

Mechanics of a Case Strategy

A case strategy or critique is a process performed by a disability advocate professional who reviews a claimant's medical and vocational documentation on behalf of a third-party. A case evaluation is performed for the purpose of providing an **opinion**, an **action plan** or **both** for a particular disability case. Generating a case strategy require that you review the available evidence including the claimant's medical and vocational documentation.

For instance, you are approached by a firm who wants you to review their case-load and provide an action plan for each case reviewed. In order for you to perform this action, the representative of the case must acquire all available evidence associated with the claimant's primary and secondary diagnosis. If evidence is available, you can start the case evaluation process. We will revisit the subject of evidence again later in this report.

Non-medical review

New advocates often forget that there are a number of reasons not related to a claimant's medical disorder that can lead to the rejection of a case. The most common of these reasons are:

- Claimant is not insured for SSDI
- Claimant is working
- Claimant is incarcerated
- Claimant is not a legal resident
- Claimant is attempting fraud

While it is not your responsibility to prove eligibility to apply for benefits, it would be professionally prudent for you to recognize and point out to a client that one or more of the above issues may exist.

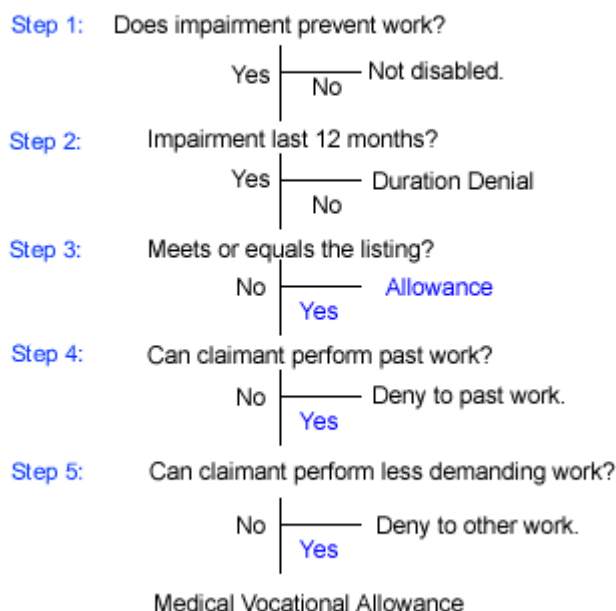
When performing a case strategy, you are using a claimant's available medical and vocation evidence to determine the strength or viability of a case. You are providing an opinion, not a formal argument. To formulate an opinion, you will need to use the five steps of sequential analysis as your guide. The result of your evaluation will be based on the outcome of these five SA steps.

Sequential Analysis

Using the Sequential Analysis process to develop a case strategy is no different from how this process is used in general case processing. As in any case, you always start with step one of SA. You then move through each step until you come to a point where the case is a probable allowance or denial. It is at this probable decision point that you begin to create your report.

See SA Chart:

Sequential Analysis



Step One: Does the claimant have a severe impairment that prevents work?

If after reviewing the available medical evidence the answer is yes, then you move to the next SA step noting that the claimant does indeed have a severe impairment that limits work. If the answer is **no**, this ends your case strategy review. Your strategy report would simply explain to the third-party that the evidence does not support a claim of total disability.

Step Two: Will the impairment last twelve months?

Keep in mind what SSA is really asking in step two of SA. SSA is really asking if the impairment has or is expected to prevent all work for a period of one year. If the answer is yes, then you move to step three of SA noting that the claimant's impairment is expected to meet the duration requirement. If the answer to two step of SA is no, then your review of the case ends. You would note that the impairment is not expected to prevent all work for twelve consecutive months.

Step Three: Does the impairment meet or equal the medical listing.

This determination is made by SSA. If the case is already in the SSA pipeline and the decision to meet or equal a listing has not already been made, then the case probably does not meet or equal a listing. However, because the case met steps one and two, we must continue with our evaluation.

Step Four: Can the claimant perform his past work?

If the answer to this SA question is yes, then your evaluation ends. If the answer is no (he cannot perform the duties of his past work), then you state the reasons why you believe the answer is no and move to the final step in the SA process.

This fourth step within the SA process will require that you review the claimant's vocational data. We assume that you have already reviewed the claimant's medical evidence so you have some idea of the claimant's real and supportable physical or mental limitations. As with any other case, you must compare the claimant's limitations to the duties of his past work.

The actual duties of a job as described by the claimant are important and should be noted in your report. However, keep in mind that SSA also uses a general description of a job's requirements that may be less demanding when compared to how the claimant actually performed the work. In most cases, SSA will concede that the claimant cannot do his past work as described by the claimant. However, it is also possible that SSA will deny the case based on how the work is generally performed. Be prepared for a battle at step five of the SA process.

Step Five:

Can the claimant perform less demanding work?

Addressing this step is exactly like addressing step four. Using the claimant's medical evidence including symptoms and known limitations, you determine if the claimant can indeed perform less demanding work. After performing vocational analysis, you should be able to make a reasonable argument for or against this possibility. Keep in mind that you must use all of the evidence to make this claim, not just the evidence that supports your position on the issue.

Missing Evidence

If the problem is a lack of medical evidence and not the impairment itself, then your strategy report may become an action plan. For example, a claimant is suffering from late stage cancer. The evidence supports the diagnosis but does not clearly discuss the claimant's treatment, response, current symptoms, limitations or the prognosis. In this instance, your strategy report would state the lack of available evidence as the problem and provide a suggestion as to what types of medical evidence would be useful in support of the claim.

In the missing medical evidence scenario, your strategy report would suggest that the representative of the case request copies of all available evidence associated with the claimant's primary impairment. You might specifically suggest the acquisition of a pathology report, hospital summaries, surgical reports, treatment plan, lab and x-ray related reports such as MRIs or CAT scans.

A Secondary Review

It is not the fault of the case strategist if the case does not contain the needed medical evidence to review. We suggest that you tell your potential clients that they are responsible

for case development. That is, the third-party or case representative must perform this action. If there is simply not enough evidence, give the client suggestions as to what is needed. If the evidence does not exist, suggest the possibility of sending the client to a private evaluation or to a consultative examination paid for by SSA.

Once the new evidence is acquired, the client will want you to review the case again. Make sure that you tack on an additional fee for each time a re-review is required. Tell the client that he can avoid additional fees by being specific to SSA or a medical source when requesting for evidence.

Structure of a Strategy Report

Keep in mind that there is no one way to write a strategy and/or action report. A strategy report should include basic information about the claimant as one would expect to see in any professional report of this kind. You would almost always begin a strategy report with limited personally identifying claimant and case information.

Example:

Claimant is a 56 y/o individual who alleges total disability as a result of lung cancer. Claimant alleges an onset date of 3/1/17. Claimant also alleges that this impairment has produced the following symptoms which have eliminated his ability to perform all work activity. The following medical reports have been used in the development of this case review...

You can view an example of a powerful claimant strategy report introductory paragraph by reviewing the first two paragraphs within the sample case argument provided in your Olivia Prime software. The body of your report addresses the specific issues of the case including a list of the medical evidence supporting your opinion. You also have the option of adding a summation that indicates in one or two paragraphs your final opinion of the case.

End