

REPORT

THE SOCIAL SECURITY - DISABILITY APPLICATION PROCESS

Recommendations for preparing for and
submitting the application

Bruce Gaughran

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DISCLAIMER

The information and recommendation contained in this ‘guide’ are the opinions of the author and are based upon his experiences while preparing his Social Security – Disability application. Anyone reading this ‘guide’ agrees to the following conditions.

The information provided in this ‘guide’ should not to be considered legal advice. The ‘guide’ should also not be considered a substitute for the advice of a trained legal professional or the Social Security Administration. This information should not be used as the only source for preparing your Social Security – Disability application. It is recommended that you consult with the Social Security Administration, and if desired, a legal professional before starting the application process.

In developing this ‘guide’, the author used the Social Security Administration’s website (<http://www.ssa.gov/disability/>) for much of the format and information provided within this ‘guide’. The author did this to help maintain continuity should a reader decide to use the information for preparing the Disability Application. However, information provided by the Social Security Administration and its website should be considered the authority.

The author has made a reasonable effort to ensure that all information provided is accurate, but as with any living document, errors might occur. It is entirely the responsibility of the reader to determine the validity of any information provided. Any decisions made based upon the information received from this ‘guide’ are entirely the reader’s responsibility.

The author, as well as the Kennedy’s Disease Association, makes no representation or warranties about the information provided within this ‘guide’, including any other items used directly or indirectly. The author reserves the right to make changes and corrections to this ‘guide’ at any time, without notice.

The author and the Kennedy’s Disease Association does not accept any liability for any direct, indirect, special or consequential damages, or any other damages of any kind resulting from any cause through the use of any information obtained either directly or indirectly from this ‘guide’.

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A. ADVICE ON THE DISABILITY PROCESS

A doctor who reviewed disability claims for a Fortune 100 company gave me the following advice on the disability application process.

- Apply immediately – do not wait until you are totally disabled before beginning the process.
- Be patient. The process takes time – 90-120 days is not uncommon before hearing the results of the application.
- The disability process is no different from any other application process (e.g., home loan, employment, etc.). Take the time to fill out the forms completely. Leave little to interpretation.
- Remove your emotions from the application process. Think of it as a business deal – your business. Learn the rules of the game and make the rules work for you. The ‘red-tape’ and follow-up letters asking for additional information are all part of the game.
- The disability process is written for people with a sudden illness or disability – not for people with progressive illnesses where there is no treatment or cure.
- Remember that the Social Security Administration is a government agency. It is not uncommon to have your application denied the first time. It is just part of the process.

I will add three more comments based upon my recent experiences with the Social Security Administration.

- The more information you can provide up front, the smoother the process will go.
- Do not expect the reviewer to understand Kennedy's Disease or your specific situation. Take the time to educate them.
- The more prepared/organized you are, the better the chance for an immediate approval. (*My award was approved in six weeks*)

B. THE DISABILITY APPLICATION PROCESS

As mentioned above, 'preparation' is half the battle. Below are several comments on how to help ease the reviewer (and others) through your disability application process.

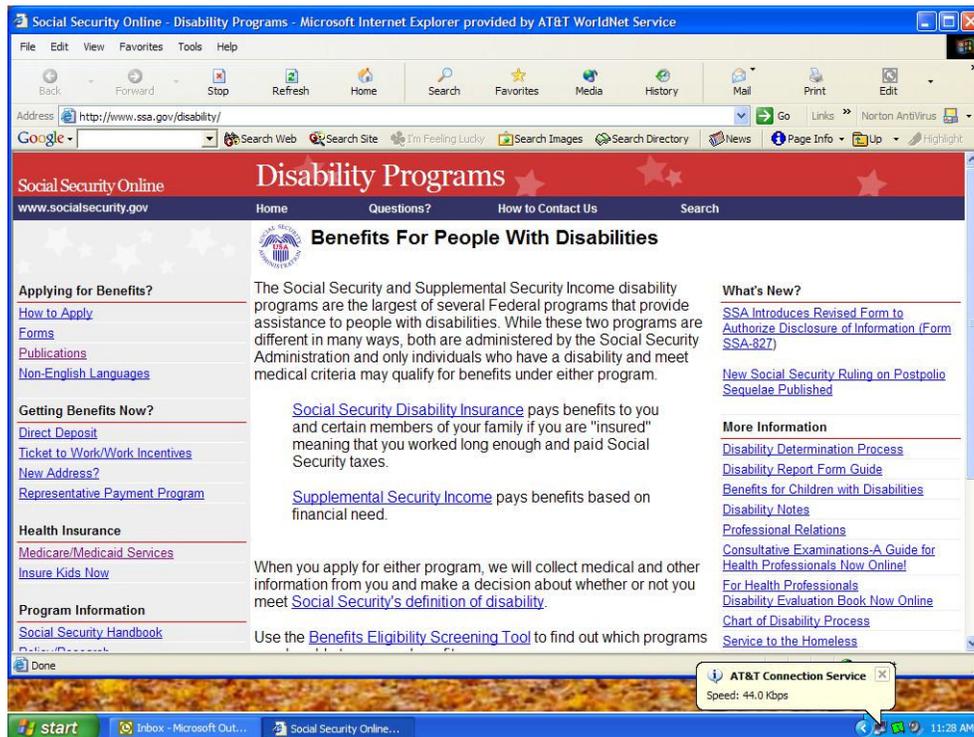
- 1) Discuss with your manager your intentions and the need for their support.
- 2) Advise your doctor(s) and his/her staff that you are applying for Social Security-Disability benefits.
 - a) Ask the doctor(s) for his/her support.
 - b) Review your current symptoms and any health-related issues that affect your ability to perform your current duties.
- 3) In the initial submission, provide the reviewer with as much information as possible – the more the better in this case.
 - a) The more information the reviewer has to work with initially, the less information he/she has to write off for – meaning a delay in the process.
 - i) The more information requested by the reviewer, the greater the chance the doctor's office will not be able to find it and/or it will be delayed.
 - b) If you control the information, you can make certain the most important information is in the front and that the important sections are highlighted so the reviewer can easily find the critical information he/she needs to make a decision.
 - c) Make certain the information submitted is readable and prioritized – in the order you want it presented.
 - d) Be sure to sign and date all the forms.
 - e) Use the 'Supplemental Section' to educate the reviewer on what Kennedy's Disease (SBMA) is, its symptoms, its treatment, etc.
- 4) Provide the information in a 'report' format – tabbed, with page numbers and a table of contents, etc. - so the reviewer can easily locate the information he/she is looking for.
- 5) Keep a copy of everything submitted – just in case.
 - a) Prepare a three-ring binder with the major sections tabbed.
 - i) In this way all of your information is in one place and easy to find.
 - ii) The information should be in the same order and page numbers as submitted with the disability application.
 - b) If called, refer to the information by section and page number so the reviewer can easily find the information he/she is looking for.
 - c) Take the binder with you to any reviews or hearings.
- 6) Be patient and responsive to follow-up inquiries by the reviewer.
- 7) If needed, follow-up with your doctor(s) to insure he/she has provided the requested information.

C. SOCIAL SECURITY – DISABILITY

1. WHERE CAN YOU OBTAIN ADDITIONAL INFORMATION ?

If you have access to the Internet, most of the information shown below can be found at <http://www.ssa.gov/disability/>. If you do not have access to the Internet, you can visit your local Social Security Administration (SSA) office or call them toll-free at **1-800-772-1213**.

When you sign on to the SSA – Disability web site, you will see the following page.



By clicking on the 'Topics' shown on the left side of the page, you will find answers to most of your questions as well as most of the information you need to fill out an application. *[Guide Note: Do not hesitate to pick up the phone and call the SSA if you cannot find the answer or you need something clarified]*

2. WHAT DOES THE SSA MEAN BY "DISABILITY"?

It is important that you understand how Social Security defines 'disability'. That is because other programs have different definitions for disability. Some programs pay for partial disability or for short-term disability. Social Security does **not**.

Disability under Social Security is based on your inability to work. You will be considered disabled if you cannot do work you did before and they decide that you cannot adjust to other work because of your medical condition(s). Your disability also must last or be expected to last for at least a year or to result in death. *[Guide Note: Progressive disorders are different and this is why you need to work with your doctor in order to explain the gradual and continual loss of certain functions]*

3. HOW DO YOU APPLY?

You should apply at any Social Security office as soon as you become disabled. You may file by phone, mail or by visiting the nearest office. Note that, while you may receive back benefits from the date you became disabled, they are limited to one year before the date you filed for benefits.

4. HOW YOU CAN SPEED UP YOUR OWN CLAIM?

It generally takes longer to process claims for disability benefits than other types of Social Security claims— from 60 to 90 days. **You can help shorten the process** by bringing certain documents with you when you apply and helping the SSA to get any other medical evidence you need to show you are disabled. These include:

- The Social Security number and proof of age;
- Names, addresses and phone numbers of doctors, hospitals, clinics and institutions that treated you and dates of treatment;
- Names of all medications you are taking;
- Medical records from your doctors, therapists, hospitals, clinics and caseworkers;
- Laboratory and test results;
- A summary of where you worked and the kind of work you did;
- A copy of your W-2 Form (Wage and Tax Statement), or, if you are self-employed, your federal tax return for the past year; and
- Dates of prior marriages and births of your children.

Do not delay filing for benefits just because you do not have all of the information you need. The Social Security office will be glad to help you. *[Guide Note: See Section B for additional ways to help speed up the process by being proactive in the preparation and submission of documents]*

5. WHO DECIDES IF YOU ARE DISABLED?

After helping you complete your application, the Social Security office will review it to see if you meet the basic requirements for disability benefits. They will look at whether you have worked long enough and recently enough, your age, etc. The office then will send your application to the Disability Determination Services (DDS) office in your state. The DDS will decide whether you are disabled under the Social Security law. The DDS will consider all the facts in your case. They will use the medical evidence from your doctors and from hospitals, clinics or institutions where you have been treated and all the other information they have.

On the medical report forms, your doctors or other sources are asked for a medical history of your condition:

- What is wrong with you;
- When it began;
- How it limits your activities;
- What the medical tests have shown; and
- What treatment you have received.

They also are asked for information about your ability to do work-related activities, such as walking, sitting, lifting, carrying, and remembering instructions. They are **not** asked to decide if you are disabled. *[Guide Note: This is why it is also important that you include your own personal information on why you can no longer work]*

The DDS may need more medical information before they can decide your case. If it is not available from your current medical sources, they may ask you to go to a special examination called a 'consultative examination'. Your doctor is the preferred source to do this examination but someone else may do it. Social Security will pay for the examination and for certain travel expenses related to it.

Once they reach a decision on your claim, they will send you a letter. If your claim is approved, the letter will show the amount of your benefit and when payments begin. If it is not approved, the letter will explain why and tell you how to appeal if you do not agree.

6. HOW DOES THE SSA DETERMINE DISABILITY?

You should be familiar with the process they use to determine if you are disabled. It is a systematic process involving five questions. They are:

1. Are you working?

If you are and your earnings average more than \$800 a month, you generally cannot be considered disabled. If you are not working, they go to the next step.

2. Is your condition "severe"?

Your condition must interfere with basic work-related activities for your claim to be considered. If it does not, they will find that you are not disabled. If it does, they will go to the next step.

3. Is your condition found in the list of disabling impairments?

They maintain a list of impairments for each of the major body systems that are so severe they automatically mean you are disabled. If your condition is not on the list, they have to decide if it is of equal severity to an impairment on the list. If it is, they will find that you are disabled. If it is not, they go to the next step. *[Guide Note: Include in your description of KD a reference to the disease's similarities to ALS (ALS is on the list of impairments)]*

4. Can you do the work you did previously?

If your condition is severe, but not at the same or equal severity as an impairment on the list, then they must determine if it interferes with your ability to do the work you did previously. If it does not, your claim will be denied. If it does, they go to the next step.

5. Can you do any other type of work?

If you cannot do the work you did in the past, they see if you are able to adjust to other work. They consider your medical conditions and your age, education, past work experience and any transferable skills you may have. If you cannot adjust to other work, your claim will be approved. If you can, your claim will be denied. *[Guide Note: Include some form of personal history reflecting the progressive nature of the disorder]*

D. WHAT HAPPENS WHEN A CLAIM IS APPROVED?

1. WHEN DO YOUR BENEFITS START?

If your application is approved, your first Social Security benefits will be paid for the **sixth full month** after the date your disability began. For example, if the SS finds that your disability began on January 15, your first disability benefit will be paid for the month of July. Because Social Security benefits are paid in the month following the month for which they are due, you would receive your July benefit in August. *[Guide Note: SSA likes to deposit your payment directly into your bank account. The deposits will be made at the same time each month.]*

2. HOW MUCH WILL YOU GET FROM SOCIAL SECURITY?

The amount of your monthly disability benefit is based on your lifetime average earnings covered by Social Security. If you would like an estimate of your disability benefit, you can request a **Social Security Statement** that displays your earnings record and provides an estimate of your disability benefit. The request form is available by calling or visiting Social Security. You can also get the form from the SSA Internet website.

3. HOW DO OTHER PAYMENTS AFFECT MY BENEFITS?

Eligibility for other government benefits can affect the amount of your Social Security benefits. There are several publications available from Social Security on this subject.

4. ARE BENEFITS TAXED?

Some people have to pay federal income taxes on their Social Security benefits. This usually happens only if your total income is high. At the end of the year, you will receive a **Social Security Benefit Statement** (Form SSA-1099) showing the amount of benefits you received. Use the statement to complete your federal income tax return if any of your benefits are subject to tax. For more information about this tax, ask the Internal Revenue Service for a copy of **Publication 915**. In addition, you may choose to have federal taxes withheld from your benefits.

5. CAN YOU GET MEDICARE IF YOU ARE DISABLED?

The SSA will automatically enroll you in Medicare after you get disability benefits for two years. [\[Guide Note: Under certain conditions this waiting period can be waived\]](#)

Medicare has two parts—hospital insurance and medical insurance. Hospital insurance helps pay hospital bills and some follow-up care. The taxes you paid while you were working financed this coverage, so it is free. The other part of Medicare, medical insurance, helps pay doctors' bills and other services. You will pay a monthly premium for this coverage if you want it. Most people have both parts of Medicare. [\[Guide Note: Before refusing coverage, understand any potential implications – penalties, waiting periods, etc.\]](#)

6. IS YOUR CASE REVIEWED?

In general, your benefits will continue as long as you are disabled. However, the SSA will review your case periodically to see if you are still disabled. The frequency of the reviews depends on the expectation of recovery.

- If medical improvement is "expected," your case normally will be reviewed within six to 18 months.
- If medical improvement is "possible," your case normally will be reviewed no sooner than three years.
- If medical improvement is "not expected," your case normally will be reviewed no sooner than seven years. [\[Guide Note: Progressive disorders normally fall into this category\]](#)

7. WHAT CAN CAUSE BENEFITS TO STOP?

Two things can cause the SSA to decide that you are no longer disabled and to stop your benefits. Your benefits will stop if you work at a level the SSA considers 'substantial'. Usually, average earnings of \$800 or more a month are considered substantial. Your disability benefits also will stop if the SSA decides that your medical condition has improved to the point that you are no longer disabled.

You must promptly report any improvement in your condition, your return to work and certain other events as long as you are receiving benefits. These responsibilities are explained in the booklet you will receive when benefits start.

E. THE APPEALS PROCESS – WHAT HAPPENS IF MY CLAIM IS DENIED?

1. IF YOUR CLAIM IS DENIED

Social Security wants to be sure that every decision made about your Social Security claim is correct. The SSA carefully considers all the information in your case before they make any decisions that affect your eligibility or your benefit amount.

If the SSA decides that you are not eligible or no longer eligible for benefits, or that the amount of your payments should be changed, they will send you a letter explaining their decision. If you do not agree with the SSA decision, you can ask them to look at your case again. If you wish to appeal, you must make your request **in writing within 60 days** from the date you receive the letter. The SSA assumes you receive the letter five days after the date on it, unless you can show them you received it later. Call your Social Security office if you need help with your appeal. There is more information about appeals available from the SSA.

When you ask for an appeal, the SSA will look at the entire decision, even those parts that were in your favor. If their decision was wrong, they will change it. There are four levels of appeal. They are (a) Reconsideration, (b) Hearing by an administrative law judge, (c) Review by the Appeals Council, and (d) Federal court review.

(a) Reconsideration

Reconsideration is a complete review of your claim by someone who did not take part in the first decision. They will look at all the evidence submitted when the original decision was made, plus any new evidence.

Most Reconsiderations involve a review of your files without the need for you to be present. However, when you appeal a decision that you are no longer eligible for disability benefits because your condition has improved, you have a choice of a file review or meeting with a Social Security representative to discuss your case. You can meet with a disability-hearing officer and explain why you believe you still have a disability.

(b) Hearing

If you disagree with the reconsideration decision, you may ask for a hearing. An administrative law judge who had no part in the first decision or the reconsideration of your case will conduct the hearing. The hearing is usually held within 75 miles of your home. The administrative law judge will notify you of the time and place of the hearing.

You and your representative, if you have one, may come to the hearing and explain your case in person. You may look at the information in your file and give new information. The administrative law judge will question you and any witnesses you bring to the hearing. You or your representative also may question the witnesses.

It is usually to your advantage to attend the hearing. If you do not wish to do so, you must tell them in writing that you do not want to attend. Unless the administrative law judge believes your presence is needed to decide the case, he or she will make a decision based on all the information in your case, including any new information given. After the hearing, the SSA will send you a letter and a copy of the administrative law judge's decision.

(c) Appeals Council

If you disagree with the hearing decision, you may ask for a review by Social Security's Appeals Council. They will be glad to help you ask for this review.

The Appeals Council looks at all requests for review, but it may deny a request if it believes the hearing decision was correct. If the Appeals Council decides to review your case, it will either decide your case itself or return it to an administrative law judge for further review. You will receive a copy of the Appeals Council's decision or order sending it back to an administrative law judge.

(d) Federal Court

If you disagree with the Appeals Council's decision or if the Appeals Council decides not to review your case, you may file a lawsuit in a Federal District Court.

2. CAN SOMEONE HELP ME WITH THIS PROCESS?

Yes. Many people handle their own Social Security appeals with free help from Social Security. However, you can choose a lawyer, a friend, or someone else to help you. Someone you appoint to help you is called your 'representative'. The SSA will work with your representative just as they would work with you.

Your representative can act for you in most Social Security matters and will receive a copy of any decisions they make about your claim. Your representative cannot charge or collect a fee from you without first getting written approval from Social Security. If you want more information about having a representative, contact the SSA.

F. ADDITIONAL INFORMATION/PUBLICATIONS

The following publications can be ordered through the Social Security Administration – either through the Internet (<http://www.ssa.gov/disability/>) or by calling **1-800-772-1213**.

- [Social Security – Disability Benefits](#) (Publication No. 05-10029)
- [What You Need To Know When You Get Disability Benefits](#) (Publication No. 05-10153)
- [How Workers' Compensation And Other Disability Payments May Affect Your Benefits](#) (Publication No. 05-10018)
- [The Windfall Elimination Provision](#) (Publication No. 05-10045)
- [Government Pension Offset](#) (Publication No. 05-10007), a law that affects spouse's or widow(er)'s benefits
- [The Appeals Process](#) (Publication No. 05-10041)
- [Social Security And Your Right To Representation](#) (Publication No. 05-10075)
- [What You Need To Know When You Get Disability Benefits](#) (Publication No. 05-10153)

G. THE SSA APPLICATION FORM AND SUPPLEMENTAL INFORMATION

1. APPLICATION FORM

- Disability Report-Adult-Form SSA-3368-BK
 - This form can be downloaded from the SSA web site.
 - The form can also be mailed to you by the SSA.
 - The form is also available in a PDF format on the KDA web site ([insert hyperlink to the file](#))

2. SUPPLEMENTAL INFORMATION

- Cover Sheet [\[see example below\]](#)
- Section 3 – List of Duties and How Illness Impedes Performance [\[see example below\]](#)
- Section 4 – List of Doctors [\[see example below\]](#)
- Additional Required Information [\[see example below\]](#)
- Employment History [\[see example below\]](#)
- Also enclose copies of web sites and magazine articles that will help educate the Review Board on SBMA [\[possible examples\]](#)
 - Primary Doctors Reports
 - Neurologist Reports
 - DNA Test Results
 - List of current symptoms
 - History of falls and injuries
 - Information on SBMA (from Quest Magazine, and the MDA and KDA web sites – www.mdaua.org/disease/fasheet_sbma.html and www.kennedysdisease.org/sbmasymptoms.html)
 - § What is SBMA?
 - § What are the symptoms?
 - § How is it diagnosed?
 - § How is it treated?

3. EXAMPLES

a. Supplemental Information [\[Cover Sheet\]](#)

Claim for Long-Term Disability Benefits

Claimant's Statement and Supporting Information

Supplemental Information	Attachment
Diagnosis from xxxx – MDA certified doctor Department of Neurology, University of xxxx	A
Initial Diagnosis from xxxxxx, MD Neurology Consultants, xxxxx	B
Electromyography and Nerve Conduction Study xxxx, MD	C
DNA report with a diagnosis of Kennedy's Disease Dated xxxxxx	D
Follow-up DNA report with a diagnosis of Kennedy's Disease Dated xxxxx	E
Short-Term Disability Statement from primary physician xxxxx, MD, Dated	F
Current report of personal symptoms	G
Five-year history of falls and injuries	H
Kennedy's Disease Fact Sheet and MDA	I
List of Kennedy's Disease Symptoms from MDA	J
MDA article on Kennedy's Disease (Quest Magazine)	K

b. Supporting information to Claimant's Statement (EForm 15983)

Section 3

- List the duties at time of disability
 - Amplify upon your specific work responsibilities including the hours that you perform each of these duties [list duties with hours per week]
 - § Xxxxx [30+ hours]
 - § Xxxxx [5+ hours]
 - § Xxxxx [15+ hours]
 - § Xxxxx [2+ hours]
 - § Xxxxx [1 hour]
- Position and duties before being given 'lighter' responsibilities due to the progressive and degenerative nature of this health issue
 - [\[In this section provide information on your duties/responsibilities prior to experiencing the effects of Kennedy's Disease\]](#) [60+ hours/week]
 - § Responsible for xxxx [30+ hours]
 - § Supervise xxxx people [8-10 hours]
 - § Xxxxx [10+ hours]
- How does your illness impede your ability to do your occupational duties?
 - Progressive loss of strength in the primary muscles and sensations in hands and feet limits my ability to function consistently in a professional manner.
 - Strength issues restrict my ability to xxxx – this limitation has resulted in not being able to accept xxxx promotions
 - § [\[Once again amplify on what this means in your inability to perform your current duties\]](#)
 - Difficulty traveling to and from the office and to meetings in other locations within the office complex [\[examples\]](#)
 - § Difficulty standing or walking for more than a few minutes
 - § Requires assistance in standing up from most chairs
 - § Difficulty using restroom facilities (even handicapped accessible)
 - Arm and hand strength limits ability to [\[examples: write reports, take notes, type, carry/lift objects, etc.\]](#)
 - Throat, tongue and jaw weakness limits ability to maintain a conversation, give presentations, entertain customers, etc. [\[example\]](#)
 - § Difficulty swallowing
 - Loss of feeling and strength in the legs, feet, arms and hands when exposed to cold temperatures (<50° F)
 - Any normal work activity results in fatigue – excessive activities or stress results in extreme fatigue and accelerated muscle wasting
 - Experiences daily muscle and joint soreness, cramping and some pain. [\[examples\]](#)
 - § Occasionally experiences severe pain (cramping) in neck, arms, hands, legs, or jaw
 - A general weakness in the lungs [\[examples\]](#)
 - § Difficulty clearing the lungs
 - § Occasional loss of breath

Section 4

- Information about physicians and hospitals [\[Give the SSA as much information as you can to help them contact your doctors\]](#)
 - Primary Doctor
xxxxx, MD
Address
Telephone
Fax
 - MDA Doctor
xxxxx, MD
Address
Telephone
Fax
 - Neurologist (original)
xxxxx, MD
Address
Telephone
Fax
 - Other Doctors or Hospitals
xxxxx, MD
Address
Telephone
Fax

c. Additional Information Required by Social Security:

Military Service:

- U. S. xxxx
- Enlisted - xx/xx/xx
- Last day of active service – xx/xx/xx
- Honorable Discharge – xx/xx/xx

Marriage(s):

- Xxxx [Spouse]
 - DOB: xx/xx/xx
 - Married – xx/xx/xx in xxxx, XX
 - Divorced – xx/xx/xx in xxxx, XX [if divorced]
 - Children – xxxx
 - § DOB: xx/xx/xx in xxxx, XX
- [List additional spouses, as required - with the same information as shown above]

d. Employment History Example

EMPLOYMENT HISTORY

XXXX COMPANY

xxxx, XX

19XX – 20XX

Title – From: Xxx 20XX to Xxxx 20xx – Explain your responsibilities, people supervised, hours worked, compensation, and reason for leaving

Title – Xxx 20XX to Xxxx 20xx – Explain your responsibilities, people supervised, hours worked, compensation, and reason for leaving

XXXX COMPANY

xxxx, XX

19XX – 19XX

Title – Xxx 20XX to Xxxx 20xx – Explain your responsibilities, people supervised, hours worked, compensation, and reason for leaving

Title – Xxx 20XX to Xxxx 20xx – Explain your responsibilities, people supervised, hours worked, compensation, and reason for leaving

XXXX XXXX, INC.

xxxx, XX

19XX – 19XX

Title – Xxx 20XX to Xxxx 20xx – Explain your responsibilities, people supervised, hours worked, compensation, and reason for leaving

Title – Xxx 20XX to Xxxx 20xx – Explain your responsibilities, people supervised, hours worked, compensation, and reason for leaving