The Social Security Disability Determination Process
Social Security Disability Programs

- Disability Insurance – entitled based on insured status
- Supplemental Security Income (SSI) – means tested
In–take Process – Initial Stage

- Application process starts in a local SSA field office, over the phone or online.
- Information is collected on both medical and non–medical factors.
- If the non–medical factors are met, the claim is forwarded to the state disability determination services for medical determination.
Social Security Definition of Disability

The inability to perform any substantial gainful activity by reason of any medically determinable physical or mental impairment 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.
5–Step Sequential Evaluation Process

1. Is the individual engaging in substantial gainful activity (SGA)?

2. Does the individual have a severe impairment?
3. Does the individual have an impairment that meets or equals an impairment described in SSA’s Listing of Impairments?
Residual Functional Capacity (RFC)

- Determines the extent to which the impairment reduces the ability to engage in specific work-related functions;
- Physicians or psychologists must complete the RFC;
- Treating sources are given controlling weight.
4. Can the individual, despite any functional limitations imposed by a severe impairment, perform work that he or she did in the past?

5. Can the individual do any other type of work?
# Age Grid

<table>
<thead>
<tr>
<th>Rule</th>
<th>Age</th>
<th>Education</th>
<th>Previous Work Experience</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>201.01</td>
<td>Advanced Age</td>
<td>Limited or less</td>
<td>Unskilled or none</td>
<td>Disabled</td>
</tr>
<tr>
<td>201.02</td>
<td>Advanced Age</td>
<td>Limited or less</td>
<td>Skilled or semiskilled-skills not transferable</td>
<td>Disabled</td>
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<tr>
<td>201.03</td>
<td>Advanced Age</td>
<td>Limited or less</td>
<td>Skilled or semiskilled-skills transferable</td>
<td>Not disabled</td>
</tr>
<tr>
<td>201.04</td>
<td>Advanced Age</td>
<td>High school graduate or more-does not provide for direct entry into skilled work</td>
<td>Unskilled or none</td>
<td>Disabled</td>
</tr>
<tr>
<td>201.05</td>
<td>Advanced Age</td>
<td>High school graduate or more-Provides for direct entry into skilled work</td>
<td>Unskilled or none</td>
<td>Not disabled</td>
</tr>
<tr>
<td>201.06</td>
<td>Advanced Age</td>
<td>High school graduate or more-does not provide for direct entry into skilled work</td>
<td>Skilled or semiskilled-skills not transferable</td>
<td>Disabled</td>
</tr>
<tr>
<td>201.07</td>
<td>Advanced Age</td>
<td>High school graduate or more-does not provide for direct entry into skilled work</td>
<td>Skilled or semiskilled-skills transferable</td>
<td>Not disabled</td>
</tr>
<tr>
<td>201.08</td>
<td>Advanced Age</td>
<td>High school graduate or more-Provides for direct entry into skilled work</td>
<td>Skilled or semiskilled-skills not transferable</td>
<td>Not disabled</td>
</tr>
<tr>
<td>201.09</td>
<td>Closely approaching advanced age</td>
<td>Limited or less</td>
<td>Unskilled or none</td>
<td>Disabled</td>
</tr>
</tbody>
</table>
# Age Grid

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Skill Level</th>
<th>Additional Skills</th>
<th>Disability Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>201.09</td>
<td>Closely approaching advanced age</td>
<td>Limited or less</td>
<td>Unskilled or none</td>
<td>Disabled</td>
</tr>
<tr>
<td>201.10</td>
<td>Closely approaching advanced age</td>
<td>Limited or less</td>
<td>Skilled or semiskilled-skills not transferable</td>
<td>Disabled</td>
</tr>
<tr>
<td>201.11</td>
<td>Closely approaching advanced age</td>
<td>Limited or less</td>
<td>Skilled or semiskilled-skills transferable</td>
<td>Not disabled</td>
</tr>
<tr>
<td>201.12</td>
<td>Closely approaching advanced age</td>
<td>High school graduate or more-provides for direct entry into skilled work</td>
<td>Unskilled or none</td>
<td>Disabled</td>
</tr>
<tr>
<td>201.13</td>
<td>Closely approaching advanced age</td>
<td>High school graduate or more-provides for direct entry into skilled work</td>
<td>Unskilled or none</td>
<td>Not disabled</td>
</tr>
<tr>
<td>201.14</td>
<td>Closely approaching advanced age</td>
<td>High school graduate or more-provides for direct entry into skilled work</td>
<td>Skilled or semiskilled-skills not transferable</td>
<td>Disabled</td>
</tr>
<tr>
<td>201.15</td>
<td>Closely approaching advanced age</td>
<td>High school graduate or more-provides for direct entry into skilled work</td>
<td>Skilled or semiskilled-skills transferable</td>
<td>Not disabled</td>
</tr>
<tr>
<td>201.16</td>
<td>Closely approaching advanced age</td>
<td>High school graduate or more-provides for direct entry into skilled work</td>
<td>Skilled or semiskilled-skills not transferable</td>
<td>Not disabled</td>
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<tr>
<td>201.17</td>
<td>Younger individual age 45-49</td>
<td>Illiterate or unable to communicate in English</td>
<td>Unskilled or none</td>
<td>Disabled</td>
</tr>
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</table>
Increasing Determinations Based on Vocational Basis

Percentage of State Agency DI Awards by Basis for Decision—Fiscal Years 1975-2010

- Meets Listing
- Equals Listing
- Vocational Considerations
Initial DI Worker Awards by Primary Impairment—CYs 1975–2010
DI & SSI Beneficiaries with Mental Impairment Diagnosis

![Graph showing the increase in DI & SSI beneficiaries with mental impairment diagnosis from 1986 to 2010. The graph indicates a steady rise in the number of beneficiaries with intellectual disability and other mental conditions.]
Variation in State DI Allowance Rates

![Graph showing variation in State DI Allowance Rates from 1980 to 2010]

- **High State**
- **National Average**
- **Low State**

Variation in Basis for DI Allowance Meets the Listing
Variation in Basis for DI Allowance Vocational Factors

![Bar Chart]

- HI: 29%
- MD: 38%
- IN: 42%
- GA: 43%
- CO: 43%
- Avg: 54%
- NE: 61%
- OR: 62%
- AR: 65%
- WA: 66%
- NY: 67%
SSI Children as Share of Total SSI Disabled Population
Next Steps if Applicant Denied Benefits

- Reconsideration – State DDS
- Hearing with Administrative Law Judge
- Appeals Council Review
- Federal Court Review
ALJ Allowance Rates

![Bar chart showing ALJ allowance rates for different percentage ranges from 2002, 2006, and 2010.](chart.png)
ALJ Use of Vocational & Medical Experts FY 1977 – 2010

The graph shows the percentage of ALJ use of vocational and medical experts from FY 1977 to FY 2010. The graph includes two lines:

- **Vocational Expert** represented by a green line
- **Medical Expert** represented by an orange line

The green line indicates a gradual increase in the use of vocational experts, reaching approximately 70% by FY 2010. The orange line shows a steady increase in the use of medical experts, starting at a lower percentage and reaching around 15% by FY 2010.
Representation at ALJ Hearings
Fys 1977 – 2010

The chart illustrates the percentage of cases involving attorneys and non-attorneys at ALJ hearings from 1977 to 2009. The percentage of cases with attorneys has steadily increased from the early years to the late 1980s, showing a slight fluctuation in the 1990s. In contrast, the percentage of cases without attorneys has remained relatively stable, with a slight decline in the late 1990s and early 2000s.
Percent of DI Worker Benefits Terminated – 2010

Age

- 60-FRA
- 50-59
- 40-49
- 30-39
- Under 30

Percent Terminated

- Women
- Men
# State VR Reimbursements

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Claims Allowed</th>
<th>Amount of Dollars Allowed</th>
<th>Average Cost Per Claim</th>
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</thead>
<tbody>
<tr>
<td>FY 12</td>
<td>5,343</td>
<td>$78,768,058.10</td>
<td>$14,742.29</td>
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<tr>
<td>FY 11</td>
<td>4,679</td>
<td>$72,991,906.25</td>
<td>$15,599.89</td>
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<tr>
<td>FY 10</td>
<td>7,768</td>
<td>$105,964,398.60</td>
<td>$13,641.14</td>
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<tr>
<td>FY 09</td>
<td>8,712</td>
<td>$122,260,833.39</td>
<td>$14,035</td>
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<tr>
<td>FY 08</td>
<td>9,325</td>
<td>$124,230,549.09</td>
<td>$13,323</td>
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<tr>
<td>FY 07</td>
<td>6,871</td>
<td>$90,263,129.56</td>
<td>$13,137</td>
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<tr>
<td>FY 06</td>
<td>8,387</td>
<td>$105,049,203.20</td>
<td>$12,525</td>
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<tr>
<td>FY 05</td>
<td>8,095</td>
<td>$75,635,939.94</td>
<td>$12,410</td>
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<tr>
<td>FY 04</td>
<td>6,811</td>
<td>$85,172,425.42</td>
<td>$12,505</td>
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<tr>
<td>FY 03</td>
<td>6,760</td>
<td>$84,599,139.87</td>
<td>$12,514</td>
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<tr>
<td>FY 02</td>
<td>10,527</td>
<td>$131,062,205.10</td>
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<tr>
<td>FY 01</td>
<td>8,208</td>
<td>$103,892,717.86</td>
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<td>FY 00</td>
<td>10,220</td>
<td>$117,024,222.20</td>
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<td>FY 99</td>
<td>11,126</td>
<td>$119,934,831.23</td>
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<td>FY 98</td>
<td>9,950</td>
<td>$103,037,127.54</td>
<td>$10,355</td>
</tr>
</tbody>
</table>
Disability Issues

- All or nothing nature of program;
- State variations;
- Increasing subjectivity;
- Treating source opinion;
Disability Issues

- Functional data collected at intake not used for return-to-work purposes;
- Medical/Vocation Guidelines – aka Grids;
- Attorney Fees;
- Vocational/Medical expert disparity at various levels; and
- Continuing disability reviews (CDRs);
Better Use of Medical/Vocational Expertise;
Eliminating Subjective Rules;
Early Intervention Techniques;
Temporary Benefits;
Updating the Grids;
SSI Childhood Services Versus Cash;
Attorney Fee Fix; and
DI Benefit Offset