

## DISABILITY DECISION-MAKING PROCESS

The general overview of the decision making process used to decide if an adult is disabled. (In considering children the issue of work is not addressed. Instead it is age related functioning.) We will discuss the sequential evaluation process used to decide whether the adult applicant meets the definition of disability. The sequential evaluation process seeks to arrive at the decision by asking questions in a set order. If we can make a decision at a step, we stop. If we cannot, we go on to the next step.

- 1. *Is the individual working?*** If the person is working and earnings are at substantial gainful activity, full-time minimum wage work, the person generally cannot be considered disabled. A Social Security employee in a field office or an adjudicator in the DDS could make this decision.
- 2. *Is the condition(s) "severe"?*** A condition, or a combination of conditions, must interfere with basic work activities for a person to be considered disabled. If this is so, the DDS will go to the next step. If there is no severe condition present, the person is found not disabled.
- 3. *Does the individual have an impairment that meets or equals one that is described in Disability Evaluation under Social Security - Listing of Impairments?*** SSA maintains a list of impairments for 14 major body systems for adults: musculoskeletal, special senses and speech, respiratory, cardiovascular, digestive, genito-urinary, hematological, skin, endocrine, conditions affecting multiple body systems, neurological, mental, malignant neoplastic, and immune system. Impairments described in the listings are so severe that we presume that an individual whose impairment(s) meets a listing is disabled without considering age, education or work experience. If the person's condition(s) does not meet the criteria of one of the listings, the DDS decides if it is of equal severity to a listed impairment. If it is, the individual is found disabled. If the impairment(s) does not meet or equal a listing, we go to the next step. There are separate listings of impairments, though comparable, for people who are under 18 years old.
- 4. *Can the individual do the work he or she previously did?*** If the person's condition is severe but not at the same or equal severity as an impairment on the list (step 3 above), then the DDS must determine if it prevents the person from doing his or her past relevant work. If it does, the DDS goes to the next step. If it does not, the claim is denied since claimant has capacity to return to past work.
- 5. *Can the individual do any other type of work?*** If the person's condition(s) prevent past work, might they have the capacity to do other work in the national economy? In order to determine an individual's ability to do other work, the DDS considers the person's medical condition, age, education, and work experience. If the DDS assessment provides that the person cannot do other work, the claim is approved. If the DDS assessment provides that the person can do other work, the claim is denied.

A much detailed description of the process is available at the disability regulations in subpart P of part 404 of Title 20 of the Code of Federal Regulations (CFR), for Social Security disability benefits and subpart I of part 416 for SSI. The basic regulations outlining the sequential evaluation process for adults are at 20 CFR 404.1520 and 416.920. You can reach them through these links:

- [http://www.ssa.gov/OP\\_Home/cfr20/404/404-1520.htm](http://www.ssa.gov/OP_Home/cfr20/404/404-1520.htm)
- [http://www.ssa.gov/OP\\_Home/cfr20/416/416-0920.htm](http://www.ssa.gov/OP_Home/cfr20/416/416-0920.htm)

### **Definition of Disability for Social Security Administration**

For all individuals applying for disability benefits under title II, and for adults applying under title XVI, the definition of disability is the same. The law defines disability as the inability to engage in any substantial gainful activity (any type of minimum wage full-time work) by reason of any medically determinable physical or mental impairment(s) / condition(s) which can be expected to result in death or which has lasted or can be expected to last for a *continuous* period of not less than 12 months.

### **Disability in Children for Social Security Administration**

Under title XVI, a child under age 18 will be considered disabled if they have a medically determinable physical or mental impairment or combination of impairments that causes marked and severe *functional* limitations, and that can be expected to cause death or that has lasted or can be expected to last for a *continuous* period of not less than 12 months.

### **What is a "Medically Determinable Impairment"?**

A medically determinable physical or mental impairment is an condition that results from anatomical, physiological, or psychological abnormalities which can be shown by medically acceptable clinical and laboratory diagnostic techniques. A physical or mental impairment must be medically established and documented by medical evidence consisting of documentation presenting signs, symptoms, and laboratory findings.