



---

**THE FINANCIAL BENEFITS OF REFERRING  
YOUR CASES FOR FEDERAL REVIEW**

---

**THE FEDERAL APPEALS FIRM**

*Federal Social Security Disability Appeals Nationwide*

305 Broadway □ 7<sup>th</sup> Floor □ New York □ NY □ 10007  
(212) 897-5832 □ Fax: (917) 456-9387

**[www.TheFederalAppealsFirm.com](http://www.TheFederalAppealsFirm.com)**



**BRYAN KONOSKI** is known to be an unwavering advocate for his clients. “It’s about justice and doing the right thing”, Bryan states when asked why he practices the fields of law he has chosen. In fact, he’s been heard telling people that “my practice gives me the ability to stand up for my clients and protect them when they need it most.”

Before focusing his practice exclusively on federal social security appellate litigation, Bryan Konoski has amassed more than 60 State and Federal Jury trials in the New York/Tri-State area. He has appeared as an expert legal commentator on Television news programs, including: Court TV, In Session, Nancy Grace, Fox News, Geraldo at Large, general News coverage on Channels 1, 2, 4, 7, 9 and 11, as well as the New York Times, Wall Street Journal, New York Post, Daily News, and Newsday. He has also been recognized in celebrity gossip columns such as TMZ, RadarOnline, Perez Hilton, X17 Online, OK! Magazine, E! Online, People, and more!

As a practitioner of social security disability law, Bryan Konoski has worked on over 1,000 administrative level cases. Moreover, he has reviewed, evaluated, worked on, and/or briefed, thousands of cases for federal appeal. Jointly, Bryan Konoski and Kira Treyvus have authored “*The Compendium*”, which is an in-house treatise that contains a compilation of hundreds of cases throughout all Circuits across the nation that the firm uses to effectively litigate social security appeals at the federal level.

Mr. Konoski received his undergraduate degree in Psychology from SUNY Stony Brook. He graduated *cum laude* (honors), was a member of numerous honor societies, and received various academic awards.

At Brooklyn Law School he was a dean’s merit scholar and a member of the Moot Court Honor Society.

After graduating Law School, Mr. Konoski scored a 149 out of a possible 150 (99th Percentile Nationally) on the Multistate Professional Responsibility Exam (MPRE), which is a test administered as a part of the Bar Exam.



**KIRA TREYVUS** takes a caring and “hands on” approach to her client’s cases and tries to truly understand her client’s situation. When presented with a federal appeal, she digs deep to find every possible legal error to turn her client’s cases around in their favor.

Ms. Treyvus is committed to developing a winning game plan to win her client’s Social Security Disability cases. Ms. Treyvus tells us that “a thorough and determined approach to every case is key to winning federal remands.”

Ms. Treyvus demonstrated her courtroom prowess early in her career while she was attending Brooklyn Law School. While at Brooklyn Law, she was one of only eight students selected to participate as a member of the Moot Court Honor Society’s elite trial program. The Brooklyn Law School trial team was ranked number 1 in New York State.

Prior to concentrating her practice on federal social security disability appeals, Ms. Treyvus has logged thousands of hours of trial preparation time, and thousands of hours of time in a courtroom on trial. She has completed approximately 50 trials to verdict vigorously defending the interests of her clients.

As a practitioner of social security disability law, Kira Treyvus has worked on over 1,000 administrative level cases. Moreover, she has reviewed, evaluated, worked on, and/or briefed, thousands of cases for federal appeal. Jointly, Bryan Konoski and Kira Treyvus have authored “*The Compendium*”, which is an in-house treatise that contains a compilation of hundreds of cases throughout all Circuits across the nation that the firm uses to effectively litigate social security appeals at the federal level.

Ms. Treyvus has parlayed her extensive litigation and trial experience into helping her clients obtain the Social Security benefits that they are entitled to by challenging wrongfully denied claims in federal court.

## **We are a revenue improvement firm!**

We help Attorneys and EDPNA's improve their firms' revenue by obtaining remands at the federal level. This helps turn lost cases into wins, and turns those losses into fees, which improves your overall revenue and earnings. Using our services provides a substantial benefit to your wrongfully denied clients, as well as to the financial health of your business.

The Federal Appeals Firm currently has 10 attorneys, including one former Appeals Council attorney, and one former Regional Chief ALJ, that handle federal social security disability appeals. Every month, our firm reviews hundreds of cases for potential federal appeal.

Our firm exclusively handles federal level appeals. We do not handle administrative claims. Any client you refer to us for a federal appeal remains your client. When we win a remand, the client is sent directly back to your firm for continued proceedings at the administrative level.

### **How to Increase Your Revenue:**

- (1) Appeal ALL hearing denials to the Appeals Council (even if you file a "blank" appeal with no brief).
- (2) Send ALL your Appeals Council denials out for federal review. Federal counsel may find legal errors you did not even consider.

### **How to Refer Cases for Review to Our Firm:**

We keep the process as simple as possible. If you are busy, you do not need to call us. You also do not need to have the client call us. All you need to do is attach a copy of the following documents to an email and send them to us:

- (a) the ALJ decision;
- (b) the Appeals Counsel denial of review;
- (c) a copy of any brief you filed with Appeals Council (if you filed one).

If we need any other information or evidence, we will let you know. We can usually provide our merit review results within 3-5 days.

## **DEBUNKED: Concerns About Pursuing Federal Appeals**

### **It's faster simply to restart a new claim after an ALJ denial.**

Yes, it can be faster to start a new claim because it takes time to let AC issue a denial. However, simply restarting a new claim ignores the application of *res judicata*. In simple terms, *res judicata* is a legal doctrine that means a matter already resolved should not be relitigated, and if it is relitigated, the outcome should be the same as the prior decision unless there is a change in the law or facts. When you simply re-start a claim without pursuing the original claim to the absolute conclusion, you run a substantial risk of simply being denied again because *res judicata* may apply to the new claim.

### **I cannot restart my client's case until the federal appeal is completed.**

This is not true. This is only true at the AC level. When you appeal to AC you must typically wait for AC to issue a denial before you can start a new claim. However, that rule changes at the federal level. A claimant can pursue both a federal level appeal and a new application at the same time. Therefore, you can still pursue the federal appeal as well as the new application once AC issues a denial. You do not have to wait until the end of the federal litigation to restart a new claim.

### **Cases appealed to federal court are bad cases and cannot be won.**

This is not true. Nowadays, ALJ's are denying good cases at unprecedented rates. This tends to rob clients of thousands of dollars of back benefits that they should receive and deprives them of the monthly benefits they desperately need to survive. This also tends to rob practitioners of many thousands of dollars in fees. Federal cases that are remanded often have an increased chance of a favorable outcome, which helps your clients obtain many thousands of dollars more in back benefits (which they would have waived by starting a new claim instead of pursuing a federal appeal), and which helps your practice receive many thousands of dollars in fees that would have been lost if you simply abandoned the federal appeal.

**SENDING YOUR DENIED CLAIMS OUT FOR FEDERAL REVIEW HAS BECOME AN UNAVOIDABLE NECESSITY TO GIVE YOUR CLIENTS THE BEST CHANCE OF SUCCESS AND TO MAINTAIN A PROFITABLE SOCIAL SECURITY DISABILITY PRACTICE.**

## **So, How Much Money Are You Really Losing by Not Sending Your Cases Out for Federal Review?**

As attorneys there is little we are ethically permitted to guarantee. We certainly cannot guarantee a particular outcome in an individual client's case. However, in the volume of denials you receive, in our opinion, you are absolutely leaving money on the table if you do not send EVERY denial out for federal review.

By our calculation and assessment, **for every 25 ALJ denials you receive**, there may be as much as

**\$14,400 to \$45,000 in fees**

that you can cull from those "lost" cases. If you are not appealing every denial to Appeals Council, and also sending absolutely EVERY Appeals Council denial out for federal review, you are leaving A LOT of money on the table.

ALJ's are denying good claims regularly. Moreover, in our experience, to keep up with the increasing volume of denials, the ALJ's are writing sloppy decisions that contain legal errors. For this reason, you cannot assume that because you lost a case at the administrative level that it is truly a lost cause and that it is a dead case. Many "lost" cases can be turned into wins. Those wins can be turned into revenue for your firm.

# Are You Really Losing **\$14,400 to \$45,000** in Fees for every 25 ALJ denials?

**Yes, we believe so.**

## **Here's how we reach this calculation:**

We are going to run the numbers based on the following numerical assumptions:

### **FEDERAL APPEAL ACCEPTANCE RATE:**

We tend to accept 25% to 40% of all potential federal cases we review. We perform a comprehensive review of every denial in search of strong legal issues to bring to federal court. **However, for the purposes of the calculations herein, we will use a conservative acceptance rate of 25% or 30%.**

### **FEDERAL APPEAL WIN RATE:**

The national average remand rate is approximately 60%. However, we often win remands in up to 75% of cases we litigate. Nonetheless, statistics can change for a variety of reasons. **For the purposes of the calculations herein we will show possible fees you can generate at the 50% / 60% / 75% remand rates since statistics tend to vary.**

### **ADMINISTRATIVE LEVEL WIN RATE, POST-REMAND:**

Cases remanded from federal court have an increased chance of a favorable outcome. **However, for the purposes of this calculation, we will show possible fees you can generate if you win 50% / 60% / 75% of your remanded cases.**

### **APPEALS COUNCIL REMAND RATE:**

Let's assume for this example that you have 25 ALJ denials. And you appeal all 25 denials to the Appeals Council. At an Appeals Council remand rate of 5-10%, we will assume you receive 2 Appeals Council remands, leaving 23 cases to be referred for federal review.

### Estimated Number of Cases Accepted for Federal Appeal

Cases Reviewed for Federal Appeal	25% Accepted	30% Accepted
23*	6	8
<i>*(Started with 25, but assumes 2 AC remands)</i>		

### Estimated Remand Rates from Federal Court

Estimated Remand Percentage	6 Cases Appealed	8 Cases Appealed
50%	3	4
60%	4	5
75%	5	6

*\*Estimated numbers are rounded up.*

Based on the charts above, it is estimated that of 23 cases reviewed for federal appeal, 6-8 will be accepted for appeal, and 3-6 of those accepted cases will result in remands. This forms the basis for the fee calculations below.



## Estimated Fees That May be Generated from Remanded Cases

Estimated Administrative Win Percent Post-Remand	Total Wins	\$7,200 fee* <i>(Single-Tier fee agreement)</i>	\$9,000 <i>(Est. Fee Petition Award)</i>	\$12,000 <i>(Max Fee Petition Award)**</i>
50%	1-2	\$7,200 to \$14,400	\$9,000 to \$18,000	\$12,000 to \$24,000
60%	2-4	\$14,400 to \$28,800	\$18,000 to \$36,000	\$24,000 to \$48,000
75%	3-4	\$21,600 to \$28,800	\$27,000 to \$36,000	\$36,000 to \$48,000
Plus up to 1 of the AC remands may also result in a win.	0 to +1	+\$7,200	+\$9,000	+\$12,000

*\*It is assumed that after a federal remand there would be sufficient back benefits to support a maximum fee payment on a fee agreement.*

*\*\*In our opinion, and based on experience, a consistent “max fee” for a fee petition is highly unlikely. Nonetheless, it is included in this chart since a max fee is at least possible occasionally.*

*\*\*\*The lightly shaded areas are what we believe to be the most likely revenue ranges you will experience.*

*\*\*\*\*Estimated numbers are rounded up.*

Based on the assumptions and estimates above in the shaded areas, for every 25 ALJ denials you do not appeal to Appeals Council and then send for Federal Review, you are losing as much as . . .

**Single Tier Fee Agreement:**

\$14,400 to \$28,800

(+ up to 1 AC remand also won at an additional \$7,200)

**Two Tier Fee Petition:**

\$18,000 to \$36,000

(+ up to 1 AC remand also won at an additional \$9,000)

**Extrapolating out the above estimates as practices grow  
and for larger practices.**

<b>AC denials</b>	<b>Accepted for Federal Appeal</b>	<b>Federal Remands</b>	<b>60% Wins</b> <i>(At admin level after remand)</i>	<b>\$7,200 fee</b> <i>(Single-Tier fee agreement)</i>	<b>\$9,000</b> <i>(Est. Fee Petition Award)</i>	<b>+ Possible AC Remands resulting in wins</b>
23*	6-8	3-6	2-4	\$14,400 to \$28,800	\$18,000 to \$36,000	+0-1
46	12-16	6-12	4-7	\$28,800 to \$50,400	\$36,000 to \$63,000	+0-2
92	23-27	12-20	7-12	\$50,400 to \$86,400	\$63,000 to \$108,000	+2-5
184	46-55	23-41	14-25	\$100,800 to \$180,000	\$126,000 to \$225,000	+5-10
368	92-110	46-83	28-50	\$201,600 to \$360,000	\$252,000 to \$450,000	+16-19
736	184-221	92-166	55-100	\$396,000 to \$720,000	\$495,000 to \$900,000	+32-38
2,944	736-883	368-662	221-397	\$1,591,200 to \$2,858,400	\$1,989,000 to \$3,573,000	+128-154

*\*These numbers are based off blocks of 25 ALJ denials, but where up to 2 cases are remanded by the AC. Thus, the AC denial number is reduced by an estimated number of AC remands.*

## **DISCLAIMER(S):**

Past performance does not guarantee future success. The statistics and projections used herein may change and are for demonstrative purposes and are used as an example and are an expression of opinion, only. Because statistics can change, we do not promise that the statistics and examples herein are completely accurate. This is simply for demonstrative purposes only and is simply an example. We cannot guarantee a particular outcome in any case. We make no guarantees or promises of any kind. Past performance does not guarantee future results. The Statistics and calculations above do not factor into account a possible attrition rate at the federal level due to clients that do not return intake packets although they were accepted, nor does it account for cases that are eventually rejected due to the existence of debt collectible through the Treasury Offset Program (TOP).

The content of this document is intended for a sophisticated audience of attorneys and authorized representatives only. This document is not intended for claimants. If you are a claimant, you should disregard this document and you should not rely on any information contained herein – this document is not intended for you. If you are a claimant, you should seek advice and guidance from an Attorney or EDPNA.

We are a private law firm. “The Federal Appeals Firm™” is a registered trade name of Konoski & Partners, P.C., a New Jersey professional corporation. We are not affiliated or associated with the Social Security Administration.

Copyright © 2023  
Konoski & Partners, P.C.  
d/b/a THE FEDERAL APPEALS FIRM  
All Rights Reserved.