and your representative, if you have one, may question witnesses and submit evidence, subject to our rules regarding the submission of evidence.

Be sure to attend your scheduled hearing or tell us if you cannot attend the hearing

If the ALJ schedules a hearing, you and your representative, if you have one, should attend. It is very important that you attend a scheduled hearing. If for any reason you cannot attend, contact the hearing office as soon as possible before the hearing and explain why.

The ALJ will reschedule the hearing if you have provided a good reason. If you do not attend a scheduled hearing and the ALJ decides that you do not have a good reason for not attending, the ALJ may dismiss your request for hearing.

After the hearing:

- After reviewing the evidence, the ALJ issues a written decision, or, in limited circumstances, the ALJ may issue a dismissal order.
- The ALJ sends you and your representative, if you have one, a copy of the decision or dismissal order.

When we can pay travel expenses

If you must travel more than 75 miles one-way from your home or office to attend the hearing, we can pay certain costs. The following rules apply:

- We can pay your transportation expenses such as the cost of a bus ticket or expenses for driving your car.
- In certain circumstances, you may need meals, lodging, or taxicabs. The ALJ must approve those special travel costs **before the hearing** unless the costs were unexpected or unavoidable.
- The ALJ may also approve payment of similar travel expenses for your representative and any witnesses the ALJ determines are needed at the hearing.
- You must submit a written request for payment of travel expenses to the ALJ at the time of the hearing or as soon as possible after the hearing. List what you spent and include supporting receipts. If you requested a change in the scheduled location

of the hearing to a location farther from your residence, we cannot pay you for any **additional** travel expenses.

- If you need money for travel costs in advance, you should tell the ALJ as soon as possible **before the hearing**. We can make an advance payment only if you show that without it you would not have the funds to travel to or from the hearing.
- If you receive travel money in advance, you must give the ALJ an itemized list of your actual travel costs and receipts within 20 days after your hearing.
- If we gave you an advance payment that is more than the amount you are due for travel costs, you must pay back the difference within 20 days after we tell you how much you owe us.
- If we reimburse you for travel expenses, we apply the same rates and conditions of payment that apply to travel expenses for federal employees. Our determination on travel expense reimbursement is final and not subject to further review.

Appeals Council review

If you think the ALJ's decision or dismissal order is wrong, you may ask the Appeals Council to review your case.

The Appeals Council carefully examines your case and notifies you in writing of the action it takes. The Appeals Council may grant, deny, or dismiss your request for review. If the Appeals Council grants your request for review, it will either decide your case or return it to the ALJ for further action (which could include another hearing and a new decision).

Federal Court Action

After the Appeals Council completes its action on your case and you have received a final decision from us, you may file a civil action in the United States District Court for the area where you live.

Contacting Us

The most convenient way to conduct business with us is to visit www.ssa.gov to get information and use our online services. There are several things you can do online: apply for benefits; start or complete your request for an original or replacement Social Security card; get useful information; find publications; and get answers to frequently asked questions.

Or, you can call us toll-free at **1-800-772-1213** or at **1-800-325-0778** (TTY) if you're deaf or hard of hearing. We can answer your call on weekdays from 8 a.m. to 7 p.m. We provide free interpreter services upon request. For quicker access to a representative, try calling early in the day (between 8 a.m. and 10 a.m. local time) or later in the day (between 5 p.m. and 7 p.m.). **We are less busy later in the week (Wednesday to Friday) and later in the month.** You can also use our automated services via telephone, 24 hours a day, so you do not need to speak with a representative.

Social Security Administration

Publication No. 70-10281

November 2024 (Recycle prior editions)

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Produced and published at U.S. taxpayer expense