

IN THIS Issue

Alperin Law is Proud to
Support: Disabled Veterans

My SSDI Claim Was Denied...
Should I Hire a Lawyer?

Meet Attorney David Ashe

RECIPE:
Raspberry Brownie Parfaits

Free Webinar & Seminar
Schedule

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Multiple office locations for your convenience.

Virginia Beach (Main Office)

500 Viking Drive, Suite 202

Norfolk Office

319 W. 21st St., Suite B

Chesapeake Office

1545 Crossways Blvd. Suite 250

Suffolk Office

3345 Bridge Road, Suite 916

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11815 Fountain Way, Suite 300

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**THURSDAY,
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ONLINE
WEBINAR

**MONDAY,
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Your Alperin Law Monthly Newsletter

FROM SCOTT'S DESK

Alperin Law is Proud to Support: Disabled Veterans

BY ATTORNEY DAVID ASHE

Veterans may be eligible for disability benefits if they have a physical or mental disability connected to their military service or a pre-existing condition that was made worse by their military service. Benefits provide cash compensation as well as access to medical care.

After you apply for VA disability benefits, patience is key. As of June 2021, it took the VA on average 134.4 days to make a decision on newly filed claims. However, this number is subject to variables such as:

- The type of claim you file
- How many service-connected disabilities you've listed and the severity of your overall condition
- How difficult it is to obtain the evidence needed to evaluate your claim

How the VA Processes Your Initial Application for Disability Benefits

Initial applications for VA disability benefits can be filed online, by mail, or in person. The general process for evaluating an initial claim is as follows:

Claim received

You'll be notified when your claim is received by the Regional Office, either with an on-screen message, an eBenefits web portal notification, or a mailed letter.

Initial review

A VA representative will look over your application and determine if any additional evidence is needed. The VA has a duty to assist veterans in preparing their claims for review, which may include requesting

medical records, service treatment records, personnel records, and VA treatment records, as well as scheduling medical examinations.

Decision

After all of the necessary evidence has been gathered from you, your healthcare providers, and any government agencies, the VA will review your application and make a decision.

Notification and claim completion

The VA will prepare a packet that explains your claim decision and send it to you via U.S. mail. This should occur within seven to 10 days of the decision.

After you've submitted your application for disability benefits, you do not need to take any additional action until you've been contacted by the VA. If you receive a letter asking for more information, answer it promptly. If you are notified that you must attend a C&P exam, be sure you do not miss your appointment. Your claim will be automatically denied if you do not attend your C&P exam.

You can check the status of your VA claim at any time. This can be done online or by calling the VA's national toll-free phone number at 800-827-1000. The same methods can be used to check the status of any other VA benefits you've applied for, including pension benefits, automobile or clothing allowance claims, Aid & Attendance benefits, and GI Bill claims.

Appealing the Decision

If your initial application for VA disability benefits is rejected, do not give up. Many claims

that are initially denied are won on appeal. You also have the right to appeal if you've been given a disability rating that you believe does not reflect the seriousness of your condition.

The VA's decision review process gives you three options: a Supplemental Claim, Higher-Level Review, or Board Appeal. A Supplemental Claim requires additional evidence; a Higher-Level Review lets a senior-level reviewer take a look at your case to determine if the decision has an error or is based on an incorrect interpretation of the law; and a Board Appeal is a review of your case by a Veterans Law Judge at the Board of Veterans' Appeals (BVA) in Washington, D.C.

A veterans benefits lawyer can help you evaluate your claim and determine which appeal option is most likely to be successful in your case. There is no charge for legal representation unless you win your appeal, so there is no need to let cost concerns keep you from building the strongest possible case. An evaluation of 2020 appeals revealed that 40.9% of appeals were approved with a lawyer while just 26.2% of appeals were approved with no representative—a statistic that proves seeking legal guidance is the smart choice.

Choosing an attorney to represent you and assist you in getting the veteran's benefits you deserve may seem daunting & overbearing, but I am here to assist you in your appeals filing & ongoing process. Contact Alperin Law today if you are in the process of an initial review & would like to know your options for appeals and rating increases. I would be happy to speak with you and review your case.

My SSDI Claim Was Denied... Should I Hire a Lawyer?

Many people initially avoid calling a lawyer to help them with their Social Security Disability case because they are unfamiliar with the process & are afraid of what it may cost.

The process of filing for disability benefits can seem straight-forward and easy enough on paper, so it can be tempting to attempt to do it yourself, without professional help.

However, it's important to know that working with a lawyer on your Social Security Disability case will cost you virtually NOTHING upfront.

While the process of applying for Social Security Disability benefits may appear to be simple, it can be quite complex and one mistake or simple oversight can hurt your case. Working with a lawyer from the time of your denial will give you the best chance of success in putting together an effective appeal, and it also guarantees that you'll have someone experienced by your side to help navigate you through the appeals process.

Applicants Often Look to Hire an Attorney If Their Claim Has Been Denied

This is where a Disability attorney can be the most helpful. An attorney will be able to identify any previous issues with your application and work with you to fix them. Throughout the appeals process, an attorney will make sure you are supplementing your claim with the most reliable evidence; This means gathering complete medical records that illustrate that your condition prevents you from working and putting together a work history that demonstrates the applicant previously paid into the system and is entitled to benefits. The sheer volume and complexity of paperwork involved in the appeals process can be overwhelming. A Disability attorney has experience in handling these issues



and can alleviate the stress of facing the Social Security Administration alone.

Applicants May Hire a Disability Attorney If They Are Called to Hearing

Hearings generally require a physical appearance and can be extremely stressful for those with disabilities. You will be asked sensitive and personal questions about your medical condition. Applicants are generally asked about their ability to sit, stand, and even accomplish common household tasks in order to get an idea of their physical abilities. How you answer these questions is important to your claim. For example, an applicant may be able to carry groceries in from their car but may not have the capacity to work in a warehouse five days a week. A lawyer knows how to answer questions in a way that will present your claim in the best possible light and give you the most favorable outcome.

How Do Social Security Disability Lawyers Get Paid?

All Social Security Disability lawyers work on a contingency basis—meaning we don't get paid until you do.

It's only when you successfully receive your Social Security Disability benefits that your attorney will be paid out of

your back benefits, none of your future benefits. The Government sets this fee as whichever is less - 25% of your back benefits or \$6,000.

In addition to this percentage of your back benefits, your attorney may also collect a fee for any out-of-pocket expenses at the end of your case as well. This can include but is not limited to, costs for receiving medical records, copying and transmitting work records, etc. These costs rarely climb over \$200.

What If I Lose My Case?

If you are not successful in obtaining Social Security Benefits for whatever reason, then you will not be responsible to pay your attorney's fee. You may, however, be responsible to reimburse any out-of-pocket expenses as mentioned above. Each firm can be different, so ask your attorney upfront about what fees are and are not covered under the terms of the agreement.

How Do I Get Help Appealing My Claim for Social Security Disability Benefits?

Attorney David Ashe is here to support you through every phase of your appeals process. To schedule a no-obligation consultation with David Ashe & Alperin Law, simply call (757)490-3500 and mention this article.

Meet Attorney David Ashe

A Tidewater native, David Ashe graduated from Virginia Tech and then law school. He joined the Marine Corps and served as a judge advocate. Though he was set to leave the Marine Corps in September 2001, he served two more years spending most of 2002 in Kuwait and most of 2003 in Iraq with infantry.

Upon full transition to civilian practice in 2004, Mr. Ashe spent many years providing regulatory defense to banks and debt collectors. It was a period of almost non-stop litigation in state and federal court to include the U.S. Court of Appeals for the 4th Circuit. During this time, it was also his honor to serve two years as the Chief Deputy Director of

Virginia's Department of Professional and Occupational Regulation (DPOR). Through all of this, his reserve career was shaping his focus on disability law.

David Ashe, as a reservist, had the honor to help navigate our wounded warriors through the medical separation and medical retirement process and with their initial approach for VA disability benefits. He began the shift away from regulatory litigation and began to focus exclusively on serving disability clients.

Whether VA or Social Security disability, David Ashe's clients feel informed and confident about where they are in the process and what the next step is. Just like his military career, Mr. Ashe takes



great pride in his specialty as a lawyer and dedicates his support and array of knowledge to serving his clients.

Recipe:

Raspberry Brownie Parfaits



INGREDIENTS

For the Brownies:

- 1 pan Fudgy Brownies (boxed recipe works) - cooked, cooled and cubed

For the Berries:

- 18 ounces frozen raspberries, thawed
- 1 drop pure orange essential oil

- 1/4 cup granulated sugar

For the Mascarpone Whip:

- 1 - 2 drops pure orange essential oil
- 8 ounces mascarpone cheese
- 1/4 cup sugar
- 3/4 cup heavy cream
- 1 teaspoon vanilla extract

STEPS

1. Prepare your favorite brownies; Cool and then cut them into about 3/4" to 1" cubes. Set aside.
2. Combine the raspberries, orange oil, and 1/4 cup sugar in a bowl. Stir until well-mixed, and set aside.
3. In a medium bowl, combine the mascarpone, heavy cream, orange oil vanilla, and 1/4 cup of sugar. (I use powdered sugar because I like that you

don't have any accidental sugar granules that don't dissolve, but it's not necessary.)

4. Beat the mascarpone mixture with an electric mixer until medium-firm peaks form.
5. To assemble, place a few brownie chunks in the bottom of 6 individual dessert cups (small juice glasses work well for this). Top the brownies with about 2 1/2 tablespoons of the mascarpone mixture, then with about 3 tablespoons of raspberries.
6. Repeat until all the elements have been evenly divided among the cups. Refrigerate until serving.