

INFORMATION SHEET FOR UNREPRESENTED (PRO SE) PLAINTIFFS IN SOCIAL SECURITY DISABILITY APPEALS

(Revised January 2023)

This sheet contains some of the Court's rules and procedures that must be followed in order to appeal a decision of the Social Security Administration in your case. This is intended to help plaintiffs who are handling their own case in Court without a lawyer, also known as *pro se*. This sheet is meant to be used for informational purposes only and does not constitute legal advice.

A. *PRO SE* COMPLAINT

You may complete and file a complaint form provided by the Court for *pro se* plaintiffs in social security disability cases. The "Complaint - Social Security Appeal" form is available on the "Forms" page of the Court's website.

On the complaint, you must certify that your complaint is supported legally and factually, and that you are not filing the complaint for purposes of harassment or delay. You must sign the complaint.

You must remove personal identifying information from all documents filed with the Court, including date of birth, names of minor children, social security number, financial account numbers, passport number, and driver's license number. This is for the protection of your private information and the privacy of others.

B. FILING FEE, OR *IN FORMA PAUPERIS*

To file your case, you must submit your complaint electronically or in person at the Clerk's Office. You must either pay the \$402 filing fee or complete and file an application to proceed *in forma pauperis* (IFP), which, if granted by the Court, means you can file the lawsuit even if you cannot afford to pay the filing fee. You must sign the IFP application.

You are required to complete this step before the Court will consider your case. The “IFP Application with Written Consent” form is available on the “Forms” page of the Court’s website.

C. CONSENT

At the beginning of your case, regardless of whether you file the complaint electronically or in person at the Clerk’s Office, you will be asked whether you consent to the jurisdiction of a U.S. Magistrate Judge (whether you agree to have your case handled by a U.S. Magistrate Judge instead of a U.S. District Court Judge).

If you consent, then your case will be assigned to a U.S. Magistrate Judge. If you do not consent, then your case will be assigned to a U.S. District Court Judge.

A U.S. Magistrate Judge is a judge appointed by the U.S. District Court Judges for a renewable term. A U.S. District Court Judge is a judge nominated by the President and confirmed by the Senate for a lifetime tenure. You have a right to have your case handled by a U.S. District Court Judge, but you may waive that right by consenting to the jurisdiction of a U.S. Magistrate Judge, who will handle your case instead. More information about each of the Judges is available on the Court’s website.

D. SERVICE OF COMPLAINT

The Court will notify the Social Security Administration that you have filed your complaint. You do not need to serve the complaint.

E. IDENTIFYING INFORMATION

You must provide your BNC (Beneficiary Notice Code) to the Social Security Administration. You must provide this information to the Social Security Administration within 7 days after the Court notifies the Social Security Administration that you have filed your complaint.

Your BNC number is located on the first page of your hearing decision. A BNC number is used instead of your social security number as a security measure to

protect against identify theft. If your hearing decision does not have a BNC number, you must send the Social Security Administration your social security number instead.

You may provide your BNC number (or social security number) to the Social Security Administration either by email to USAWAW.SSAClerk@usdoj.gov or by hand or mail delivery to:

SSA Clerk Civil Division
700 Stewart Street, Suite 5220
Seattle, WA 98101

F. ANSWER

The Social Security Administration has 60 days from the date it receives notice that you have filed your complaint to file its answer. Its answer will be a copy of the administrative record from the Social Security Administration proceedings.

The administrative record is the record of your case, including documents, medical records, a transcript of the hearing before the Administrative Law Judge (ALJ), and the ALJ's hearing decision. A transcript is a written record of what each person said at your hearing.

G. BRIEFING SCHEDULE, CONTENT, AND GUIDELINES

After the Social Security Administration files the administrative record, the Court will issue a briefing Scheduling Order. The Scheduling Order will direct you to file an opening brief that will be due 30 days after the administrative record is filed.

Plaintiff's Opening Brief. The opening brief is a written statement that describes the facts about your case, the reasons you think the Social Security Administration made a mistake, and the law that you believe shows your position is correct or shows why the Social Security Administration made the wrong decision. The opening brief is important because it informs the Court of the reasons you believe the decision of the Social Security Administration should be overturned.

Your opening brief should, at a minimum, provide the following information:

- Beginning on page one, please state as clearly as possible all the specific errors you believe were made in your case. Please be very specific and do not make general statements such as “the ALJ erred by not having substantial evidence.” The Court will not consider or rule on arguments not listed in this section of the opening brief.
- Provide a brief summary of the relevant procedural history in your case, including the Social Security Administration’s proceedings in your case.
- In the following pages, explain the reasons why you believe the Social Security Administration’s decision is incorrect. When you explain why, you are required to point to the specific evidence or information (or lack of evidence or information) in the administrative record that supports your case. For example, explain what evidence (or lack of evidence) you believe the ALJ did, or did not, consider in the hearing decision. If you believe the ALJ did not follow the law correctly, explain the reasons why the ALJ’s hearing decision was not consistent with the law.
- Explain why you believe these errors were harmful to your case (affected the outcome of the decision).
- Provide a clear statement of the relief requested (what you want the Court to do).

Defendant’s Brief. The Social Security Administration will file a response brief 30 days after you file the opening brief that will address the arguments in your brief.

Plaintiff’s Reply Brief. You will have the option to file a reply brief that will be due 14 days after the Social Security Administration’s brief is filed. The reply brief is optional, and you should only use the reply brief to respond to the arguments raised in the Social Security Administration’s brief.

H. COURT RULES

The Court has Local Rules of Civil Procedure that apply only in the Western District of Washington. There are also Federal Rules of Civil Procedure and Supplemental Rules for Social Security Actions that apply across all federal courts to social security disability cases. It is your responsibility to be aware of the Federal Rules and the Local Rules. The Local Rules are available on the Court's website, or you may find hard copies at a law library.

In addition, if you decide to appeal a decision of the Court, there are Federal Rules of Appellate Procedure that you will be required to follow in order to appeal your case to the U.S. Court of Appeals for the Ninth Circuit.

I. MOTIONS

If you want the Court to do something, you are required to file a written motion with the Court. A motion is a formal request for the Court to take action. For example, if you have a good reason to ask for more time to file your opening brief, you will file a motion for extension of time, and also a proposed order. In the motion, you should tell the Court exactly what has happened that caused you to need more time. In the proposed order, you should state exactly what you want the Court to do, and how many days would be necessary for you to file the brief. The Court's local rules and the Federal Rules of Civil Procedure apply to filing motions in social security disability cases. These rules are available on the Court's website, or you may find hard copies at a law library.

J. KEEPING YOUR ADDRESS UPDATED

You are required to let the Court and other parties to the lawsuit know if your contact information changes. This is to make sure that all case filings can be sent to the correct mail (or email) address. For this reason, you must inform the Clerk's Office and the Social Security Administration in writing of any changes to your contact information. Failure to keep a current address on file with the Clerk's Office may result in the dismissal of your case.