

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.
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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?

5-Step Sequential Evaluation Process

3. Does the individual have an impairment that meets or equals an impairment described in SSA's Listing of Impairments?
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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.
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5-Step Sequential Evaluation Process

Introduction of Subjectivity

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?
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Age Grid

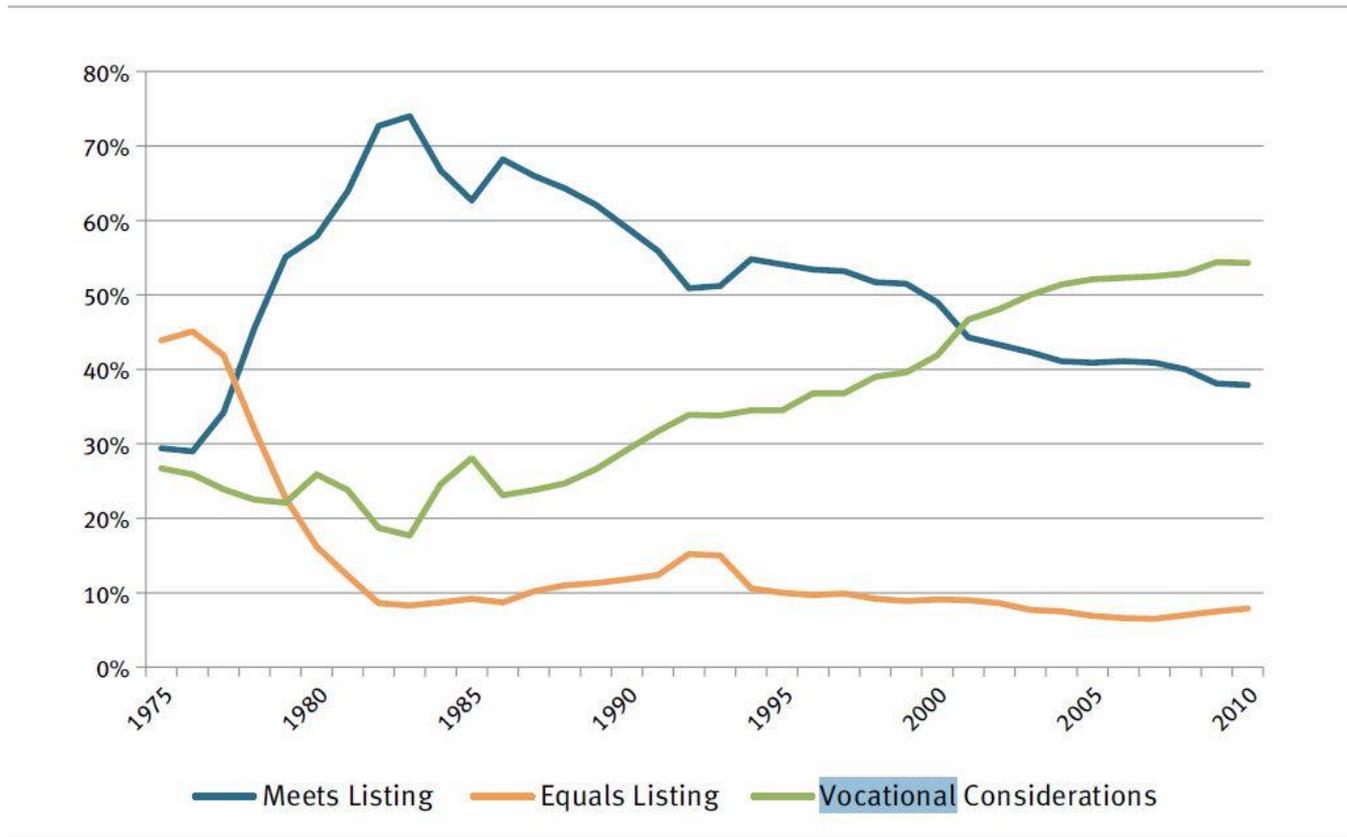
Rule	Age	Education	Previous Work Experience	Decision
201.01	Advanced Age	Limited or less	Unskilled or none	Disabled
201.02	Advanced Age	Limited or less	Skilled or semiskilled-skills not transferable	Disabled
201.03	Advanced Age	Limited or less	Skilled or semiskilled-skills transferable	Not disabled
201.04	Advanced Age	High school graduate or more-does not provide for direct entry into skilled work	Unskilled or none	Disabled
201.05	Advanced Age	High school graduate or more-provides for direct entry into skilled work	Unskilled or none	Not disabled
201.06	Advanced Age	High school graduate or more-does not provide for direct entry into skilled work	Skilled or semiskilled-skills not transferable	Disabled
201.07	Advanced Age	High school graduate or more-does not provide for direct entry into skilled work	Skilled or semiskilled-skills transferable	Not disabled
201.08	Advanced Age	High school graduate or more-provides for direct entry into skilled work	Skilled or semiskilled-skills not transferable	Not disabled
201.09	Closely approaching advanced age	Limited or less	Unskilled or none	Disabled

Age Grid

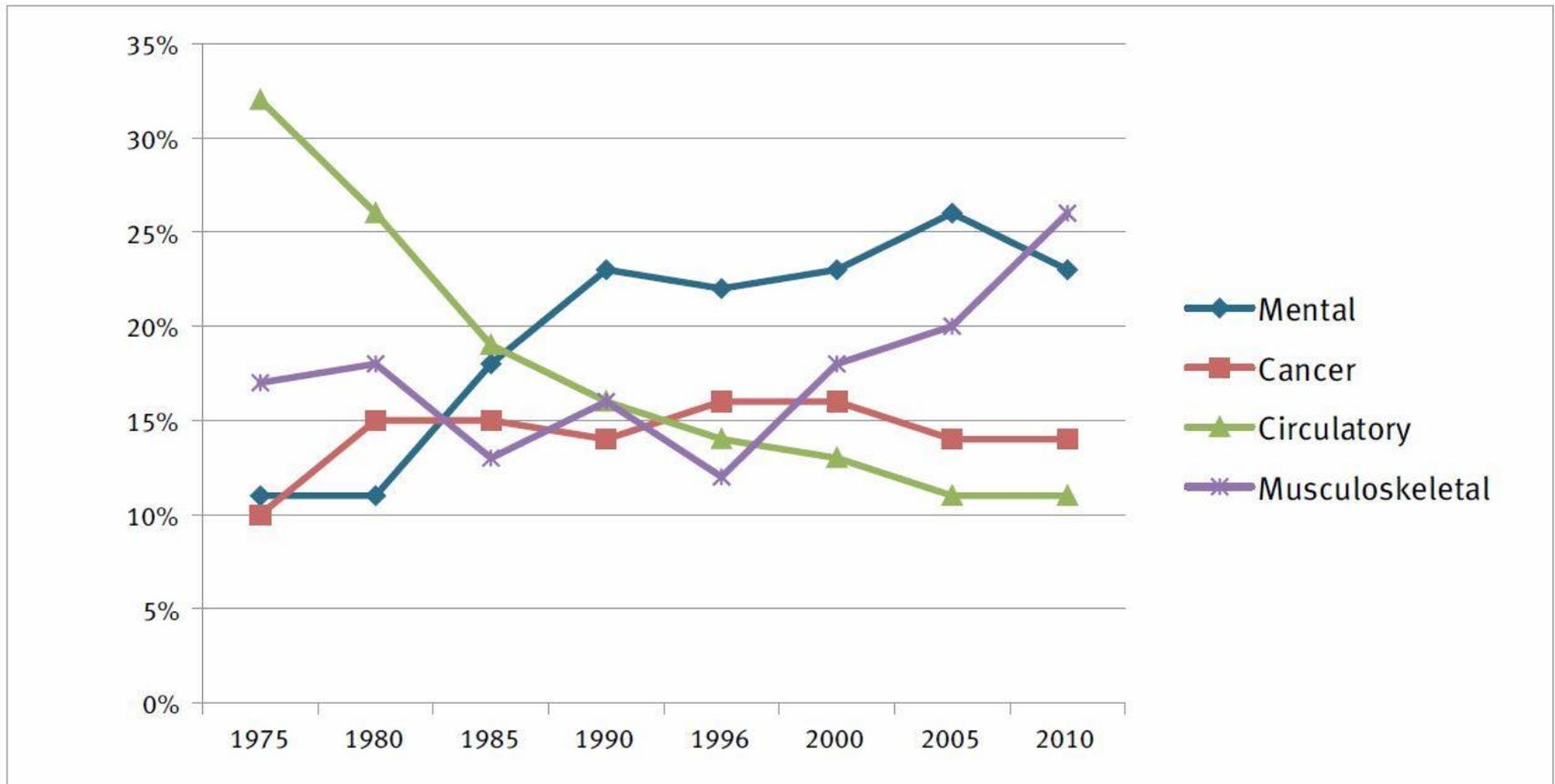
201.09	Closely approaching advanced age	Limited or less	Unskilled or none	Disabled
201.10	Closely approaching advanced age	Limited or less	Skilled or semiskilled-skills not transferable	Disabled
201.11	Closely approaching advanced age	Limited or less	Skilled or semiskilled-skills transferable	Not disabled
201.12	Closely approaching advanced age	High school graduate or more-does not provide for direct entry into skilled work	Unskilled or none	Disabled
201.13	Closely approaching advanced age	High school graduate or more-provides for direct entry into skilled work	Unskilled or none	Not disabled
201.14	Closely approaching advanced age	High school graduate or more-does not provide for direct entry into skilled work	Skilled or semiskilled-skills not transferable	Disabled
201.15	Closely approaching advanced age	High school graduate or more-does not provide for direct entry into skilled work	Skilled or semiskilled-skills transferable	Not disabled
201.16	Closely approaching advanced age	High school graduate or more-provides for direct entry into skilled work	Skilled or semiskilled-skills not transferable	Not disabled
201.17	Younger individual age 45-49	Illiterate or unable to communicate in English	Unskilled or none	Disabled

Increasing Determinations Based on Vocational Basis

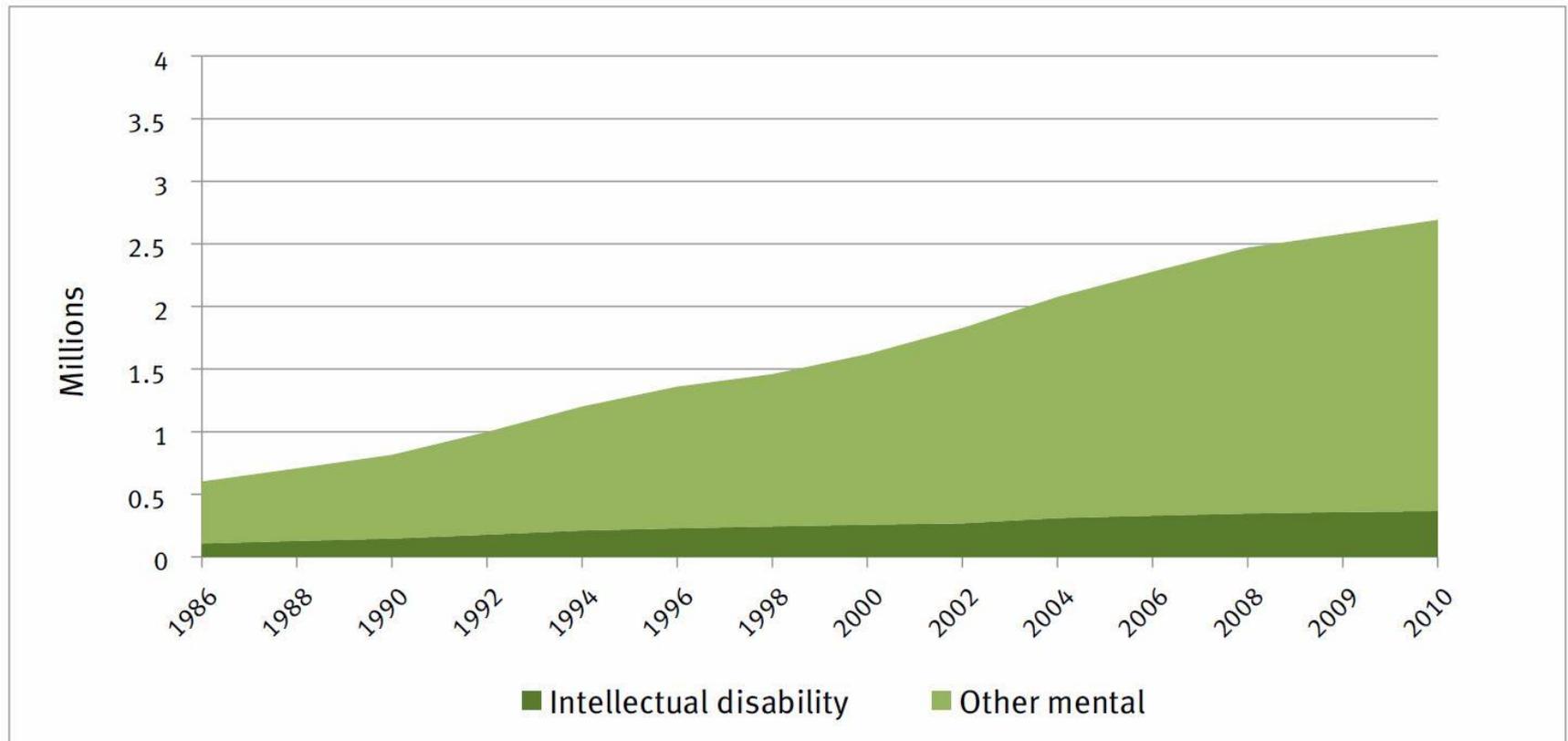
Percentage of State Agency DI Awards by Basis for Decision—Fiscal Years 1975-2010



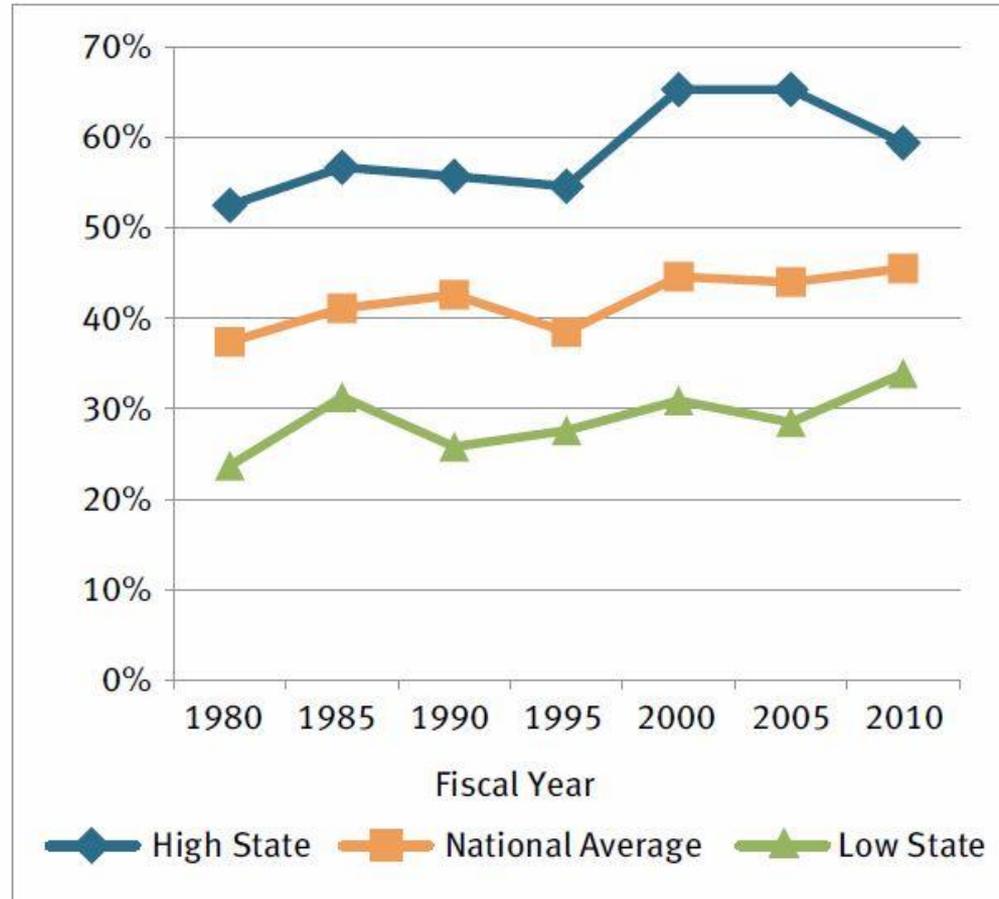
Initial DI Worker Awards by Primary Impairment—CYs 1975–2010



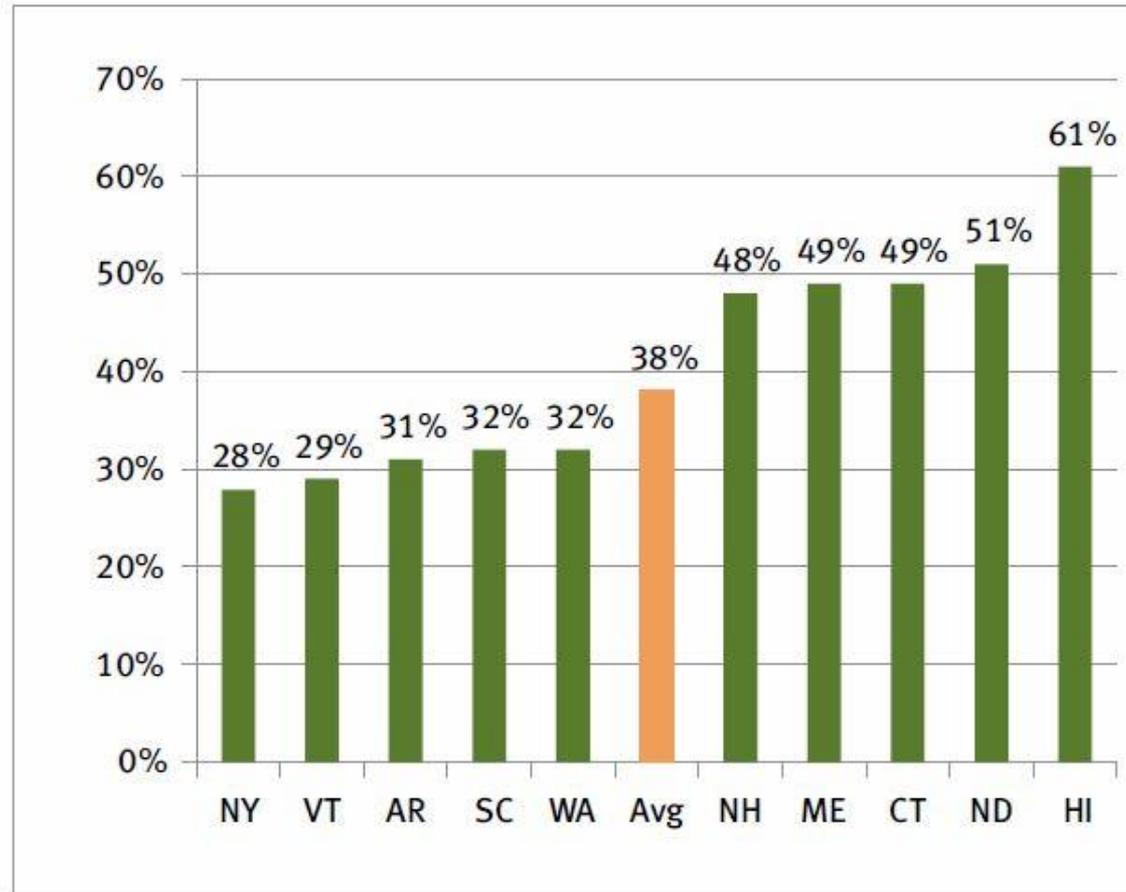
DI & SSI Beneficiaries with Mental Impairment Diagnosis



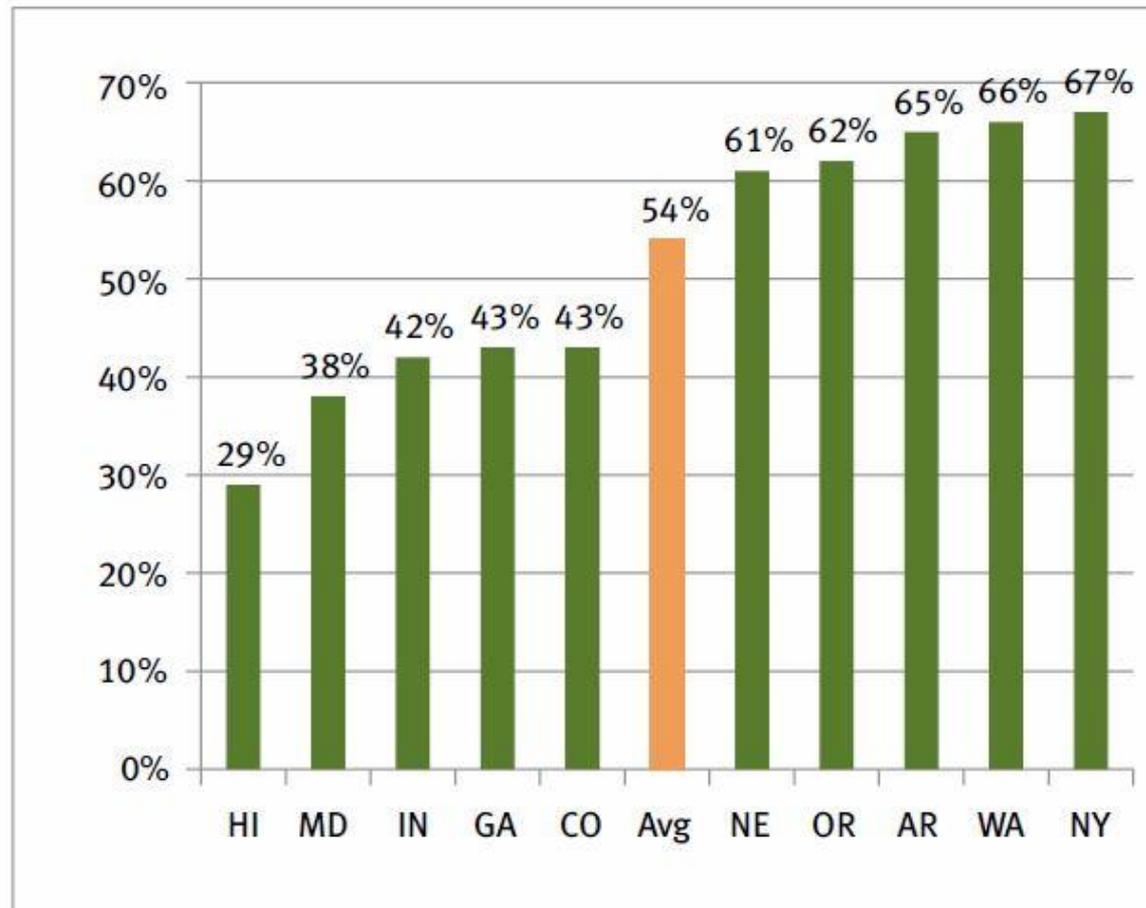
Variation in State DI Allowance Rates



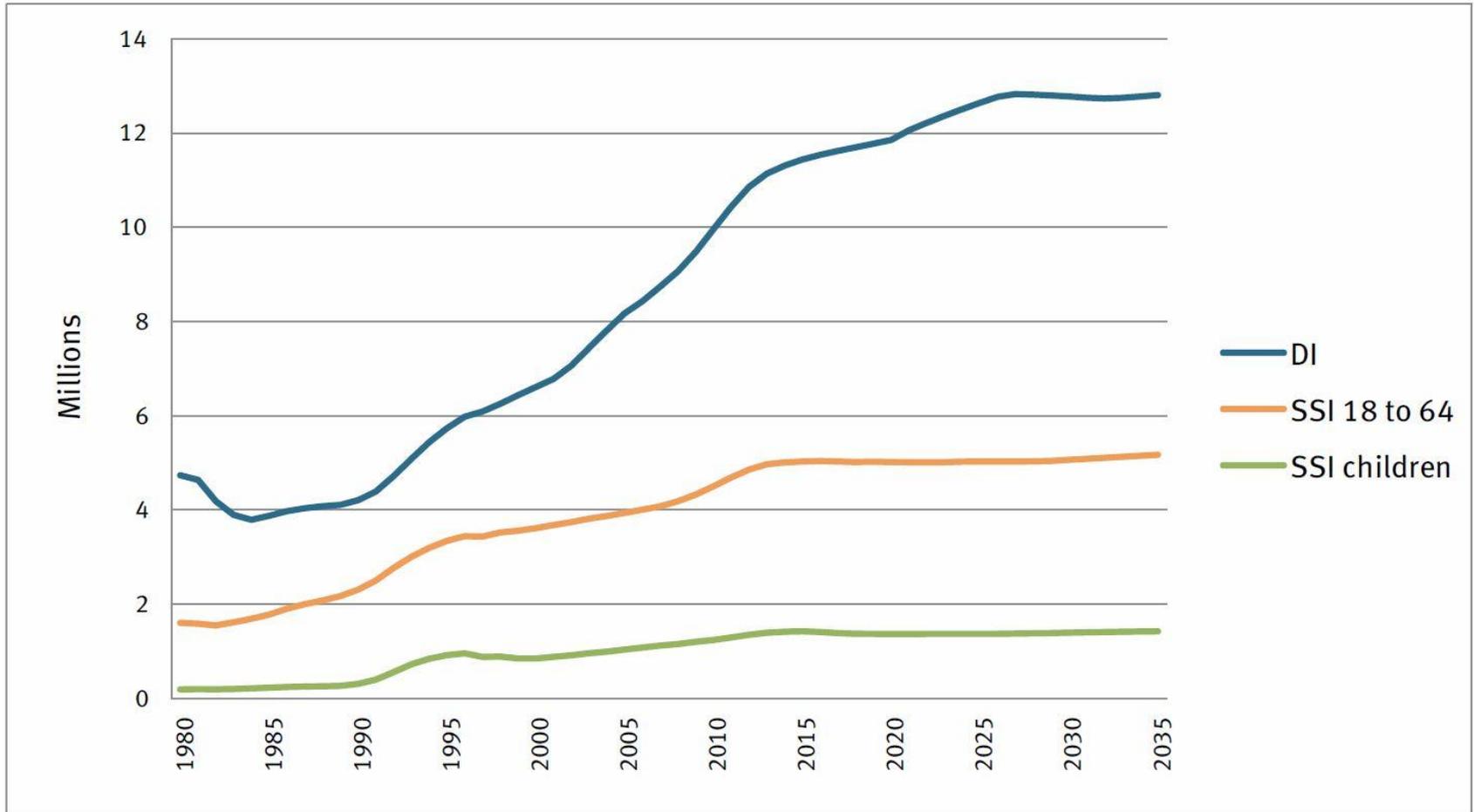
Variation in Basis for DI Allowance Meets the Listing



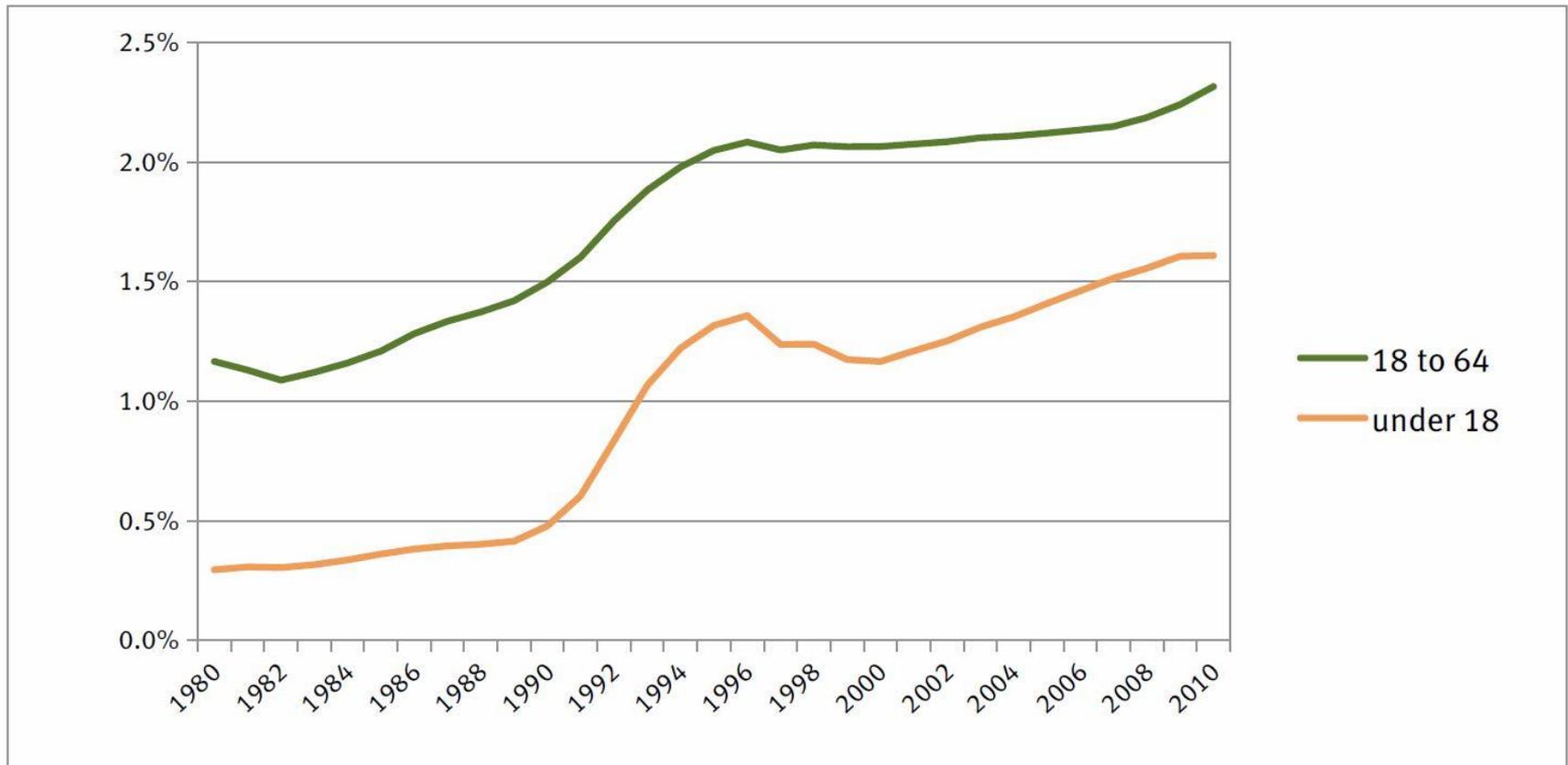
Variation in Basis for DI Allowance Vocational Factors



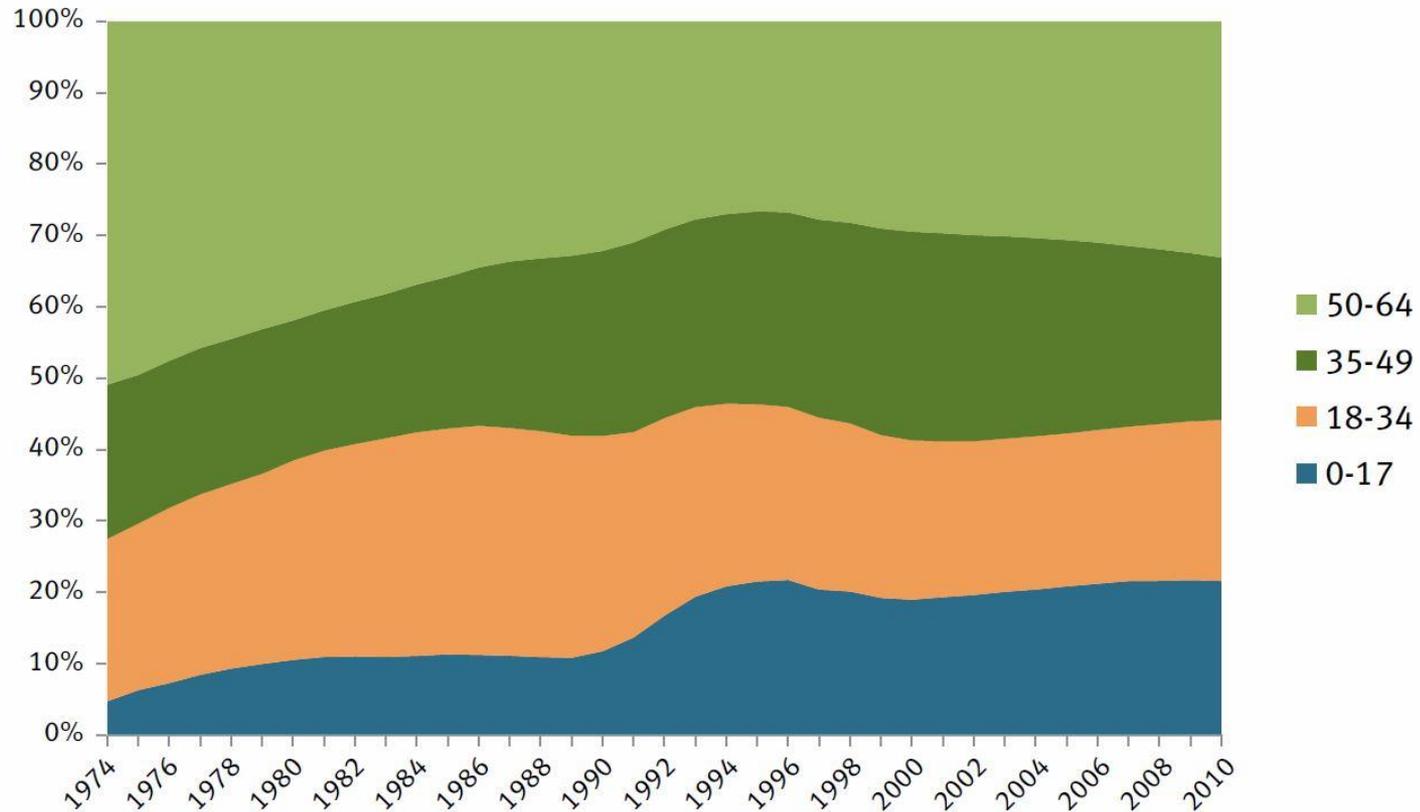
SSI Childhood Beneficiaries CYs 1980 - 2035 (Projected)



SSI Children as Percentage of Population by Age Group - CYs 1980 - 2010



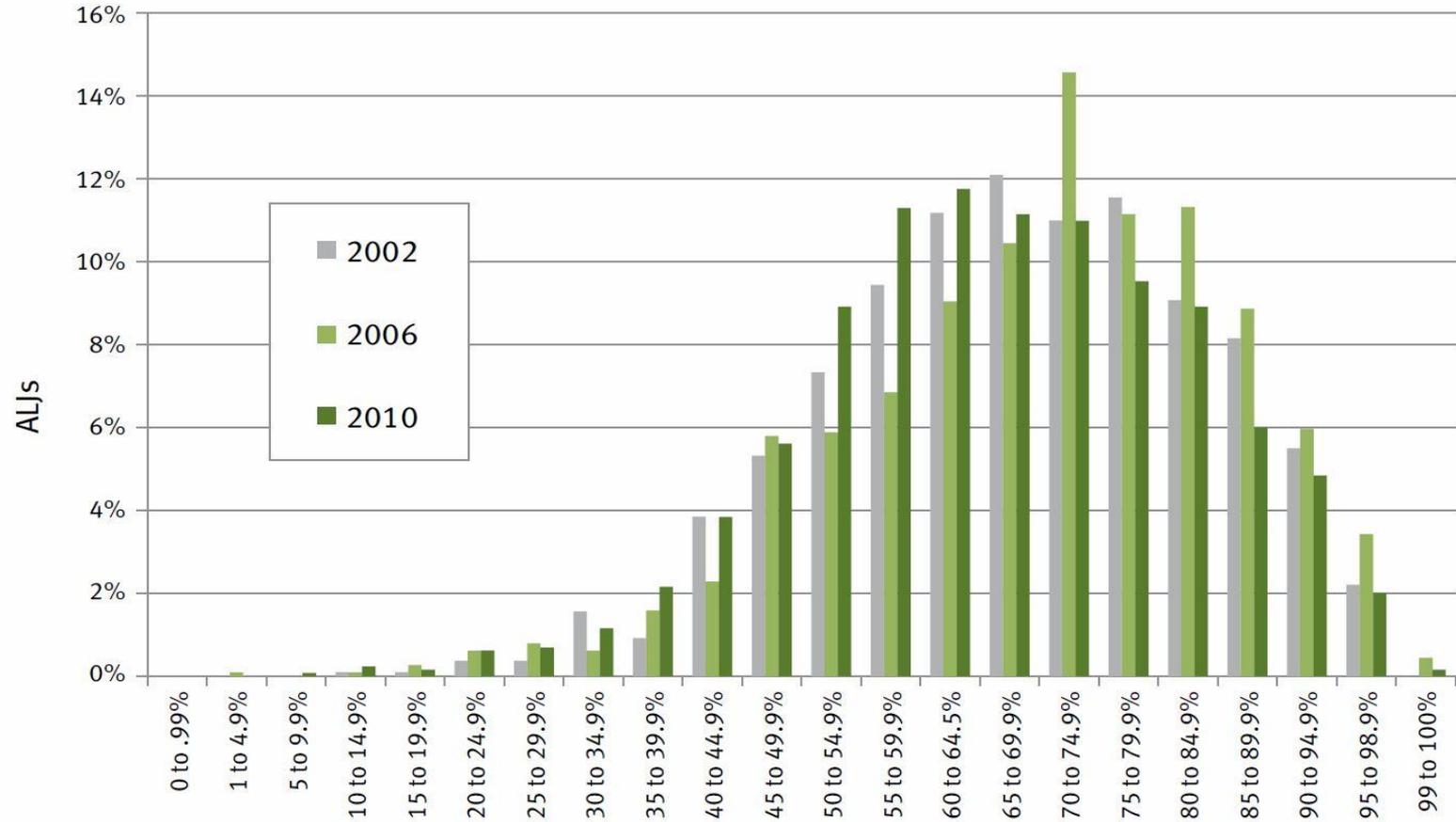
SSI Children as Share of Total SSI Disabled Population



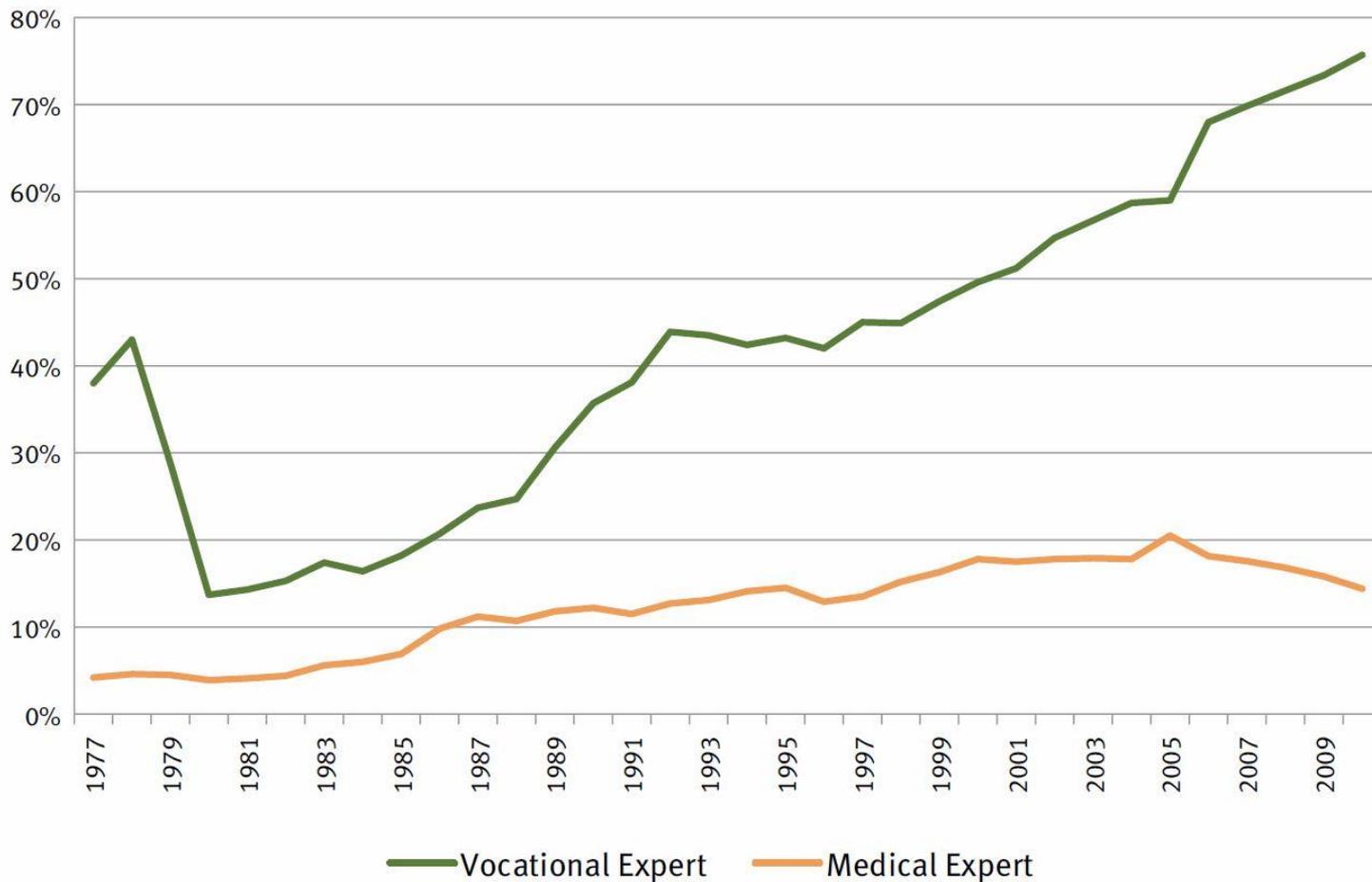
Next Steps if Applicant Denied Benefits

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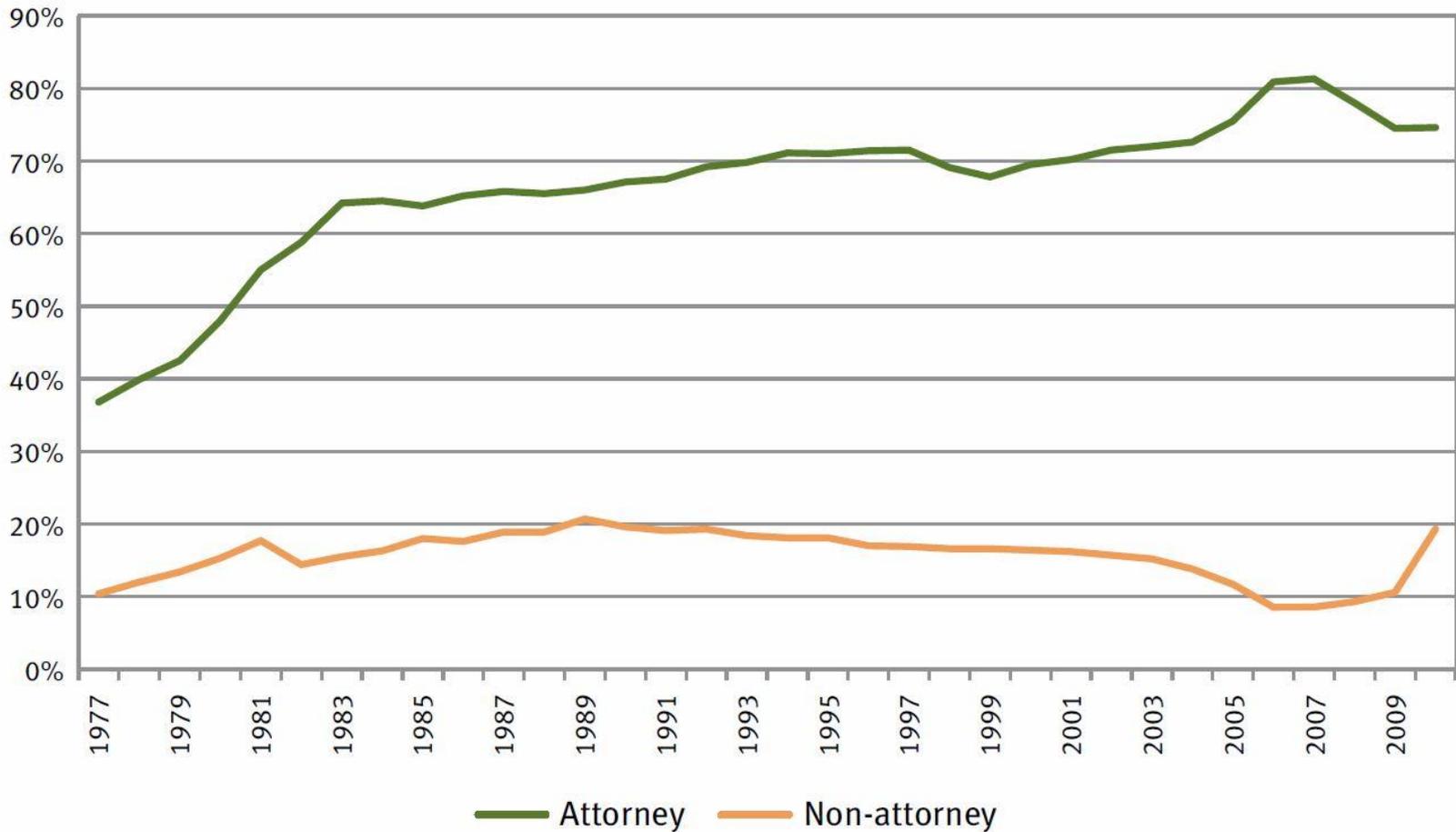
ALJ Allowance Rates



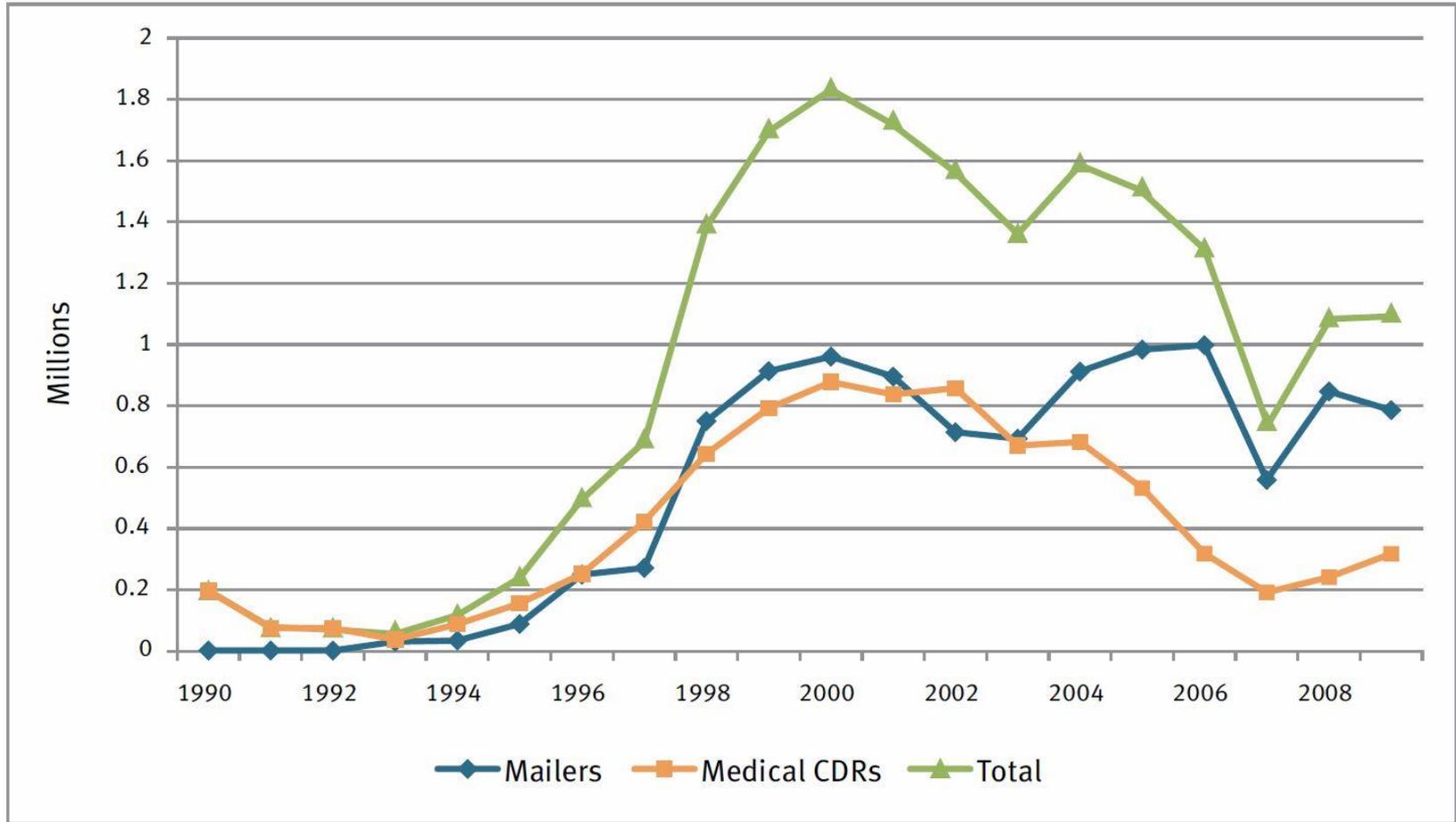
ALJ Use of Vocational & Medical Experts FY 1977 - 2010



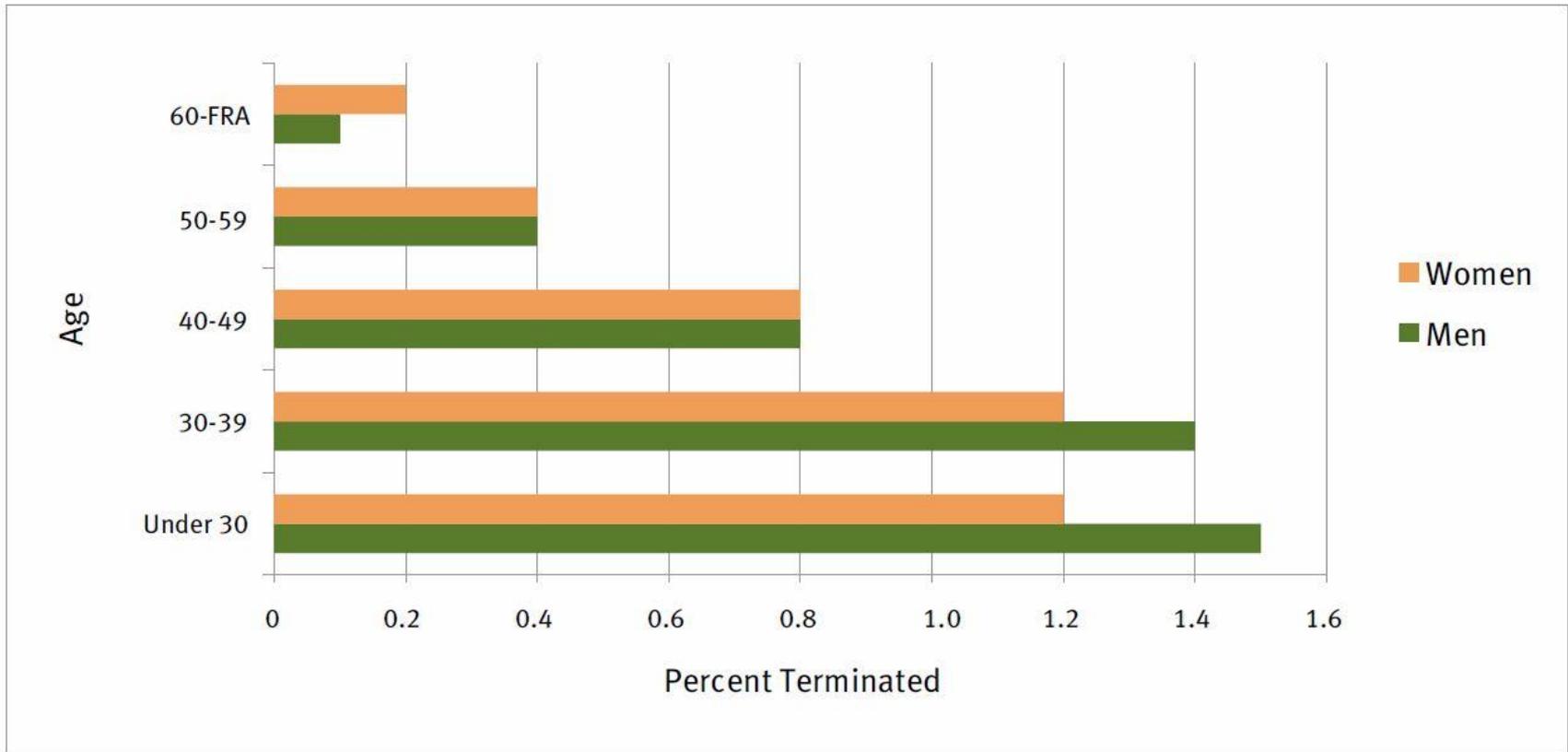
Representation at ALJ Hearings Fys 1977 - 2010



Number of Continuing Disability Reviews Processed – FY 1990 – 2009



Percent of DI Worker Benefits Terminated – 2010



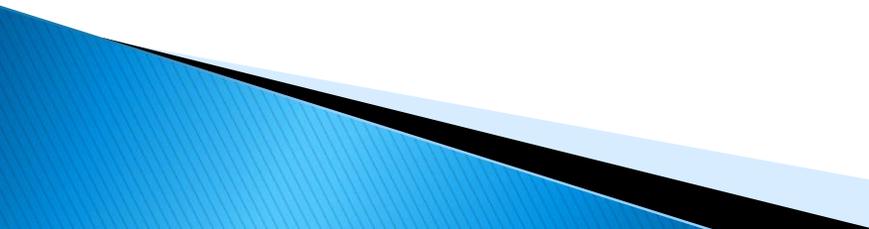
State VR Reimbursements

Fiscal Year*	Number of Claims Allowed	Amount of Dollars Allowed	Average Cost Per Claim
FY 12	5,343	\$78,768,058.10	\$14,742.29
FY 11	4,679	\$72,991,906.25	\$15,599.89
FY 10	7,768	\$105,964,398.60	\$13,641.14
FY 09	8,712	\$122,268,833.39	\$14,035
FY 08	9,325	\$124,238,549.09	\$13,323
FY 07	6,871	\$90,263,129.56	\$13,137
FY 06	8,387	\$105,049,203.20	\$12,525
FY 05	6,095	\$75,635,939.94	\$12,410
FY 04	6,811	\$85,172,425.42	\$12,505
FY 03	6,760	\$84,599,189.87	\$12,514
FY 02	10,527	\$131,062,205.10	\$12,450
FY 01	8,208	\$103,892,717.86	\$12,657
FY 00	10,220	\$117,024,222.20	\$11,451
FY 99	11,126	\$119,934,831.23	\$10,780
FY 98	9,950	\$103,037,127.54	\$10,355

Disability Issues

- ▶ All or nothing nature of program;
 - ▶ State variations;
 - ▶ Increasing subjectivity;
 - ▶ Treating source opinion;
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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);
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Solutions

- ▶ 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
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