

U.S. District Court
Southern District of Florida (Ft Lauderdale)
CIVIL DOCKET FOR CASE #: 0:13-cv-60699-JIC
Internal Use Only

Lopez-Betancourt v. Social Security Administration
Assigned to: Judge James I. Cohn
Referred to: Magistrate Judge Peter R. Palermo
Cause: 42:0205 Denial Social Security Benefits

Date Filed: 03/26/2013
Jury Demand: None
Nature of Suit: 865 Social Security: RSI
Tax Suits
Jurisdiction: U.S. Government Defendant

Plaintiff**Pablo A. Lopez-Betancourt**

V.

Defendant**Social Security Administration**

represented by **Noticing Social Security US Attorney**
Email: usafis-socialsec@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/26/2013	<u>1</u>	COMPLAINT against Social Security Administration. Filing fee \$ 350.00. IFP Filed, filed by Pablo A. Betancourt-Lopez. (Attachments: # <u>1</u> Civil Cover Sheet)(tpl) (Entered: 03/26/2013)
03/26/2013	<u>2</u>	Judge Assignment to Judge James I. Cohn (tpl) (Entered: 03/26/2013)
03/26/2013	<u>3</u>	Clerks Notice of Magistrate Judge Assignment to Magistrate Judge Peter R. Palermo. Pursuant to the Clerks directive of this cause, this matter is referred for a ruling on all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters. (tpl) (Entered: 03/26/2013)
03/26/2013	<u>4</u>	MOTION for Leave to Proceed in forma pauperis by Pablo A. Betancourt-Lopez. (tpl) (Entered: 03/26/2013)
03/27/2013	<u>5</u>	ORDER REFERRING CASE to Magistrate Judge Peter R. Palermo for pretrial matters. Signed by Judge James I. Cohn on 3/27/2013. (npd) (Entered: 03/27/2013)
03/27/2013	<u>6</u>	ORDER granting <u>4</u> Motion for Leave to Proceed in forma pauperis. Miscellaneous Deadline 4/27/2013 (to file summons). Signed by Magistrate Judge Peter R. Palermo on 3/27/2013. (lbc) (Entered: 03/27/2013)
04/08/2013	<u>7</u>	ACKNOWLEDGMENT OF RECEIPT as to <u>1</u> Complaint via Certified Mail (yar) (Entered: 04/09/2013)
05/02/2013	<u>8</u>	Letters to the Court by Pablo A. Lopez-Betancourt (yar) (Entered: 05/02/2013)
05/02/2013	<u>9</u>	NOTICE of Filing Documents by Pablo A. Lopez-Betancourt re [8]Letters to the Court (yar) (Entered: 05/02/2013)
05/08/2013	<u>10</u>	Letter to the Court by Pablo A. Lopez-Betancourt (yar) (Entered: 05/09/2013)

FILED by TPL D.C.
ELECTRONIC
March 26, 2013
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

(1" from top of page, and centered,
begin title of Court)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. _____ - Civ (Judge's Last Name/Magistrate's Last Name)

(Full Name of Plaintiff/s) ,

Plaintiff(s)
Pablo A. Lopez - Betancourt
vs.

(Full Name of Defendant/s),

Defendant(s)
Social Security Administration

COMPLAINT

I, Pablo A. Lopez, plaintiff, in the above styled cause, sue defendant(s): Social Security Administration

This action is filed under (indicate under which federal law or section of the U.S. Constitution this action is being filed): Due Process clause (Property interest) of the fifth Amendment of the United States Constitution

Dated: Month, day, year

Respectfully submitted,

Pablo A. Lopez Betancourt

Name of Filer

Attorney Bar Number (if applicable)

Attorney E-mail Address (if applicable)

Firm Name (if applicable)

Street Address

City, State, Zip Code

Telephone: (xxx)xxx-xxxx

Facsimile: (xxx)xxx-xxxx

Attorneys for Plaintiff/Defendant [Party Name(s)]
(if applicable)

(1" from top of page, and centered, begin title of Court)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. _____ -CV- _____
(Judge's Last Name/Magistrate's Last Name)

(Full Name of Plaintiff/s),

Plaintiff (s)
Pablo A. Pópez Betancourt
vs.

(Full Name of Defendant/s),

Defendant(s).
Social Security Administration /

TITLE OF DOCUMENT

I, Pablo A. Pópez-Betancourt [plaintiff or defendant], in the above styled cause, The Social Security Administration have deprived me of my SSDI. On 2001 I when to the Social Security because I had a stroke, vascular Dimenthia, I was awarded SSDI, from 2001 to 2010, In 2008 I wanted to work to see if I can, and found a part time at a golf club it was not sustantial base on Social Security criteria so the send me for a medical evaluation, the doctor stated

that, I was no longer disabled and my benefit was stop and I was disabled at that, time I'm also disabled now, so they stop the checks, and I appealed to the Social Security Administrative Judge, that also agreed that I was not disabled but also stated that if I get any worse to give my checks back. in letter, "I have inclose this letter" not knowing what I was doing the Social Security filed a new Claim for disability and denied all these time I been disabled and going to the Social Security complaining about the wrong decision they made, because I'm disabled and I ask after a few Denied for reconsideration and it was then in sept 2012 that they found me disabled again based on my old Application of the SSDI because they never send me for a doctors opinion and now they giving me 38.00 dollars a Month SSI and not my SSDI back with I'm Entitle to. Social Security is using the new Application to denied my Entitledness of SSDI because I have no work history this new Application the sumitted in 2010 and I have been disable seens 2001 and recieving SSID checks is imposible for me to have work history when I'm Disable and recieving SSID checks. The same Criteria that the use to disabled a person is the same criteria for SSID and SSI (no medical exam was done in 2010, so they bassically review the old Application of SSDI and disabled me again.

Case 0:13-cv-00229-JIC Document 1-1 Entered on FLSD Docket 03/26/2013 Page 4 of 8
Honorable Judge I'm asking for a record review because I'm disabled and receiving the SSI checks, I believed the Social Security made a mistake I'm disabled since 2001. Honorable Judge, the Federal court determined that prior Supreme Courts decisions offered relevant guidance by explaining that to have a property interest in a benefit, a person clearly must have more than a abstracted need or desire and more than unilateral expectation of it. He must have instead a legitimate claim of entitlement to it. More over In light of the precedents the Federal circuit determined that all Applicants benefit have a property interest in those benefit protected by the Due Process Clause "UPON a showing that [they met] the eligibility requirement set forth in a governing statute and regulations.

In 2001 I met this statute and regulation.

Accordingly, in keeping with the decision of the United States Supreme Court (Supreme Court) and the general Principles of administrative law, the Due Process clause only APPLIES to a Social Security benefit that the claimant has already awarded, as prior to such determination there is no property to TAKE. therefore, while additional due Process protections are necessary where a previously granted benefit is being reduced or eliminated, to extend such protections to a Claimant prior to the actual ~~determination~~ determination of entitlement and possession of the benefit would arguably by contrast to governing case law and Administrative law principles and would create a burden without a benefit.

Nor be deprived of life, liberty and property.

I'm asking for a court Review My Records.

SOCIAL SECURITY ADMINISTRATION

Supplemental Security Income
Notice of Continuing Disability Review

Telephone: 954-741-9329

DATE: APR 01 2009

Claim Number: 153-62-2899

PABLO A LOPEZ BE FOR
PABLO A LOPEZ BETANCOURT
APT 306
9471 EVERGREEN PLACE
DAVIE FL 33324

we are writing to let you know that we have made a decision on PABLO LOPEZ BETANCOURT'S case. After reviewing all of the information carefully, we have decided that his health has improved since we last reviewed his case. And he is now able to work. This means that his checks will stop.

We have enclosed a page that gives you more details on how we made the decision on his case.

WHEN THE CHECKS WILL STOP

PABLO is no longer disabled as of 03/09. He will get checks for that month and the next two months. His last check will be for 05/09.

INFORMATION ABOUT MEDICAID

For information about any change in Medicaid eligibility caused by this action you should get in touch with your local medical assistance office or the Department of Children and Families.

IF YOU DISAGREE WITH THIS DECISION

If you disagree with this decision, you have the right to appeal. We will review this decision if you appeal.

- o You have 60 days to ask for an appeal.
- o The 60 days start the day after you get this letter. We assume you got this letter 5 days after the date on it unless you show us that you did not get it within the 5-day period.
- o You will need a good reason for waiting more than 60 days to ask for an appeal.

Pablo A Lopez
Branch #8

- o You have to ask for an appeal in writing. Contact one of our offices if you want help. We will ask you to sign a form SSA-789, called "Request for Reconsideration - Disability Cessation".

APPEAL IN 10 DAYS TO KEEP GETTING CHECKS

- o You have only 10 days to ask us to continue the checks during the appeal.
- o The 10 days start the day after you get this letter.
- o If you lose the appeal, you might have to pay back some or all of this money.

HOW AN APPEAL WORKS

A Disability Hearing Officer will decide PABLO'S appeal. We will call this person a DHO in the rest of our letter. The DHO will meet with you before making the decision on the appeal. The meeting works like this.

- o The DHO will write you about the time and place for the meeting.
- o You can look at PABLO'S file before the meeting.
- o You can tell the DHO why you think he is still disabled. You can give the DHO more facts. And you can bring people to say why he is disabled.
- o You can have the DHO ask people to come to the meeting and bring important papers. You can question these people at the meeting.
- o You do not have to go to the meeting in person. If you do not want to go, you can give the DHO more facts you may have. The DHO will decide PABLO'S case using these facts, and what is now in his file. But if you go to the meeting, it may help the DHO decide the case.

IF YOU WANT HELP WITH THE APPEAL

You can have a friend, lawyer or someone else help you. There are groups that can help you find a lawyer or give you free legal services if you qualify. There are also lawyers who do not charge unless you win your appeal. Your local Social Security office has a list of groups that can help you with your appeal.

If you get someone to help you, you should let us know. If you hire someone, we must approve the fee before he or she can collect it.

IF HIS HEALTH GETS WORSE

~~If PABLO'S health gets worse and you feel that he is disabled again, please get in touch with us. He may be able to get checks again.~~

I hadn't apply for anything at the time of this letter.
SSI Application

03.20.13
Dated: Month, day, year

Respectfully submitted,

Pablo A. Lopez-Belmont
Name of Filer

Attorney Bar Number (if applicable)

Attorney E-mail Address (if applicable)

Firm Name (if applicable)

Street Address

City, State, Zip Code

Telephone: _____

Facsimile: _____

Attorneys for Plaintiff/Defendant [Party Name(s)]
(if applicable)

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served by _____
_____ [specify method of service] on _____ [date]

on all counsel or parties of record on the Service List below.

Signature of Filer



Office of Disability Adjudication
and Review
5107 Leesburg Pike
Falls Church, VA 22041-3255
Telephone: (877) 670-2722
Date: March 12, 2013

Pablo A. Lopez
1512 Whitehall Drive
Apt 203
Davie, FL 33324

Dear Mr. Lopez:

On May 31, 2012, the Appeals Council denied a request for review of the Administrative Law Judge's decision. The Council has now received your request for more time to file a civil action (ask for court review).

We Are Giving You More Time to File a Civil Action

The Appeals Council now extends the time within which you may file a civil action (ask for court review) for 30 days from the date you receive this letter. We assume that you received this letter 5 days after the date on it unless you show us that you did not receive it within the 5-day period.

If You Have Any Questions

If you have any questions, you may call, write, or visit any Social Security office. If you do call or visit an office, please have this notice with you. The telephone number of the local office that serves your area is (866)331-9093. Its address is:

Social Security
8501 W Sunrise Blvd
Suite 100
Plantation, FL 33322-9906

A handwritten signature in black ink, appearing to read 'Eric J Butler Jr'.

Eric J Butler Jr
Paralegal Support Technician

7.26.13

Civil Docket Case # 0:13-cv-60699-JIC

LOPEZ-BETANCOURT v. Social Security Administration

Honorable Judge:

With all respect, I'm asking the court for a MOTION of extention, on this complaint to properly serve the Defendant.

Sincerely

Pablo A. Lopez

FILED BY [Signature]
2013 JUL 26 AM 11:47
U.S. DISTRICT COURT
S.D. OF FLA.-FTL