

# WHAT CAN I DO TO PREPARE FOR MY HEARING?

**1 KEEP A DIARY.** For a few weeks before the hearing, keep a *daily* diary, which details everything you do from the time you get up in the morning until you go to bed at night. Record how well you sleep, how many times you wake up during the night. Write out a description of your pain. Describe how you feel at various times during the day. Keep track of the things you do during the day to accommodate your disability such as naps or rest periods, what you do to relieve pain or discomfort, and whether you obtain assistance from relatives and friends. Describe *everything* you do during the day. The details are important. Judges understand that you do not have to be bedridden to be disabled. Claimants who go through the exercise of keeping a daily diary are able to give a much more detailed description of their usual day than those who do not keep a diary. A detailed, concrete description of your daily life given in testimony before the judge often can dramatically demonstrate the seriousness of your disability and corroborate your testimony about your medical symptoms.

**2 MAKE A LIST OF THINGS YOU USED TO DO BUT CAN NO LONGER DO.** If you think about it for a few minutes, you will realize that there is a long list of hobbies, sports or spare time activities you used to do but no longer are able to do because of your disability. It is important for you to think carefully about these things so that you can testify about them effectively at your hearing. It helps to make notes about your former activities to discuss with your representative.

**3 MAKE A LIST OF MEDICATIONS.** Most judges will request that you bring to the hearing a list of medications you are currently taking. Even if the judge does not request such a list, you should prepare one including both prescription and non-prescription medications. On the list, identify the condition for which you are taking the medication, the name of the prescribing doctor, the size of the dosage you take, how often you take the medication and a description of any side effects. For medications marked "prn" or "take as needed," use your daily diary to record how often you take the medication.

It sometimes helps your representative for you to make a list of medications you have taken for your condition in the past but which you are no longer taking. Such a list may show medication changes that are characteristic of the progress of certain medical conditions or it may demonstrate the difficulty your doctor has had in controlling your medical condition.

**4 WRITE OUT A DESCRIPTION OF YOUR JOB DUTIES ON YOUR FORMER JOBS.** Writing out your job duties helps organize your description of your former jobs. The administrative law judge must know just what your former jobs required to determine why you no longer can do them.

**5 MEET WITH YOUR REPRESENTATIVE.** The most important meeting with your representative is the meeting where you go over your testimony. You should bring your diary, your lists, your job descriptions and any completed forms that the judge sent you to bring to the hearing.

The purpose of the diary, the lists and the job descriptions is to help you and your representative prepare for testimony. These items will not ordinarily be introduced into evidence or referred to by you during your hearing.

It may be helpful to bring to the meeting with your representative a friend or relative who can testify at the hearing about the limitations in your daily life caused by your disability. However, you should consult your representative prior to bringing a witness to this meeting.

Every case is different. No brochure can help you prepare as much as your representative can. No general advice for testimony can cover all situations. Specific problems with your case, the best way for you to approach testifying, whether to present other witnesses will have to be worked out between you and your representative. However, the following general rules may be helpful.

## GENERAL RULES

1. Tell the truth.
2. Neither exaggerate nor minimize your medical symptoms.
3. Know your present abilities and limitations.
4. Provide relevant details and concrete examples—but don't ramble on.
5. Don't worry. Your representative will be there to help you if you forget something or don't bring out the necessary details.

This brochure applies only to regular social security disability and SSI cases. It is not intended for guidance in cases involving benefits for blind claimants or children. This brochure is provided by:

## LAW OFFICE OF

# GREGG M. HOBBIÉ

12 CHRISTOPHER WAY  
SUITE 200  
P.O. BOX 997  
EATONTOWN, N.J. 07724  
E-MAIL HOBBIELAW@AOL.COM

(732) 544-1100  
FAX (732) 544-8422  
MOBILE (732) 766-5682