

The
**WITNESS
LETTER
GUIDE**

DISABILITY
ACADEMY



CHAPTER 1

Introduction

You have been asked to write a letter on behalf of a friend, family member, or associate who has filed or is intending to file a claim for Social Security Disability benefits. The claimant will be submitting your letter to the Social Security Administration to support his or her claim. In analyzing disability claims, the Social Security Administration (SSA) has a very specific objective, and understanding what this object IS and what it ISN'T can help you write a powerful witness letter. Very simply, the objective is this:

To determine if the claimant's physical and/or mental condition(s) limit his or her ability to work.

The entire disability application process is strictly focused on this objective, and including statements in your letter that do anything other than further this objective may actually be damaging to a claim. The following list includes examples of irrelevant statements that should be excluded from your witness letter:

- "The claimant has been unable to find a job."
- "A good job is hard to find in the area where the claimant lives."
- "The claimant is in great need of financial assistance."
- "The claimant has always been a hard worker."
- "The claimant is one of the nicest people I know."

While the assertions listed above may be entirely true, none of them actually help to prove whether or not the claimant's ability to work is limited by his or her condition. For instance, the claimant's inability to find a job does not prove or disprove whether or not the claimant could actually perform a job in the first place. Similarly, the claimant's need for financial assistance has no bearing on whether or not the claimant has the ability to work.

The Witness Letter Guide

It's important to keep the SSA's primary objective in mind when drafting your witness letter. Just remember, a good witness letter provides first-hand, detailed observations indicating that the claimant's ability to work is limited by his or her impairment. You may be tempted to try to persuade the reader with emotional pleas, but such efforts are likely to cause the reader to distrust or even disregard your letter.

Imagine that your friend, Bob, has been wrongfully accused of robbing a bank, and you've been called to testify on his behalf. You know for a fact that Bob is innocent, because at the time of the robbery, you and Bob were fishing from a small rowboat on Pensacola Bay. In addition, the suspect was last seen running from the bank carrying a large bag of coins above his head. Bob, as you're well aware, has an old football injury that prevents him from raising his arms above his shoulders. In fact, you were reminded of Bob's impairment recently when you tossed him a cold beer, and it bounced off of poor Bob's forehead when he was unable to raise his hands high enough to catch it.

At the trial, you take the stand and say, "That Bob, he's a real standup guy! He's a hard worker, and a heck of a fisherman. His wife left him last year, and this whole trial thing is really taking a toll on him. Bob's innocent."

While your descriptions of Bob may be completely accurate, they're not very helpful to Bob's case. If only you had simply testified that you were fishing with Bob when the robbery occurred. If only you had testified that Bob is incapable of lifting his arms above his shoulders so that the jury could infer that Bob wasn't the man running from the bank with a heavy bag of coins over his head. These facts are critical to Bob's defense, while the details about his skill as a fisherman and his romantic hardships do nothing to prove Bob's innocence.

Similarly, the SSA and the judges who preside over the appeals of denied disability claims are only looking for evidence that indicates whether or not the claimant's mental or physical condition limits his or her ability to do work. Irrelevant or emotional statements can diminish the credibility of your testimony, and at the very least, may distract the reader from the more critical statements in your letter.

The Witness Letter Guide

Now that you have an understanding of the SSA's objective, you're ready to learn the basic principles behind writing a powerful witness statement. In Chapter 2 of this guide, I'll be describing the basic principle that you should keep in mind as you write your letter. In Chapter 3, I'll be explaining how your witness letter should be formatted, as well as what content you should include in the body of your letter. Chapter 4 outlines several areas that should be avoided in order to write an effective statement, and in Chapter 5, I'll discuss what steps you should take once you've completed your letter. Finally, Chapter 6 contains multiple sample letters that illustrate proper formatting and appropriate content.

CHAPTER 2

The Basic Principles

Tell The Truth

When writing your witness letter, always tell the truth. This means you shouldn't exaggerate details or use overly dramatic language. Administrative Law judges preside over hundreds of cases a year, so they're extremely good at identifying statements that attempt to manipulate the reader. Even if your embellishment isn't intentional, the judge may misconstrue it as such if the words you choose come across as excessively emotional. Instead, try to maintain a neutral voice, providing only details that will give the judge a picture of the ways in which the claimant's life is affected by his or her disability.

Never Say Never

In our daily conversations, we commonly speak in absolute terms, such as "always" and "never," even when such descriptions aren't entirely accurate. For instance, you might say to a friend, "I never lie," when what you actually mean is that you're a very honest person. It's safe to say that there's not a person alive today who has never told a single lie, and unless it's absolutely true, the statement itself is a lie. Thus, when drafting your witness letter, it's important to avoid using such absolute terms.

Be Switzerland!

The country of Switzerland established its policy of military neutrality in 1815, and thus, it has provided a safe venue where leaders of warring countries can meet to negotiate more peaceful courses of action. This status of neutrality has been acknowledged and respected by world powers for centuries, and it has allowed Switzerland to act as an impartial mediator.

When drafting your witness letter, be Switzerland! Writing with the voice of a neutral observer will help you to establish credibility with the reader, and be careful

not to argue on behalf of the claimant, as this will destroy the impartiality of your testimony.

Write From Your Personal Knowledge

The Social Security Administration is only interested in hearing from witnesses who have first-hand knowledge of how a claimant's ability to function is limited by his or her condition. Avoid making references to observations that others have made about the claimant's condition. For instance, it would not be helpful to write that you and the claimant have a mutual friend who once mentioned that the claimant struggled to climb the steps at a movie theater. Instead, only describe what you have observed yourself.

Be brief. Don't ramble.

Provide only relevant details about specific instances when you observed the claimant's abilities being limited by his or her condition, and avoid including details that aren't absolutely necessary. Remember that the quality of your letter prevails over quantity, so try to be concise.

CHAPTER 3 Where To Begin?

Setting The Stage

Unless instructed otherwise by the claimant, start your letter with the greeting “To Whom It May Concern:” Begin the body of your letter by briefly identifying yourself and your relationship with the claimant, and include details such as how long you’ve known the claimant and how often you interact with the claimant. This information is important in establishing your familiarity with the claimant’s life and condition.

Below is the beginning of a sample letter that a former employer wrote on behalf of his former employee who was applying for disability on the basis of his Bipolar Disorder. The principles and formatting I’ve described so far have been used properly. Notice that the writer has briefly identified himself, his relationship to the claimant, and he has begun providing specific examples illustrating how the claimant’s work may have been negatively affected by his mental disorder.

To Whom It May Concern:

I am the manager of the Mega Mart in Pensacola, Florida, and Mr. Brown worked as a cashier for me from January 1, 2015 until March 12, 2015. During this time, Mr. Brown frequently had difficulty getting to work on time. My records show that he arrived late more than half of the days for which he was scheduled to work. In addition, I received numerous complaints from customers about his bad attitude. He would often seem like he was ignoring customers, or he would mumble to them when they spoke to him.

Body Building

In the body of your letter, describe the side of the claimant’s life that you’re most familiar with. For instance, if the claimant was your co-worker, you might focus on describing times that you’ve witnessed the claimant struggling to complete his or her workload due to a disabling condition. It may be helpful to focus the body of your letter on one or more of the following:

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- Explain how the claimant has changed since becoming disabled, describing his or her life, both before and after the disability began.
- Discuss times you've observed the claimant having difficulty performing specific activities.
- Provide an outline, based on your observations, of the claimant's limited, daily activities.
- If the claimant has a physical disability, describe difficulties you've observed the claimant having with sitting, standing, walking, lifting, bending, etc.
- If the claimant has mental limitations, describe the claimant's difficulties with understanding, remembering, carrying out instructions, and responding appropriately to supervisors, co-workers, or to work pressures. Include specific examples that you've observed.
- Write about specific things that you help the claimant with.
- If the claimant's condition involves physical pain, you may have noticed that the claimant has difficulty concentrating, has trouble remembering, has a quick temper, avoids of other people, has crying spells, or has low tolerance for stress. These issues can be a good measure of how much pain a person has, and it can be helpful when people close to the claimant describe these observations.
- If the claimant has good days and bad days, describe what the claimant does on a good day versus a bad day, and estimate how many times per month the claimant has a bad day.
- Sometimes, the effects of a disability may come and go in episodes. Such episodes can interrupt otherwise normal periods of time, making it difficult for the claimant to hold down a job. If applicable to the claimant's condition, it can be helpful to describe a specific episode that you've observed.

CHAPTER 4

Things To Avoid

The list below contains a few things that should not be included in your witness letter. These problem areas can distract the reader from other important details in your letter, and they may even cause the reader to disregard your letter all together.

1. **Don't Draw Conclusions** - Avoid drawing conclusions, such as that claimant can't work or is disabled. Allow the reader to arrive at his or her own conclusions based on the facts and descriptions you provide.
2. **Don't Focus On Hospitalization** - Don't focus on periods of time when the claimant was hospitalized. People often think it is helpful to describe how bad things were when someone was hospitalized, but we have hospital records to accomplish this.
3. **Forget Sympathy** - Don't try to play on the sympathy of the judge. The SSA and judges will find a claimant disabled based upon his or her ability to work, not because the claimant is a nice person or needs money.
4. **Don't Compare** - Don't compare the claimant to other disability recipients who seem less disabled than the claimant. Again, the SSA is only looking for evidence relating to whether or not the claimant's condition limits his or her ability to work.

CHAPTER 5

Now That Your Letter Is Complete

Sign and Date

Once your letter is complete, be sure sign and date your letter at the bottom. If the claimant has asked that you have your letter notarized, wait to sign and date your letter until a notary instructs you to do so in their presence.

Delivery

Ask the claimant to where and to whom your letter should be delivered. You may be asked to deliver your letter to the claimant, to the office of the claimant's attorney, or directly to the Social Security Administration.

CHAPTER 6

Sample Witness Letters

Sample #1 – From A Former Employer

The letter below was written by a former employer of a claimant whose ability to work was affected by the claimant's Bipolar Disorder. Notice that the former employer never states any conclusions as to the claimant's disability. Instead, the employer provides specific examples of work-related events, and from these details, the reader may deduce that the claimant's actions were a byproduct of his mental condition.

To Whom It May Concern:

I am the manager of the Mega Mart in Pensacola, Florida, and Mr. Brown worked as a cashier for me from January 1, 2015 until March 12, 2015. During this time, Mr. Brown frequently had difficulty getting to work on time. My records show that he arrived late more than half of the days for which he was scheduled to work. In addition, I received numerous complaints from customers about his bad attitude. He would often seem like he was ignoring customers, or he would mumble to them when they spoke to him.

Mr. Brown did not fit in with the other staff here. He stayed to himself and avoided talking to me or to his co-workers. His reluctance to interact with people made it difficult to supervise him, because I was never sure if he was getting information or if he had questions.

On a few occasions that I tried to talk to Mr. Brown about his poor performance, he overreacted and got very angry with me.

On March 12, 2015, Mr. Brown was waiting on a customer at the cashier's stand when a customer said something that made him angry. Mr. Brown screamed an obscenity at the customer, then he shoved all of the counter displays within his reach toward the customer. As a result of this incident, I fired Mr. Brown.

Sincerely,

Thomas Crowson
Store Manager

Example #2 – From A Former Co-Worker

The following sample letter was written by a former co-worker of a claimant whose disability was based on back pain and migraine headaches.

To Whom It May Concern:

My name is Roger Jones, and I met Mr. Blue on the day he was hired at McCoy Shipping, Inc., where I am currently employed. Mr. Blue and I worked together as truck loaders for McCoy from August of 2016 until December of 2016.

During our time working together, Mr. Blue and I were responsible for carrying heavy boxes, by hand, from pallets into large shipping containers. Throughout our shifts, Mr. Blue would frequently complain about his back, and he would have to stop every 20 minutes or so to allow his pain to subside. On days when Mr. Blue's back seemed to be particularly bothering him, I would notice that he would become disoriented.

On October 15th, 2016, Mr. Blue had to taken more breaks than usual, he was complaining that his head hurt, and he said that he was experiencing "tunnel vision." A few minutes after he complained about his vision, Mr. Blue tripped on the steps of the shipping container and fell onto the box he was carrying.

Sincerely,

Roger Jones
Truck Loader

Example #3 – From A Family Member

The sample letter below was written by the sister of a claimant whose disability was based on depression.

To Whom It May Concern:

My name is Cynthia Johnson, and Ms. Red is my younger sister, whom I have known her entire life. Currently, Ms. Red lives with my husband and me, and because I am retired, we spend most days together at home.

Ms. Red's husband passed away in May of 2017, and it was at this time that Ms. Red became reclusive. In the weeks following his death, she resigned from her job as a dispatch operator with the police department, and she stopped attending church. I became especially concerned about her mental health during a phone call in July of 2017, in which Ms. Red confided in me that she didn't see any reason to "go on living." In the days after this phone call, my husband and I invited her to move in with us, and she agreed.

Prior to her husband's death, Ms. Red was very active in our community, she was an avid runner, and she played an important role in organizing church events throughout the year. Since moving in with me, however, Ms. Red rarely ever leaves her room, and she stays in bed most of the day, watching television or just sleeping.

Due to her inactivity, Ms. Red has gained a substantial amount of weight, a fact that she has become increasingly sensitive about. In addition, Ms. Red frequently complains about pain in her back, feet, and hands.

Last month, I asked Ms. Red to take our dogs for a walk around the block. Almost immediately, she began crying, trembling, and apologizing, stating that she couldn't be of any use to anyone.

Sincerely,

Cynthia Johnson