

5.1 Introduction

5.1.1 Purpose of Chapter

The non-medical and vocational factors are considered when determining the ability of the employee to perform their regular railroad occupation for a 2a(1)(iv) annuity under the Railroad Retirement Act (RR Act) and in the last two steps of the sequential evaluation process when determining whether an employee, surviving spouse, surviving divorced spouse, surviving remarried spouse, or child is totally disabled for an annuity under the RR Act or for a disability freeze under the Social Security Act (SS Act). This chapter lists the sources for vocational information and defines terms used in evaluating the non-medical and vocational factors. The Social Security Administration's (SSA) Medical-Vocational Guidelines and SSA's Medical-Vocational Quick Reference Guide are included as Appendix A and Appendix B to this chapter.

5.1.2 Published Vocational Guides

- A. Department of Labor's Dictionary of Occupational Titles (DOT) - Used primarily to determine non-railroad job duties and requirements.
- B. The Lawshe Studies - Railroad Industry Job Analyses - Used primarily to determine railroad job duties, responsibilities, settings and requirements. It contains photographs and illustrations.
- C. Booklets Compiled by the Association of American Railroads and Other Railroad Labor and Management Organizations - Used to obtain supplemental data pertaining to the demands of railroad occupations.
- D. Railroad Retirement Board (RRB) Provisional Occupational Disability Rating Schedule - This manual groups types of railroad occupations, by levels of exertion required, into eight "family groups." The lower the family group number, the more arduous the work is considered. Thus, the occupations in family group I are considered the most arduous while the occupations in family group VIII are considered sedentary types of work. It lists the impairments which would prevent performance of activity within each group.

5.1.3 Ability To Work

A determination that work activity is not Substantial Gainful Activity (SGA) does not resolve the issue of the individual's ability to perform such work. It is merely one of the aspects to consider in making a total evaluation of the person's capacity for work.

The decision of ability to perform SGA requires consideration of medical and vocational factors. The claimant is considered to be unable to perform SGA if their physical or mental impairment(s) are of such severity that they are not only unable to do his or her

previous work but cannot, considering age, education and work experience, engage in any other kind of SGA, which exist in the national economy.

The decision of whether the claimant can perform SGA in the national economy does not consider whether such work exists in the immediate area in which the claimant lives, or whether a specific job vacancy exists, or whether the claimant would be hired if he or she applied for work.

5.1.4 Basic Work Activities

Basic work activities involve the abilities and aptitude necessary to perform most jobs. Examples of these include:

- A. Physical functions such as walking, standing, sitting, lifting, pushing, pulling, reaching, carrying, or handling; and,
- B. Capacities for seeing, hearing, and speaking; and,
- C. Understanding, carrying out, and remembering simple instructions; and,
- D. Use of judgment; and,
- E. Responding appropriately to supervision, co-workers, and usual work situations; and,
- F. Dealing with changes in a routine work setting.

5.1.5 Residual Functional Capacity (RFC)

RFC is a medical assessment of a person's maximum sustained capability for work. It is the remaining ability to perform work related physical and mental activities. The claimant's functional capacity must be defined in terms of the claimant's ability to functions in a work setting.

The RFC is determined before the vocational factors are considered. Then the interaction of the RFC with the other factors affecting vocational adaptability, i.e., age, education and work experience are analyzed. Other considerations may be descriptions by the contacting officials or the person himself concerning his or her appearance, conduct at the interview, work limitations, etc.

This capacity is defined as follows:

- A. Physical Abilities - This considers the person's RFC for work activity on a regular and continuing basis. This includes the ability to do physical activities such as walking, standing, lifting, carrying, pushing, pulling, reaching, handling and the evaluation of other physical functions. A limited ability to do these things may reduce the person's ability to do work.

- B. Mental Impairments - This includes factors such as the person's ability to understand, carry out and remember instructions, and to respond appropriately to supervision, co-workers and work pressures in a work setting.
- C. Other Impairments - Some medically determinable impairments, such as skin impairments, epilepsy, and impairments of vision, hearing and other senses, and environmental restrictions do not limit physical exertion. However, this type of impairment, in addition to one that affects physical exertion, is considered in deciding a person's RFC.

EXAMPLE: Tolerating work related heat and humidity or tolerating work related fumes and odors.

5.1.6 Rationale

The rationale portion of the disability determination is the justification for the disability decision. The rationale must contain objective medical findings that prove the decision is correct. The rationale explains to any reader why a claimant is or is not disabled.

The rationale for initial disability decisions is completed on Form G-325B. The rationale for disability freeze ratings is completed on Form G-325.1, Disability Decision Rationale. The rationale for a continuing disability review is completed on Form G-325a, Determination of Continuance or Cessation of Disability.

When writing a rationale the information must be complete and the steps of sequential evaluation are to be followed (DCM [3.6.1](#)). All rationales must include three sections, the Introduction, the Body and the Conclusion.

Introduction

The introduction provides the background to the claim. It must include the age, the railroad occupation, the claimed impairment in order of severity and the history of the complaint. In addition, any surgeries, physical therapies or special circumstances should be mentioned.

Body

The body provides the objective medical findings that the disability decision is based on. Objective findings related to the applicant's condition such as lab reports, x-rays, EKG tracings, biopsy reports, etc., are to be included in the Body. Identify the reports used to support the disability decision by the dates of the medical evidence. Explain how these findings support the restrictions imposed by the impairment.

For CDR's you must reconcile work activity with the disability. You must address how the ability to do work indicates whether the person continues to be disabled or not and explain any special circumstances that allows the annuitant to work. If there is medical

improvement, it must be substantial and should be fully explained by an analysis of the medical evidence to clearly describe the areas of improvement.

Conclusion

The conclusion states whether the applicant is disabled or not disabled. When the conclusion is being drawn based on an RFC in file that RFC needs to be noted by the name of the doctor.

For every rationale it is necessary to note any circumstances that need clarification. If there are conflicting RFCs in file you must note why you have chosen one RFC over another.

For example, the treating physician sends office notes with a sedentary RFC. The office notes show minimal findings. A consultative examination shows minor restrictions with a medium RFC. The objective medical findings support the medium RFC, not the sedentary RFC, and the examiner needs to explain this.

All medical vocational rules, Listing of Impairment, disqualifying criteria, Tables (confirmatory test and disability test) or Independent Case Evaluation must be cited in the conclusion.

Upon finishing the conclusion of the rationale, it is important to explain any unusual situations or discrepancies that are in file. For example, if the determined onset date is different than the alleged onset date, an explanation is necessary.

For CDR's any earnings amount or impairment related work expenses must be considered and explained. Also explain any months in the rolling trial work period and re-entitlement period.

5.1.7 Non-Medical Factors

Non-medical factors are items which are not purely medical in nature, but which can assist in the determination as to whether a physical or mental condition exists and if it prevents the performance of work. Examples of non-medical factors include: job duties, changes in non-work activities, applicant's description of how the condition has affected them, work experience, educational achievement, special training, etc. A report of non-medical factors helps in the evaluation of the applicant's residual capacity for work. The information obtained from non-medical factors should be evaluated to determine if there are any inconsistencies that need to be resolved. Specifically, if non-medical factors are inconsistent with claimed impairment or medical evidence submitted by the applicant, additional medical development should be considered. However, internet resources such as social media sites (example, Facebook) must not be used to resolve inconsistencies. It is the consideration of non-medical factors that makes a disability decision, not just a medical decision. Therefore, good development of non-medical factors is just as important, in many cases, as development of medical evidence.

In general terms, non-medical factors include:

- The applicant's statement of how and when their condition affected their ability to work.
- A description from the applicant of their current daily activities and how they have been changed due to their medical condition.

NOTE: If any prior medical development or rating occurred for the applicant and there is a Form G-31 Activities of Daily Living Worksheet (or as the worksheet was formerly known Activities of Daily Living report (ADL)) in file, provide a copy of that prior worksheet to the field office via email when requiring updated ADL information for the current determination.

- A summary of the applicant's education and training.
- A description of the duties of the railroad and non-railroad job(s) the applicant performed in the 15 years prior to their date last physically worked which are documented on Form G-251.
- An observation of applicant's difficulties with skills, appearance, notable mannerisms, or odd behaviors which are documented on Form G-626A.

5.2 Vocational Consideration

5.2.1 Past Relevant Work (PRW)

PRW is work which a claimant previously performed. We consider an individual's work experience to be PRW when it was done within the last 15 years, lasted long enough for the individual to learn and was SGA. We do not usually consider the work an individual did 15 years or more before the time we are deciding whether they are disabled. A gradual change occurs in most jobs so that after 15 years it is no longer realistic to expect that skills and abilities acquired in a job done then continue to apply. The 15-year guide is intended to ensure that remote work experience is not currently applied. If the individual has no work experience or worked only "off-and-on" for brief periods of time during the 15-year period, we generally consider that these brief periods of work do not apply. If the individual has acquired skills through their past work, we consider them to have these skills unless they cannot use them in other skilled or semi-skilled work that they can now do. If an individual cannot use their skills in other skilled or semi-skilled work, we will consider their work background the same as unskilled. However, even if an individual has no work experience, we may consider that the individual is able to do unskilled work because it requires little or no judgment and can be learned in a short period of time.

5.2.2 Sources Of Information About PRW

A particular job may or may not be identifiable in authoritative reference materials. The claimant is in the best position to describe just what they did in PRW.

Adequate documentation of past work would include factual information about those work demands which have a bearing on the medically established limitations. This involves the following:

- A. Detailed information about strength, endurance and manipulative ability; and,
- B. Information concerning job titles, dates work was performed, rate of compensation, tools and machines used, knowledge required, the extent of supervision and independent judgment required, and a description of tasks and responsibility to permit a judgment as to the skill level and the current relevance of the individual's work experience; and,
- C. If the claim involves a mental/emotional impairment, care must be taken to obtain a precise description of the particular job duties which are likely to produce tension and anxiety e.g. speed, precision, complexity of tasks, independent judgments, working with others people, etc., in order to determine if the claimant's mental impairment is compatible with the performance of such work; and
- D. If the claim involves a stress related physical impairment, information concerning the degree of stress in the job tasks, should be obtained for a decision as to whether the impairment is compatible with the performance of such work.

Form G-251, Vocational Report, has been developed to obtain job information. This form is completed by the claimant or his representative. If more than one job was performed during the 15-year period before adjudication (or in the 35-year period before adjudication if the claimant has a 6th grade education or less and performed only heavy unskilled labor) separate description of each job must be secured.

If the claimant or their representative is unable to describe PRW adequately, the employer, a co-worker, or a member of the family may be able to do so.

5.2.3 Determining Ability To Perform PRW

A basic disability rating principle is that a claimant's impairment must be the primary reason for their inability to engage in SGA. This reflects the intent of Congress that there be a clear distinction between disability benefits and unemployment benefits. Congress has also expressed the intent that disability determinations be carried out in as realistic a manner as possible.

- A. Capacity To Perform Actual Past Relevant Job - Determine whether the claimant retains the capacity to perform the particular functional demands and job duties peculiar to an individual job as they actually performed it.

Under this test, where the evidence shows that a claimant retains the RFC to perform the functional demands and job duties of a particular past relevant job as they actually performed it, the claimant should be found to be "not disabled."

- B. Capacity To Perform Past Relevant Job As Ordinarily Required - Determine whether the claimant retains the capacity to perform the functional demands and job duties of the job as ordinarily required by employers throughout the national economy. (The DOT descriptions can be relied upon to define the job as it is usually performed in the national economy.) It is understood that some individual jobs may require somewhat more or less exertion than the DOT description.

A former job performed by the claimant may have involved functional demands and job duties significantly in excess of those generally required for the job by other employers throughout the national economy. Under this test, if the claimant cannot perform the excessive functional demands and/or job duties actually required in the former job but can perform the functional demands and job duties as generally required by employers throughout the economy, the claimant should be found to be "not disabled."

5.2.4 Vocational Profile

Initial development to secure information is done by a field contact representative when the disability claim is filed. The complete report includes:

- A. A statement of events leading to and surrounding the applicant's current conditions; and,
- B. A description of work and military experience and special training or rehabilitation that may be involved in the applicant's case; and,
- C. A description of duties which might indicate the physical and mental requirements of past work; and,
- D. A specific statement giving the applicant's number of years of formal education; and,
- E. Observations of the applicant by the field service representative (including advice regarding any language barrier).

The disability examiner is to determine the vocational profile in each case. When necessary, request field development to clarify any vocational factor that is unclear or for which there are conflicting statements or controversy.

5.2.5 Current Vocational Relevance

The current vocational relevance of the claimant's past employment is based on five factors:

- A. Job content;
- B. Duration of the work;
- C. Recency of the work;
- D. Possibility that the work was not substantial gainful activity; and,
- E. Possibility that work was performed under special conditions (e.g. sheltered workshop)

The relevance of past work in a foreign economy is no different from the relevance of past work in the U.S. economy with respect to the physical and mental demands of a particular past job.

5.2.6 Job Content

Job content consists of the skills and duties required plus the knowledge of the processes, materials, products and techniques of the company.

5.2.7 Duration Of Work

The duration of work is the amount of experience the applicant gained in the work. This is considered in the last step of the Sequential Evaluation Process.

- A. Quantity of Work - The duration should have been sufficient for the worker to:
 - 1. Learn the techniques;
 - 2. Acquire information; and
 - 3. Develop the facility needed for average performance on the job.
- B. Length of Time - The length of time required to attain average performance depends on:
 - 1. The nature of the job; and
 - 2. The complexity of the work.

5.2.8 Vocational Training

Training refers to skills and knowledge acquired on the job or through general experience in an industry or field of work. Both can significantly affect ability to work and must therefore be considered in evaluating the impact of an impairment on an individual claimant in the last step of the sequential evaluation process.

Training that is vocationally significant prepares an individual to do a specific job or provides background to do a number of jobs in the same field. Training that is not reflected in the individual's actual work experience would raise questions as to its adequacy and current usefulness to the individual. Content, duration, and recency should be considered in determining the scope and application of training and its current usefulness. Normally, if an individual completed training more than 15 years prior to the point at which the claim is being considered for adjudication (or when the earnings requirement was last met if earlier) and did not make use of it in their work, it would not affect the claimant's vocational outlook at the present time. Moreover, even if completed within the 15-year period, training would not ordinarily be expected to qualify an individual for more than entry level (e.g., at the apprenticeship or lowest beginning level) occupations. Therefore, care should be exercised to assure that undue weight is not attributed to training and to ascertain how training can be utilized in occupations.

5.2.9 Recency Of Work

Recency of work refers to the time which has elapsed since the work was performed. This affects the probability that the work remains of economic value. There could have been technological changes in the field since the applicant worked. Also, the applicant can suffer loss of abilities due to the length of time since the work was last performed.

The claimant's work history for the 15-year period prior to adjudication is, generally, vocationally relevant to evaluation of his current capacity to engage in SGA.

- A. Initial, Reconsideration or Appeal - In initial, reconsideration or appeals cases the 15-year period is generally the 15-year prior to the time of adjudication.
- B. Disability Insured Status Met Prior to Adjudication - In cases in which the claimant's disability insured status was last met prior to adjudication, the work performed for the 15-year period preceding the date the disability insured status requirement was last met would generally be considered relevant since the capacity for work as of that date represents an initial disability issue.
- C. Issue of Continuing Disability - When deciding whether a beneficiary continues to be disabled, relevant past work is work they performed in the 15-year period prior to adjudication of the issue of continuing disability.

5.2.10 Work Experience Limited To Arduous Unskilled Physical Labor

When the disability examiner has reached the last step of the sequential evaluation process, the examiner must determine if the work experience of a claimant is limited to arduous unskilled physical labor. A vocational adjustment to other work may be inferred if the person is not engaging in SGA and meets the following requirements:

- A. Severity of Impairment - An impairment must be severe enough to prevent the performance of arduous physical labor.
- B. History of Arduous Unskilled Work - The individual's work history must have the following characteristics:
 - 1. Duration - The work experience must have lasted 35 years or more.
 - 2. Arduous Defined - The work must meet the definition of "arduous." Arduous work is primarily physical work requiring a high level of strength or endurance. No specific physical action or exertional level denotes arduous work. While arduous work will usually entail physical demands that are classified as heavy, the work need not be described as heavy to be considered arduous. For example, work involving lighter objects may be arduous if it demands a great deal of stamina or activity such as repetitive bending and lifting at a very fast pace. Thus, there is room for judgment in deciding whether this criterion is met.
 - 3. Unskilled - The work must have been basically unskilled. Employment in semiskilled or skilled work generally would rule out the application of this work profile. Isolated, brief, or remote periods of experience in semiskilled or skilled work, however, would not preclude the applicability of this work profile when such experience did not result in skills which enhance the person's present ability to do lighter work. Also, periods of semiskilled or skill work may come within the provisions of this work profile if it is clear that the skill acquired is not readily transferable to lighter work and makes no meaningful contribution to the person's ability to do any work within their present functional capacity.
- C. Marginal Education - The claimant must meet the criteria for marginal education. (See Educational Consideration.)

5.2.11 Absence Of Work Experience

An individual has no relevant work experience when, during the 15-year period prior to adjudication, they:

- A. Have not worked; or
- B. Have worked only sporadically or for brief periods of time; or,

- C. Have worked but on the basis of job content, duration, or recency, the present work capability is not enhanced.

The lack of work experience is a vocationally adverse factor. A person who has not been in the labor market has not developed any basic knowledge of work products or services, the ability to relate and communicate to supervisors and coworkers, the work habits of scheduling time, etc. Recognizing that as a person grows older the ability to compensate for the lack of work experience diminishes, SSA established a policy in 1975 which provided that, up to a point, all other factors being equal, claimants without experience and those who have performed only unskilled work would be treated the same. That point is advanced aged. The policy decision, in effect, directs a finding of disability where a person has a severe impairment of any nature, is of advanced age, has only the limited educational competence required for unskilled work, and has no work experience at all or no recent and relevant work experience.

5.2.12 Sheltered Employment

Sheltered employment is employment provided for handicapped individuals in a protected environment under an institutional program. The most common types of sheltered employment occur in sheltered workshops, hospitals and similar institutions, homebound programs, and VA domiciles. Impaired individuals engaged in sheltered employment are generally less productive than impaired workers in commercial employment. They usually do not seek sheltered employment when regular jobs are available for handicapped individuals in private industry. Typically, they are limited to lower than average earnings in a sheltered environment, where their handicaps are tolerated to a degree not found in outside employment. The following is a description of some types of sheltered employment:

- A. Sheltered Workshops - Sheltered workshops are engaged in manufacturing, assembly, reconditioning, repair, and other work operations. These may involve direct sales to consumers and retailers, or the fulfillment of industrial contracts. Some workshops, in addition to providing employment, furnish services or facilities for medical care, physical restoration, psychiatric therapy, recreation, vocational evaluation and training, job placement, etc.
- B. Hospitals, VA Domiciliaries and Long-term Care Institutions - Hospitals VA domiciles and similar institutions for the care of individuals suffering from long-term impairments, usually have occupational therapy programs designed to encourage the use of patient's residual physical and mental capacities. If the institution furnishes room and board to working patients (as for example, VA domiciles do) the value of room and board is not considered as remuneration for those patients who work for the institution while in patient status. However, an individual who works for an institution after they have been discharged from patient status may receive room and board as part of regular pay.
- C. Homebound Employment - "Homebound employment" refers to work done at home by individuals who are working under public or institutional programs

designed to provide them with remunerative employment. Pay for the work is usually on a piece-rate basis. The employer delivers raw materials to the individual's home and picks up finished merchandise. The assistance of family members in performing the work may constitute a subsidy to the impaired individual, the value of which should be deducted from wages before the earnings guides are applied.

5.3 Age Considerations

5.3.1 Establishing Age

The proof of age is always required when an application for an annuity is filed under the Railroad Retirement Act. However, a disability annuity may be awarded before establishment of the date of birth when age is not a factor of eligibility.

The consideration of age, in the disability determination process, recognizes the increasing physiological deterioration in the senses, joints, eye-hand co-ordination, reflexes, thinking processes, etc., which diminish a severely impaired person's aptitude for learning and adaptation to a new job.

The specific use of chronological age rather than physiological age is a constitutional means of classification. It is rationally related to those bodily changes which occur with approaching advanced age.

5.3.2 Younger Individual

Depending on the individual's RFC, a younger individual is defined as either:

- A. Under age 50; or
- B. Age 45 to 49; or
- C. Age 18 to 44.

5.3.3 Individual Approaching Advanced Age

An individual approaching advanced age is defined as age 50 to 54. Individuals approaching advanced age may be significantly limited in vocational adaptability.

5.3.4 Individual Of Advanced Age

An individual of advanced age is defined as age 55 or over. An individual of advanced age may be significantly limited in vocational adaptability.

5.3.5 Individual Closely Approaching Retirement Age

An individual closely approaching retirement age is defined as age 60 to 64. For a finding of transferability of skills to light work for an individual closely approaching retirement age, there must be very little, if any, vocational adjustment required in terms of tools, work processes, work setting, or the industry.

5.3.6 Borderline Age Situations

The considerations given to age are not applied mechanically in borderline situations, i.e., in cases where only a few days or few months exists before the claimant would pass from one age category to another age category and such passage would affect the ultimate finding of disabled or not disabled.

No fixed guidelines as to when borderline age situations exist can be given since such guidelines would themselves reflect a mechanical approach. However, for disability rating purposes, examiners can usually use about a 6-month time frame.

EXAMPLE: Evidence establishes that a claimant for a total and permanent disability annuity has a light RFC with environmental restrictions of avoiding excessive fumes, dust, other respiratory irritants and cold temperatures. They have a limited education. They are 54 and 2 months as of the alleged onset date (August 31, 1992). Past work was of a medium exertional level. They have no transferable skills. Using medical-vocational rule 202.11 for the decision you arrive at a decision of not disabled. However, considering the claimant's adverse profile as mentioned above, it would be appropriate to deem them as age 55 six months prior to their actual age 55 attainment date of June 1993. Thus, using medical vocational rule 202.02 for your decision, you arrive at a decision of disabled as of December 1, 1992.

When an individual has not quite attained a critical age (45, 50, 55 or 60) but has been deemed that age, an explanation must be given.

5.4 Educational Consideration

5.4.1 Education Defined

Education is a term primarily used to mean formal schooling or other training which contributes to ability to meet vocational requirements. For example, reasoning ability, communication skills, and arithmetical ability.

5.4.2 Establishing Educational Level

Unless there is evidence to contradict a person's statement as to the grade level completed in school, the statement will be used to determine the person's educational abilities. However, the person's present level of reasoning, communications, and arithmetical ability may be higher or lower than the level of formal education. When evidence of the kinds of responsibilities the person had when working, any acquired

skills, daily activities, and hobbies, as well as the results of testing indicate that the person will meet the criteria for a different educational level, establish the educational level considering both their statements and the evidence pertinent to evaluating that person's educational capacities.

In evaluating educational level use the following categories: Illiteracy, Marginal Education, Limited Education, High School Education and Above, and Inability to Communicate in English.

5.4.3 Illiteracy

Illiteracy is defined as the inability to read or write. Consider someone illiterate if they cannot read or write a simple message such as instructions or inventory lists even though the person can sign his or her name. Generally, an illiterate person has had little or no formal schooling.

While illiteracy may significantly limit an individual's vocational scope, the primary work functions in the bulk of unskilled work relate to working with objects (rather than with data or people). Thus, literacy has the least significance with work functions at the unskilled level.

5.4.4 Marginal Education

Marginal education means ability in reasoning, arithmetic, and language skills which are needed to do simple, unskilled types of jobs. Generally, consider formal school at a 6th grade level or less to be marginal education.

5.4.5 Limited Education

Limited education means ability in reasoning, arithmetic, and language skills, but not enough to allow a person with these educational qualifications to do most of the more complex job duties needed in semi-skilled or skilled jobs. Generally, consider that a 7th grade through 11th grade level of formal education is limited education.

5.4.6 High School Education And Above

High school education and above means, abilities in reasoning, arithmetic, and language skills acquired through formal schooling at a 12th grade level or above. Generally, consider that a person with these educational abilities can do semi-skilled through skilled work.

The Social Security Administration's Medical Vocational Guidelines criteria of "high school graduate or more-provides for direct entry into skilled work" is met when there is little time laps between the completion of formal education and the date of adjudication, and the content of the education would enable the individual, with a minimal degree of job orientation, to begin performing the skilled job duties of certain identifiable occupations within their RFC.

5.4.7 Inability To Communicate In English

Since the ability to speak, read and understand English is generally learned or increased at school, this is considered to be an educational factor. Because English is the dominant language of the country, it may be difficult for a person who doesn't speak and understand English to do a job, regardless of what the person's other language is and the amount of education in that language.

While inability to communicate in English may significantly limit an individual's vocational scope, the primary work functions in the bulk of unskilled work relate to working with things or objects (rather than with data or people) and in these work functions at the unskilled levels, literacy, or ability to communicate in English has the least significance.

5.5 Transferability Of Work Skills

5.5.1 When Transferability Of Work Skills Is An Issue

Transferability of skills is an issue only when an individual's impairment(s), though severe, does not meet or equal the criteria in SSA's listing of impairments but does prevent the performance of past relevant work and that work has been determined to be skilled or semiskilled. Transferability will be decisive in the conclusion of "disabled" or "not disabled" in only a relatively few instances. Even if it is determined that there are no transferable skills, a finding of "not disabled" may be based on the ability to do unskilled work.

5.5.2 Past Relevant Work And Transferable Work Skills

A claimant is considered to have transferable work skills when the skilled or semi-skilled work activities done in past relevant work can be used to meet the requirements of skilled or semi-skilled work activities of other jobs or kinds of work. This depends largely on the similarity of occupationally significant work activities among different jobs.

A person's acquired work skills may or may not be commensurate with their formal educational attainment. Transferability is distinct from the usage of skills recently learned in school which may serve as a basis for direct entry into skilled work.

Skills are not gained by doing unskilled jobs. Also, a person has no special advantage if they are skilled or semi-skilled but can qualify only for an unskilled job because their skills cannot be used to any significant degree in other jobs.

5.5.3 Determination Of Skill Levels Of Past Relevant Work

In many cases, the skill level of past relevant work will be apparent simply by comparing job duties with the regulatory definitions of skill levels. This is especially true with most unskilled and most highly skilled work. Job titles, in themselves, are not determinative of skill levels. When it is not apparent, the adjudication should consult vocational

reference sources such as the Dictionary of Occupational Titles. A vocational specialist is sometimes required to assist in determining the skill level of past work.

5.5.4 Basic Skill Requirements

In order to evaluate skills and to help determine the existence in the national economy of work, occupations are classified as unskilled, semi-skilled, and skilled. In classifying these occupations, materials published by the Department of Labor are used. The requirements of the different skill levels are as follows:

- A. Unskilled Work - Unskilled work is work which needs little or no judgment to do simple duties that can be learned on the job in a short period of time. The job may or may not require considerable strength. For example, consider jobs unskilled if the primary work duties are handling, feeding, and off-bearing (that is placing or removing materials from machines which are automatic or operated by others), or machine tending, and a person can usually learn to do the job in 30 days, and little specific vocational preparation and judgment are needed. A person does not gain work skills by doing unskilled jobs.
- B. Semi-Skilled Work - Semi-skilled work is work which needs some skills but does not require doing the more complex work duties. Semi-skilled jobs may require alertness and close attention to watching machine processes; or inspecting, testing, or otherwise looking for irregularities; or tending or guarding equipment, property, materials, or persons against loss, damage or injury; or other types of activities which are similarly less complex than skilled work, but more complex than unskilled work. A job may be classified as semi-skilled where coordination and dexterity are necessary, as when hands or feet must be moved quickly to do repetitive tasks.
- C. Skilled Work - Skilled work requires qualifications in which a person uses judgment to determine the machine and manual operations to be performed in order to obtain the proper form, quality, or quantity of material to be produced. Skilled work may require laying out work, estimating quality, determining the suitability, and needed quantities of materials, making precise measurements, reading blueprints or other specifications, or making necessary computations or mechanical adjustments to control or regulate the work. Other skilled jobs may require dealing with people, facts, or figures or abstract ideas at a high level of complexity.

5.5.5 How To Determine Skills That Can Be Transferred To Other Jobs

Transferability is most probable and meaningful among jobs in which -

- A. The same or a lesser degree of skill is required because people are not expected to do more complex jobs than they have actually performed;
- B. The same or similar tools and machines are used; and

C. The same or similar raw materials, products, processes, or services are involved.

A complete similarity of all these factors is not necessary.

5.5.6 Degrees Of Transferability

There are degrees of transferability of skills ranging from very close similarities to remote and incidental similarities among jobs.

Some people with highly skilled work backgrounds (architect, stress management analyst, air conditioning and heating mechanic, and various professional and executive or managerial occupations) have a much greater potential for transferability of their skills. Their skills encompass a greater number of occupations at the same and lower skill levels. Usually, the higher the skill level, the more the potential for transferring skills increases. However, when skills are so specialized or have been acquired in such an isolated vocational setting (like many jobs in mining, agriculture, or in the railroad industry - for example, a locomotive engineer) that they are not readily usable in other industries, jobs, and work settings, they are not considered to be transferable.

Consultation with Dictionary of Occupational Titles may be necessary to ascertain whether and how skills are transferable.

5.5.7 Medical Factors And Transferability

Severe medical impairments should result in a finding of disability in step 4 of the Sequential Evaluation Process. However, cases in which the employee retains an RFC for work but is unable to do past relevant work will require a determination of transferability of work skills.

All functional limitations included in the Residual Functional Capacity must be considered in determining transferability. Physical limitation may prevent a claimant from operating the machinery or using the tools associated with the primary work activities of their past relevant work. Similarly, environmental, manipulative, postural, or mental limitations may prevent a claimant from performing semi-skilled or skilled work activities essential to a job.

Examples are switchmen with hand tremors, painters with allergic reactions to paint fumes, craftsmen who have lost eye-hand coordination, locomotive engineers whose back impairments will not permit jolting and business executives who suffer brain damage which notably lowers their IQ's.

These factors as well as the physical exertions requirements of the job must be considered in assessing whether or not a claimant has transferable work skills. If the impairment(s) does not permit acquired skills to be used, transferability of skills can be easily resolved.

5.5.8 Inability To Obtain Work

If the claimant's RFC and vocational abilities make it possible for them to do work which exists in the national economy, but the claimant remains unemployed, they will not be considered "disabled" because of:

- A. Inability to get work;
- B. Lack of work in the claimant's local area;
- C. The hiring practices of employees;
- D. Technological changes in the industry in which the claimant has worked;
- E. Cyclical economic conditions;
- F. No job openings for him or her;
- G. The claimant would not actually be hired to do work they could otherwise do; or
- H. The claimant does not wish to do a particular type of work.

5.5.9 Affect Of Age On Transferability

The Social Security Administration's regulations provide that advancing age is an increasingly adverse vocational factor for persons with severe impairments. The chronological ages 45, 50, 55 and 60 may be critical to a decision.

Individuals approaching advanced age (age 50-54) may be significantly limited in vocational adaptability.

For a finding of transferability of skills to light work for individuals of advanced age who are closely approaching retirement age (age 60-64) there must be very little, if any, vocational adjustment required in terms of tools, work processes work setting or the industry.

A disability freeze cannot begin after a worker's disability insured status has expired. When the person last met the insured status requirement before the date of adjudication, the oldest age to be considered is the person's age at the date last insured. In these situations, the person's age at the time of decision-making is immaterial.

5.6 Medical-Vocational Guidelines

5.6.1 Introduction

The following rules reflect the major functional and vocational patterns which are encountered in cases which cannot be evaluated on medical considerations alone,

where an individual with a severe medically determination physical or mental impairment(s) is not engaging in substantial gainful activity and the individual's impairment(s) prevents the performance of their vocational factors (i.e., age, education, and work experience) in combination with the individual's residual functional capacity (used to determine his or her maximum sustained work capability for sedentary, light, medium, heavy, or very heavy work) in evaluating the individual's ability to engage in substantial gainful activity in other than their vocationally relevant past work. Where the findings of fact made with respect to a particular individual's vocational factors and residual functional capacity coincide with all of the criteria of a particular rule, the rule directs a conclusion as to whether the individual is or is not disabled. However, each of these findings of fact is subject to rebuttal and the individual may present evidence to refute such findings. Where any one of the findings of fact does not coincide with the corresponding criterion of a rule, the rule does not apply in that particular case and, accordingly, does not direct a conclusion of disabled or not disabled. In any instance where a rule does not apply, full consideration must be given to all of the relevant facts of the case in accordance with the definitions and discussions of each factor in the appropriate sections of the regulations.

The existence of jobs in the national economy is reflected in the "Decisions" shown in the rules; i.e., in promulgating the rules, administrative notice has been taken of the numbers of unskilled jobs that exist throughout the national economy at the various functional levels (sedentary, light, medium, heavy, and very heavy) as supported by the "Dictionary of Occupational Titles" and the "Occupational Outlook Handbook," published by the Department of Labor; the "County Business Patterns" and "Census Surveys" published by the Bureau of the Census; and occupational surveys of light and sedentary jobs prepared for the Social Security Administration by various State employment agencies. Thus, when all factors coincide with the criteria of a rule, the existence of such jobs is established. However, the existence of such jobs for individuals whose remaining functional capacity or other factors do not coincide with the criteria of a rule must be further considered in terms of what kinds of jobs or types of work may be either additionally indicated or precluded.

In the application of the rules, the individual's residual functional capacity (i.e., the maximum degree to which the individual retains the capacity for sustained performance of the physical-mental requirements of jobs), age, education, and work experience must first be determined. See Appendix B for vocational concepts and terms commonly used in the medical-vocational evaluation.

The correct disability decision (i.e., on the issue of ability to engage in substantial gainful activity) is found by then locating the individual's specific vocational profile. If an individual's specific profile is not listed within this Section, a conclusion of disabled is not directed. Thus, for example, an individual's ability to engage in substantial gainful work where their residual functional capacity falls between the ranges of work indicated in the rules (e.g. the individual who can perform more than light but less than medium work), is decided on the basis of the principles and definitions in the regulations, giving consideration to the rules for specific cases situations in this Section. These rules represent various combinations of exertional capabilities, age, education, and work

experience and also provide an overall structure for evaluation of those cases in which the judgments as to each factor do not coincide with those cases in which the judgments as to each factor do not coincide with those of any specific rule. Thus, when the necessary judgments have been made as to each factor and it is found that no specific rule applies, the rules still provide guidance for decision making, such as in cases involving combinations of impairments. For example, if strength limitations resulting from an individual's impairment(s) considered with the judgments made as to the individual's age, education and work experience correspond to (or closely approximate) the factors of a particular rule, the adjudicator then has a frame of reference for considering the jobs or types of work precluded by other, non-exertional impairments in terms of numbers of jobs remaining for a particular individual.

Since the rules are predicated on an individual's having an impairment which manifests itself by limitations in meeting the strength requirements of jobs, they may not be fully applicable where the nature of an individual's impairment does not result in such limitations, e.g., certain mental sensory, or skin impairments. In addition, some impairments may result solely in postural and manipulative limitations or environmental restrictions. Environmental restrictions are those restrictions which result in inability to tolerate some physical feature(s) of work settings that occur in certain industries or types of work, e.g., an inability to tolerate dust or fumes.

- A. In the evaluation of disability where the individual has solely a nonexertional type of impairment, determination as to whether disability exists shall be based on the principles in the appropriate sections of the regulations, giving consideration to the rules for specific case situations in this Appendix 2. The rules do not direct factual conclusions of disabled or not disabled for individuals with solely nonexertional types of impairments.
- B. However, where an individual has an impairment or combination of impairments resulting in both strength limitations and nonexertional limitations, the rules in this subpart are considered in determining first whether a finding of disabled may be possible based on the strength limitations alone and, if not, the rule(s) reflecting the individual's maximum residual strength capabilities, age, education, and work capability is further diminished in terms of any types of jobs that would be contraindicated by the nonexertional limitations. Also, in these combinations of nonexertional and exertional limitations which cannot be wholly determined under the rules in this Section, full consideration must be given to all of the relevant facts in the case in accordance with the definitions and discussions of each factor in the appropriate sections of the regulations, which will provide insight into the adjudicative weight to be accorded each factor.

5.6.2 RFC Limited To Sedentary Work

Maximum sustained work capability limited to sedentary work as a result of severe medically determinable impairment(s).

- A. Most sedentary occupations fall within the skilled, semi-skilled, professional, administrative, technical, clerical, and bench work classifications. Approximately 200 separate unskilled sedentary occupations can be identified, each representing numerous jobs in the national economy. Approximately 85 percent of these jobs are in the machine trades and bench work occupational categories. These jobs (unskilled sedentary occupations) may be performed after a short demonstration or within 30 days.
- B. These unskilled sedentary occupations are standard within the industries in which they exist. While sedentary work represents a significantly restricted range of work, this range in itself is not so prohibitively restricted as to negate work capability for substantial gainful activity.
- C. Vocational adjustment to sedentary work may be expected where the individual has special skills or experience relevant to sedentary work or where age and basic educational competencies provide sufficient occupational mobility to adapt to the major segment of unskilled sedentary work. Inability to engage in substantial gainful activity would be indicated where an individual who is restricted to sedentary work because of a severe medically determinable impairment lacks special skills or experience relevant to sedentary work, lacks educational qualifications relevant to most sedentary work (e.g., has a limited education or less) and the individual's age, though not necessarily advanced, is a factor which significantly limits vocational adaptability.
- D. The adversity of functional restrictions to sedentary work at advanced age (55 and over) for individuals with no relevant past work or who can no longer perform vocationally relevant past work and have no transferable skills, warrants a finding of disabled in the absence of the rare situation where the individual has recently completed education which provides a basis for direct entry into skilled sedentary work. Advanced age and a history of unskilled work or no work experience would ordinarily offset any vocational advantages that might accrue by reason of any remote past education, whether it is more or less than limited education.
- E. The presence of acquired skills that are readily transferable to a significant range of skilled work within an individual's residual functional capacity would ordinarily warrant a finding of ability to engage in substantial gainful activity regardless of the adversity of age, or whether the individual's formal education is commensurate with their demonstrates the ability to perform work at the level of complexity demonstrated by the skill level attained regardless of the individual's formal educational attainments.
- F. In order to find transferability of skills to skilled sedentary work for individuals who are of advanced age (55 and over), there must be very little, if any, vocational adjustment required in terms of tools, work processes, work settings, or the industry.

- G. Individuals approaching advanced age (age 50-54) may be significantly limited in vocational adaptability if they are restricted to sedentary work. When such individuals have no past work experience or can no longer perform vocationally relevant past work and have no transferable skills, a finding of disabled ordinarily obtains. However, recently completed education which provides for direct entry into sedentary work will preclude such a finding. For this age group, even high school education or more (ordinarily completed in the remote past) would have little impact for effecting a vocational adjustment unless relevant work experience reflects use of such education.
- H. The term "younger individual" is used to denote an individual age 18 through 49. For those within this group who are age 45-49, age is a less positive factor than for those who are age 18-44. Accordingly, for such individuals;
1. who are restricted to sedentary work,
 2. who are unskilled or have no transferable skills,
 3. who have no relevant past work or who can no longer perform vocationally relevant past work, and
 4. who are either illiterate or unable to communicate in the English language, a finding of disabled is warranted. On the other hand, age is a more positive factor for those who are under age 45 and is usually not a significant factor in limiting such an individual's ability to make a vocational adjustment, even an adjustment to unskilled sedentary work, and even where the individual is illiterate or unable to communicate in English. However, a finding of disabled is not precluded for those individuals under age 45 who do not meet all of the criteria of a specific rule and who do not have the ability to perform a full range of sedentary work. The following examples are illustrative:

Example 1: An individual under age 45 with a high school education can no longer do past work and is restricted to unskilled sedentary jobs because of severe medically determinable cardiovascular impairment (which does not meet or equal the listing in Appendix 1). A permanent injury of the right hand limits the individual to sedentary jobs which do not require bilateral manual dexterity. None of the rules in Appendix 2 are applicable to this particular set of facts, because this individual cannot perform the full range of work defined as sedentary. Since the inability to perform jobs requiring bilateral manual dexterity significantly compromises the only range of work for which the individual is otherwise qualified (i.e., sedentary), a finding of disabled would be appropriate.

Example 2: An illiterate 41 year old individual with mild Intellectual Disability (IQ of 78) is restricted to unskilled sedentary work and cannot perform vocationally relevant past work, which had consisted of unskilled

agricultural field work; their particular characteristics do not specifically meet any of the rules in Appendix 2, because this individual cannot perform the full range of work defined as sedentary. In light of the adverse factors which further narrow the range of sedentary work for which this individual is qualified, a finding of disabled is appropriate.

5. While illiteracy or the inability to communicate in English may significantly limit an individual's vocational scope, the primary work functions in the bulk of unskilled work relate to working with things (rather than with data or people) and in these work functions at the unskilled level, literacy or ability to communicate in English has the least significance. Similarly the lack of relevant work experience would have little significance since the bulk of unskilled jobs require no qualifying work experience. Thus, the functional capability for a full range of sedentary work represents sufficient numbers of jobs to indicate substantial vocational scope for those individuals age 18-44 even if they are illiterate or unable to communicate in English.

5.6.2.1 - Sedentary Work Medical-Vocational Rules

Residual Functional Capacity: Maximum Sustained Work Capability Limited to Sedentary Work as a Result of Severe Medically Determinable Impairment(s)

| <u>ADVANCED AGE (55 and over) RULE</u> | <u>EDUCATION</u> | <u>PREVIOUS WORK EXPERIENCE</u> | <u>DECISION</u> |
|---|--|--|------------------------|
| 201.01 | Limited or less | Unskilled or none | Disabled |
| 201.02 | Limited or less | Skilled or semiskilled - skills not transferable | Disabled |
| 201.03 | Limited or less | Skilled or semiskilled - skills transferable | Not Disabled |
| 201.04 | High school graduate or more – does not provide for direct entry into skilled work | Unskilled or none | Disabled |
| 201.05 | High school graduate or more – provides for direct entry into skilled work | Unskilled or none | Not Disabled |

| | | | |
|--------|--|--|--------------|
| 201.06 | High school graduate or more – does not provide for direct entry into skilled work | Skilled or semiskilled - skills not transferable | Disabled |
| 201.07 | High school graduate or more – does not provide for direct entry into skilled work | Skilled or semiskilled – skills transferable | Not Disabled |
| 201.08 | High school graduate or more – provides for direct entry into skilled work | Skilled or semiskilled – skills not transferable | Not Disabled |

CLOSELY APPROACHING ADVANCED AGE (50 to 54)

| <u>RULE</u> | <u>EDUCATION</u> | <u>PREVIOUS WORK EXPERIENCE</u> | <u>DECISION</u> |
|--------------------|--|--|------------------------|
| 201.09 | Limited or less | Unskilled or none | Disabled |
| 201.10 | Limited or less | Skilled or semiskilled – skills not transferable | Disabled |
| 201.11 | Limited or less | Skilled or semiskilled – skills transferable | Not Disabled |
| 201.12 | High school graduate or more – does not provide for direct entry into skilled work | Unskilled or none | Disabled |
| 201.13 | High school graduate or more – provides for direct entry into skilled work | Unskilled or none | Not Disabled |
| 201.14 | High school graduate or more – does not provide for direct entry into skilled work | Skilled or semiskilled – skills not transferable | Disabled |
| 201.15 | High school graduate or more – does not provide for direct entry into skilled work | Skilled or semiskilled – skills transferable | Not Disabled |

| | | | |
|--------|--|--|--------------|
| 201.16 | High school graduate or more – provides for direct entry into skilled work | Skilled or semiskilled – skills not transferable | Not Disabled |
|--------|--|--|--------------|

YOUNGER INDIVIDUAL (AGE 45 to 49)

| <u>RULE</u> | <u>EDUCATION</u> | <u>PREVIOUS WORK EXPERIENCE</u> | <u>DECISION</u> |
|--------------------|--|--|------------------------|
| 201.17 | Illiterate or unable to communicate in English | Unskilled or none | Disabled |
| 201.18 | Limited or less – at least literate and able to communicate in English | Unskilled or none | Not Disabled |
| 201.19 | Limited or less | Skilled or semiskilled – skills not transferable | Not Disabled |
| 201.20 | Limited or less | Skilled or semiskilled – skills transferable | Not Disabled |
| 201.21 | High school graduate or more | Skilled or semiskilled – skills not transferable | Not Disabled |
| 201.22 | High school graduate or more | Skilled or semiskilled – skills transferable | Not Disabled |

YOUNGER INDIVIDUAL (AGE 18 to 44)

| <u>RULE</u> | <u>EDUCATION</u> | <u>PREVIOUS WORK EXPERIENCE</u> | <u>DECISION</u> |
|--------------------|--|--|------------------------|
| 201.23 | Illiterate or unable to communicate in English | Unskilled or none | Not Disabled |
| 201.24 | Limited or less – at least literate and able to communicate in English | Unskilled or none | Not Disabled |
| 201.25 | Limited or less | Skilled or semiskilled – skills not transferable | Not Disabled |
| 201.26 | Limited or less | Skilled or semiskilled – skills transferable | Not Disabled |

| | | | |
|--------|------------------------------|--|--------------|
| 201.27 | High school graduate or more | Unskilled or none | Not Disabled |
| 201.28 | High school graduate or more | Skilled or semiskilled – skills not transferable | Not Disabled |
| 201.29 | High school graduate or more | Skilled or semiskilled – skills transferable | Not Disabled |

5.6.3 RFC Limited To Light Work

Maximum sustained work capability limited to light work as a result of severe medically determinable impairment(s).

- A. The functional capacity to perform a full range of light work includes the functional capacity to perform sedentary as well as light work. Approximately 1,600 separate sedentary and light unskilled occupations can be identified in eight broad occupational categories, each occupation representing numerous jobs in the national economy. These jobs can be performed after a short demonstration or within 30 days, and do not require special skills or experience.
- B. The functional capacity to perform a wide or full range of light work represents substantial work capability compatible with making a work adjustment to substantial numbers of unskilled jobs and, thus, generally provides sufficient occupational mobility even for severely impaired individuals who are not of advanced age and have sufficient educational competencies for unskilled work.
- C. However, for individuals of advanced age who can no longer perform vocationally relevant past work and who have a history of unskilled that are not readily transferable to a significant range of semi-skilled or skilled work that is within the individual's functional capacity, or who have no work experience, the limitations in vocational adaptability represented by functional restriction to light work warrant a finding of disabled. Ordinarily, even a high school education or more which was completed in the remote will have little positive impact on effecting a vocational adjustment unless relevant work experience reflects use of such education.
- D. Where the same factors in paragraph (c) of this section regarding education and work experience are present, but where age, though not advanced, is a factor which significantly limits vocational adaptability (i.e., closely approaching advanced age, 50-54) and an individual's vocational scope is further significantly limited by illiteracy or inability to communicate in English, a finding of disabled is warranted.
- E. The presence of acquired skills that are readily transferable to a significant range of semi-skilled or skilled work within an individual's residual functional capacity

would ordinarily warrant a finding of not disabled regardless of the adversity of age, or whether the individual's formal education is commensurate with his or her demonstrated skill level. The acquisition of work skills demonstrates the ability to perform work at the level of complexity demonstrated by the skill level attained regardless of the individual's formal educational attainments.

- F. For a finding of transferability of skills to light work for individuals of advanced age who are closely approaching retirement age (age 60-64), there must be very little, if any, vocational adjustment required in terms of tools, work processes, work settings, or the industry.
- G. While illiteracy or the inability to communicate in English may significantly limit an individual's vocational scope, the primary work functions in the bulk of unskilled work relate to working with things (rather than with data or people) and in these work functions at the unskilled level, literacy or ability to communicate in English has the least significance. Similarly, the lack of relevant work experience would have little significance since the bulk of unskilled jobs require no qualifying work experience. The capability for light work, which includes the ability to do sedentary work, represents the capability for substantial numbers of such jobs. This in turn, represents substantial vocational scope for younger individuals (age 18-49) even if illiterate or unable to communicate in English.

5.6.3.1 - Light Work Medical-Vocational Rules

Residual Functional Capacity: Maximum Sustained Work Capability Limited to Light Work as a Result of Severe Medically Determinable Impairment(s).

ADVANCED AGE (55 and over)

| <u>RULE</u> | <u>EDUCATION</u> | <u>PREVIOUS WORK EXPERIENCE</u> | <u>DECISION</u> |
|--------------------|--|--|------------------------|
| 202.01 | Limited or less | Unskilled or none | Disabled |
| 202.02 | Limited or less | Skilled or semiskilled - skills not transferable | Disabled |
| 202.03 | Limited or less | Skilled or semiskilled - skills transferable | Not Disabled |
| 202.04 | High school graduate or more – does not provide for direct entry into skilled work | Unskilled or none | Disabled |

| | | | |
|--------|--|--|--------------|
| 202.05 | High school graduate or more – provides for direct entry into skilled work | Unskilled or none | Not Disabled |
| 202.06 | High school graduate or more – does not provide for direct entry into skilled work | Skilled or semiskilled - skills not transferable | Disabled |
| 202.07 | High school graduate or more – does not provide for direct entry into skilled work | Skilled or semiskilled – skills transferable | Not Disabled |
| 202.08 | High school graduate or more –provides for direct entry into skilled work | Skilled or semiskilled – skills not transferable | Not Disabled |

CLOSELY APPROACHING ADVANCED AGE (50 to 54)

| <u>RULE</u> | <u>EDUCATION</u> | <u>PREVIOUS WORK EXPERIENCE</u> | <u>DECISION</u> |
|--------------------|--|--|------------------------|
| 202.09 | Illiterate or unable to communicate in English | Unskilled or none | Disabled |
| 202.10 | Limited or less – at least literate and able to communicate in English | Unskilled or none | Not Disabled |
| 202.11 | Limited or less | Skilled or semiskilled – skills not transferable | Not Disabled |
| 202.12 | Limited or less | Skilled or semiskilled – skills transferable | Not Disabled |
| 202.13 | High school graduate or more | Unskilled or none | Not Disabled |
| 202.14 | High school graduate or more | Skilled or semiskilled – skills not transferable | Not Disabled |
| 202.15 | High school graduate or more | Skilled or semiskilled – skills transferable | Not Disabled |

YOUNGER INDIVIDUAL (Age 49 and under)

| <u>RULE</u> | <u>EDUCATION</u> | <u>PREVIOUS WORK EXPERIENCE</u> | <u>DECISION</u> |
|--------------------|--|--|------------------------|
| 202.16 | Illiterate or unable to communicate in English | Unskilled or none | Not Disabled |
| 202.17 | Limited or less – at least literate and able to communicate in English | Unskilled or none | Not Disabled |
| 202.18 | Limited or less | Skilled or semiskilled – skills not transferable | Not Disabled |
| 202.19 | Limited or less | Skilled or semiskilled – skills transferable | Not Disabled |
| 202.20 | High school graduate or more | Unskilled or none | Not Disabled |
| 202.21 | High school graduate or more | Skilled or semiskilled – skills not transferable | Not Disabled |
| 202.22 | High school graduate or more | Skilled or semiskilled – skills transferable | Not Disabled |

5.6.4 RFC Limited To Medium Work**Maximum work capability limited to medium work as a result of severe medically determinable impairment(s).**

- A. The functional capacity to perform medium work includes the functional capacity to perform sedentary, light, and medium work. Approximately 2,500 separate sedentary, light, and medium occupations can be identified, each occupation representing numerous jobs in the national economy which do not require skills previous experience, and which can be performed after a short demonstration or within 30 days.
- B. The functional capacity to perform medium work represents such substantial work capability at even the unskilled level that a finding of disabled is ordinarily not warranted in cases where a severely impaired individual retains the functional capacity to perform medium work. Even the adversity of advanced age (55 and over) and a work history of unskilled work may be offset by the substantial work capability represented by the functional capacity to perform medium work. However, an individual with a marginal education and long work experience (i.e., 35 years or more) limited to the performance of arduous unskilled labor, who is

not working and is no longer able to perform this labor because of a severe impairment(s), may still be found disabled even though the individual is able to do medium work.

- C. However, the absence of any relevant work experience becomes a more significant adversity for individuals of advanced age (55 and over). Accordingly, this factor, in combination with a limited education or less, militates against making a vocational adjustment to even this substantial range of work and finding of disabled is appropriate. Further, for individuals closely approaching retirement age (60-64) with a work history of unskilled work and with marginal education or less, a finding of disabled is appropriate.

5.6.4.1 - Medium Work Medical-Vocational Rules

Residual Functional Capacity: Maximum Sustained Work Capability Limited to Medium Work as a Result of Severe Medically Determinable Impairment(s).

CLOSELY APPROACHING RETIREMENT AGE (60 to 64)

| <u>RULE</u> | <u>EDUCATION</u> | <u>PREVIOUS WORK EXPERIENCE</u> | <u>DECISION</u> |
|--------------------|--|--|------------------------|
| 203.01 | Marginal or none | Unskilled or none | Disabled |
| 203.02 | Limited or less | None | Disabled |
| 203.03 | Limited | Unskilled | Not Disabled |
| 203.04 | Limited or less | Skilled or semiskilled - skills not transferable | Not Disabled |
| 203.05 | Limited or less | Skilled or semiskilled - skills transferable | Not Disabled |
| 203.06 | High school graduate or more | Unskilled or none | Not Disabled |
| 203.07 | High school graduate or more – does not provide for direct entry into skilled work | Skilled or semiskilled - skills not transferable | Not Disabled |
| 203.08 | High school graduate or more – does not provide for direct entry into skilled work | Skilled or semiskilled – skills transferable | Not Disabled |

| | | | |
|--------|--|--|--------------|
| 203.09 | High school graduate or more – provides for direct entry into skilled work | Skilled or semiskilled – skills not transferable | Not Disabled |
|--------|--|--|--------------|

ADVANCED AGE (55 to 59)

| <u>RULE</u> | <u>EDUCATION</u> | <u>PREVIOUS WORK EXPERIENCE</u> | <u>DECISION</u> |
|--------------------|--|--|------------------------|
| 203.10 | Limited or less | None | Disabled |
| 203.11 | Limited or less | Unskilled | Not Disabled |
| 203.12 | Limited or less | Skilled or semiskilled - skills not transferable | Not Disabled |
| 203.13 | Limited or less | Skilled or semiskilled - skills transferable | Not Disabled |
| 203.14 | High school graduate or more | Unskilled or none | Not Disabled |
| 203.15 | High school graduate or more – does not provide for direct entry into skilled work | Skilled or semiskilled - skills not transferable | Not Disabled |
| 203.16 | High school graduate or more – does not provide for direct entry into skilled work | Skilled or semiskilled – skills transferable | Not Disabled |
| 203.17 | High school graduate or more – provides for direct entry into skilled work | Skilled or semiskilled – skills not transferable | Not Disabled |

CLOSELY APPROACHING ADVANCED AGE (50 to 54)

| <u>RULE</u> | <u>EDUCATION</u> | <u>PREVIOUS WORK EXPERIENCE</u> | <u>DECISION</u> |
|--------------------|-------------------------|--|------------------------|
| 203.18 | Limited or less | Unskilled or none | Not Disabled |
| 203.19 | Limited or less | Skilled or semiskilled - skills not transferable | Not Disabled |

| | | | |
|--------|--|--|--------------|
| 203.20 | Limited or less | Skilled or semiskilled - skills transferable | Not Disabled |
| 203.21 | High school graduate or more | Unskilled or none | Not Disabled |
| 203.22 | High school graduate or more – does not provide for direct entry into skilled work | Skilled or semiskilled - skills not transferable | Not Disabled |
| 203.23 | High school graduate or more – does not provide for direct entry into skilled work | Skilled or semiskilled – skills transferable | Not Disabled |
| 203.24 | High school graduate or more – provides for direct entry into skilled work | Skilled or semiskilled – skills not transferable | Not Disabled |

YOUNGER INDIVIDUAL (Age 49 and under)

| <u>RULE</u> | <u>EDUCATION</u> | <u>PREVIOUS WORK EXPERIENCE</u> | <u>DECISION</u> |
|--------------------|--|--|------------------------|
| 203.25 | Limited or less | Unskilled or none | Not Disabled |
| 203.26 | Limited or less | Skilled or semiskilled - skills not transferable | Not Disabled |
| 203.27 | Limited or less | Skilled or semiskilled - skills transferable | Not Disabled |
| 203.28 | High school graduate or more | Unskilled or none | Not Disabled |
| 203.29 | High school graduate or more – does not provide for direct entry into skilled work | Skilled or semiskilled - skills not transferable | Not Disabled |
| 203.30 | High school graduate or more – does not provide for direct entry into skilled work | Skilled or semiskilled – skills transferable | Not Disabled |
| 203.31 | High school graduate or more – provides for direct entry into skilled work | Skilled or semiskilled – skills not transferable | Not Disabled |

5.6.5 RFC Limited To Heavy Work

Maximum sustained work capability limited to heavy work (or very heavy work) as a result of severe medically determinable impairment(s).

The residual functional capacity to perform heavy work or very heavy work includes the functional capability for work at the lesser functional levels as well and represents substantial work capability for jobs in the national economy at all skill and physical demand levels. Individuals who retain the functional capacity to perform heavy work (or very heavy work) ordinarily will not have a severe impairment or will be able to do their past work - either of which would have already provided a basis for a decision of "not disabled." Environmental restrictions ordinarily would not significantly affect the range of work existing in the national economy for individuals with the physical capability for heavy work (or very heavy work). Thus, an impairment which does not preclude heavy work (or very heavy work) would not ordinarily be the primary reason for unemployment, and generally is sufficient for a finding of not disabled, even though age, education, and skill level of prior work experience may be considered adverse.

5.6.6 Attainment of Age and the Medical-Vocational Rules

Based on using the medical vocational rules, if the determination is a denial but the claimant will attain an age that would make the determination an allowance within 120 days, forward the case to your supervisor for guidance.

Appendices

Appendix A – The Medical-Vocational Guidelines

In order to promote consistency with adjudicating disability determinations under 2a(1)(iv) of the Railroad Retirement Act, or for a disability freeze decision adjudicated under the Social Security Act, refer to The Social Security Administration's (SSA) Medical-Vocational Guidelines ([DI 25025.001](#)) to address issues in the Total and Permanent sequential evaluation process.

Appendix B – Medical-Vocational Quick Reference Guide

For vocational information and definition of terms used in evaluating the non-medical and vocational factors during the Total and Permanent sequential evaluation process, see the Social Security Administration's (SSA) Medical-Vocational Quick Reference Guide found in [DI 25001.001](#).