

Chief Judge Alice M. Batchelder,

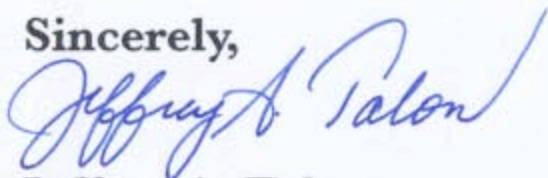
United States Court of Appeals for the Sixth Circuit
Case Number 07-3897.

United States Supreme Court Docket 07-8588.

The following ORIGINAL DOCUMENTS are enclosed.

1. Administrative Law Judge Whitfield Haigler Jr.'s June 21, 2011, NOTICE OF HEARING.
2. Administrative Law Judge Jerry Faust's August 24, 2011, NOTICE OF DISMISSAL.
3. Binder and Binder Senior Advocate Barry O'Lynnger's August 3, 2011 computer disk (Jeffrey A. Talon's Medical Record).

Sincerely,



Jeffrey A. Talon
216-534-4895
jtalon@mac.com

10205 Robinson Ave.
Garfield Heights, Ohio 44125



MICHAEL D. MILLER
NOTARY PUBLIC, STATE OF OHIO
Recorded in Cuyahoga County
My Commission Expires Jan. 30, 2013

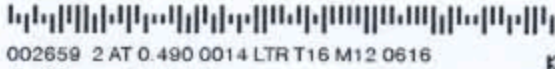
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Federal Center Bld 110
4300 Goodfellow Blvd
2nd Floor
Saint Louis, MO 63120

WARNING: DO NOT THROW AWAY
Use this sheet to return documents
to the SSA Office.

AVISO: NO LA DESCARTE
Use esta hoja para devolver los
documentos a la Oficina del Seguro Social.



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Jeffrey A Talon
10205 Robinson Ave
Garfield Hts, OH 44125



Please make sure this page remains folded. Ensure the SSA office address on the **reverse** side of this sheet shows clearly when mailing documents to SSA.

Por favor asegúrese que esta página se mantenga doblada. Asegúrese que la dirección de la oficina de Seguro Social **al dorso** esta la hoja se muestre claramente cuando envíe los documentos al Seguro Social.

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Please use this side and ensure the SSA office address shows clearly in the provided reply envelope.
Por favor use este lado y asegúrese de que la dirección de la oficina se vea claramente en el sobre de respuesta provisto.



Complete the Enclosed Form

Please complete and return the enclosed acknowledgement form within 5 days of the date you receive this notice. Please use the enclosed envelope to return the form to us. We assume you received this notice 5 days after the date on it unless you show us that you did not receive it within the 5-day period. We are enclosing a courtesy copy of the acknowledgment form for your representative's review. Your representative does not need to return their copy of the form.

I Plan To Use Video Teleconferencing (VTC) At Your Hearing

I scheduled you to appear at your hearing by video teleconference (VTC). You will be at the location shown above during the hearing, and I will be at another location. We will be able to see, hear, and speak to each other using a large, color monitor. I will also be able to see, hear, and speak to anyone who comes with you to the hearing. This may include your representative (if you have one), a friend, or a member of your family. A person will be at your location to operate the equipment and provide any other help you may need.

What To Do If You Do Not Want To Appear At Your Hearing By Video Teleconferencing (VTC)

If you do not want to appear at your hearing by VTC, let this office know within 5 days of receiving this notice. Please do this by returning the enclosed acknowledgment form and checking the block that says, *"I do not want to appear at my hearing by video teleconference. Please reschedule my hearing so that I may appear before you in person."*

If you return the enclosed form within 5 days, I will arrange an in-person appearance for you on the next available hearing date. However, asking me to reschedule your hearing so you can appear in person might delay your hearing to a date later than the current hearing date. Also, please note that I may not be able to reschedule your hearing if you wait more than 5 days after receiving this notice to send back the form telling me that you do not want a hearing by VTC. I will have to consider whether you had a good reason for the delay.

If You Cannot Come To Your Scheduled Hearing

If you cannot come to your hearing at the time and place I have set, please call this office immediately. Also, please mail the acknowledgement form to this office right away.

If you need to change the time or place of your hearing, you must ask for the change as soon as you know of a problem that will keep you from coming. If possible, your request should be in writing to tell me why you need the change and the time and place you would like the hearing held.



I will decide whether you have a good reason for requesting the change. If you delay in asking for a change, I will also decide whether you have a good reason for the delay.

If I find you have a good reason for your request, I will set a new time and place for your hearing. I will also send another notice giving you the time and place of your hearing at least 20 days before the new date of the hearing.

You May Submit More Evidence and Review Your File

It is very important that the evidence in your file is complete and up-to-date. If there is more evidence, such as recent records, reports, or evaluations that you want me to see, please mail or bring that evidence to me as soon as possible. If you cannot submit the evidence to me before the hearing, you may bring it to the hearing. Submitting evidence to me before the hearing can often prevent delays in reviewing your case.

If you want to see your file before the date of your hearing, please call this office and make arrangements. If your file is electronic, you may ask for a copy on a compact disc. You may also review your file on the day of your hearing if you come in at least 30 minutes before the time set for your hearing. Please call us in advance if you will need more than 30 minutes to review your file.

Issues I Will Consider

The hearing concerns your application of December 9, 2009, for a Period of Disability and Disability Insurance Benefits under sections 216(i) and 223(a) of the Social Security Act (the Act). I will consider whether you are disabled under sections 216(i) and 223(d) of the Act.

Under the Act, I will find you disabled if you have a physical or mental condition(s) that:

- Keeps you from doing any substantial gainful work; **and**
- Has lasted 12 straight months, can be expected to last for 12 straight months, or can be expected to result in death.

I will follow a step-by-step process to decide whether you are disabled. I will stop the process at the first step I can make a decision. The steps in this process look at:

- Any work you have done after your condition(s) began;
- The severity of your condition(s);
- Whether you can do the kind of work you did in the past; **and**
- Whether you can do any other kind of work considering your age, education, and work experience.

I will also consider whether you have enough earnings under Social Security to be insured for a Period of Disability and Disability Insurance Benefits. If you do, I must decide whether you became disabled while you were insured.

Our regulations explain the rules for deciding whether you are disabled and, if so, when you became disabled. These rules are in the Code of Federal Regulations, Title 20, Chapter III, Part 404, Subpart B and Subpart P.

More About the Issues

If I find that you have been disabled, I will also consider whether your disability continues through the date of my decision or whether your condition(s) has improved.

Remarks

A vocational expert will appear at the hearing by video teleconference. You will be able to see, hear, and speak to the expert using a color monitor. You have a right to review the claim file. If you have not already reviewed the file or made arrangements to do so, please call this office at the number shown on the first page of this notice.

If You Disagree With the Issues

If you disagree with the issues I have listed above, you must tell me in writing why you disagree. To prevent delays, you must do this as soon as possible after you receive this notice.

Your Right To Request a Subpoena

I may issue a subpoena that requires a person to submit documents or testify at your hearing. I will do this if the person has evidence or information that you reasonably need to present your case fully.

If you want me to issue a subpoena, you must write to me as soon as possible. I must receive your request no later than 5 days before your hearing. In your request, please tell me:

- What documents you need and/or who the witnesses are;
- The location of the documents or witnesses;
- The important facts you expect the document or witness to prove; and
- Why you cannot prove these facts without a subpoena.



Enclosures:

- Form HA-504 (Acknowledgement of Receipt of Notice of Hearing)
- SSA Publication No. 70-067 (Why You Should Have Your Hearing By Video)
- Form HA-L84 (Vocational Expert Letter)

cc: Charles Binder
 Binder & Binder
 34 Industrial St.
 Bronx, NY 10461

We can pay certain travel costs when your representative or needed witness must travel more than 75 miles to the hearing. I have enclosed a sheet to tell you about our rules for paying travel costs. Please call this office if you want more information.

After the hearing, I will issue a written decision and mail it to you. The decision will explain my findings of fact and conclusions of law. I will base my decision on all the evidence in the record, including the testimony at your hearing.

If you have any questions, please call (877) 480-4272 or write this office. For your convenience, our address is on the first page of this notice.

Jeffrey A. Talon, Jr.
 Administrative Law Judge



When we can pay travel expenses

If you must travel more than 75 miles one way from your home or office to attend the hearing, we can pay certain costs. Here are the rules that apply:

- We can pay expenses such as the cost of a bus ticket or expenses for driving your car.
- In certain circumstances, you may need meals, lodging, or taxicabs. The Administrative Law Judge (ALJ) must approve these special travel costs **before the hearing unless** the costs were unexpected and unavoidable.
- The ALJ may also approve payment of similar travel expenses for your representative and any witnesses he or she determines are needed at the hearing.
- You must submit a written request for payment of travel expenses other than meals, lodging, or taxicabs to the ALJ at the time of the hearing or as soon as possible after the hearing. List what you spent and include supporting receipts. If you requested a change in the scheduled location of the hearing to a location farther from your residence, we cannot pay you for any **additional** travel expenses.
- If you need money for travel costs in advance, you should tell the ALJ as soon as possible **before the hearing**. We can make an advance payment only if you show that without it you would not have the funds to travel to or from the hearing.
- If you receive travel money in advance, you must give the ALJ an itemized list of your actual travel costs and receipts within 20 days after your hearing.
- If we gave you an advance payment that is more than the amount you are due for travel costs, you must pay back the difference within 20 days after we tell you how much you owe us.
- If we reimburse you for travel costs we follow the rules in the Code of Federal Regulations and apply the same rates and conditions of payment that govern travel expenses for Federal employees. 41 CFR Chapter 301 and 20 CFR 404.999a-999d.

Why You Should Have Your Hearing By Video

If you are getting ready for a hearing before an administrative law judge, Social Security offers an efficient method using new technology—video hearings. With video hearings, we can make the hearing more convenient for you. Often an appearance by video hearing can be scheduled faster than an in-person appearance.

What is a video hearing?

A video hearing allows you and the other hearing participants to see and hear each other through large color television screens. The judge remains in his or her office, and you go to a site that can be more convenient to where you live. A technician is there to make sure the equipment works smoothly.

How is a video hearing different?

Except for the equipment, a video hearing is no different than a hearing at which you appear in person. The judge can see you and speak with you and anyone who comes to the hearing with you, such as your representative or any witnesses. You can see the judge and anyone who is with the judge—or anyone at another video teleconference site, such as a medical or vocational expert. Transmission of the hearing is secure, and your privacy is protected. We do not videotape hearings, but we do make audio recordings—as we do for all hearings.

What are the advantages of a video hearing?

Often an appearance by video hearing can be scheduled faster than an in-person appearance. That means less waiting time. Also, a video hearing location may be closer to your home. That might make it easier for you to have witnesses or other people accompany you.

How is a video hearing scheduled?

If we are using video hearing equipment in your area, we will contact you to schedule a video appearance for you at a convenient time. The judge will consider any preference you may have expressed for or against appearing by video teleconferencing when setting the time and place of your hearing. You will have an opportunity to object to the set time or place.

If you have any questions or want more information, please contact your hearing office when you receive your acknowledgment of your request for a hearing.



Social Security Administration
SSA Publication No. 70-067
ICN 443300
Unit of Issue – HD (one hundred)
October 2004

www.socialsecurity.gov



SOCIAL SECURITY ADMINISTRATION

Refer To: 299-54-7468

Office of Disability Adjudication and Review
Federal Center Bld 110
4300 Goodfellow Blvd
2nd Floor
Saint Louis, MO 63120

Date: August 24, 2011

Jeffrey A Talon
10205 Robinson Ave
Garfield Hts, OH 44125

Notice of Dismissal

I am dismissing your request for a hearing. Please read this notice and the enclosed Order of Dismissal.

If You Disagree With My Order Of Dismissal

If you disagree with my order, you may file an appeal with the Appeals Council. You may also ask me to vacate, or set aside, my order. Asking me to vacate my Order of Dismissal does not extend your time to file an appeal with the Appeals Council.

How To File An Appeal

To file an appeal, you or your representative must ask in writing that the Appeals Council review my Order of Dismissal. You may use our Request for Review form (HA-520) or write a letter. The form is available at www.socialsecurity.gov. Please put the Social Security number shown above on any appeal you file. If you need help, you may file in person at any Social Security or hearing office.



Please send your request to:

**Appeals Council
Office of Disability Adjudication and Review
5107 Leesburg Pike
Falls Church, VA 22041-3255**

Time Limit To File An Appeal

You must file your written appeal **within 60 days** of the date you get this notice. The Appeals Council assumes you got this notice 5 days after the date of the notice unless you show you did not get it within the 5-day period.

The Council will dismiss a late request unless you show you had a good reason for not filing it on time.

What Else You May Send Us

You or your representative may send us a written statement about your case. You may also send us new evidence. You should send your written statement and any new evidence **with your appeal**. Sending your written statement and any new evidence with your appeal may help us review your case sooner.

How An Appeal Works

The Appeals Council will consider whether your case should have been dismissed. It may consider your entire case. The rules the Appeals Council uses are in the Code of Federal Regulations, Title 20, Chapter III, Part 404 (Subpart J). The Appeals Council may review my order of dismissal for reasons not stated in your appeal.

The Appeals Council may:

- Deny your appeal,
- Return your case to me or another administrative law judge for a new decision,
- Issue its own decision, or
- Dismiss your case.

The Appeals Council will send you a notice telling you what it decides to do.

When There Is No Appeals Council Review

If you do not appeal, the Appeals Council does not review my Order of Dismissal on its own, and I do not set aside my order, the action upon which you requested a hearing cannot be changed except under special circumstances.



**SOCIAL SECURITY ADMINISTRATION
Office of Disability Adjudication and Review**

IN THE CASE OF

Jeffrey A Talon
(Claimant)

(Wage Earner)

CLAIM FOR

Period of Disability and Disability Insurance
Benefits

299-54-7468
(Social Security Number)

ORDER OF DISMISSAL

This case is before the undersigned on a request for hearing dated December 30, 2010. The claimant is represented by Barry O'Lynnger.

An Administrative Law Judge may dismiss a request for hearing if, at any time before the notice of the hearing decision is mailed, the claimant asks to withdraw the request (20 CFR 404.957(a)).

By letter dated August 22, 2011, the claimant, through his representative, asked to withdraw the request for hearing (Exhibit 14B). The request was also orally withdrawn at the hearing. The record shows that the claimant was fully advised of the effects of this action, including dismissal of the request for hearing with the result that the reconsideration determination would remain in effect. The undersigned is satisfied that the claimant understands the effects of his withdrawal of the request for hearing.

Accordingly, the claimant's request for hearing dated December 30, 2010 is dismissed and the reconsideration determination dated November 16, 2010 remains in effect.

is/ Jerry Faust

Jerry Faust
Administrative Law Judge
August 24, 2011

Date

USERNAME
SSA

PASSWORD
JEFF #7468

EXTRACT



AS PER
BARRY
O'LYNNGER