



Legal Newsletter
Winter 2010

Social Security: SSD & SSI benefits

Social Security provides regular disability (SSD) benefits to those that have worked enough years to qualify when they become disabled. They also provide Supplemental Security income benefits (SSI) to children or those who have not worked recently. Whether you can get SSI depends on your income and resources (the things you own). **Income** is money you receive such as wages, Social Security benefits and pensions. Income also includes such things as food and shelter. The amount of income you can receive each month and still get SSI depends partly on where you live. Check with your local social security office for exact limits in Florida, as the formula is complicated. Social Security **does not count** all of your income when they decide whether you qualify for SSI. **For example**, they do not count:



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- The first \$20 a month of most income you receive;
- The first \$65 a month you earn from working and half the amount over \$65;
- Food stamps;
- Shelter you get from private nonprofit organizations; and
- Most home energy assistance.

If you are married, social security also includes part of your spouse's income and resources when deciding whether you qualify for SSI. If you are younger than age 18, they include part of your parents' income and resources. If you are a student, some of the wages or scholarships you receive **may not** count. If you are disabled but work, Social Security **does not** count wages you use to pay for items or services that help you to work. For example, if you need a wheelchair, the wages you use to pay for the wheelchair do not count as income when they decide whether you qualify for SSI. Also, Social Security **does not** count any wages a blind person uses for work expenses. For example, if a blind person uses wages to pay for transportation to and from work, the wages used to pay the transportation cost are not counted as income. If you are disabled or blind, some of the income you use (or save) for training or to buy things you need to work **may not** count. Resources that they count in deciding whether you qualify for SSI include real estate, bank accounts, cash, stocks and bonds. You may be able to get SSI if your resources are worth no more than \$2,000. A couple may be able to get SSI if they have resources worth no more than \$3,000. If you own property that you are trying to sell, you may be able to get SSI while trying to sell it. Social Security does not count everything you own in deciding whether you have too many resources to qualify for SSI. For example, they do not count:

- The home you live in and the land it is on;
- Life insurance policies with a face value of \$1,500 or less;
- Your car (usually);
- Burial plots for you and members of your immediate family; and up to \$1,500 in burial funds for you and up to \$1,500 in burial funds for your spouse.

As we all know, most people in our area are feeling the effects of the poor economy. For those that have disabilities, it is far worse. My advice to the injured and disabled always remains the same—if you believe that you will remain unemployed for any extended period of time and are being treated for significant medical problems, you should apply. Social Security explains the process further on their website at www.ssa.gov/disability. If you need information on how to contact your local office to apply, please call us. After you call social security, an interview may be scheduled to evaluate your claim. After several months, you should expect a favorable or unfavorable decision on your initial application. Our office is handling claims for those that have been denied at the initial application stage, all the way through the hearing process before a Judge and beyond to Federal Court for all necessary appeals. Our work on social security cases is only paid for if we win the case. If you have questions what we do to help our clients, please call.

about

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Job Injuries

Injured workers continue to face limitless obstacles from the insurance industry and our legislature each year. There is still help available. We continue to provide assistance to all who call, whether it be free advice or legal representation. The most important benefit of hiring a qualified attorney in a work injury is to determine whether other recovery is available in addition to work comp benefits. If you or someone you know has questions, make a call to our office and we can answer those questions.



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Do I have a claim for Medical Malpractice?

We concentrate on medical malpractice cases in Florida against doctors, nurses, hospitals and other healthcare providers that injure innocent patients by providing careless and negligent treatment that does not meet the standards of care that are required under the law. These lawsuits are very difficult and challenging to litigate, and they require a review by dedicated lawyers and qualified medical professionals to determine if the provider was indeed negligent in their duty to adhere to the proper standards of care.

Before taking on a medical malpractice case, our firm will work with the appropriate medical expert for the type of care involved in the case to review the facts and determine if indeed the case shows a failure to meet the minimum standards expected from the caregiver. When these standards of care are not met, patient safety is sacrificed and serious injuries often occur. We believe that negligent or careless caregivers and doctors must be held accountable for their actions that harm patients. Otherwise, the mistakes and problems that are involved in these cases are likely to reoccur and affect others in the future.

Our medical malpractice lawyers work with injured patients and their families through the justice system to recover compensation for lost wages and medical care as well as for their general pain and suffering. Many of our medical malpractice cases involve:

- * Medical treatment mistakes
- * Misdiagnosis (the failure to accurately diagnose a patient's condition can lead to treatment approaches that harm patients)
- * Prescription and medication errors, which often stem from problems with the diagnosis
- * Surgical errors
- * Scan and testing errors

A two year statute of limitations applies to most medical malpractice cases. Determining exactly how long a client has to pursue a claim can be complex, so calling a qualified attorney as soon as possible is always critical.

Confused about car insurance?

Many of my clients use the term "full coverage" to describe their own insurance. That term can be very misleading, and often does not provide nearly enough coverage in the event of an accident. Everyone reading this should carefully review their own policies to determine what coverage you have for collision, bodily injury and most importantly, uninsured/underinsured (UM) motorist coverage. If you have UM and another driver causes injuries to you or your family, UM will pay over and above for whatever the at-fault driver is able to pay. This insurance is often the most important coverage you can get for yourself and your family.

What type of insurance is required to purchase and maintain a Florida license plate and registration?

Florida's minimum coverage is \$10,000 personal injury protection (PIP) and \$10,000 property damage liability (PDL) as long as you have a valid Florida license plate.

What is "Personal Injury Protection" (PIP) insurance?

Also called Florida No Fault Insurance, Personal Injury Protection (PIP) Insurance covers you - regardless of fault (i.e. whether or not you cause the crash) - up to the limits of your policy. Your PIP will also cover your child, members of your household, certain passengers who lack PIP Insurance as long as they do not own a vehicle. People riding in your vehicle who carry PIP will receive coverage under their own PIP for their injuries, and certain licensed drivers who drive your vehicle with your permission. PIP also covers your child if he or she suffers an injury while riding on a school bus. PIP coverage protects you while in someone else's vehicle, as a pedestrian, or bicyclist if you suffer an injury in a crash involving a motor vehicle.

The Florida Motor Vehicle No-Fault Law, requires all owner/registrants of a motor vehicle with four wheels or more to carry a minimum of \$10,000 of Personal Injury Protection (PIP) and \$10,000 of property damage liability (PDL).

What is "Bodily Injury Liability" (BIL) insurance?

Bodily Injury Liability coverage pays for serious and permanent injury or death to others when you cause a crash involving your automobile. Your insurance company will pay for injuries up to the limits of your policy and provide legal representation for you if you get sued. In particular, your company pays for injuries caused by you or members of your family who live with you, even if they were driving someone else's vehicle. It may also cover others who drive your automobile with your permission.

What if I fail to keep insurance on my vehicle that I have registered in Florida?

The Department of Highway Safety and Motor Vehicles is authorized to suspend your driving privilege, including your vehicle license plate and registration, for up to three years or until proof of Florida insurance is provided, whichever is first.

Can I maintain my current policy issued in my previous state of residence?

No. The minimum required insurance must be issued through a Florida agent with an insurance company licensed to sell in Florida. Most insurers have Florida agents and are licensed to issue policies in Florida.

NO RECOVERY = NO FEE or COST

My law firm only works on a full contingency fee structure on each and every case we handle. We spend our own money to handle the costs in your case. That means there is never a fee charged or cost recovered from our clients until the case is won or a recover is made by our clients.

- ◆ AUTO ACCIDENTS
- ◆ WORKERS COMPENSATION
- ◆ WRONGFUL DEATH
- ◆ SOCIAL SECURITY DISABILITY
- ◆ MEDICAL MALPRACTICE
- ◆ INSURANCE CLAIMS
- ◆ NURSING HOME NEGLECT
- ◆ SLIP & FALL INJURIES

Your Personal Injury Lawyer

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