

William Crawford
 -Attorney at Law-
 220 E. Huron, Ste. 520
 Ann Arbor, MI 48104

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SOCIAL & SECURITY & YOU

FROM THE OFFICE OF ATTORNEY WILLIAM CRAWFORTH

SPRING 2011

Message From Attorney Crawford

NEITHER PARTY HAS THE WILL TO ADDRESS SS/MEDICARE DEFICITS

Despite all the posturing in Washington over addressing the trillions of dollars in projected budgeted deficits, neither President Obama in his budget proposal or the Republican led Congress has demonstrated the political will to address entitlements, such as Social Security and Medicare. These 2 items alone account for the biggest unaddressed budget items.

The Congressional Budget Office issued projections in January that Social Security will pay out \$45 billion more in benefits in 2011 than it will collect. Current projections are for the trust fund to run dry in 2037. Of course the fact that Congress has "borrowed" from the trust fund for other purposes for years has only exacerbated the problem. As of 2009 the government owed the Social Security trust fund \$2.5 trillion.

Called the political "third rail", structural changes in Social Security remain elusive as both sides challenge the other side to "go first" in making proposals. The President appointed a bipartisan commission last year to make recommendations. There were some good ones, including some I'm recommending, but even the President has failed to propose any of the changes.

Allow me to make some suggestions. Firstly, the ceiling on Social Security contributions once a certain income level is reached needs to be eliminated. This

year the ceiling is \$106,800. Once that wage level is reached only Medicare taxes are assessed. By requiring high wage earners to continue to pay Social Security taxes on all income earned, additional billions could be generated.

The age for receiving full Social Security retirement benefits was raised to 66 a few years ago and is scheduled to go higher. But the age for entry into the Medicare program has remained at 65, the old full retirement age. Let's get Medicare back in sync with Social Security and raise the age a year. And let's raise the early retirement age a year from 62 to 63.

And just as the reality of increasing life expectancies has led to raising the retirement age, let's revamp the Medical-Vocational Guidelines, known as the "Grids", in the disability and SSI programs.

Currently it gets easier to be declared disabled in 5 year increments beginning at age 50. Ages 50-54 are categorized as Closely Approaching Advanced Age. Ages 55-59 are Advanced Age. And ages 60-65 are Closely Approaching Retirement Age.

People are not only living and working longer, they are staying healthier. So let's bump each category 1 year so Closely Approaching Advanced Age is 51-55, Advanced Age is 56-60 and Closely Approaching Retirement Age is 61-65.

I'm no actuary, but I believe these small changes would go a long way to eliminating the current deficit and putting Social Security back in the black, even without a means test.

Now if our leaders only had the political courage to propose these changes..

QUALITY REVIEW BRANCHES OPENED BY SS

As many know, every hearing decision issued by an ODAR contains appeal right language for a Request for Review by the Appeals Council. In addition to unfavorable decisions, the Appeals Council can, on its own accord, open any decision, including favorable and partially favorable decisions.

As a practical matter favorable and partial favorable decisions are seldom, if ever reviewed, no doubt due to the high volume of unfavorable decisions appealed by claimants. In his 32 years of practice and well over 2,000 favorable decisions Attorney Crawford has never seen it done on one of his cases.

Now Social Security is instituting 4 Quality Review Branches (QRB) to examine a limited number of favorable and partially favorable decisions as a "quality control". The 4 QRBs, all located in Crystal City, VA, will review a random sample of 3,500 such decisions each year.

While supposedly random, Attorney Crawford is just cynical enough to suspect certain judges known for issuing high percentages of favorable decisions may find their cases being reviewed, while those judges who deny a high percentage won't.

WIN ATTORNEY CRAWFORTH'S TIGER TICKETS

Again this year Attorney Crawford is offering his 2 upper deck box seats to lucky readers of SS&Y. To enter the random drawing for his tickets simply complete the enclosed entry form and return it to his office.

*Yes, I would like to enter to win
 Tiger Tickets*

Name _____

Address _____

Telephone _____

Mail to:

William Crawford, Attorney at Law
 220 E. Huron, Ste. 520
 Ann Arbor, MI 48104



NO COLA FOR SS RECIPIENTS IN 2011

For the second year in a row recipients of Social Security Retirement, Survivors and Disability Benefits and SSI will not receive a cost of living adjustment. The reason is the adjustment is calculated by comparing the change in the Consumer Price Index in the third quarter of the year against the third quarter of the prior year. So even though there might be an increase for the whole year, it is only the third quarter that matters.

SUGGESTIONS FOR BEATING THE HIGH COSTS OF DRUGS

There are several strategies available for those on a fixed income and without a good prescription drug plan to lower the costs of their prescription medications. Some are well-known; others not so much.

Of course, one of the easiest is to ask your doctor to prescribe generics. Most of the commonly prescribed brand-name medications have identical, or nearly so, generics available for a fraction of the cost.

After getting your generic prescriptions, head for Target, WalMart, Kroger or other large chain stores. In a bid to get customers in their stores these chains offer monthly supplies of hundreds of generics for \$4 a prescription. Walmart charges \$10 for a 90 supply of many popular drugs.

Pill splitting has been mentioned before in this newsletter as a cost saving strategy but it bears repeating. Pill splitters are readily available. Generally, a supply of a 100 mg medication is less expensive than twice as many 50 mg pills. So by asking your physician to prescribe the higher dosage, splitting the pills can save money.

Check out the RxAssist or DestinationRx websites, which contain databases on reduced cost prescriptions available to low income qualifiers directly from the pharmaceutical companies.

Always ask if senior discounts are available whenever and wherever you shop. Many retailers, restaurants, hotels and attractions have discounts available to persons 55 or 60 and older. Never hurts to ask.

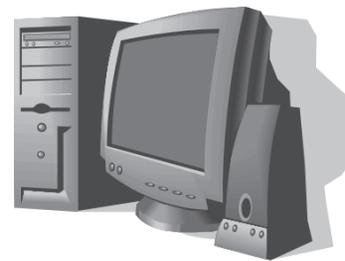
ATTORNEY CRAWFORTH (FINALLY) EMBRACES NEW TECHNOLOGIES

Last August, just in time for the Fall 2010 newsletter, Attorney Crawford launched his website at www.misocialsecuritylawyer.com. Traffic is slowly building. This newsletter is now available on-line. Additionally, Attorney Crawford finally got a smart phone and is now texting. He has come a long way.

Attorney Crawford has taken more office space at 220 E. Huron, added a phone line and an additional staff member will be on board soon to help to cover the phones and serve you better. Fewer calls should go to voice mail and follow up calls should go out more quickly.

And now the promised blog will begin. Expanded material normally found in this newsletter will be available on the blog on Attorney Crawford's website. He pledges to update it every week (or two). Material will be current and the lag time between drafting and publication will be greatly reduced. The goal of delivering the newsletter on line may even be reached.

If you like the newsletter, check out the blog.



SMART PHONE APPS TO KEEP YOU FIT

Speaking of technologies, although he hasn't downloaded a lot of apps for his smart phone, Attorney Crawford has noted the following apps designed for those who want to stay healthy and fit.

Lose it!, is an app that provides a food diary for dieters. It's available at LoseIt.com.

GymTechnik allows users to build and maintain fitness records. This one is available at GymTechnik.com.

Runners and bikers have several apps to choose from. Among the most popular are RunKeeper, available at RunKeeper.com, Cyclemeter, at the iTunes app store, and MyTracks, at MyTracks.AppSpot.com.

And yoga practitioners might want to check out Hatha Yoga, which has instructors guide you through various poses. Available at the iTunes app store.



NEW ODARS HELPING WITH BACKLOG

In recent years the hearing backlogs and processing times at the Michigan ODARs (Flint, Detroit, Oak Park, Lansing & Grand Rapids) have been among the longest in the nation. Now, with the opening of the Mt. Pleasant, Livonia and Toledo ODARs last fall, as well as video hearings from the National Hearing Centers and other locations, things are improving.

While Lansing remains at 156 out of 157 ODARs in processing time, Grand Rapids is 136, Oak Park is 99, Detroit is 84 and Flint is in the top half at 73.

JOIN AARP

The American Association of Retired Persons isn't just for the retired. Anyone 50 years or older can join. Attorney Crawford joined as soon as he was eligible. In addition to discounts, AARP members receive AARP The Magazine and the AARP Bulletin every month or two. Among some of interesting tidbits in recent issues are the following.

The Pension Benefit Guarantee Corporation, a federal agency, has a website which lists unclaimed pension benefits. An estimated 36,000 Americans have nearly \$197 million in unclaimed pension benefits. Go to pbgc.gov to search.

If you have more time than money, and most retired and disabled persons do, consider shipping your luggage rather than paying the per bag fees most airlines are now charging. For less than \$20 FedEx or UPS ground can send a 25 lbs bag across the country. Simply ship a few days before traveling. Beats paying \$60 for checking 2 bags with some airlines.

Retired persons planning on living on savings should take no more than 4% of principle the first year & then increase the amount by only the annual amount of inflation every year, according to Jane Bryant Quinn, a columnist in the AARP Bulletin. Savings should last 30 years with that strategy. There are ways to fine-tune this, depending on how the market does. For example, in a year when stocks did well, take your 4% from stock exclusively and leave fixed income alone. This article appeared in the December 2010 issue of the AARP Bulletin.

Also in the December 2010 Bulletin was a list of 50 herbs and spices that can be used instead of sodium to flavor food in a healthier way.

STUDIES, STUDIES, STUDIES

Here is the latest compilation of health related studies reported in the past several months. As always, some are interesting, some are puzzling and some are just plain crazy.

Food & alcohol are favorite topics of researchers. And the results of food and alcohol studies are often contradictory.

A study published last fall in the American Chemical Society's *Journal of Agricultural and Food Chemistry* suggests that black rice (not brown rice) may be a super food. The study notes that black rice is high in vitamin E, iron, fiber and antioxidants and may also alleviate inflammation associated with allergies, asthma and other diseases. Prolonged inflammation is also associated

with heart disease, cancer and infectious diseases.

A study released earlier this year by the National Institute of Environmental Medicine in Stockholm, Sweden finds that increased consumption of red meat (3.6 oz daily or more) increases the risk of stroke in women by 42% over those women who ate less than one ounce of red meat daily.

Researchers at the University of Toronto report lycopene, found in tomatoes, watermelons and papayas, protects bones and fights osteoporosis better than milk. Lycopene has already been found to prevent prostate cancer, cardiovascular disease and breast cancer. The study cautions, however, that this does not eliminate the need for calcium and vitamin D, especially in women.

Here we go again with alcohol. A study released last August in the journal *Alcoholism: Clinical and Experimental Research* reports that while moderate drinking is best, heavy drinkers actually outlive those who never have been drinkers. Attorney Crawford won't even go into the convoluted reasoning as to *why* this may be true.

A study released last November in the British medical journal, *Lancet*, ranked various substances including alcohol, cocaine, heroin, ecstasy and marijuana as to how destructive they are on the person who takes them. In addition to health effects, social effects (whatever that means) were considered. Alcohol was found to be the most destructive, followed by heroin and crack cocaine. Marijuana, ecstasy and LSD scored much lower.

The risk for development of Alzheimer's disease is about equal between heavy drinkers and non-drinkers and less so for light drinkers, according to a study released recently by the National Institute for Health and Welfare in Finland.

Attorney Crawford's father suffered from severe dementia at the end of his life. His family never had an autopsy performed so nobody can say for sure he had Alzheimer's disease but he sure had all the classic symptoms. So Attorney Crawford pays particular attention to studies

involving this debilitating disease.

Researchers have no definitive studies but lots of anecdotal evidence that a widely used anesthetic, isoflurane, can bring on Alzheimer's in older persons. Similarly, there are stories regarding Alzheimer patients becoming temporarily lucid on strong antibiotics. This leads to speculation that infections are the cause of Alzheimer's but there is no strong evidence to support that proposition.

High cholesterol at a young age, however, is a strong predictor for development of Alzheimer's decades later, according to researchers at Kaiser Permanente's Division of Research and the University of Kuopio in Finland. And a study at the University of Michigan Health System has found a connection with uncorrected vision and Alzheimer's.

Activities that engage the brain, such as surfing the internet, stimulate aging brains and ward off Alzheimer's, according to the UCLA Center on Aging. A Vanderbilt University School of Medicine study concludes that drinking fruit or vegetable juice more than 3 times a week improves short-term memory and verbal memory in older persons with early memory loss and high risk for Alzheimer's.

2 studies link companionship to reducing Alzheimer's risk. A Rush University study found that people with the highest "loneliness scores" were twice as likely to develop Alzheimer's as those with the lowest scores. And having a partner in mid-life or later cuts the risk in half, according to a study done in Finland and Sweden. People with tooth and gum disease score lower on memory and cognition tests. The theory is that the infection responsible for gum disease gives off inflammatory by-products that may be toxic to brain cells.

And finally, studies at Arizona State University conclude that vinegar lowers several risk factors for Alzheimer's, including high blood sugar, diabetes, pre-diabetes and weight gain.

For more studies regarding Alzheimer's check out Attorney Crawford's blog at www.misocialsecuritylawyer.com.