

## David M. Church — Attorney Profile

Dave earned a Bachelor of Arts with a major in Economics and a Spanish minor from Brigham Young University in Provo, UT. Dave then attended Temple University - James E. Beasley School of Law in Philadelphia, PA. While at Temple, Dave enrolled in the nationally acclaimed Integrated Trial Advocacy Program. His professor referred to him as a "pitbull" due to his aggressive advocacy on behalf of clients.

While at law school, Dave wrote several briefs to the Federal District Court for Tree Law Office, one of the most prestigious Social Security disability law firms in central Washington. Upon graduating from law school and passing the Washington State bar exam on his first attempt, Dave joined Tree Law Office as a full-time associate. His practice there focused almost exclusively on Social Security Disability claims.

In early 2009, Dave and his family decided it was time to return to Kitsap County. His wife's family is from Poulsbo, and they wanted to be a little closer to home. Dave opened his own practice, The Disability Law Office. He now devotes all of his time to cases involving Social Security Disability and SSI. Dave takes great pride in personally meeting with all clients and guiding them through all the red tape involved in winning their claims. Dave has successfully represented hundreds of clients at all levels of disability claims and appeals from the initial application through hearings with Administrative Law Judges and beyond.



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**Se habla español**

**Fine Print.** Neither Dave nor The Disability Law office is employed by or associated with the Social Security Administration. This brochure is not intended as legal advice on your particular claim. It is provided as general information only. If you wish to discuss the specifics of your claim, please feel free to contact me via one of the methods listed above. I am happy to talk to everyone, and I do not charge a fee for consultations. Furthermore, this brochure does not establish an attorney/client relationship. If you would like for me to represent you, we must first complete an appointment of representative form. Until that document is signed by both the attorney and client, there is no attorney/client relationship. ©2011 The Disability Law Office, PLLC.



**David M. Church, Attorney at Law**

**Excellence in Social Security Disability Law**

## ▶ **Qualifying for Social Security Disability**

### **The Five Step Process**

**The Disability Law Office**  
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## Qualifying for Social Security Disability – The Five Step Process

**Introduction.** There are two main programs for Social Security Disability. One is referred to as Supplemental Security Income (SSI). Sometimes the staff at a local Social Security Field Office will refer to this as a Title 16 claim. SSI is a program that is essentially Federal welfare for people who are both disabled and have limited income and resources.

The other main disability program is Disability Insurance Benefits. This is sometimes referred to as DIB, regular Social Security Disability, SSDI or Title 2. Financial eligibility and the monthly amount a disabled person will receive for DIB is determined by how much money that particular person paid into the system while they were working. In financial terms, many disabled people are entitled to a combination of SSI and DIB. This will vary depending on the specifics of your particular case.

The medical requirements are the same for both SSI and DIB. Both programs use a Five Step sequential evaluation process to determine if a person is medically disabled. If a person does not pass each step (with the exception of Step Three), then they cannot be found

disabled. This brochure will briefly describe each of the five steps.

**Step 1 – Substantial Gainful Activity (SGA).** If a person is currently working and making above a threshold amount of monthly wages, that person will be found not disabled. The amount for 2011 is \$1,000. This amount changes from year to year based on a cost of living index.

**Step 2 – Severe Impairment.** An impairment is severe when it causes more than a “slight abnormality” on an individual’s ability to work. Essentially, any mental or physical impairment, or combination of impairments, that would make it difficult to maintain a full-time job will qualify as a severe impairment at this step.

**Step 3 – The Listings of Impairment.** Social Security has put together a list of impairments that they have decided would automatically show that a person cannot work and is therefore disabled. This step tends to be the focus of Social Security’s initial and reconsideration decision. Unfortunately, because the requirements of each listing are very specific and complicated, most disabled people’s medical records are not sufficient to show that they meet the particular requirements of a listing. Likely

for this reason, this is the only step where a person may “lose” and still be afforded the opportunity to continue with the remaining steps of the five step process.

**Step 4 – Past Relevant Work.** At this step, Social Security is looking to see if a person would be capable of returning to any work they have done in the past 15 years before filing their application. This requires that Social Security determine a person’s Residual Functional Capacity (RFC) and compare it to the demands of the prior jobs that have been performed. RFC is the most a person can do, keeping in mind the limitations caused by their severe impairments. If the person is not capable of performing any of their past relevant work, the evaluation proceeds to the final step.

**Step 5 – Other Work.** Social Security must determine if, based on the person’s RFC, the applicant would be able to do any other job that exists in significant numbers in the regional or national economy. They are not trying to find a job for the applicant. Instead, they are only stating their opinion as to whether or not the person would be capable of any employment. A finding that the person is unable to do any other work should result in a decision granting disability benefits.