November 9, 2015

Administrative Law Judge

Social Security Administration

 **RE:**

 **SS#:**

Dear:

I have been appointed to represent the above claimant in the proceeding now pending in your office on Order of the Appeals Council. The following requests are made that you develop the administrative record in accordance with the Commissioner’s obligations under 20 C.F.R. § 404.1512. All citations are from 20 C.F.R. Part 404, but reference is hereby made as appropriate to the corresponding regulations for Supplemental Security Income that are contained in 20 C.F.R. Part 416.

1. **I request that you hold the record open so that the following requested medical records can be included in the administrative record:**

These records relate to the claim within the meaning of 20 C.F.R. § 404.1512(a), as that regulation has been recently revised and explained by the Commissioner. The evidence concerns medical impairments alleged to exist at the time of the claimant’s application for benefits. The evidence relates to the issue of the severity of those impairments on and after the date of the previous determination and as such should be considered in the present reevaluation of those impairments. The Commissioner would ordinarily require the production of this evidence because it “relates” to the issue of disability as that term is now defined in the regulations.

1. **I request that you supplement the current record with the following documents not included in the present exhibit list that are contained in the Commissioner’s document file and are a part of the previous claim, whether exhibited at that time or not.**

These documents relate to the issue of disability within the meaning of 20 C.F.R. § 404.1512(a), in that they contain contemporaneous information about the development of evidence with respect to the claimant’s medical impairments and/or the contemporaneous severity of the claimant’s medical impairments.

1. **I request that you supplement the record by securing all documents for inclusion in the record that pertain to any Continuing Disability Review considered but not conducted and any Continuing Disability Review conducted by the Commissioner pursuant to 20 C.F.R. § 404.1594.**

Any such investigation under the provision of this regulation would have required the evaluation and assessment of the claimant’s condition at the time of the original award as well as the severity of the condition as it existed at the time of the review. As such, this evidence relates to the issue of disability within the meaning of 20 C.F.R. § 404.1512(a). The claimant is unable to produce this evidence as the Commissioner has exclusive access to it.

1. **Pursuant to 20 C.F.R. § 404.1517, I request that you order the following consultative examinations of the claimant’s medical impairments, undertaken by the appropriate specialists, and which examinations and reports specifically address to a reasonable degree of medical certainty the severity of the claimant’s condition as it existed at the time of the original award of benefits. If the examiner cannot express such an opinion, I ask that you require he or she so state in the report:**

The Appeals Council determination to exclude material evidence submitted by the claimant in the original proceeding results in the evidence in this record being insufficient to make a determination whether the claimant was disabled at the time of the original determination without appropriate supplementation in accordance with 20 C.F.R. § 404.1517.

1. **Pursuant to SSR 83-20, I request that you secure the services of an appropriate specialist or specialists to testify at the hearing as medical experts with regard to the issue of remote onset of disability.**

Because this redetermination of entitlement is occurring many years after the fact, the onset date of disability has become remote. Because the Appeals Council has ordered that you not consider critical contemporaneous medical evidence, the evidence problem is even more acute than it might be in the usual course of a disability determination. SSR 83-20 indicates that how long the claimant’s impairments existed at a disabling level of severity depends on an informed judgment of the facts in the particular case. This judgment, however, must have a legitimate medical basis. At the hearing, the administrative law judge (ALJ) should call on the services of a medical advisor when onset must be inferred.

I was recently hired and am still in the course of investigating the case. I therefore reserve the right to request additional measures to develop the record as appropriate to allow you to properly adjudicate the claim.

Thank you for your consideration of this claim.

Very truly yours,

Attorney at Law

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**Enc.**