

CPP2

Lesson 7 – Vocational Analysis



We will begin our review of the Vocational Analysis (VA) process by covering a number of important terms associated with this process.

What is Vocational Analysis?

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.

Residual Functional Capacity

As you might recall, a Residual Functional Capacity (RFC) is the claimant's remaining ability to function (physically or mentally) after consideration of his impairment. It measures physical and/or mental capabilities by noting limitations extracted from (medical evidence) and apply them to the requirements of work (past and less demanding).

RFC is a subjective determination that SSA makes based on the claimant's medical evidence. If SSA's RFC results in a denial, you have the right and the responsibility to argue for a lower or more restrictive RFC that would result in an allowance. If your position on the RFC is supported by the claimant's medical evidence, SSA will eventually accept your argument.

Exertion Components

Within Vocational Analysis, the term exertion defines any physical activity required to perform work. The most commonly used exertion criteria used by SSA are:

- Lifting
- Carrying
- Standing
- Walking
- Sitting
- Pushing
- Pulling

Strength Stamina

These exertion components must be within a claimant's RFC. If they are not, SSA cannot deny the person back to work requiring these components.

Non-exertion Components

There are also non-exertion components of work. Examples of non-exertion components are:

Seeing
Hearing
Balance
Environment
Pain

Describing Limitations

There are many terms used in describing a person's physical and/or mental limitations. In physical disorders, limitations are most often measured with descriptive words like frequently," and "occasionally."

Frequently means you can (perform action) for at least one-third but less than two-thirds (cumulative) of an eight-hour workday. Occasionally means you can (perform action) for less than one-third of an eight-hour workday.

Two other exertional abilities used by SSA to reduce a claimant's RFC are Pushing and Pulling. These physical capabilities also use the terms "frequently" and "occasionally" to measure their severity. Occasionally means that a person can push or pull for less than one third of an eight-hour workday. A lot of jobs, especially those involving heavy equipment, require pushing or pulling.

Impairments affecting the use of a claimant's hands, arms or legs can result in a restricted RFC. These types of impairments can also restrict a claimant's ability to stand and walk.

Exertional Categories:

Heavy Work - Heavy work is the ability to lift or carry 100 pounds occasionally and 50 pounds frequently, and to stand or walk six hours of an eight-hour day.

Medium work - Medium work is the ability to lift or carry 50 pounds occasionally and 25 pounds frequently and to stand or walk six hours of an eight-hour day. Medium work is an RFC given to claimants whose exertional ability is moderately limited. Moderacy is determined by medical judgment.

Light work - Light work is the ability to lift or carry 20 pounds occasionally and ten pounds frequently, and to stand or walk six hours of an eight-hour day. Light work is an RFC given to claimants who can't do medium work, but are not restricted to sedentary work.

A claimant with a missing limb is usually restricted to no more than light work. If a claimant can't stand or walk at least six hours daily, he/she will not be able to do light work. That means that the claimant's RFC can't be for more than sedentary work.

Sedentary work - Sedentary work requires lifting of no more than ten pounds maximum and occasionally lifting or carrying articles of lesser weight. Sedentary work is performed primarily in a seated position, up to two hours per day. There is also up to two hours per day of standing and walking required. Sedentary also requires good use of the hands and fingers for repetitive hand and finger motion.

Less than Sedentary - This is not an official RFC category, but it is an RFC rating sometimes given. It will always result in allowance of the claim. If a claimant cannot perform sedentary work, they automatically have an RFC for less than sedentary which results in an allowance determination.

Standing and Walking - If a claimant cannot stand or walk at least six hours of an eight hour day, with reduced use of both of your hands, then the claimant cannot do sedentary work.

Similarly, if a claimant has a sedentary RFC but needs to use one hand for an assistive device, then claimant actually has a less than sedentary RFC. Although both of the claimant's hands are good in this case, he needs one of them for the device making it unavailable in work.

Posture - Posture implies the ability to bend, stoop, climb, balance, kneel, crouch and crawl. Posture is the attitude or directional orientation of the body. Postural exertional abilities are described on an RFC as:

Never

Frequently

Occasionally

Frequently means that the claimant can perform the activity at least one-third but less than two-thirds of an eight-hour workday.

Occasionally means the claimant can do the activity less than one third of an eight-hour workday. If the RFC gives any restrictions of posture, it must explain why the impairments justify the limitations.

Manipulation

Manipulation is the ability to use the hands in various positions for various tasks.

Manipulative abilities include reaching, including overhead; handling (gross manipulations); fingering (fine manipulations) and feeling (skin receptors). Manipulative abilities on an RFC assessment are described as:

Limited

Unlimited

An RFC with restrictions of manipulation must show why the impairment justifies the limitation. Manipulative abilities are especially relevant when a claimant is limited to using his or her hands less than one third of a workday.

Vision:

RFCs describe visual abilities as limited or unlimited. If an RFC gives a restriction of vision, it must state why the impairment justifies the limitation. The RFC rating for visual limitations

takes into account six factors:

Near Acuity: Near acuity is important for seeing close up, such as reading a book or typewritten papers. Cataracts and retinal disease are the most likely causes of decreased near acuity that cannot be corrected with glasses or contacts.

Good near acuity is not required for many jobs for light work or higher. Also, some sedentary jobs don't require good near acuity. Therefore, being allowed disability on the basis of limited near acuity is unlikely—especially in young claimants who have flexibility in transferring to different kinds of jobs.

Distance Vision:

Most decreases in distance acuity can be corrected with glasses or contact lenses and are not considered limiting. Some cases, such as those involving cataracts, can be cured with surgery. If distance acuity is limited and uncorrectable, but does not meet or equal a listing, you still may be unable to perform your prior work.

Depth Perception: Depth perception is the ability to perceive how far something is from you. Depth perception is affected when a claimant is blind in one eye. Jobs such as being a pilot require good depth perception, but many other jobs don't.

Accommodation:

Accommodation is the ability of the eye lens to adjust focus on an object. The most common cause of inability to do this is a stiff lens resulting from normal aging.

Color Vision:

Color vision means the ability to distinguish different colors. Limitations in color vision are usually genetic, and most often limited to green and red colors. Many people with color vision deficit can still see some color.

Field of Vision:

Field of vision is also known as field of view. This refers to the ability to see objects away from the center of vision. Limited fields of vision are most often the result of glaucoma, strokes, and diabetic retinal disease.

Communication:

Communication implies the ability to speak and hear. On an RFC, the ability to communicate is measured as being limited or unlimited. If an RFC gives restrictions on speaking or hearing, it must explain why the impairments justify the limitations. Keep in mind that most hearing problems can be improved and speech is not required in all jobs.

Environmental Factors:

Environmental factors implies sensitivity to some form of external element that reduces the claimant's RFC. Examples of external environment factors are:

Extreme Cold
Extreme Heat
Noise
Vibrations
Heights
Hazardous machinery
Dust, odors, fumes, gases, poor ventilation, etc.

A claimant may suffer from a disorder like lung disease making them extremely sensitive to environmental factors like dust or gases in the air. This would restrict that person's ability to work in these types of environments.

Medical Sign - A medical sign is a piece of objective evidence that quantifies or qualifies a disease state. For example, a biopsy with a pathological examination could reveal the existence of cancer. These findings are objective and directly point to the existence of the impairment. Signs are used most often to verify the existence of an impairment.

Medical Symptoms - Symptoms are the physical and/or mental manifestations of a disease. Symptoms are usually subjective although something like a skin eruption is very much objective and observable. Symptoms are used primarily as a means of measuring the severity of a disorder.

The worse the symptoms, the more serious the disease. Of course, this is not always the case. Symptoms are also used to identify physical limitations. For example, if a claimant needs a walker to ambulate (symptom weak lower limbs), this person would be limited in his ability to stand and walk.

Depending upon the severity of the symptom, weak lower limbs could exclude all work requiring standing or walking.

Mental Impairment Signs and Symptoms

The most important vocational determination of severity in a mental disorder is expressed via the mental RFC. A mental RFC shows whether you are mentally capable of doing unskilled work. The reason for this is that even if you are no longer capable of returning to your prior job that required semiskilled or skilled work, the SSA can still identify unskilled jobs.

For example, a lawyer, whose work is skilled, is in an automobile accident and suffers brain injury resulting in significant permanent mental impairment.

While he would not be able to return to his employment as an attorney, he may be capable of adjusting to semi or unskilled work. If so, he would be found, not disabled.

The most important restrictive elements in a mental disorder are:

Understanding and Memory
Sustained Concentration and Persistence
Adaptation
Social Interaction

The loss of any two of these capabilities would significantly impede a person's ability to sustain work.

Age in Vocational Analysis

Age is an extremely important factor used in determining SSA disability. With all other medical factors being met, the younger or older the claimant, the more likely he/she will receive benefits.

1 -18 - Child

19 - 49 - Younger individual

50 - 54 - closely approaching advanced age

55–59 - advanced age

60–64 - closely approaching retirement age

Age is an important vocational factor affecting a claimant's ability to adapt to new work situations. The lower your RFC at a particular age, the greater chance you will be found disabled under a medical vocational rule. And the older you are, the greater the chance you will be found disabled with a particular RFC.

For example, a 55-year-old with a sedentary RFC has a better chance of being allowed than if he had an RFC for light, medium, or heavy work. Similarly, a 55-year-old claimant with a sedentary RFC has a better chance of being allowed under the rules than a 30-year-old with the same RFC.

Education in Vocational Analysis

Illiteracy - implies an inability to read or write. SSA considers someone illiterate if the person cannot read or write a simple message such as instructions or inventory lists, even though the person can sign his or her name.

Marginal education - implies sufficient ability in reasoning, arithmetic and language skills to do simple, unskilled types of jobs. SSA generally considers formal schooling to the sixth grade or lower to be a marginal education.

Limited Education - implies some ability in reasoning, arithmetic and language skills, but not enough to allow a person to do most of the complex job duties needed in semiskilled or skilled jobs. The SSA generally considers a formal education that ended somewhere between seventh and eleventh grade to be a limited education.

Work Experience in Vocational Analysis

Work experience means the skills you have acquired through work are used to evaluate your ability to adapt to other forms of work. Your work experience should be relevant to your ability to perform some type of currently existing job. The SSA has three considerations in deciding whether your past work experience is relevant:

1) The SSA recognizes that the skills required for most jobs change after 15 years.

Therefore, the general SSA rule is that any work you did 15 or more years before applying for disability is not relevant to your current job skills. If the claimant is applying for SSDI and his "date last insured" (DLI) is earlier than the application date, the SSA applies the 15-year rule described above to the DLI.

DLI (Date Last Insured) is the date at which the claimant was last eligible for SSDI benefits, usually because he stopped working. After claimant's DLI he can still sometimes receive

benefits if he became disabled before his DLI.

2) Claimant's work experience must have lasted long enough for him to acquire experience.

3) Claimant's work must have been at the substantial gainful activity (SGA) level.

Skill Levels in VA

There are basically three skill levels within VA. These are:

Skilled - Requires a high level of skill and training. Can include very complex work duties.

Semi-skilled - Requires a modest level of training and skills, but does not include complex work duties.

Unskilled - Requires little or no prior training, knowledge or experience.

Transferable Skills - Transferable skills are those skills developed by a person via their education or experience in a working environment. If the claimant's skills can be usefully transferred, then he will be denied benefits. If they can't, the claimant may still get benefits as a "medical-vocational allowance,"

Finding Job Information

The Social Security Administration and professional representatives all use either the ONET or the older DOT to perform a formal vocational analysis. In a formal VA, you are determining exactly what jobs a person might be able to perform. Formal vocational analysis involves identifying a claimant's past work experience and current RFC. These elements are used along with age, education and skill level to determine what if any jobs a claimant might be able to perform despite his impairment.

Factors SSA Cannot Use in VA

Here's one of those tricky questions that appeared in a recent certification examination.

When the SSA decides there is work you can perform, the following factors do not matter:

- Your inability to get work
- The lack of work in your local area
- Hiring practices of employers
- Technological changes
- Economic conditions
- Claimant does not want to do that type of work.

Returning to Work

After a claimant starts receiving SSDI or SSI, he may want to return to work. If the claimant thinks he can work, he may approach you with your opinion as his representative.

The best approach would be to have the claimant directly contact SSA. SSA has several programs available to help claimant's test their ability to return to work. The two most prominent SSA work programs are:

Trial Work Period

Ticket-to-Work

Special rules called work incentives can help ease claimant's back into the workforce. These work incentives include:

- cash benefits while you work
- medical coverage while you work
- help with expenses your employer incurs because of your disability, and
- help with education, training, and rehabilitation.