

## **PRO SE INSTRUCTION SHEET FOR SOCIAL SECURITY CASES**

This sheet contains some of the Court's rules and procedures a plaintiff who is representing themselves without a lawyer (also known as proceeding *pro se*) must follow to appeal the denial of disability benefits by the Social Security Administration.

### **A. Consent**

At the start of your case, whether you are filing your complaint electronically or in person at the Clerk's Office, you will be asked if you consent to have a United States Magistrate Judge decide your case. If you consent, one of the six United States Magistrate Judges in our district will decide your case. If you do not wish to consent, your case will be assigned to a United States District Judge.

### **B. Pay the Filing Fee or Submit an Application to Proceed *In Forma Pauperis***

To file your case, you must either pay the \$402 filing fee or complete and file an application to proceed *in forma pauperis* (without payment of fees) along with your complaint. This step must be completed before the Court will consider your case. The form is located on the Court's website on the "Court Forms" page, or you can click [here](#).

### **C. Complete and File the *Pro Se* Complaint Form with the Court**

The Court's website has a *pro se* complaint form that you may choose to use to seek review of the Social Security Administration's denial of disability benefits. The form is located on the Court's website on the "Court Forms" page, or you can click [here](#). You must file your complaint with the Court either electronically or in person at the Clerk's Office.

Remember that you must remove certain personal identifying information in all papers filed with the Court. This includes dates of birth, names of minor children, social security numbers, financial account numbers, passport and driver license numbers.

### **D. Service of the Complaint and Answer**

If the Court finds that you are financially unable to pay the filing fee, and grants your application to proceed *in forma pauperis*, the Court will serve the complaint for you. If the Court finds you do not financially qualify, you must pay the filing fee and serve your own complaint along with appropriate summonses as required by Rule 4 of the Federal Rules of Civil Procedure. You may also choose to effectuate service electronically as detailed in General Orders 04-15 and 05-15, by sending a copy of the summonses and complaint, along your identifying information and social security number, by email to [USAWAW.SSAClerk@usdoj.gov](mailto:USAWAW.SSAClerk@usdoj.gov).

The Social Security Administration will respond to the complaint within approximately sixty (60) days by filing a copy of the administrative record (AR). The AR will contain all the documents the Commissioner considered in your case, including medical records, letters or statements you submitted, and forms you filled out in connection with your claim.

## **E. Briefing Schedule and Guidelines**

After the Social Security Administration has filed the AR, the Court will issue a briefing schedule by issuing a Scheduling Order. The Scheduling Order will direct you to file an opening brief that identifies all the ways you believe the ALJ erred. Please list on page one of the opening brief all of the errors you believe the ALJ committed in denying you benefits and then explain each error in greater detail. A brief is important because it informs the Court of the reasons you believe the Social Security Commissioner's decision should be overturned. It is thus important to identify the alleged errors committed by the ALJ as specifically as possible, such as explaining why you believe the ALJ erred by rejecting certain medical evidence or testimony. General statements such as, "The ALJ's decision to deny benefits is wrong because I am disabled," are not helpful to the Court.

After you file the opening brief, the Social Security Administration will submit a responsive brief addressing your assignments of error. You may then submit an optional reply brief that addresses the arguments raised by the Social Security Administration. Once the deadline for your reply brief has passed, the Court will review all of the briefs that were filed as well as the AR. The Court will then issue an Order deciding the outcome of the case.

## **F. Motions**

As discussed above, properly filing and serving a complaint is the first step in a Social Security case. After that, if you want the Court to do something, you must file a written motion. A motion is a formal request that asks the Court to take certain action. For example, if you need more time to prepare your opening brief or reply brief, you should file a paper entitled, "Motion for an Extension of Time," along with a proposed order that states what you want the Court to do and how much of an extension you need. All of the Court's local rules can be accessed on the Court's website under "Local Rules and General Orders," or by clicking [here](#).