

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:

COMPLAINT

_____,
[insert your name and social security number] :

Plaintiff, :

___ Civ. _____ ()

v. :

COMMISSIONER OF SOCIAL SECURITY,
:

Defendant.
----- x

Plaintiff respectfully alleges:

1. This is an action seeking court review of the decision of the Commissioner of Social Security pursuant to section 205(g) and/or section 1631(c)(3) of the Social Security Act, 42 U.S.C. § 405(g) and/or 1383(c)(3).

2. Plaintiff resides at _____
_____.

3. Defendant is the Commissioner of Social Security.

4. Plaintiff became entitled to receive disability insurance benefits and/or Supplemental Security Income benefits because of the following disability _____

_____.

5. The disability began on this date: _____.

6. The Social Security Administration disallowed plaintiff's application for disability insurance benefits and/or Supplemental Security Income benefits.

7. Subsequently, plaintiff requested a hearing, and on _____ [date of hearing], a hearing was held, and the Administrative Law Judge denied plaintiff's claim on _____ [date of ALJ decision].

8. Thereafter, plaintiff requested a review by the Appeals Council, and after its consideration, on _____ [date of Appeals Council letter], the Appeals Council denied the request for review, making the Administrative Law Judge's decision the "final decision" of the Commissioner, subject to judicial review pursuant to 42 U.S.C. § 405(g) and/or § 1383(c)(3). Plaintiff received this letter on _____ [date of receipt of letter]. **IMPORTANT: ATTACH A COPY OF THE APPEAL COUNCIL'S LETTER TO THE COMPLAINT.**

9. The decision of the Administrative Law Judge was erroneous, not supported by substantial evidence in the record, and/or contrary to law.

WHEREFORE, plaintiff respectfully requests that:

- (a) A summons be issued directing defendant to appear before the Court;
- (b) Defendant be ordered to submit a certified copy of the administrative record, including the evidence upon which the findings and decisions complained of are based;
- (c) Upon such record, this Court modify the decision of the defendant to grant plaintiff maximum monthly disability insurance benefits and/or Supplemental Security Income benefits,

retroactive to the date of initial disability, or in the alternative, remand the case to the Commissioner of Social Security for reconsideration of the evidence; and

(d) The Court grant such other and further relief as may be just and proper.

Dated: _____, New York
[insert city]

_____, 20____
[insert date]

Plaintiff's Signature

Area Code and Telephone

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Carol A. Sigmond

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September 15, 2016

Notice to all plaintiffs who have Social Security cases and SSI cases:

You have started a lawsuit in federal court against the Social Security Administration. If you cannot afford a lawyer, you may qualify for free legal representation.

The New York County Lawyers Association has provided free legal assistance to thousands of people who cannot afford lawyers. We have a program which provides lawyers in Social Security and SSI cases in federal court.

The program is free. The lawyers in our program are well-trained in Social Security law and have the resources that they need to represent you capably and zealously.

If you would like to consult with one of our lawyers, please call Carolyn A. Kubitschek, at 212-349-0900, or email Lois Davis, ldavis@nycla.org. We cannot promise that everyone who calls will get a lawyer, but we are committed to providing as many individuals as possible with free legal representation.

Sincerely,



Carol A. Sigmond
President
New York County Lawyers Association