

Mechanics of Vocational Analysis



In this module we are going to delve more deeply into the process of vocational analysis. I will identify those components that drive this unique system.

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/or mental capabilities required to perform the job. If a person is unable to perform the demands of a particular job, vocational analysis enables you to find a less demanding job that the client might be able to perform. If SSA cannot find a less demanding job that fits within the claimant's RFC, the case is allowed.

Performing 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. As you develop a disability case, you will acquire detailed information about the client's past work. The details of a person's past work come from two locations, the client and the Onet. The client's description of his past work is said to be "as described by client." A job description can also come from a formal source like the Onet or the DOT. These are official descriptions of the job as it is performed in the national economy.

Client Job Description

In many cases, a client will often describe the demands of a job as being **less** than that described in the official description of the same job found in the Onet. When this occurs, create a client RFC that would rule out the less demanding description of the job.

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/she worked at a particular job?

How much did he/she typically earn?

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 pounds, 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: net 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!

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 SA and it asks 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 SA, it asks 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 identified during the VA process.

Finding Other Less Demanding Work

It is not your job as an advocate to find less demanding jobs that the client might be able to perform. That is SSA's job! Your job as an advocate is to rule out all work. Therefore, you get to avoid the tedious chore of hunting for less demanding jobs. However, you have to be ready to rule out these jobs even when you know nothing about them.

There is a single assumption you can make about any job quoted by SSA. The SSA job quoted will be based on either a light or sedentary RFC. If SSA can deny the case with a light RFC, they will. If it takes a sedentary RFC to deny the

case, then so be it. Given this fact, you only have one option. Rule out sedentary work or lose the case. So why waste valuable time doing tedious VA chores.

How do you rule out a job you don't know exists?

The standard approach to vocational analysis requires both SSA and the advocate to manually perform the VA process. In a nutshell, manual vocational analysis is performed at step 4 and 5 of sequential analysis. Step four of SA asks the question: **Can the claimant do his past work?** This question is being asked of SSA and of the advocate. Both have a responsibility to create their own answer to this question based on the medical evidence.

SSA will most likely create an RFC that would allow the person to return to his past work. If the claimant is **severely limited**, SSA will say ok, you can't do your past work but you can adjust to less demanding work. Here are **three** examples of jobs SSA feels the client can perform despite his impairment: Bug Counter, Door Mat and Pool Deodorizer. SSA got these ridiculous jobs from the Onet by comparing the claimant's RFC they created to jobs that seem to fit the description of less demanding work.

Now it's your turn. You start by creating an RFC that is more restrictive than SSA's RFC based on the same medical evidence. You use your RFC to quickly rule out past work. To deal with less demanding work, you retreat back to your RFC. Using our approach, your more restrictive RFC was already designed to rule out all work so less demanding work is not a challenge.

Example: Claimant is 48 y/o, 12 years of education, dx = Arthritis, past work as a carpenter.

1. Challenge - Need a less than sedentary RFC to win.
2. Strategy - Use medical evidence to create a less than sedentary RFC.
3. Argument - Claimant is so severely limited by his impairment that he cannot perform work of even a sedentary nature. Present diagnosis, signs and symptoms as evidence supporting limitations.

Result: Your RFC is conflicting with SSA's RFC. May the best argument win!

I just described the entire complex process known as vocational analysis.

However as you can see, I cheated. I didn't bother to walk through the entire sequence with SA by looking up jobs the client might be able to do. I don't care about these jobs. My job is to rule out all work so that must be my primary strategy. I immediately jumped to the SA step I most need to address. That would be step 5 of SA.

How do I determine RFC?

You make it up! The only RFC you are concerned about is the one that wins the case. You create the RFC as part of your case strategy to show that the claimant cannot do any form of work. To make this happen, within the claimant's medical evidence you identify the diagnosis, signs, symptoms and limitations caused by the impairment.

Vocational Rules Table (The Grid)

Remember the question above, how do I rule out a job I don't know about? There is a second way to accomplish this. It's called the Vocational Rules Table or Grid. The Grid is used by SSA and advocates to determine what RFC is needed to win a particular case.

One of the (optional) elements within VA is a table or chart called the Grid. The Grid, created by SSA, enables you to compare a claimant's **age**, **education**, **skill level** and **skill transferability** to a chart that determines case outcome. The result of a Grid comparison, pro or con, can be quoted by you or SSA. Advocates usually use a Grid result in the argument summation if it is favorable to the client. SSA might use a Grid quote in a technical rationale like this:

With consideration of the claimant's age, education and remaining ability to perform work, we have determined the claimant to be not disabled. This outcome is consistent with vocational rule 202.04 that directs a decision of not disabled.

See "The Grid" inside your training program Syllabus in Module One.

The Mechanics of VA

Imagine the human body as a machine divided into mind and body. Both must

function properly in order for the person to perform at his/her best. In this segment we will mention mental limitations. However, most of the lesson will concentrate on the physical human.

As an advocate, it is important that you envision the client as a machine that performs certain functions in the performance of work. You learn the claimant's age, level of education and past work history and then take a step back. Think about what you have already learned about age and education in a disability claim. The older in age and/or the poorer the education, the more like an allowance.

Now you attempt to extract a diagnosis, signs, symptoms and limitations alleged by the claimant. You may not get all of this data but even some can help. This data acquired from the claimant allows you to begin envisioning the claimant's physical or mental limitations.

For the sake of time, let's say that you have accepted the claimant above. In developing the case, you have acquired copies of the claimant's medical and vocational history. You review the medical evidence using key-point extraction. You identify the claimant's diagnosis, signs, symptoms and limitations. You are now ready to apply your findings to vocational analysis. But you've got a problem! You don't know the fundamentals components of work. Not just the claimant's work, any work.

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 the work.

VA is a process whereby you compare a person's ability to perform work with consideration of his/her limitations or Residual Functional Capacity (RFC). You're making this RFC to work comparison to determine if your client can realistically perform the work. If the claimant is limited as a result of his/her impairment in the right way, he/she will be excluded from performing the work.

Therefore, the more limited the claimant in the fundamental components, the better his/her chances of winning benefits. An allowance decision that is based on medical limitations to job

performance is called a Medical Vocational Allowance.

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 the ability to stand, walk, bend, stoop, kneel or lift. There are many, many more. In fact, just about any physical movement can be a fundamental component of some kind of job.

Here's a common sense tip for all fundamental components of work. Always review them in the negative. Can't raise your arms above your shoulders? That rules out window washing. Can't bend at the waist? That rules out a bunch of jobs. I'm being silly here to make the point that the concept of VA is really just this simple. You find a limitation and you show how it prevents a certain activity within work.

Fundamental Component and the RFC

The RFC is a list of a claimant's remaining fundamental components after consideration of his primary impairment. 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 the claimant appears capable of performing the less demanding work, then you need to lower the RFC. This lowering of the RFC is done by using the client's medical evidence and key-point extraction. If the claimant cannot perform the duties of less demanding work, he will be found disabled.

Identifying Physical/Mental Job Requirements

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

- Good vision.
- Be able to read and write.
- Capable of following complex directions.

- Be able to do basic arithmetic
- Be able to communicate with others
- Be able to sit for an extended period of time
- Be able to lift 50 pounds maximum.

A loss of any few of the above fundamental components for a truck driver would make performing this job difficult to impossible. Every job has similar components of work.

Comparing Claimant limitations to Job Demands

As an advocate, you will use medical evidence to formulate an RFC on behalf of the client. You will point out that there has been a loss of a specific capability or fundamental component of work that prevents the claimant from doing the job.

Keep in mind that a disabled person with a particular disease may not show a common symptom of the disease. It's also true that claimant's with the same disease may not lose the same fundamental components even when they have the same diagnosis. When it comes to limitations, treat each case as if it were unique. RFC is reduced to less than sedentary. This is especially true if the claimant is under age forty-nine.

If the claimant has applied previously, work history should already be in his/her file or you can request a copy from SSA. Request vocational information at your first contact with SSA.

Nuts and Bolts of Vocational Analysis

There are three elementary rules that you must always follow when performing VA:

1. Identify as many of the claimant's impairment-related limitations as possible. Remember, each limitation must be a direct result of a medically documented impairment.
2. Determine the requirements of the claimant's past work and compare the limitations found to this work. Make sure the limitations you've identified restrict the claimant from performing

his past work.

3. Now compare the claimant's remaining capabilities (the RFC you created) to the demands of other less demanding work. If the claimant cannot reasonably be expected to perform less demanding work, an allowance decision is warranted.

Note: Review Lessons 7 and 8 of the Module One Study Guide. Also review Module 2 on extracting functional limitations from the claimant's medical evidence.

When an advocate reviews a client's medical evidence, he is hunting for support of as many limitations as he can find. The advocate then compares these limitations to the demands of sedentary work. If the claimant appears capable of performing sedentary work, the advocate must continue to seek ways of lowering the RFC until an allowance is reached.

If the claimant does not have the fundamental components needed to perform less than sedentary work, he would of course be found disabled. In a nutshell, this is VA.

Types of Limitations

There are two basic types of limitations or restrictions to work:

1. Physical - Based on exertion
2. Mental - Based on non-exertion

If you want to use positive language, you can call the claimant's limitations capabilities. What you're really referring to is the claimant's remaining capabilities with consideration of his impairment. This is the definition of Residual Functional Capacity.

Functional Components of Work

Exertion-based Limitation

Exertion based functional components of work are physical activities such as writing, lifting, standing, sitting, seeing, hearing, etc. The following is an exertion capacity table for lifting. SSA considers lifting to be an important component of work. The more you restrict lifting, the stronger your case.

Basic Strength Factors:

Physical RFCs below

Lift and Carry	Heavy	Medium	Light	Sedentary
100lb. or more	+			
25lb. to 50lb max		+		
10lb. to 20 lb. max			+	
10lb. or less max				+

Explanation of Chart:

The chart above classifies the ability to lift and carry objects by weight. If a claimant can lift 100 lbs. despite his/her impairment, he/she is said to have a Residual Functional Capacity (RFC) for **heavy** work. If he/she can lift 50 lbs. maximum and 25 lbs. frequently, he/she is said to have an RFC for **medium** work. If he/she can lift only twenty pounds maximum, he/she has a **light** RFC. Lifting of no more than ten pounds maximum indicates a **sedentary** RFC.

Note: Although lifting is just one of many exertion components, SSA uses lifting to define the claimant's overall capacity.

There are many other exertion-based components that can be used in a disability determination. However, if SSA feels that a certain component has an outsized negative effect on a claimant's ability to work, you need to use the same component as part of your case strategy. The advocate will be well advised to focus his attention on those components that are most influential

to SSA. Make special note of the lifting component!

Other Exertion-Based Limitations: **Standing and Walking** is another important work related capability to SSA, as it should be. Common sense tells us that if a claimant is restricted in his/her ability to stand and walk, there are few jobs he/she can perform. The table below lists SSA's guidelines for assessing a claimant's standing and walking RFC: If a claimant can stand and walk for:

6 hours of an 8 hour day

Normal

Less than 6 hours of an 8 hour day

Limited

Less than 2 hours of an 8 hour day

Markedly Limited

According to the table above, if a claimant cannot stand/walk for **6 hours of an 8 hour day**, that person is restricted but not disabled. If a claimant can only stand/walk for **3 to 5 hours** of an 8-hour day, he/she is restricted to jobs that do not exceed this sitting limit. If the claimant can only stand and walk for **2 hours or less** in an 8-hour day, that claimant is severely limited.

If the claimant can only stand/walk for less than a fraction of an hour, then you approach a less than sedentary RFC. All sedentary work is performed in a seated position. But, the claim may need additional mobility for the job. If the claimant is restricted to say 15 minutes maximum on his feet, this will probably result in an allowance.

Note: If the claimant requires an assistive device to ambulate (walk), he/she may be limited to less than sedentary work which, yields a Medical Vocational Allowance. If your claimant has problems ambulating, perhaps you should suggest he ask his primary physician to write him a script. A subtle yet highly effective strategy.

A claimant will also be limited to less than sedentary work if he/she is unable to **"Sit"** for extended periods (more than one hour). You can also use **bending** at the waist to lower an RFC. In sedentary work, **fine hand movement** becomes very important to executing seated jobs. Loss of fine and gross motor movement of the hands would result in an allowance.

Another RFC reducer for sedentary work is a severe **visual impairment**. This is true even if the claimant is not legally blind. The strength of this strategy depends on the claimant's response to lenses. If his vision can be corrected to reading level, this approach won't work. However, this approach can work if

there is significant visual loss with another severely limiting impairment. Remember, no matter what the claimant tells you; all alleged restrictions must be supported by the claimant's medical evidence.

Note: A clever Disability Advocate will combine as many restrictions as possible as a means of reducing the claimant's perceived ability to perform work. The more medically supportable restrictions you can present to SSA, the better are your chances of winning the case. Think Whole Body Principle!

SSA regards a person's ability to sit for extended periods of time as crucial to his/her ability to perform sedentary work. Common sense tells us that if a person is unable to sit, he/she will be restricted from performing sedentary work since almost all sedentary jobs are performed in a seated position.

If one cannot do sedentary work, he/she has an RFC for **less than sedentary**. Good case strategy directs that you lower a claimant's RFC to less than sedentary as often as possible. How do you reduce a claimant's RFC? By restricting those components that most effect sedentary work. If the evidence supports your RFC, you win the case! For defined sitting limitations, see chart below:

If the claimant can sit for a total of:

6 hours of an 8 hour day

Normal

Less than about 6 hours of an 8 hour day

Limited

Less than 2 hours a day with a need for frequent breaks or changes in position

Disabling

Sitting restrictions are often associated with serious back disorders or circulatory problems of the legs. If medical evidence supports a claimant's inability to sit for two hours of an eight-hour day, you're getting close to a less than sedentary RFC. However, further reducing the restriction well below 45 minutes of sitting is the real goal. Use the argument that sitting for longer than say 15 minutes without frequent postural or positional change leads to claimant pain and perhaps additional damage. This approach to lowering an RFC is always necessary for a person under age forty-nine.

Pushing and Pulling

The ability to push or pull is either limited or not - there's no in-between. You will most often encounter this issue with claimants from construction, manufacturing and warehousing where gross movement and heavy lifting are required.

Of course, there are many other exertion components that might be involved in your claimant's past work. Climbing, balancing, stooping, kneeling, crouching and crawling are good examples of exertion components that you can use to reduce an RFC.

The table below is for a hypothetical case where the claimant can only climb, stoop and crouch occasionally. He cannot climb stairs, bend his knees or crawl. He also has balance problem caused by his medication. His past work was as a construction worker. Obviously, these limitations eliminate his past work. If severe enough, these limitations may also be used to further reduce the claimant's RFC.

Exertion Related Capabilities

Limitation	Frequently	Occasionally	Never
Climbing			+
Balancing			+
Stooping		+	
Kneeling			+
Crouching		+	
Crawling			+

See how this works? The more limitations you can identify via the claimant's medical evidence, the greater your chance of winning. You can use this same approach with literally hundreds of physical limitations. For example, the claimant might also have limitations in fine hand movement or vision. If so, you can use these impairments to further reduce his RFC. At some point, you will have collected enough limitations to justify a less than sedentary RFC.

What SSA Feels is Important

I was once asked by a very bright student, "how do you determine what

limitations are important to SSA?" There are **two** forms that list this information. They are called the Physical and Mental Residual Functional Capacity forms. All physical restrictions that are important to SSA are listed in the RFC forms. See the sample PRFC and MRFC forms in your program syllabus Module One.

Note: The information on the physical RFC sheet is self-explanatory. The greater the physical limitation, the less able the claimant can adjust to other less demanding work. Read over the PRFC and MRFC forms to get a feel for the types of limitations most important to SSA. Remember that you must only use a limitation that is reasonable for a given impairment and is supported by medical evidence.

Within SSA's RFC form, you'll see another physical limitation that can be used to reduce an RFC. It is called an Environmental Limitation. These types of limitations are usually associated with claimant's suffering from breathing disorders. An environmental limitation demands that the claimant avoid areas of pollution, smoke, chemical, etc., that could induce a respiratory crisis.

Example: Your client suffers from COPD. Her past work was in a laundry factory. Common sense tells us that she can no longer perform her past work or any other work where there are air born pollutants. Such an environment would aggravate the claimant's respiratory impairment.

RFC and the Client's Evidence

We defined the term "Residual Functional Capacity" as the claimant's remaining ability to perform work with consideration of his impairment. Both you and SSA may create your own RFC. If your RFC takes into consideration more medically documented restrictions than the one that SSA assigned, you have a chance of reversing a previous denial.

Remember, SSA must take into consideration any and all limitations that are verifiable via the claimant's medical evidence. This gives you an enormous strategic advantage. Use our Whole Body technique to point out additional limitations suffered by the claimant. The key to winning any and all disability claims is the claimant's medical evidence. If you can support a limitation with the client's evidence, you can use it to further lower an RFC.

The Winning Concept of “Less Than Sedentary Work”

If the claimant is under age forty-nine years of age with at least twelve years of education, you must always argue for a less than sedentary RFC in order to win.

Recall that in Sequential Analysis, there are only **two** ways to win a case. Either meet or equal the medical listings or a medical vocational allowance. Here’s an inside secret! Arguing for less than sedentary work actually works even better on those over age forty-nine.

Here’s another profound secret to winning Social Security disability claims. Less than sedentary work doesn't really exist! This term simply signals to SSA that the claimant cannot perform even sedentary work. Sedentary work is as low as it gets! Anyone with a less than sedentary RFC will be given a Medical Vocational Allowance.

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.

Requirements for a Less Than Sedentary RFC

In most cases involving younger individuals, you’ll have to reduce their RFC to less than sedentary work to win. You do this by reducing their ability to lift no more than ten pounds and at least **two** of the following strategies:

- Claimant requires a cane, walker or other assistive device to ambulate.
- Claimant cannot bend at the waist.
- Claimant cannot sit for prolonged periods without experiencing pain.
- Claimant does not have full use of his/her upper extremities.
- Claimant has significantly reduced fine or gross motor movement of the hands.
- Claimant has poor close vision that cannot be corrected with lenses.

- Claimant cannot hear at normal conversational voice levels

Note: Even if a person were capable of lifting 50 lbs. he might still be assigned a less than sedentary RFC if any three of the above limitations also existed.

Non-Exertion-based Limitations

Non-Exertion-based Fundamental Components of Work are non-physical capabilities such as the ability to understand, remember, concentrate, communicate, work appropriately with others or adapt to changes in the working environment. These limitations are cognitive or emotional in nature.

Evaluating mental disorders is no different from evaluating a physical impairment. Review the medical evidence to pick out key findings that support limitations in the claimant's ability to function. Compare the restrictions to the work demands of past and less demanding work, and organize this information into an argument on your client's behalf.

Many cases involve both physical and mental disorders and require a slightly different strategy. To evaluate these cases, analyze the exertion-based and non-exertion-based limitations separately, noting all limitations within each category. See MRFC form in Module One Syllabus.

Once you have identified all limitations suffered by the claimant, you can combine them with any physical limitations to further reduce the RFC. To get a better idea of the types of possible non-exertion-based restrictions there are, turn to the sample mental RFC form in your Syllabus.

It contains what SSA considers to be the most important types of mental restrictions related to a person's ability to perform work. These are the restrictions you'll most often use to argue for a reduced RFC.

Note: Of the limitations listed on the mental RFC form in the Program Syllabus, the most mentally restrictive according to SSA are A-1, 2; B-4, 6, 7, 8, 10, 11, C-12, 14, 15, 16 and D-18, 19. The more of these components limiting your client, the more likely you are to win the case based on your client's inability to adjust to simple unskilled work. Simple unskilled work is the mental equivalent of less than sedentary work.

Use non-exertion-based limitations to create disability arguments for claimants

with mental impairments. If claimant is markedly restricted in three or more of the above limitations, he will be found incapable of performing simple unskilled work. Use the client's medical evidence, a medical resource text and your common sense to determine what limitations are appropriate for a particular disorder.

Other Fundamental Components of Work

Age, education and skill level are three other important factors affecting a claimant's ability to work. It is up to you as the claimant's representative to bring forth such considerations in your disability argument.

1. Chronological Age

SSA believes that as a person ages, he/she loses the capacity to adjust to new or different working environment. This is why the disability standard is lowered a bit for those over age fifty. This unspoken policy is hidden in the Vocational Rules Tables.

2. Education

The lower the education of a claimant, the less capable he is of adjusting to new or different working environments. Less education = a better chance for a Medical Vocational Allowance.

3. Skill Level = Specific Vocational Preparation

The amount of experience and/or education needed for average performance in a job is called "Skill Level" or "Specific Vocational Preparation (SVP)". SSA assigns higher SVPs to more complicated work. SVP 1 is the lowest skill level and SVP 9 is the highest. It requires many years of preparation in order to be a research scientist for example, so this job has a high Skill Level or SVP.

IMPORTANT: SSA will often deny a claim citing the claimant's ability to do jobs of a higher skill level than his/her past work. This is very subtle and extremely easy to miss. The fact is, SSA is **not** allowed by law to deny a claimant to work of a higher SVP level than that of his past work. I've reversed many denials using this little gem. If you catch this common SSA

error, you can quickly reverse the denial.

Example SVP Case:

Your client worked for 15 years as a janitor. SSA defines this job as SVP = 3, physical RFC = medium. You review the claimant's evidence and reduce his RFC to sedentary work. Both SSA and your RFC would exclude the claimant's past work.

SSA precludes the janitorial work (SVP = 3) and denies the claimant to a job as a Janitorial Manager (SVP 6). SSA has made an adjudicative error. SSA regulations prohibit a client from being denied to a higher SVP job. You cannot ask a janitor (SVP = 3), to perform the duties of a Manager (SVP = 6) because of the difference in skill and perhaps education levels.

Please note that Janitorial work has the same physical RFC as a Manager. Often, this strategy is missed because folks see similar physical RFCs between jobs. Even if two jobs have the same physical RFC level, say light, they may have two totally different SVP levels.

Determining Job Transferability

Where does Social Security get their job info?

SSA and advocates use a job characteristics source like the Dictionary of Occupational Titles (DOT) or the O-Net Consortium at <https://www.onetonline.org/> to determine detailed job characteristics. SSA uses these sources to determine if there are any lesser demand jobs a claimant might be able to perform.

Vocational Analysis is performed by an Advocate, Examiner, an FRO (Federal Review Officer) and Vocational Specialist. All of these individuals will need the data vocational analysis provides. This detailed jobs data that enables SSA to quote jobs is extracted from the Onet or the DOT. You can learn how this is done by visiting these products online.

Inside of the Onet for example, a vocational specialist can look up the claimant's past work. From this data and the claimant's RFC created by SSA, the VS determines that the claimant can adjust to less demanding work. He does this by looking at a number of vocational factors like the claimant's age, education

and job transferability. If SSA can cite three jobs that a claimant can adjust to, the claimant is denied to less demanding work even if the jobs don't exist.

The act of finding other work within the claimant's remaining capacity is called job transferability. In the process of job transferability, the claimant's past 15 years of work experience is used to determine if he/she has remaining skills to transfer to other less demanding work. If the claimant can perform other similar work that requires less physical or mental exertion, he is denied.

The other work must be similar in nature and of the same or lesser SVP. The job cannot contain any of the physical or mental limitations restricting the claimant. You can also argue transferability if the other work requires some form of training or degree beyond that held by the claimant.

Strategy: Look for documented physical and/or mental limitations that SSA has under-emphasized or ignored. Use them to argue for a further reduction in the claimant's RFC when the primary limitations are not severe enough for an allowance. Remember, the Voc Rules Table gives you an idea of how low to set an RFC in order to get an allowance determination.

Request Client's Work History

Requesting information on a client's past work history is one of the first steps in the disability process. Vocational data should be requested at the same time you request client's medical documentation. Vocational information coupled with the client's medical evidence will enable you to develop a vocational analysis.

What Vocational Data Should I Acquire

You don't need to worry about this! SSA has various forms that can be used to gather vocational evidence. The most widely used are the SSA Forms 820, 821, 3369 and 4633.

Tip: When reviewing a client's vocational history, look for evidence of job requirements that are no longer within your client's capability. The objective is to compare the claimant's remaining capacity (RFC) to the demands of his/her

past work to decide if he/she is physically and mentally capable of returning to this work. You then compare client's RFC to the demands of sedentary work.

Built within your Olivia software is a fully functional vocational analyzer. This tool will enable you to enter the client's vocational data and generate a full report. This report is used to formulate a case strategy. The Olivia Vocational Analyzer can also be used to copy and paste effective vocational language from the report to your argument creator tool within Olivia.

Module 4 Summary

In this module, we have introduced you to the mechanics of Vocational Analysis (VA). VA is the process by which the advocate and SSA determine an RFC for the claimant. The advocate and SSA compare the claimant's remaining RFC to that of his past work. If it is found that the claimant cannot do his past work as a result of supported limitations, he is then compared to other less demanding work. If it is found that the claimant does not have the remaining capacity to do less demanding work, he is then found disabled under medical vocational factors.