



Social Security Newsletter

This is a newsletter of interest to professionals who provide services to potential Social Security disability and SSI claimants. © 2023

July 2023

“What Do You Mean Denied? I Can’t Do My Old Job!”

THIS IS A COMMON question from new clients. Often it is followed by: “The company has gone out of business anyway!” Unfortunately, this is often not meaningful in a Social Security disability application.

SOCIAL SECURITY DISABILITY is considered to be a “total disability” program and whether someone can work is determined by their age, education, work experience, and most important, their Residual Functional Capacity (RFC) determination – that is, what is the most that they can still do in a full time work setting despite their medical problems.



IN THE REGULATIONS, Social Security has a 5-step analytical process called the “Sequential Evaluation Procedure” which is applied by every decision-maker in the system.

THE FIRST STEP ASKS whether the claimant is working – if they are not, the analysis goes to Step Two.

STEP TWO ASKS WHETHER the medical evidence documents a “severe” impairment – one that at least

minimally impacts work function. For example, high blood pressure is a serious medical problem but does not impact work function until there is severe organ damage so it is usually a “non-severe” impairment for SSD purposes.

ASSUMING THERE IS, then Step Three asks whether the medical proof indicates the medical condition “meets or equals” the Listings of Impairments. This is very severe medical criteria set out for many medical problems. If that is met, disability is awarded.

IF NOT, THEN STEP FOUR asks what is the claimant’s RFC, and does that allow for performance of any of the “types of work” that were done in the last 15 years. That does not ask whether the old job is available or whether the claimant would be hired. It simply asks, can the claimant “function” at any of the types of jobs performed in the last 15 years. If yes, the case is denied. Therefore, at the outset of filing the application careful consideration needs to be made of all past work in the last 15 years.

IF AT STEP FOUR IT IS determined that the claimant cannot perform past relevant work then at Step Five, SSA asks: Considering the age, education, work skills and Residual Functional Capacity, are there other jobs this person could do on a full-time basis in the national economy? If yes, the application is denied. If no, the benefits will be paid.

THE STATE AGENCIES HIRE vocational experts at the initial and reconsideration level to give reports on the kinds of jobs a claimant could perform considering their medical limitations. At hearings, many Judges hire vocational experts to testify as to the existence of other jobs the claimant can perform given their RFC and other factors. This testimony, and the cross-examination of these “experts” often decide whether an application will be approved.

SOCIAL SECURITY HAS SOME guidelines that help – these are called the “Grid Regulations” and they guide decision-makers in the application of RFC, age and education issues.

FOR EXAMPLE, IF AN ALJ finds that a claimant older than 55 cannot perform past relevant work, has no transferable skills, less than a GED education, and has a RFC for light work, that person is disabled under the Grid. However, if that same person has a high school degree and can perform light work, their application is denied. These determinations are complex and simply the inability to do past work does not mean that benefit will be awarded.

Want to learn more? Our in-service sessions on Social Security Disability benefits usually qualify for Free CEU credits for staff that attend. Give us a call and get on our calendar for a free in-service at your location, or on Zoom, soon.