

How Social Security Decides if You are Disabled

Social Security goes through a step-by-step decision-making process to decide if you are disabled. You must first apply and meet the non-medical requirements for either Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI). SSDI requires that you have recently worked enough in Social Security covered employment (earnings on which Social Security taxes were paid). SSI requires that you meet very low resource and income limits. The following is a very basic summary of how Social Security decides if you are disabled.

Social Security Definition of Disability - "the inability to engage in any substantial gainful activity (SGA) by reason of any medically determinable physical or mental impairment(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." Social Security uses a complex set of rules and the following process to determine if you are "disabled."

Sequential Evaluation -

1. **Are you working?** If you are currently performing work that Social Security considers to be substantial and gainful, your claim will be denied due to work activity, and the evaluation ends here. If not, the evaluation moves on to the next step.
2. **Do you have documentation of one or more mental or physical conditions that result in significant limitation in the ability to perform basic work activities that will last for at least 12 months or end in death?** These are called "severe impairments." If the answer is no, then the claim is denied. If there is at least one "severe impairment," the evaluation moves on to the next step.
3. **Do you have a condition that meets a "listed impairment?"** The listed impairments have diagnostic and severity requirements. If you have been diagnosed with a condition that is "listed," and it meets the severity requirements, you are presumed "disabled." Generally, a condition must be very severe to meet the requirements of these rules. If you do not have a condition that meets a listing impairment, the evaluation moves on to the next step. You can investigate these more at <https://www.ssa.gov/disability/professionals/bluebook/AdultListings.htm>.
4. **Are you able to perform any of the kinds of work you did in the last 15 years** (that was substantial and gainful and that you fully learned)? Social Security asks you for information about what work you did and how you did it. It also relies on a publication from the Department of Labor to determine how the work you did is usually performed. Social Security determines what it thinks you can still do despite your impairments and compares that to the requirement of your past jobs. If you can do the kind of work you used to do (the issue is not whether you can get the job back or if it even exists any longer), you are not disabled and the evaluation ends with a denial. If you are unable to do your past work, then the evaluation moves on to the last step.

5. **Are you able to do other work?** In general, do the limitations caused by your medical impairments also prevent you from doing a “significant” number of regular competitive full-time jobs that exist in the economy? If yes, you are “disabled.” If no, your claim is denied.

Some jobs have low physical demand (mostly seated or some freedom between sitting and standing) and low mental demand (very simple, routine, with low interaction requirements). But regular competitive work requires meeting a minimum threshold for productivity and attendance, maintaining a work posture during the workday (not being reclined or lying down), and usually requires frequent handling and reaching activities. Generally, if you are **under age 50**, you must show that you have limitations that prevent you from sustaining even the easiest of jobs, even if such jobs are scarce in your community. (See the list of examples of potentially work-preclusive limitations below.) There are special age category rules that work to your benefit in older age categories.

- **Age 50-54**, limited to “sedentary” work (mostly seated, lifting 10 lbs.) and unable to perform past work and have no skills that could be used in a skilled sedentary job = “disabled.”
- **Age 55+**, limited to “light” work (mostly standing, lifting no more than 20 lbs.) and unable to perform past work and have no skills that could be used in a skilled sedentary or light job = “disabled.”

Example limitations (usually found) not consistent with sustaining other jobs -

- Medically necessary use of walker, wheelchair, or crutches
- Off task too much (pain, depression, anxiety)
- Absent too much (bad symptoms days, frequent treatment/hospitalization)
- Need extra breaks (excessive bathroom breaks, emotional need for breaks)
- Have to work away from others (anger, fighting, anxiety)
- Need to elevate legs to hip height or higher (LE swelling/edema, vascular issues)
- Not enough energy to complete 8 hr workday
- Unable to stay awake
- Unable to reach outward in front of body frequently (in combination with other limitations)
- Unable to handle and grasp frequently, especially with dominant hand (in combination with other limitations)
- Unable to manage emotions (crying, withdrawing)
- Unable to accept instruction and criticism
- Need a job coach or accommodations to succeed
- Unable to follow simple instruction
- Work too slowly to meet productivity demands of even simple, not fast-paced work
- Need more-than-ordinary supervision

A note of caution - Your *feeling* or *believing* that you have work-preclusive limitations, even like those listed above, is not enough. There must be medical support and documentation that persuades Social Security of the limitation(s).

Disclaimer - This information is intended as a general guide and is not legal advice applicable to every circumstance.