

DISABILITY HEARING OFFICER'S DECISION
Medical Improvement Review Standard Not Applicable

NUMBER HOLDER'S SSN

Determination of Disability

1. The Social Security regulations require that a person's disability be determined through a series of evaluation steps. The first step is to determine whether or not the person is presently engaging in substantial gainful activity (20 CFR 404.1520(b); 20 CFR 416.920 (b)). This decision was made by the Social Security office before the disability hearing decision was issued. The decision was:

- You are not engaging in substantial gainful activity.
- You are engaging in substantial gainful activity but may be entitled to an extended period of eligibility for Social Security disability and/or to cash payments and/or Medical coverage under Supplemental Security Income.

In making the determination of disability, the hearing officer will review the remaining evaluation steps. Depending upon the evaluation of the evidence, the hearing officer may make a determination regarding the claimant's disability at various steps during the review.

2. Does the claimant have a severe impairment? YES NO

If a person's impairment(s) is a slight abnormality or a combination of slight abnormalities which has no more than a minimal effect on a person's ability to do basic work activities, the hearing officer will determine that the person does not have a severe impairment. Examples of work activities include walking, standing, sitting, lifting, carrying, pushing or handling. Also involved are capacities for seeing, hearing, speaking, understanding, and carrying out simple instructions. If a person does not have a severe impairment(s), he/she will be determined not to be disabled and the hearing officer will not continue to the next review step. (20 CFR 404.1520-1523; 20 CFR 416.920-923; SSR 85-28)

Explain: _____

3. Does claimant's Impairment(s) meet or equal a current listed impairment? YES NO

If a person has a severe impairment, the hearing officer will then determine whether the impairment meets or equals an impairment in the Listing of Impairments in the Social Security regulations. The listing contains many medical conditions which would normally prevent a person from doing any gainful activity. If a person's impairment(s) meets or equals an impairment in the listing, he/she will be found disabled. If the impairment does not, the hearing officer will continue to the next review step. (20 CFR 404.1525, 1526; 20 CFR 416.925,926)

Explain: _____

4. What is the claimant's residual functional capacity?

If the person's impairment(s) does not meet or equal a listing, it is necessary to determine his/her residual functional capacity. "Residual functional capacity" refers to those basic work activities a person can do despite his/her impairment(s). For the purpose of determining physical exertion requirements of work, jobs are classified as sedentary, light, medium, heavy, and very heavy (20 CFR 404.1545, 1567; 20 CFR 416.945, 967). After determining the person's residual functional capacity, the hearing officer will proceed to the next step.

Explain: _____

5. Does the claimant's impairment(s) prevent him/her from doing past relevant work? YES NO

Past relevant work refers to work that the claimant has done within the last 15 years, has done long enough to learn, and has done for profit or gain. If a person has the residual functional capacity to perform past relevant work, he/she will be considered not disabled. If he/she cannot do past relevant work, the hearing officer will continue to the next review step. (20 CFR 404.1561; 20 CFR 416.961)

Explain:

6. Does the claimant have a marginal education and work experience that is limited to arduous, unskilled physical labor? YES NO

Generally, if a person has a marginal education and work experience of 35 years or more of arduous, unskilled physical labor and the person is not working and cannot perform past work due to a severe impairment, he/she will be considered unable to do lighter work and the person will be considered disabled. If he/she does not meet all of these criteria, the hearing officer will continue to the next review step. (20 CFR 404.1562; 20 CFR 416.962)

Explain:

7. Is the claimant of advanced age with a limited education and no work experience or no recent and relevant work experience? YES NO

Generally, a person of advanced age with no relevant work experience and a limited education or less will be considered disabled provided his/her impairment is severe. If all of these criteria are not met, the hearing officer will continue to the next review step. (SSR 82-63)

Explain:

8. Does claimant's impairment(s) prevent him/her from doing other work? YES NO

a. If material, are claimant's skills transferable? YES NO

To what occupation(s) can claimant's skills be transferred?
 Explain:

b. What is the vocational rule to be used?

What jobs can claimant do if the claimant's vocational factors do not coincide with a vocational rule and if a determination is being made that claimant is not disabled?
 Explain:

If a person cannot do past relevant work, it will be determined whether he/she can do "other" work (work that exists in significant numbers in the person's region or several other regions in the country.) To make this decision, the hearing officer considers the person's residual functional capacity, occupational base, age, education, and work experience (classified as unskilled, semi- skilled and skilled.) If the person's work experience indicates that the work was semi-skilled or skilled, the hearing officer will consider whether those skills are transferable, if relevant to the disability determination. To do this, the hearing officer will identify the acquired work skills and, if necessary, specify the occupations to which the acquired work skills are transferable. In deciding this review step, the hearing officer will refer to the medical/vocational guidelines (Appendix 2) of the Social Security regulations. If all the person's vocational factors do not coincide with a particular rule in the guidelines, the hearing officer will use these rules as a framework for deciding this step. If a person has the capacity to adjust to work other than what he/she has done in the past, the person will be found not disabled. (20 CFR 404.1560-1569; 20 CFR 416.960-969)

Explain:

