

How to Win Your Case For Social Security Disability Benefits If You Suffer From Chronic Fatigue Syndrome and/or Fibromyalgia

By

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Winning a Social Security Disability case for someone who suffers from Chronic Fatigue Syndrome and/or Fibromyalgia (CFS/FMS) can be very difficult. However, with proper preparation I am often able to win clients their Social Security Disability benefits. I approach a Chronic Fatigue Syndrome or Fibromyalgia case using the following five factors:

1) Was the Diagnosis of Chronic Fatigue Syndrome or Fibromyalgia Made by a Specialist?

I am always very skeptical on my chances of winning when a person comes to me and is not being treated by a specialist in Chronic Fatigue Syndrome and/or Fibromyalgia. I usually prefer to see that the client is being treated by a Rheumatologist but I have been successful in these type of cases working with an Infectious Disease Specialist and a Neurologist. I feel that the diagnosis of a primary care or internist is not sufficient in this type of case. It is also important, of course, for this doctor to be supportive of his/her patient's disability case and for me and the client to know this from the beginning of my representation. If a person calls me and does not have a specialist working with him/her, I suggest that they contact a local support group for a referral.

2) Has the Client's Doctor Eliminated Other Diseases through Testing before Diagnosing him/her with Chronic Fatigue Syndrome and/or Fibromyalgia?

I feel that to provide validity to the diagnosis of Chronic Fatigue Syndrome and/or Fibromyalgia certain medical tests need to be performed so as to rule out other conditions. I usually like to see blood work done that excludes other Rheumatic diseases which may share symptoms with, or mimic, CFS/FMS. In cases of Fibromyalgia I look for a physical exam that finds and documents tender points. In Chronic Fatigue Syndrome cases I also normally like to see that a Tilt Table Test has been done.

3) Are the Client's Complaints Typical for Someone Who Suffers with Chronic Fatigue Syndrome and/or Fibromyalgia?

By now I can usually tell by interviewing a prospective client if his/her complaints are typical. The client's medical records should show documented symptoms. Without this documentation, the diagnoses of CFS/FMS may be subject to disbelief by Social Security.

4) Was the Client Treated With Physical Therapy and/or Pain Medication?

I like to show an Administrative Law Judge (ALJ) that my client has tried whatever treatment is available for his/her condition. Whether this is a series of physical therapy appointments, narcotic pain medications or even non-traditional treatments like biofeedback or acupuncture. I feel that the severity of my client's condition will be supported by the fact that he/she has tried everything to find relief.

5) Has the Client Consulted or Been Treated by a Psychiatrist or Therapist?

Because I do not want an ALJ to attempt to say that Chronic Fatigue Syndrome or Fibromyalgia are "mental disorders" I like to show the ALJ that my client is either seeking treatment for depression or anxiety or has had these conditions ruled out by a mental health specialist and are still suffering from Chronic Fatigue Syndrome and/or Fibromyalgia.

About The Author

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