UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- x

_____ :

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