

WASHINGTON -- Can't work because you're sick or injured? What if your claim for disability benefits is denied?

In Nebraska and western Iowa, you have two choices: Accept the decision, or appeal for a hearing at the local Social Security office -- and wait about 18 months.

Tracking with improvements nationwide, the average wait at the hearings office in Omaha has declined by nearly four months from its all-time high in 2008. But that wait remains three months longer than the national average -- and nine months longer than that at the nation's fastest office, in Middlesboro, Ky.

And despite the recent progress, aging baby boomers and the economic downturn are fueling a wave of new disability claims that attorneys who handle such cases fear could overwhelm efforts to reduce the backlog.

Nationally, nearly 3 million people applied for disability benefits in fiscal year 2009, including more than 13,000 in Nebraska and more than 23,000 in Iowa.

Commissioner of Social Security Michael Astrue is scheduled to testify Tuesday on Capitol Hill about the continued delays nationally. John Garlinger, a spokesman for the agency's regional office that covers Nebraska and Iowa, said the situation in Omaha remains unacceptable.

"Is it where we want to be? No, of course not," he said. "But it's moving in the right direction."

Kelly Magill of Fremont, Neb., is one of those who had to wait. The 39-year-old applied for disability in April 2008, having worked different jobs over the seven years since her diagnosis in 2000 of Crohn's disease.

She had severe symptoms from the intestinal disease. Her condition required three surgeries, including one that removed a foot and a half of her intestines. She was let go from a telemarketing position in late 2007 because of health-related absences.

When she filed for disability, her claim, like that of 63 percent of those nationally who applied in fiscal year 2008, was rejected. She requested a hearing in August 2008 but was told that she would have to wait.

She finally received that hearing in Omaha last week, after more than 19 months.

Along the way she had the help of family and friends. She also had benefits from her husband, who was killed in 1990 during his service in the Army. She was six months pregnant with their daughter when he died.

She had a second daughter about six years ago.

Even with her late husband's benefits, she has struggled financially. She filed for bankruptcy at the end of 2008. Her home was foreclosed on. Bills piled up.

She didn't understand why she couldn't get the assistance intended for people like her -- those with lifelong, incurable diseases who tried to make a go of it and found it impossible.

"I just felt really terrible, because I wasn't able to provide for my family," she said.

She's not alone.

The Omaha office now has about 3,000 pending cases, people waiting for a hearing.

"It's a huge toll on their families and them," said Omaha attorney Tim Cuddigan, who represents Magill and hundreds of others seeking disability benefits.

Congress has set aside funding, including \$500 million in last year's economic stimulus package, to help address the delays, and Social Security officials have been hiring additional support staff and judges to hear cases.

Officials are increasing the number of cases that qualify for rapid benefits approval and using teleconferencing to spread the workload among regional offices and national hearing centers.

The efforts thus far have produced results. The backlog in disability appeals hearings had reached historic highs by 2008, with more than 768,000 Americans awaiting a hearing decision. But that backlog has since dropped by about 10 percent, and average processing times have fallen to 442 days -- down from a high in 2008 of 514 days.

The average wait at the Omaha hearing office is 532 days, according to the most recent available statistics -- down significantly from the end of 2008, when its average was 647 days.

Still, the Omaha office has some of the longest hearing waits -- ranking 121st out of 144 offices -- the same ranking as in late 2007.

Garlinger, the Social Security Administration spokesman out of Kansas City, Mo., noted that the Omaha office has steadily reduced the wait for hearings since the end of 2008. Two people were added to the Omaha support staff last year, increasing the total to 26, he said, and some Nebraska cases are being shipped electronically to other offices.

The agency has focused a lot on resolving its oldest cases. For example, he said, the Omaha office has cleared all its cases older than 850 days.

Cuddigan, the lawyer who appeals cases at the local office, agreed that some progress has been made and credited the judges for trying to expedite the cases of those facing eviction or foreclosure. Still, he said, too many people wait too long for benefits, and the Social Security Administration has "not put sufficient resources in Omaha to solve the problem."

He also is worried that hearing waits will start growing again, in part

because one of Omaha's five judges who handle such cases was transferred to a Missouri office last year, and no replacement has been hired. Lawyers also are concerned about the influx of new cases. There are 2,863 Nebraska cases at the initial stage of filing a claim, with 569 at the second stage, when applicants request a paperwork review of a case.

Garlinger said it's clear that the system has been stressed, with a bulge of cases yet to hit.

"That's a math problem, which ... unfortunately affects real people, but we are moving as fast as we can," he said.

Still, he said, the backlog is being reduced, and officials expect that trend to continue. In fact, projections are that the average national wait for a hearing will reach 270 days in 2013.

That, he said, has been identified as an acceptable delay.

Still, Rep. Lee Terry, R-Neb., called the situation an "embarrassment" to Social Security officials. Terry has written letters decrying the delays in the past. Sen. Ben Nelson, D-Neb., has pushed for more funding.

Terry said he would like to turn up the heat on those in charge and scoffed at any suggestion of success with waits hovering at or around 18 months.

For Magill, though, things are looking up. Of the cases nationally that make it to a hearing, 63 percent are awarded at least partial benefits. Her lawyer said her hearing last week went well, and it appears that she'll get her benefits soon.

"It's been a very long, hard struggle," she said.

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