

## Vocational Analysis



### What is Vocational Analysis (VA)?

Vocational Analysis is a process that enables you to identify the demands of a particular job. The demands of a job describe the physical and mental capabilities required to perform the job. If a person is unable to perform the demands of a particular job, vocational analysis lets you find less demanding jobs that the client might be able to perform. If SSA cannot find a less demanding job within the client's RFC, the case is allowed.

### Jobs in National Economy

Every job in the national economy requires some physical and/or mental capability to perform. You can find data on all jobs in the U.S. By using the Onet or the Directory of Occupational Titles (DOT). One of the steps within vocational analysis requires you to know the demands of a client's past work. The Onet or the DOT will provide this data. These databases provide detailed information on the requirements of all jobs in all industries.

Vocational Analysis (VA) enables you to compare the demands of a client's past work with other similar work. VA is used by SSA to determine if a client can return to his/her past work. VA is also used to determine if a person can adjust to other less demanding work. If a client is capable of performing past or other less demanding work, he/she will be denied benefits.

### When to Perform Vocational Analysis?

Vocational analysis begins with the initial client interview. The initial interview affords you the opportunity to acquire basic information about the client's impairment and work history.

### How to Perform VA

You always begin a disability case by interviewing the potential client. You would ask basic questions about the client's impairment and work history. The

first vocational question is always - **Are you still working?** If so, the case is over. If client is **not** working, you can then begin to ask about the claimant's work history in greater detail. You won't need a lot of vocational detail at first. Start by finding out:

Date work stopped.

Reason for stopping work.

What type of work did client perform in last 15 years?

How long did he work at a particular job?

How much did he typically earned?

Basic demands of past jobs as described by client.

### Sample Manual Vocational Analysis:

A potential client is a **47 y/o** roofer, high school grad, with **13 years** of experience who earned **\$40,000** per year. He stopped working **6 months** ago after he fell from a roof **injuring his back**. He suffered a **fractured vertebra** at multiple levels. Client is not paralyzed but suffers **severe back** pain and **weakness** of the lower extremities. He states that he was required to lift up to fifty pound, bend, stoop, and twist at the waist. He feels that he cannot return to this type of work.

**Step 1** - Note the important information highlighted in the paragraph above. You will be using this data in your vocational analysis.

**Step 2** - Look up the client's job title Roofer in the Onet or DOT and list the specific physical demands required to perform the work. Physical demands are things like standing, walking, lifting, pulling, etc.

**Step 3** - Note how the client describes his past work demands.\_ He states that he "was required to lift up to fifty pounds, bend, stoop, and twist at the waist". He feels that he cannot return to this type of work.

**Step 4** - Identify all of the claimant's physical or mental limitations.

**Step 5** - Compare the claimant's limitations to the demands of his past work.

**Step 6** - Compare claimant's limitations to other less demanding work. But

where do you find other less demanding work? Answer: In the Onet or DOT.

**Step 7** - If it appears that the claimant **can** adjust to less demanding work, you look for more physical limitations within the client's medical records that might further lower his RFC.

The above in a nutshell, describes the incredibly complex process known as vocational analysis. We just described this enormous process in 7 easy steps. There are experts working for SSA that spend all of their waking time finding and pointing out jobs that disabled people can be denied back to. As an advocate, I'm going to teach you how to beat these experts at their own game!

### Client Interview Data

Before moving on with vocational analysis, I wanted to point bring to your attention how much important data you can extract from even our small sample case above. In the sample, in addition to vocational information, you learned the client's age, educational level, primary diagnosis, symptoms, income level and more. My point: Even a small amount of client data can be useful if you know how to use it properly.

Knowing that the claimant worked for thirteen years tells you that he is probably eligible to apply for SSDI or Title II. He definitely earned above the SGA level and stopped working six months ago. You can now further investigate the claimant's injury to determine limitations caused by the disorder.

### Vocational Analysis Happens within Sequential Analysis

Recall that Sequential Analysis is the process used by SSA and advocates to determine if the client meets SSA's criteria for a total disability. Vocational analysis begins at step 4 of the SA and asks the question, can the claimant do his past work? You answer this question by comparing the claimant's RFC to the demands of his past work using vocational analysis.

In step 5 of the SA you ask the question, can the client do other less demanding work. You answer this question by comparing the claimant's RFC to the demands of other less demanding work using vocational analysis.

## Vocational Rule Table (The Grid)

Vocational Analysis is a complex process that is very important to the evaluation of a disability claim. One of the (optional) elements within VA is a chart called the Grid. The Grid, created by SSA, enables you to compare a claimant's age, education, skill level and transferability to a chart that determines case outcome. Use the Vocational Rules Table in the Program Syllabus to determine which RFC is needed for an allowance determination given the client's age, education and so on.

## Fundamental Components of Work

Within the vocational analysis process, you are attempting to break down work into its fundamental components. A fundamental component is a physical and/or mental capability required to perform a particular job. VA is the process whereby you compare a person's ability to perform work with consideration of his/her limitations. You're making this comparison to determine if your client can realistically perform the work. If the claimant is limited as a result of his/her impairments, he/she will be excluded by SSA from work that he/she is no longer able to perform.

Therefore, the more limited the claimant in the fundamental components, the better his chances of winning benefits. An allowance decision that is based on medical limitations to job performance is called a Medical Vocational Allowance. VA is the foundation of any effective adult disability argument. If you're skilled in this process you will be far more likely to win your cases. We have learned from our own experiences that formal VA is not always necessary. You can usually perform an abbreviated analysis that will be fully adequate and take a lot less time. We call our abbreviated approach to VA common sense vocational analysis.

## Common Sense VA

We can simplify the VA process by staying focused on the reason why we are using VA in the first place. The purpose of VA is to determine if the client can still perform work despite his impairment. SSA wants to show that the client can perform some kind of work. We want to show that the claimant cannot do any kind of work. Our strategy is to focus on any and all provable limitations suffered by the client. We then use those limitations to argue for a lower RFC.

How low? Low enough to win the case given the claimant's age, education and impairment.

### Fundamental Components are Capabilities

Once again, a Fundamental Component of Work is a physical and or mental capability that one needs to perform a given job. Examples of fundamental components are standing, walking, bending, stooping, and lifting.

### Fundamental Components and the RFC

The RFC is a list of a claimants remaining fundamental components. In Common Sense VA, one simply compares the claimant's RFC with the fundamental component required to do his past work. Then you compare the claimant's RFC to other less demanding work. If he can return to less demanding work, then you need to lower the RFC. If he cannot perform the duties of less demanding work, he will be found disabled.

**Example:** Your client a 54 y/o truck driver with eleven years of education. The claimant injured his eyes and can no longer see to pass his driver's license examination. He has severely blurred vision but he is not legally blind. His injury, its symptoms and the subsequent limitations are medically documented. Performing a VA on this claimant, you must determine if he can be found disabled.

You start your argument by pointing out the claimant is no longer capable of performing his past work as a truck drive due to the eye injury. SSA will probably agree! Fred's visual impairment has caused him to lose an important fundamental component of his past job as a driver. We have shown that he is no longer capable of performing his past work. But, what about his ability to perform other less demanding work? And, what if the claimant were younger, say thirty years old?

Vocational Secret: For any claimant under age forty-nine, you must always argue for a less than sedentary RFC. You argue for less than sedentary by pointing out the effects of all impairments combined (remember the Whole Body Principle!). The primary impairment in our above example is vision. However, if the claimant can still read with corrective lenses, vision alone will not eliminate his ability to perform other less demanding work. Therefore, his case will be denied unless he suffers from other limiting impairment as well.

*Why do you use so many examples of denied cases? Our answer:*

While a good General may acquire his greatest lessons from his mistakes, a great General learns from the mistakes of others. You'll get ahead much faster in this business if you learn from others. We've made every mistake imaginable and we're teaching you how to avoid them.

To win the case for the vision impaired truck driver who is under age forty-nine, you must further reduce his RFC to less than sedentary. Vision reduction alone won't do it. We need a secondary impairment that causes additional serious limitations. We can then combined the impairments for a lower RFC.

A good example of a secondary limitation is a supportable back disorder that significantly restricts sitting, standing, walking, lifting, etc. When we combine the back limitations with poor vision, a reasonable argument can be made that he is incapable of performing even sedentary work.

### Identifying Physical/Mental Job Requirements

All jobs have characteristic physical and/or mental requirements. For example: To function properly as truck driver, you must have:

- Good vision
- Be able to read and write
- Be able to follow directions

- Be able to do\_basic arithmetic
- Be able to communicate effectively with others
- Be able to sit\_for an extended period of time
- Be able to lift 50 pounds maximum.

A loss of any two of the above fundamental components for a truck driver would make performing as a driver all but impossible.

### Compare Claimant Limitations to Job Demands

In your capacity as an advocate you will use medical evidence to show that a claimant has the **diagnosis**, **signs**, **symptoms** and **limitations** needed to be found totally disabled. You compare the claimant's limitations to the demands of his past work. Upon ruling out the claimant's past work, you turn to the final step of sequential analysis. Can the claimant do other less demanding work?

You've argued away the claimant's past work, now you must do the same for other less demanding work. A wise advocate would point out that there has been a loss of one or more (capabilities or fundamental component) of work that prevents the claimant from doing any work. If you can present a medically supported limitation that fits this bill, you win the case. In Module 4, we'll show you how to identify and use fundamental components as ammunition in a disability claim. You'll learn how to formulate a vocational strategy and use it to reverse a prior decision.

### Fundamental Components May Vary

Keep in mind that disabled individuals do not always lose the same fundamental components. This is true even when the claimant's suffer from the same disorder. Some claimants develop many limitations while others do not. When it comes to limitations, treat each case as unique.

Once you have identified the claimant's limitations, compare them to his past work to rule it out. Then compare the claimant's limitations to the requirements of other less demanding work. SSA refers to jobs that they feel the claimant is still capable of performing as other less demanding work. Other less demanding work can be ruled out by reducing the claimant's RFC to less than sedentary. This is especially true if the claimant is under age forty-nine.

## The Mechanics of VA

In order to understand the many case strategies that can be formulated using vocational analysis, you need to take a little time to learn the mechanics of vocational analysis. We cover this subject in Module 4 Vocational Analysis and Case Strategies.

## Olivia Voc Analyzer

Within your Olivia Prime case management account, you will find a tool called the Vocational Analyzer. This tool is designed to generate an automated vocational report. You enter the client vocational data into the Vocational Analyzer and process. Depending on the data provided, the tool can generate a highly detailed report. The tool is used in-house to develop vocational-based case strategies.

## Lesson Summation

In this lesson you have been introduced to the concept of vocational analysis. You have learned what vocational analysis is and how it is applied in a Social Security disability claim.

## Lesson Assignment

Take the lesson six quiz. Read chapters 7, 8 and 9 in your Social Security Disability Guide. In module 4, we cover the mechanics of vocational analysis in much greater detail.