

# **[YOUR FIRM LETTERHEAD]**

[DATE]

VIA FACSIMILE: (833) 763-0405

(\*Fax number tends to change; double check the fax number and also file electronically on the ERE if you can)

APPEALS COUNCIL  
5107 Leesburg Pike  
Falls Church, VA 22041

Re: NAME  
SSN: 000-00-0000

## **REQUEST FOR A 60-DAY EXTENSION OF TIME TO FILE THE FEDERAL CIVIL ACTION.**

**OUR SSA-1696 IS SUBMITTED WITH THIS REQUEST. PLEASE FORWARD US ALL NOTICES IN CONNECTION WITH THIS CLAIM FOR DISABILITY BENEFITS.**

To Whom It May Concern:

We are submitting this letter motion seeking a 60-day extension of time to file a federal civil action in this case.

In this case, the Appeals Council issued a denial on **September 27, 2022**. We are filing this request promptly, and within a reasonable time, after receiving the Appeals Council denial.

We are asking for an extension of time for the claimant to obtain the assistance of an attorney that is qualified to handle federal appeals.

Finding an attorney that is qualified to handle a federal appeal, and who is also willing to handle this particular appeal, is a time consuming and difficult process. Generally speaking, the handling of federal social security disability appeals is a relatively small niche practice. Nationally, there are very few attorneys that concentrate in handling social security disability appeals at the federal level. Based upon a review of the list of federal attorneys that is maintained by the National Association of Disability Representatives (NADR) there are only approximately six (6) law firms that handle federal level appeals on a national scope. It is not easy for clients to find counsel. More often than not, clients rely upon their attorneys or representatives to provide recommendations to help find attorneys in this niche. The process of finding federal counsel is not easy and often takes time.

We located Konoski & Partners, P.C. d/b/a THE FEDERAL APPEALS FIRM. This law firm is located in New York City and New Jersey. They are one of the few law firms across the country that concentrates their law practice on handling federal social security disability appeals across the nation. THE FEDERAL APPEALS FIRM has agreed to review the claimant's case for appeal to the federal district court. However, the firm has informed us that the process of performing a full case review will take a few weeks. Then, even if they accept the case, it will take additional time to prepare the case for filing.

It is also important to note that the 60-day time limit is not always sufficient to file a civil action. First, the case must be evaluated by an attorney who handles federal matters. This can take time. Not all denied claims should be appealed. Every case should be properly analyzed, and colorable and strong issues need to be identified. The process of analyzing cases takes time. However, it is often the case that it can take over a week to review a case. A full analysis (i.e., merit review) can include a review of the decision, any briefs, possibly the ERE, and comparing the issues we identified to legal precedent to determine if the issue is strong enough for federal appeal. Legal research may be required. Thereafter, if the case is accepted, the federal attorney must ship the client an intake packet. Wet signatures are usually needed on documents, which means that an intake packet must be mailed to the client and pass through the United States Postal Service. That can take up to 5-days to a full week. Then, it must be reviewed and completed by the client, which takes time. There are a lot of pages to the intake packet. Clients do not often read or complete legal documents fast. Sometimes they do not understand the content of the packet. Then, after the intake packet is completed, it must be mailed back to counsel, which also takes time. That can take another 5-days to a full week. Then, upon receipt of the material, the preparation and filing of the civil action must be processed. Generally, there are delays at this stage as well. The case must be reviewed, a file must be opened, a complaint, civil cover sheet, and *pro hac vice* motion must be prepared. In addition, the law firm for the federal appeal must recontact the client and gather information to prepare an *in forma pauperis* application for a fee waiver in federal court, since most clients are indigent and cannot afford the filing fees. This requires going over the client's finances in order to prepare the application. It is not always easy to get a client on the phone in order to prepare and complete the *in forma pauperis* application. Moreover, if it turns out the client does have sufficient funds to pay the filing fees, the law firm will then need to wait for a check to be mailed to them, which again takes even more time. In federal disability appeals cases, unlike personal injury cases (for example), the attorneys do not typically advance court costs. This entire process is rarely fast. There are often delays along the way. Sometimes filing a federal appeal can be completed in 60/65-days. However, in many cases, like this one, additional time is needed.

In this case, we are diligently working towards filing the federal civil action as quickly as possible. However, in this case, additional time will be required to file the civil action/appeal.

For the foregoing reasons, the Appeals Council should grant claimant's request for an Extension of Time to File a Civil Action due to the good cause set forth above, and in accordance with HALLEX I-3-9-92.

Thank you for your time and attention to this request.

Sincerely,

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[YOUR NAME HERE]