

## BREAST CANCER -- A DISABILITY?

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Women with breast cancer face an abundance of challenges beyond the physical and emotional devastation of fighting such a deadly illness. And for the women who work and must continue to earn an income, the potential loss of that income because of the illness can add to the already stressful situation.

Being awarded Social Security Disability can be a challenge. The typical problem with breast cancer cases is that they usually have a tough time meeting the 365 day requirement, (there is a duration requirement for Social Security Disability cases that requires a person be "disabled", under the definition in Social Security's rules, for 365 consecutive days, or that the impairment be expected to last for 365 days or end in death. Most women with breast cancer go through a very traumatic experience, but the Social Security Administration does not award benefits because a person went through all these trials and suffering. It must be proven that she was "unable to engage in substantial gainful activity" (i.e. work) for the time period required. Women often are diagnosed before they are really suffer any symptoms and then go through treatment. The treatment (chemo / radiation) does not usually last a year and therefore does not meet the duration requirement.

What to do? **Documentation is key.** If the chemotherapy, radiation and/or medication cause a person to feel sleepy, zapped, nauseated, groggy, disconnected, like they have the flu, etc., these things should be specifically reported to the treating doctor at *every, single visit*. If they have to lie down for hours or days after certain treatments, same thing - report it! People feel that a doctor prescribing these treatments KNOWS what kinds of side effects they cause, or KNOWS how it will make them feel. But, these side effects are very individual and personal to the patient undergoing the treatment. A doctor will not know how that person feels until they are told. And Social Security will not know something is a problem unless it is actually written in the treatment records.

Also, some women suffer with swelling in an arm(s) after they have undergone certain procedures - often when lymph nodes have been removed. Sometimes this swelling continues well after treatment is over. This should be documented, especially if it is affecting the dominant arm. If things like arm usage, or allowing the arm to hang at a normal position beside the body makes the swelling worsen, be sure that is written in the doctor's chart. Also, if there is some other limitation in arm usage due to surgery or treatment, be sure to talk to your doctor about it and make sure it is documented in your file. This does not happen with every one, but if it happens to you, tell your treating physician and tell him/her OFTEN.

Energy is often a factor. Some women have a very hard time finding the energy to get through a day. For some this continues much longer than the actual treatment. This could keep a person from sustaining an eight-hour day, even with regular breaks. Social Security can use this information to make a finding of disability. Again, be sure to discuss this with your physician and make sure it is documented.

There are very specific breast cancer cases that may meet other rules available under Social Security Disability rules. For example, a diagnosis of carcinoma with distant metastases or in

some recurrent carcinoma cases, the diagnosis may be enough. These diagnoses meet medical rules for disability that do not depend so much on the kinds of limitations described above. These, however, are extreme cases.

As with all Social Security Disability cases it is of vital importance the doctor KNOWS and DOCUMENTS every symptom and side effect relating to breast cancer or any other life altering illness. Be proactive and fully engaged in your treatment and recovery.

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