



VOCATIONAL EXPERT HANDBOOK

Office of Hearings and Appeals

Philadelphia Region

Preface

Vocational experts provide impartial expert opinion evidence in the form of testimony at hearing or via written responses to interrogatories. Because acquired vocational expertise is a professional requirement, OHA does not provide VE training. However, this handbook, which is intended as a prehearing desk reference, provides basic information about the Social Security disability program, offers a broad review of vocational issues, discusses the type of questions likely to be asked, and clarifies the VE's role in the Social Security adjudication process. The handbook also describes the concepts and terms you will encounter in the Social Security Act, regulations, rulings and policy issuances.



In general – the Social Security Appeals Process

Appeals Process

As a vocational expert you will be asked to participate in a disability claim which has been denied and subsequently appealed to an administrative law judge. This will be the first instance in which the claimant has had an opportunity for a face-to-face hearing, as the prior initial and reconsidered determinations have involved a paper review by the state agency (DDS) charged with making Social Security disability determinations.

At hearing the ALJ receives testimony under oath, records the proceedings, and may decide to call medical or vocational experts to offer expert evidence. The ALJ then considers all the evidence in light of the application law, regulations, and rulings, and prepares a written decision setting forth specific findings which support the decision. If the claimant is dissatisfied with the ALJ's decision, the claimant may request review before the Appeals Council, which may reverse or modify the ALJ's decision or remand the case to the ALJ for additional action, including a new hearing. If the Appeals Council declines to review the claim, the ALJ's decision is final. If the claimant is dissatisfied with the final determination, he or she may file a civil action in the United States District Court, which may uphold or reverse the final decision or remand the case for further proceedings. Disputed cases can reach the United States Supreme Court, although this is rare.

Role of the Administrative Law Judge

The ALJ is the finder of fact and controls the hearing. He or she questions witnesses and admits evidence. The claimant is usually represented by an attorney or other representative, but because the hearing is non-adversarial in nature there is no advocate for the Social Security Administration. The ALJ acts as an impartial decision maker and considers all of the evidence before issuing a legally sufficient written decision with numbered findings which justify the ultimate decision.



Determining Disability

Vocational experts are asked to give testimony in cases involving claims for disability benefits filed by individuals who have acquired sufficient quarters of coverage under title II of the Social Security Act or whose resources and income are low enough to qualify for Supplemental Security Income (SSI) under title XVI. Often the claim involves an application for benefits under both title II and title XVI. Other claims, encountered less often, involve applications for widow's or widower's benefits or claims for child's benefits filed by a disabled adult of a deceased or disabled parent.

Definition of Disability

The Social Security Act defines disability (in all title II cases and in SSI cases in which the claimant has attained age 18) as the inability to engage in any substantial gainful activity 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 twelve months.¹ In cases in which a vocational expert is asked to testify, the specific issue is usually whether the claimant is able to perform the requirements of any past relevant work and, if not, whether he or she can adjust to other work. A medically determinable impairment must be established by medical evidence consisting of signs, symptoms, and laboratory findings.

¹ Benefits may also be paid under title II and title XVI if the claimant is found to be blind, either on the basis of diminished visual acuity in the better eye with the use of correcting lens or due to diminished field of vision in the better eye. Vocational evidence is generally not needed in cases in which blindness alone is at issue.

The Five-Step Sequential Evaluation Process

The following five-step sequential evaluation process is followed in processing initial disability claims:

STEP 1: Is the claimant engaging in substantial gainful activity (SGA)?

Substantial gainful activity involves the performance of significant physical or mental activities of the kind usually done for pay or profit. A claimant who is working at a level indicative of substantial gainful activity is found "not disabled" without consideration of the remaining steps. When monthly earnings are at a prescribed amount (\$760 in calendar year 2002), the claimant is considered to be engaging in SGA. Self-employed individuals are engaging in SGA when they perform significant services in a business, perform work comparable to unimpaired individuals, or perform work which is worth the prescribed monthly amount.

STEP 2: Does the claimant have a severe impairment?

The claimant is found "not disabled" if he or she does not have a severe impairment. An impairment is not severe if it does not cause significant restrictions in the ability to perform basic work activities. This issue is strictly a medical question, and no vocational expert opinion is needed at this step.

STEP 3: Does the claimant have an impairment or impairments which meet(s) or equal(s) an impairment described in the Listing of Impairments?

Where one or more of the medically determinable severe impairments meets the requirements of one or more of the impairments described in the Listing of Impairments, the claimant is disabled without further review of the evidence. Disability may also be established when the findings associated with the claimant's impairment do not meet the *specific* requirements of a listing but are of equivalent severity. This is a strictly medical determination, and the input of a vocational expert is not needed at this step in the sequential evaluation process.

STEP 4: Can the claimant do past relevant work?

If the claimant is not engaging in SGA and has a severe impairment which does not meet or equal a listed impairment, the ALJ determines the claimant's residual functional capacity, or "RFC." The RFC is a description of what work functions the claimant can perform considering his impairment. Findings are made as to exertional restrictions in the claimant's ability to lift and carry objects, push and pull, and sit, stand or walk. Also considered are environmental restrictions and other nonexertional limitations, such as restrictions in the ability to climb, balance, stoop, kneel, crouch, crawl, handle objects, see, hear, talk, and understand and carry out instructions.

After the residual functional capacity is determined, the ALJ decides whether the claimant's RFC permits him or her to carry out the requirements of past relevant work, either as the claimant performed it or as it is generally performed in the national economy.² This determination is made by comparing the claimant's RFC with the requirements of one or more of the claimant's past jobs.

STEP 5: Can the claimant do other work?

If the ALJ finds that the claimant cannot perform the requirements of past relevant work, he or she must then consider whether the claimant can adjust to other work which exists in significant numbers in the national economy. In making this determination, the ALJ must consider the claimant's residual functional capacity, age, education, and past relevant work. The claimant's exertional RFC is usually defined in terms of "very heavy," "heavy," "medium," "light," and "sedentary" as those terms are defined in the regulations. The medical-vocational guidelines of Appendix 2 of the regulations (sometimes called the *grid* or the *grids*) direct a conclusion of either "disabled" or "not disabled" when the claimant's age, education, work experience and RFC match the criteria of a particular rule. The VE will often be asked to testify in cases where the RFC falls between two of the described exertional categories or where there are strictly nonexertional limitations.

² The term *past relevant work*, or "PRW" is generally defined as the work the claimant performed within the last 15 years and includes only those jobs which lasted long enough for the claimant to learn the job.

Determining Continuing Disability

SSA is sometimes required to review whether an individual previously found "disabled" is still eligible for benefits. Continuing disability reviews are also conducted under other circumstances, such as when the claimant has reported a return to work or earnings are posted to the claimant's Social Security record. The sequential evaluation process followed in determining whether disability has ceased differs mainly in that disability may not be found unless it is first determined that medical improvement has taken place. Generally, a claimant's disability will end only when medical improvement, related to the claimant's ability to work, has occurred *and* the claimant is now able to engage in SGA.



Role of the Vocational Expert

Responsibilities of a VE

A VE provides both factual information and expert opinion, based upon knowledge of the existence and incidence of jobs, work settings, and the skill level and physical demands of jobs. The VE must also have a working knowledge of the concept of transferability of skills as defined in the Social Security regulations. The VE gives evidence by answering specific questions posed by the ALJ and the claimant or his or her representative. The ALJ has the authority to determine the propriety of any questions asked.

The VE should never comment on medical matters or draw a conclusion as to whether the claimant is disabled, and should not directly question the claimant during the hearing. However, if the VE has questions about any of the claimant's testimony or needs more information, he or she should inform the ALJ, who will then decide whether the information is pertinent and how it should be elicited.

Conduct of a VE

Vocational experts should conduct themselves as though testifying in a civil or criminal court. The VE should give full answers to the questions posed and should not volunteer information. Because claimants often are unfamiliar with technical terminology, whenever possible VEs should phrase their answers in terms understandable to a lay person. To ensure impartiality, VEs should avoid any substantive contact with the ALJ before or after the hearing, and avoid face-to-face or telephone contact with the claimant or his or her representative before or after the hearing unless there is prior approval by the ALJ. The VE should never draw conclusions concerning the ultimate issue of disability, and should disqualify him or herself when he or she has prior knowledge of the case, has had prior contact with the claimant, or does not believe that he or she can be completely impartial. However, a VE is not disqualified merely because he or she testified in a previous case regarding the same claimant.

Criteria for Selection of a VE

A VE must have up-to-date knowledge of, and experience with, industrial and occupational trends and local labor market conditions; the ability to evaluate age, education and prior work experience in light of the residual functional capacity; current and extensive experience in counseling and job placement of adult handicapped people; and knowledge of and experience using vocational reference sources, including the *Dictionary of Occupational Titles* (DOT), together with any supplements, including *Selected Characteristics of Occupations*. The VE should have experience in the use of reference sources in developing information about the duties, skills, physical demands and working conditions of jobs; occupationally significant characteristics of jobs; and transferability of skills.



The Hearing

Pre-Hearing Preparation

The vocational expert is generally provided with pertinent portions of the claim file prior to the hearing. This permits the VE to obtain a working knowledge of the claimant's educational background, past relevant work, and acquired skills, and will help him or her provide expert opinion as to the claimant's ability to adjust to jobs. If the VE determines on preliminary review of the record that additional information is needed to assess a claimant's vocational profile, the VE should prepare a list of pertinent questions and refer them to the ALJ.

Preliminary Questions

The hearing is informal. Strict rules of evidence do not apply and the hearing is non-adversarial. However, the hearing is recorded and all witnesses, including the VE, are sworn in before testifying. The ALJ may pose preliminary questions to the VE to establish the VE's independence and impartiality, as well as his or her qualifications and competence to testify in vocational matters. As a matter of procedure the ALJ may enter into the record a written resume or curriculum vitae summarizing the VE's experience and background.

The ALJ may ask the VE to be present throughout the entire hearing or may designate the approximate time in the hearing when the VE should appear to give testimony. If the VE is not present throughout the hearing, the ALJ will acquaint him or her with the testimony given and with any additional evidence received since the VE reviewed the record.

Because the resume establishes the VE's credentials for the record, the ALJ will also normally ask the VE whether the resume is an accurate and an up-to-date reflection of his or her experience and background. Additionally, the ALJ will ask the VE to indicate that he or she is familiar with applicable SSA regulations and the various vocational reference sources concerning job information.



Vocational Factors

1. Age

Age refers to a claimant's chronological age and is a factor which affects the ability to adapt to new work situations and to perform work in competition with others (20 C.F.R. Sections 404.1563 and 416.963). In preparing for the hearing, the VE should determine the claimant's age category:

Younger Person (under age 50) - if a claimant is under age 50, generally the claimant's age will not seriously affect the ability to adapt to new work situations. In some instances, however, claimants ranging from 45 to 49 years old may encounter difficulty in adapting to a new work setting. (For example, see Rule 201.17 in Appendix 2, Subpart P of Regulations No. 4.)

Person Closely Approaching Advanced Age (50-54) - if a claimant is closely approaching advanced age (50-54), age, combined with a severe impairment and limited work experience, seriously affects the claimant's ability to adapt to a significant number of jobs in the national economy.

Person of Advanced Age (55 or older) - if a claimant is of advanced age (55 to 59), age significantly affects the claimant's ability to engage in substantial gainful activity. If a claimant is severely impaired, of advanced age, and cannot do at least medium work, he or she may be found disabled unless the claimant has skills that he or she can transfer to less demanding skilled or semi-skilled jobs which exist in significant numbers in the national economy. A person closely approaching retirement Age (60-64) will under certain circumstances be considered disabled unless able to adjust to work which involves little (if any) adjustment in terms of work tools, work settings, or the industry.

2. Education

Education primarily means formal schooling or other training which contributes to a claimant's ability to meet vocational requirements. The requirements include reasoning ability, communication skills, and arithmetical ability. However, a lack of formal schooling does not necessarily mean that the claimant is uneducated or lacks these abilities. Past work experience, duties and responsibilities may demonstrate intellectual abilities, although the claimant may have little formal education. Daily activities, hobbies or the results of testing may also demonstrate intellectual abilities that the claimant can use in work.

The importance of the claimant's educational background may depend on how much time passes between the completion of formal education and the onset of the physical or mental impairment(s), and what the claimant has done with the education in his or her work or other activity. Formal education that the claimant completed many years before the impairment(s) began, or long unused skills and knowledge that were a part of the claimant's formal education, may no longer be useful or meaningful in terms of ability to work. The term "education" also includes how well the claimant is able to communicate in English. As with age, the regulations define various levels of education.

Unless there is evidence to contradict the claimant's statement about the numerical grade level completed in school, the VE will use the statement to determine the claimant's educational abilities. However, by reviewing the claimant's work responsibilities, acquired skills, daily activities and hobbies, as well as the results of testing, the VE may determine that the claimant's present level of reasoning, communication, and arithmetical ability is higher or lower than the level of formal education. Therefore the claimant may meet the criteria for the different educational levels specified in the regulations, not only on the basis of his or her statements, but also based upon all evidence pertinent to evaluating the claimant's educational capacities. The ALJ, not the VE, must resolve any evidentiary inconsistencies or factual conflicts.

Education Categories:

Illiterate or Unable to Communicate in English: A claimant is illiterate if he or she cannot read or write a simple message such as instructions or inventory lists, even though the claimant can sign he or her name. Generally, an illiterate individual has had little or no formal schooling. A claimant who does not speak and understand English may find it difficult to perform a job, regardless of the amount of education the individual may have in another language. Therefore, the VE should consider a claimant's ability to communicate in English when evaluating what work, if any, he or she can perform. Generally, the identity of the other language which the claimant speaks fluently is immaterial.

Marginal: This category refers to formal schooling at the 6th grade level or less and the acquisition of reasoning, arithmetic, and language skills which permit performance of simple, unskilled work.

Limited: This term denotes formal schooling at the 7th grade through 11th grade level and reasoning, arithmetic, and language skills which do not permit performance of most of the more complex job duties needed in semi-skilled or skilled jobs.

High School Education or More: Generally speaking, this category is used for individuals who have completed the 12th grade or have earned a high school equivalency diploma. Persons in this category have acquired the reasoning, arithmetic, and language skills which permit performance of semi-skilled and skilled work.

High School Graduate or More - Provides for Direct Entry into Skilled Work:

This category applies when a short period of time has elapsed since the completion of formal education, which enables the individual, with a minimal degree of job orientation, to begin performing the skilled job duties of certain identifiable occupations with their residual functional capacity (RFC).

3. **Work Experience**

The VE must be able to describe the claimant's past relevant work, which is defined as work performed within the fifteen years either before the date of the hearing, or (in some title II cases) before the date the claimant was last insured. Past work is relevant if it lasted long enough for the individual to learn the job. A VE's testimony concerning PRW will generally pertain to the physical demands and skill levels of these jobs.

A VE should be prepared to describe the physical demands of work in terms of "sedentary," "light," "medium," "heavy" and "very heavy" exertion as those terms are defined in the regulations³ and in the *Dictionary of Occupational Titles*:

Sedentary: Sedentary work involves lifting no more than 10 pounds at a time and occasionally⁴ lifting or carrying articles like docket files, ledgers, and small tools. Although sedentary jobs involve sitting, they also require a certain amount of walking and standing to carry out job duties. Jobs are sedentary if they require occasional walking and standing, provided other sedentary criteria are met. Because sedentary occupations may require occasional standing and walking, the actual periods of standing or walking should generally total no more than about 2 hours of an 8-hour workday. Sedentary work entails no significant stooping, but most unskilled sedentary jobs require repetitive hands and/or finger movements.

³ The exertional classifications which define the functional requirements of work in terms of the range of the primary strength activities required, are defined in Sections 404.1567 and 416.967 of Regulations Nos. 4 and 16 (20 C.F.R.). The VE may not redefine any terms defined in our regulations. That is, the definitions of sedentary, light, medium, heavy, very heavy given in our regulations is binding. Although there may be a reason for classifying the exertional demands of a particular occupation (as generally performed) differently than the DOT (e.g., based on other reliable occupational information), the regulatory definitions of exertional levels are controlling. (Social Security Ruling 00-4p)

⁴ Occasionally means occurring from very little up to one-third of the work day.

Light: Light work involves lifting no more than 20 pounds at a time with frequent⁵ lifting or carrying of objects weighing up to 10 pounds. Since frequent lifting or carrying requires a claimant to be on his or her feet up to two-thirds of a workday, the full range⁶ light work requires standing or walking for a total of approximately 6 hours of an 8-hour workday. Sitting may occur intermittently during the remaining time. Even though the weight the claimant lifts in a particular light job may be minimal, the regulations classify a job as "light" when it requires a significant amount of walking or standing. Some light jobs, though performed while sitting, involve pushing and pulling of hand or foot controls. However, light jobs generally do not involve the use of the fingers for fine activities to the extent required in most sedentary jobs.

Medium: Medium work involves lifting no more than 50 pounds at a time with frequent lifting of objects weighing up to 25 pounds. A full range of medium work requires standing or walking for a total of approximately 6 hours in an 8-hour work day. Medium work generally only requires use of the arms and hands to grasp, hold, or turn objects. Medium jobs often require both considerable lifting and frequent bending or stooping.

Heavy: Heavy work involves lifting no more than 100 pounds at a time with frequent lifting or carrying of objects weighing up to 50 pounds.

Very Heavy: Very heavy work involves frequently lifting objects weighing 150 pounds or more.

The VE must be prepared to define jobs as either skilled, semi-skilled or unskilled⁷ as defined in the regulations and in the DOT. The VE may base the analysis on the claimant's description of the work, the VE's own expertise, and information contained in the DOT. The DOT classifies jobs as skilled, semi-skilled or skilled based on the specific vocational preparation (SVP), which is the amount of time that a claimant needs to perform a job adequately. The *Selected Characteristics of Occupations Defined in the Dictionary of Occupational Titles* is a helpful reference for assigning an SVP.

Unskilled: A job is unskilled if it requires little or no judgment and can be learned on the job after a short demonstration or within a training period of 30 days or less. Under the DOT, an unskilled job is given an SVP (specific vocational preparation) code of 1 or 2.

⁵ Frequent means occurring from one-third to two-thirds of the work day.

⁶ The full range of work is defined as all or substantially all occupations existing at an exertional level.

⁷ As in the case of the exertional classifications, the regulatory definitions of the terms skilled, semi-skilled, and unskilled are controlling (Social Security Ruling 00-4p).

Semi-Skilled: Semi-skilled jobs have an SVP of 3 or 4. They require some skill but do involve the more complex tasks required in skilled work. Semi-skilled jobs may require alertness and close attention to machine processes; or inspecting, testing or looking for irregularities. A job may be classified as semi-skilled where coordination and dexterity are necessary as when the hands or feet must be moved quickly to do repetitive tasks.

Skilled: An SVP of 5 or higher is given to a skilled job. Skilled jobs may require judgment to determine the machine processes and manual operations to be performed; may require laying out work, estimating quality, determining the suitability and needed quantities of materials, making precise measurement, reading blueprints or other specifications or making necessary computations or mechanical adjustments; dealing with people, facts or figures, or abstract ideas at a high level of complexity.

If a claimant's past relevant job was performed at either skilled or semi-skilled level, the ALJ may ask the VE to enumerate the skills acquired by the claimant and to furnish a complete explanation for his or her opinion. In order to determine the skills acquired, the VE may use the DOT to supplement the information furnished by the claimant. The narrative occupational descriptions in the DOT may describe activities which represent the actual skills used in a job. Moreover, the headings of the 4-digit *Guide for Occupational Exploration* (GOE) workgroups supplement these descriptions. The VE may encounter situations in which the claimant performed a job in a different manner than customarily performed in the national economy.

In addition to characterizing past work in light of the exertional classifications, the VE considers nonexertional requirements of any past relevant work. Such activities include such physical functions as the ability to climb, balance, stoop, kneel, crouch, crawl, reach, handle objects, manipulate and feel objects, speak and hear, and see. Also considered are mental limitations which impair the ability to understand and carry out instructions, interact with others, and concentrate on and attend to work tasks. Environmental factors are also classified as non-exertional and include limitations in the capacity to work in extremes of temperature or in exposure to humidity, noise, vibration, fumes, odors, toxic conditions, dust, or poor ventilation; or in recognized hazardous environments such as unprotected heights and around dangerous moving machinery.

There may be circumstances under which a VE may offer testimony about a past job which is at variance with information contained in the DOT. For example, the DOT may describe a job as *sedentary*, but the VE may note that a more up-to-date and reliable source classifies the job in such a way that it falls within the *light* classification. In such cases, the will ask the VE for an explanation, and the VE should be prepared to discuss the discrepancy in detail. If the ALJ relies on the VE's testimony, he or she must give an explanation in the written decision. (See Ruling 00-4p)

4. Residual Functional Capacity (RFC)

This term defines the work activities the claimant can perform despite his or her medically determinable impairments. The term "maximum sustained work capability" is defined as the highest functional level a person can perform on a regular work basis, often defined in terms of sedentary, light, medium, heavy or very heavy work capacity. However, the VE must consider all of the claimant's functional limitations, exertional *and* nonexertional, as found by the ALJ, as these limitations will have an impact on the claimant's remaining occupational base.⁸ For example, exertional limitations may prevent the claimant from operating machinery or using the tools associated with the primary work activities of past work. Similarly, environmental, manipulative, postural, sensory, or mental limitations may prevent a claimant from performing semi-skilled or skilled work activities essential to a job. Examples include watchmakers with hand tremors, housepainters with severe allergic reactions to paint fumes, craftsmen who have lost eye-hand coordination, construction machine operators whose back impairments will not permit jolting, and business executives who suffer brain damage which notably lowers the IQs. Therefore, the VE must consider not only the claimant's exertional capacity to perform a broad category of work (sedentary, light or medium), but also any nonexertional limitations or restrictions which the ALJ describes.

⁸ The term *occupational base* refers to the number of occupations within the claimant's residual functional capacity. These base occupations are unskilled, and include 200 sedentary, 1,600 light and sedentary, and 2,500 medium, light, and sedentary occupations. Each occupation represents numerous jobs in the national economy.



The Medical-Vocational Guidelines (the "Grid")

Appendix 2 of the regulations (20 C.F.R., Subpart P, Regulations No. 4) contains a series of rules which direct a conclusion of either "disabled" or "not disabled" depending on the claimant's specific vocational profile. The grid is broken into three tables, each of which presupposes a particular maximum exertional residual functional capacity. Table I is applied when the claimant can perform the full range of *sedentary* occupations. Table II is based on an assumption that the claimant can to *light* work, and when there is a capacity for *medium* work, the rules in Table III are applied.

Administrative Notice

It is not necessary for a VE to know all of the rules in the grid, since the medical-vocational guidelines serve as a kind of substitute for expert testimony in those cases where the vocational factors fit squarely within the definition of a particular rule. That is in developing the grid rules, the Commissioner of the Social Security Administration has taken administrative notice of the existence of jobs (in significant numbers) which will accommodate an individual with a particular vocational profile. However, even in some cases in which a grid rule *does* apply, the VE may be asked to testify as to the claimant's skill level and to whether there are any transferable work skills. Following is a representation of Table 2, which is used in cases where the claimant has the RFC for the full range of light work.

As can be seen in this excerpt from the grid, the question of transferability of work skills will often make a difference in the outcome. For example, a 52-year-old high school graduate with the RFC for the full range of light work will be found "not disabled" under Rule 202.07 if he or she has skills transferable to light jobs but will be found "disabled" under Rule 202.06 in the absence of such skills.

Table No. 2—Residual Functional Capacity: Maximum Sustained Work Capability Limited to Light Work as a Result of Severe Medically Determinable Impairment(s)

Rule	Age	Education	Previous work experience	Decision
202.01	Advanced age	Limited or less	Unskilled or none	Disabled.
202.02	.....do	.....do	Skilled or semiskilled— skills not transferable	Do.
202.03	.....do	.....do	Skilled or semiskilled— skills transferable ⁽¹⁾	Not disabled.
202.04	.....do	High school graduate or more—does not provide for direct entry into skilled work ⁽²⁾	Unskilled or none	Disabled.
202.05	.....do	High school graduate or more—provides for direct entry into skilled work ⁽²⁾do	Not disabled.
202.06	.....do	High school graduate or more—does not provide for direct entry into skilled work ⁽²⁾	Skilled or semiskilled— skills not transferable	Disabled.
202.07	.....do	.....do	Skilled or semiskilled— skills transferable ⁽²⁾	Not disabled.
202.08	.....do	High school graduate or more—provides for direct entry into skilled work ⁽²⁾	Skilled or semiskilled— skills not transferable	Do.
202.09	Closely approaching advanced age	Illiterate or unable to communicate in English	Unskilled or none	Disabled.
202.10	.....do	Limited or less—at least literate and able to communicate in English	.....do	Not disabled.
202.11	.....do	Limited or less	Skilled or semiskilled— skills not transferable	Do.
202.12	.....do	.....do	Skilled or semiskilled— skills transferable	Do.
202.13	.....do	High school graduate or more	Unskilled or none	Do.
202.14	.....do	.....do	Skilled or semiskilled— skills not transferable	Do.
202.15	.....do	.....do	Skilled or semiskilled— skills transferable	Do.
202.16	Younger individual	Illiterate or unable to communicate in English	Unskilled or none	Do.
202.17	.....do	Limited or less—at least literate and able to communicate in English	.....do	Do.
202.18	.....do	Limited or less	Skilled or semiskilled— skills not transferable	Do.
202.19	.....do	.....do	Skilled or semiskilled— skills transferable	Do.
202.20	.....do	High school graduate or more	Unskilled or none	Do.
202.21	.....do	.....do	Skilled or semiskilled— skills not transferable	Do.
202.22	.....do	.....do	Skilled or semiskilled— skills transferable	Do.

A VE is often called upon to testify in a case in which the claimant does *not* retain the capacity for a full range of work in any exertional category (due usually to non-exertional restrictions) or where the exertional capacity falls between two categories or is less than a full range of sedentary work. If such cases, the expert witness will be asked to testify as to whether, *given the claimant's particular RFC*, he or she can adjust to any jobs which exist in significant numbers in the national economy. The VE should be prepared to explain why he or she believes that the claimant (assuming the functional restrictions as explained by the ALJ) can perform the jobs cited, and to testify to the actual existence and incidence of these jobs within the regional or national economy.

Transferability of Skills

Skills⁹ gained in former work or in school are transferable if they can be used to meet the requirements of other skilled or semi-skilled jobs within the claimant's residual functional capacity. Transferability is found most often in the following circumstances:

- the same or a lesser degree of skill is required (from a skilled to a semi-skilled or another skilled job, or from one semi-skilled to another semi-skilled job), because the claimant is not expected to perform more complex jobs than performed in the past;
- the same or similar tools and machines are used; and
- the same or similar raw materials, products, processes or services are involved.

Generally speaking, the greater the degree of acquired work skills, the less difficulty the claimant will experience in transferring acquired skills to other jobs. Sometimes, the acquired work skills are unique and not readily usable in any other industries or work settings. It is important to keep in mind that the more the claimant's RFC is reduced, the fewer the number of jobs will remain which will accommodate the claimant's functional capacity.

With the advancement of age the possibility of making a successful vocational adjustment is decreased. For example, an individual age 60 or older who is confined to sedentary work will not be found to have transferable skills unless there is little (if any) vocational adjustment required in terms of tools, work processes, work settings or industry. In such cases, the VE might be asked to comment on whether this strict requirement is satisfied.

Evidence from a VE, cannot be inconsistent with SSA policy on transferability of skills. For example, an individual does not gain skills that could potentially transfer to other work by performing *unskilled* work. Likewise, an individual cannot transfer skills to unskilled work or to work involving a greater level of skill than the work from which the individual acquired those skills. (See Ruling 00-4p)

Sometimes the VE will be asked whether the claimant's impairments significantly erode the occupational base. This term refers to the 2,500 sedentary, light and medium unskilled jobs on which the grid rules are based.

⁹ Skills must not be confused with traits. Skills refer to experience and demonstrated proficiency with work activities *in particular tasks or jobs*. Traits (for example good eye-hand coordination or a high level of intelligence) are vocationally relevant physical or mental attributes that permit a claimant to perform a work activity adequately. See Ruling 82-41 for a detailed discussion and skills and traits.



Hypothetical Questions

If a claimant is unable to perform PRW, an ALJ or representative (or, an underrepresented claimant) may ask the VE one or more hypothetical questions to ascertain whether the claimant can adjust to other jobs. Such a question will ask whether the claimant, assuming his age, educational background, past work experience, and functional restrictions (as explained by the ALJ) can make an adjustment to other jobs which exist in significant numbers national economy. Jobs are assumed to exist in significant numbers if they exists in significant numbers either in the region in which the claimant resides or in several other regions of the country. It does not matter whether work exists in the *immediate* area in which the claimant resides, whether he or she would actually be hired, or a specific vacancy exists.

This type of questioning leaves the burden of interpreting the medical evidence to the ALJ. The VE is not required to (and must not) assume that the claimant's medical impairments cause certain restrictions. Rather, the VE testifies strictly on vocational matters based on the functional limitations as found by the ALJ.

If any question does not adequately describe or enumerate any specific limitations, the VE should request clarification prior to providing an answer. Failure to do so may cast doubt upon the validity of the testimony.

Sample Vocational Testimony

- ALJ: Now, Dr. Jones, assuming that I find the claimant's testimony about his back impairment credible, and that he can only sit for up to 3 hours, stand and/or walk for no more than 3 hours before experiencing severe pain, and lift no more than 10 pounds, and that he must lie down for at least 2 hours in any 8-hour period to relieve the pain. If I accept this description of his limitations, could the claimant, considering his high school education, his age -- 57 -- and his work experience, engage in his past relevant work?
- VE: Assuming those limitations, he could not do his PRW or any other occupation. I base my response on his need to lie down for at least 2 hours in any 8-hour period.
- ALJ: Further assume, Dr. Jones, that I find from the evidence - that the claimant can sit for up to 3 hours at a time, stand and/or walk for no more than 3 hours, and lift up to 10 pounds. Can he engage in his past

work? If not, can he transfer any skills to perform other skilled or semi-skilled work?

VE: He could not engage in his past work. Also, with the restrictions imposed, he could engage in only sedentary work. Considering the skills acquired in his past work, there are no sedentary jobs for which he has transferable skills.

ALJ: One final question, Dr. Jones. Suppose I find from the evidence that the claimant can stand and/or walk for approximately 6 hours, and lift no more than 20 pounds at a time with frequent lifting or carrying of objects weighing up to 10 pounds. Can he engage in his past work or, if not, can he transfer his skills to perform other skilled or semi-skilled work?

VE: Although he could not perform his past work, there would be several semi-skilled light jobs that he could perform.

ALJ: Would you give us some examples of these jobs and the frequency with which they are found in the national economy?

VE: Yes, for example, he could work as a cabinet assembler or a rip and groove machine operator; both jobs are in the furniture industry. In addition, he could work as a grader in the woodworking industry, inspecting and grading lumber. These jobs all have a light exertional level and involve tools, raw materials and activities similar to the heavy concentration of furniture factories in this area. There are 8 to 10 thousand assembly and repair jobs regionally. Nationwide, there exist approximately 25 to 35,000 jobs in the same and similar industries.

ALJ: I believe that is all the questions I have of you, Dr. Jones.



Interrogatories

An ALJ may decide to submit written interrogatories to a VE for a written response. Although this often occurs in a case when the ALJ receives additional evidence subsequent to a hearing at which the VE previously testified, it may also occur prior to the hearing and serve as a substitute for actual testimony. In some cases, the ALJ may submit interrogatories to the VE following a hearing at which another VE testified, if that VE is unavailable for further participation. Generally, the ALJ will include pertinent evidence or case information with the questions. The VE may type or legibly write responses directly on the questionnaire if space permits. The VE should answer all questions completely and furnish a rationale for all responses. All correspondence between the VE and the ALJ becomes a part of the official case record.

If the VE has a question about one of the interrogatories, he or she should request clarification from the ALJ in writing. Likewise, if a VE cannot answer a particular interrogatory because of conflicts in the individual's vocational history or because the individual's work history is incomplete, he or she should respond to the ALJ by identifying the conflict or omission and request the specific information necessary to resolve the conflict or complete the record. If the interrogatories relate to vocational information received subsequent to testimony or responses to prior interrogatories, the VE should state whether the evidence warrants any change in his or her previous responses and why.



Synopsis of Vocational Rulings

Social Security rulings are published by the Commissioner to explain and give detail to principles set out in the Social Security Act and regulations. They are binding at the hearing level. Some rulings express a rule, while others explain a process or define terminology. The following is a list of rulings which bear on vocational evidence. Acquaintance with the rulings is essential to a complete understanding of the role of vocational evidence in Social Security disability adjudication. The full text of the rulings can be found on-line at http://www.ssa.gov/OP_Home/rulings/rulings.html.

SSR 82-40: The Vocational Relevance Of The Past Work Performed In A Foreign Country

This ruling provides that 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 the particular past job. If a claimant can meet the sitting, standing, walking, lifting, manipulative, intellectual, emotional and other physical and mental requirements of a past job, he or she is still functionally capable of performing that job regardless of the fact that the individual no longer resides in the country where the past work was performed.

An individual is found to be under a disability only if his or her physical or mental impairment is the primary reason for inability to engage in substantial gainful work activity. Factors including change of residence from one geographical area to another, lack of job openings, and employers' hiring practices are not pertinent to the decision. A job in a foreign economy need not have a counterpart in the U.S. economy, and the lack of authoritative occupational reference materials for foreign economies is not a barrier to the decision that a claimant can or cannot meet the physical and mental demands of a formerly held foreign job as he or she described it.

SSR 82-41: Work Skills And Their Transferability As Intended By The Expanded Vocational Factors Regulations (Effective February 26, 1979)

This ruling defines key terms used to describe the skill level of work and transferability of work skills.

Skills

A skill is knowledge of a work activity which requires the exercise of significant judgment that goes beyond the carrying out of simple job duties and is acquired through performance of an occupation which is above the unskilled level (requires more than 30 days to learn). It is practical and familiar knowledge of the principles and processes of an art, science or trade, combined with the ability to apply them in practice in a proper and approved manner. This includes activities like making precise measurements, reading blueprints, and setting up and operating complex machinery. A skill gives a person a special advantage over unskilled workers in the labor market.

Skills are not gained by doing unskilled jobs, and a person has no special advantage if he or she is skilled or semiskilled but can qualify only for an unskilled job because his or her skills cannot be used to any significant degree in other jobs. A person's acquired work skills may or may not be commensurate with his or her formal educational attainment.

Unskilled Work

Unskilled occupations are the least complex types of work. Jobs are unskilled when persons can usually learn to do them in 30 days or less.

Semi-Skilled Work

Semiskilled occupations are more complex than unskilled work and distinctly simpler than the more highly skilled types of jobs. They contain more variables and require more judgment than do unskilled occupations. Even though semiskilled occupations require more than 30 days to learn, the content of work activities in some semiskilled jobs may be little more than unskilled. Therefore, close attention must be paid to the actual complexities of the job in dealing with data, people, or objects and to the judgments required to do the work.

Skilled Work

Skilled occupations are more complex and varied than unskilled and semiskilled occupations. They require more training time and often a higher educational attainment. Abstract thinking in specialized fields may be required, as for chemists and architects. Special artistic talents and mastery of a musical instrument may be involved, as for school band instructors. Practical knowledge of machinery and understanding of charts and technical manuals may be needed by an automobile mechanic. The president or chief executive officer of a business organization may need exceptional ability to deal with people, organize various data, and make difficult decisions in several areas of knowledge.

Skills vs. Traits

Although some semi-skilled jobs "may require alertness and close attention . . . coordination and dexterity . . . as when hands or feet must be moved quickly to do repetitive tasks," these descriptive terms are not intended, however, to illustrate types of skills, in and of themselves. The terms describe worker traits (aptitudes or abilities) rather than acquired work skills.

Skills refer to experience and demonstrated proficiency with work activities in particular tasks or jobs. In evaluating the skill level of PRW or potential occupations, work activities are the determining factors. Worker traits to be relevant must have been used in connection with a work activity. Thus, in the regulations, the trait of alertness is connected with the work activities of close attention to watching machine processes, inspecting, testing, tending or guarding; and the traits of coordination and dexterity with the use of hands or feet for the rapid performance of repetitive work tasks. It is the acquired capacity to perform the work activities with facility (rather than the traits themselves) that gives rise to potentially transferable skills.

Transferability

Transferability means applying work skills which a person has demonstrated in vocationally relevant past jobs to meet the requirements of other skilled or semiskilled jobs. Transferability is distinct from the usage of skills recently learned in school which may serve as a basis for direct entry into skilled work. Generally, the greater the degree of acquired work skills, the less difficulty an individual will experience in transferring skills to other jobs except when the skills are such that they are not readily usable in other industries, jobs and work settings. Reduced residual functional capacity (RFC) and advancing age are important factors associated with transferability because reduced RFC limits the number of jobs within an individual's physical or mental capacity to perform, and advancing age decreases the possibility of making a successful vocational adjustment.

All functional limitations included in the RFC (exertional and nonexertional) must be considered in determining transferability. For example, exertional limitations may prevent a claimant from operating the machinery or using the tools associated with the primary work activities of his or her PRW. Similarly, environmental, manipulative, postural, or mental limitations may prevent a claimant from performing semiskilled or skilled work activities essential to a job. Examples are watchmakers with hand tremors, house painters with severe allergic reactions to paint fumes, craftsmen who have lost eye-hand coordination, construction machine operators 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 general capacity to perform a broad category of work (e.g., sedentary, light or medium) must be considered in assessing whether or not a claimant has transferable work skills.

To find that an individual who is age 55 or over and is limited to sedentary work exertion has skills transferable to sedentary occupations, there must be very little, if any vocational adjustment required in terms of tools, work processes, work settings or the industry. The same is true for individuals who are age 60 and older and are limited to light work exertion. Individuals with these adverse vocational profiles cannot be expected to make a vocational adjustment to substantial changes in work simply because skilled or semiskilled jobs can be identified which have some degree of skill similarity with their PRW. In order to establish transferability of skills for such individuals, the semiskilled or skilled job duties of their past work must be so closely related to other jobs which they can perform that they could be expected to perform these other identified jobs at a high degree of proficiency with a minimal amount of job orientation.

Generally, where job skills are unique to a specific work process in a particular industry or work setting, e.g., carpenter in the construction industry, skills will not be found to be transferable without the need for more than a minimal vocational adjustment by way of tools, work processes, work settings, or industry. On the other hand, where job skills have universal applicability across industry lines, e.g., clerical, professional, administrative, or managerial types of jobs, transferability of skills to industries differing from past work experience can usually be accomplished with very little, if any, vocational adjustment where jobs with similar skills can be identified as being within an individual's RFC.

The regulations also provide that when skills are so specialized or have been acquired in such an isolated vocational setting (like many jobs in mining, agriculture or fishing) that they are not readily usable in other industries, jobs, and work settings, they will be considered not transferable. An adjudicator should recognize that transferability of skills is not likely for persons whose past work is unusual or isolated. Some examples are placer miners, beekeepers, or spear fishermen.

SSR 82-61: Past Relevant Work -- The Particular Job Or The Occupation As Generally Performed

This ruling sets out the two ways in which an individual can be found able to do past relevant work. A claimant will be found to be "not disabled" when it is determined that he or she retains the RFC to perform:

1. The actual functional demands and job duties of a particular past relevant job; or
2. The functional demands and job duties of the occupation as generally required by employers throughout the national economy.

SSR 82-62: A Disability Claimant's Capacity To Do Past Relevant Work, In General

This ruling defines the term *past relevant work*. The term "work experience" means skills and abilities acquired through work previously performed by the individual which indicates the type of work the individual may be expected to perform. However, work experience is relevant only when it was done within the last 15 years (or 15 years or more prior to the date the title II disability insured status requirement was last met), lasted long enough for the claimant to learn to do the job, and was substantial gainful activity as that term is defined in the regulations. An individual who has worked only sporadically or for brief periods of time during the 15-year period, may be considered to have no relevant work experience..

In determining whether an individual has the capacity to perform a past relevant job, the individual's RFC is compared to the physical and mental demands of the past job and a finding of fact that the individual's RFC would permit a return to his or her past job or occupation.

SSR 82-63: Medical-Vocational Profiles Showing An Inability To Make An Adjustment To Other Work

Social Security regulations define two medical-vocational profiles which are considered so adverse that special rules are applied in determining whether the claimant is disabled.

Work Experience Limited to Arduous Unskilled Physical Labor

An individual with a marginal education and a 35-year history of arduous unskilled work which can no longer be performed because of a severe impairment, is disabled. The impairment must be severe (as defined by regulation) and prevent the performance of arduous physical labor. 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. A marginal education indicates that the person may not have attained a level of development in reasoning, arithmetic, and language which would suggest a vocational potential for more than unskilled work. Generally, an individual is considered to have a marginal education if he or she has no more than a sixth grade elementary school education.

No Work Experience

Generally, where an individual of advanced age with no relevant work experience has a limited education or less, a finding will be made that he or she cannot make a vocational adjustment to substantial work, provided he or she has a severe impairment or impairments. In this case, there is no need to determine the claimant's residual functional capacity.

SSR 83-10: Determining Capability To Do Other Work -- The Medical-Vocational Rules Of Appendix 2

This key ruling describes the vocabulary used in evaluating disability under the medical-vocational guidelines, commonly called the *grid*. The guidelines contain a series of rules, which direct a conclusion of either *disabled* or *not disabled*, depending on the claimant's age, education, work experience, and RFC. The RFC is defined as sedentary, light, medium, heavy, or very heavy. Each rule establishes the presence of an occupational base that is limited to and includes a full range (all or substantially all) of the unskilled occupations existing at the exertional level in question, and the base established by the RFC also ordinarily includes all those occupations at any lower exertional levels. The medical-vocational rules take administrative notice of approximately 200 sedentary occupations; approximately 1,600 sedentary and light occupations; and approximately 2,500 sedentary, light and medium occupations, each representing numerous jobs in the national economy.

General Terminology

Age. This term describes chronological age but age categories are not applied mechanically in borderline situations. Under title II, oldest age considered is the person's age at the date last insured.

Broad World of Work. Work which exists at all exertional levels. It may include skilled and semiskilled work as well as unskilled work.

Education: Unless there is evidence to contradict a person's statement as to the numerical 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, communication, and arithmetical ability may be higher or lower than the level of formal education. The term "high school graduate or more -- provides for direct entry into skilled work" applies when there is little time lapse between the completion of formal education and the date of adjudication, and where the content of the education would enable individuals, with a minimal degree of job orientation, to begin performing the skilled job duties of certain identifiable occupations within their RFC.

Environmental Conditions. Extremes of temperature, humidity, noise, vibration, fumes, odors, toxic conditions, dust, poor ventilation, hazards, etc.

Exertional Activity. One of the primary strength activities (sitting, standing, walking, lifting, carrying, pushing, and pulling) defining a level of work.

Exertional Capability. A capability required to perform an exertional activity.

Exertional Limitation. An impairment-caused limitation which affects capability to perform an exertional activity.

Exertional Level (Level of Exertion) A work classification defining the functional requirements of work in terms of the range of the primary strength activities required.

Full Range of Work. All or substantially all occupations existing at an exertional level.

Maximum Sustained Work Capability. The highest functional level a person can perform on a regular work basis -- sedentary, light, medium, heavy, or very heavy work.

Nonexertional Impairment. Any impairment which does not directly affect the ability to sit, stand, walk, lift, carry, push, or pull. This includes impairments which affect the mind, vision, hearing, speech, and use of the body to climb, balance, stoop, kneel, crouch, crawl, reach, handle, and use of the fingers for fine activities.

Nonexertional Limitation. An impairment-caused limitation of function which directly affects capability to perform work activities other than the primary strength activities.

Nonexertional Restriction (Environmental Restriction). An impairment-caused need to avoid one or more environmental conditions in a workplace.

Occupational Base. The number of occupations as represented by RFC, that an individual is capable of performing. These "base" occupations are unskilled in terms of complexity. The regulations take notice of approximately 2,500 medium, light, and sedentary occupations; 1,600 light and sedentary occupations; and 200 sedentary occupations. Each occupation represents numerous jobs in the national economy. (In individual situations, specific skilled or semi-skilled occupations may be added to the base.)

Range of Work. Occupations existing at an exertional level.

Residual Functional Capacity. A medical assessment of what an individual can do in a work setting in spite of the functional limitations and environmental restrictions imposed by all of his or her medically determinable impairment(s). RFC is the maximum degree to which the individual retains the capacity for sustained performance of the physical-mental requirements of jobs.

Substantially All Activities. Nearly all (essentially all) of the activities required in an exertional range of work.

Vocational Factors: An individual's Age, Education, and Work Experience

Work Classifications

Sedentary. The regulations define sedentary work as involving lifting no more than 10 pounds at a time and occasionally lifting or carrying articles like docket files, ledgers, and small tools. Although sitting is involved, a certain amount of walking and standing is often necessary in carrying out job duties. Jobs are sedentary if walking and standing are required occasionally and other sedentary criteria are met. By its very nature, work performed primarily in a seated position entails no significant stooping. Most unskilled sedentary jobs require good use of the hands and fingers for repetitive hand-finger actions.

Light. The regulations define light work as lifting no more than 20 pounds at a time with frequent lifting or carrying of objects weighing up to 10 pounds. Even though the weight lifted in a particular light job may be very little, a job is in this category when it requires a good deal of walking or standing -- the primary difference between sedentary and most light jobs. A job is also in this category when it involves sitting most of the time but with some pushing and pulling of arm-hand or leg-foot controls, which require greater exertion than in sedentary work; e.g., mattress sewing machine operator, motor-grader operator, and road-roller operator (skilled and semiskilled jobs in these particular instances). Relatively few unskilled light jobs are performed in a seated position.

Medium. The regulations define medium work as lifting no more than 50 pounds at a time with frequent lifting or carrying of objects weighing up to 25 pounds. A full range of medium work requires standing or walking, off and on, for a total of approximately 6 hours in an 8-hour workday in order to meet the requirements of frequent lifting or carrying objects weighing up to 25 pounds. As in light work, sitting may occur intermittently during the remaining time. Use of the arms and hands is necessary to grasp, hold and turn, objects, as opposed to the finer activities in much sedentary work, which require precision use of the fingers as well as use of the hands and arms.

Occasionally means occurring from very little up to one-third of the time. Since being on one's feet is required "occasionally" at the sedentary level of exertion, periods of standing or walking should generally total no more than about 2 hours of an 8-hour workday, and sitting should generally total approximately 6 hours of an 8-hour workday. Work processes in specific jobs will dictate how often and how long a person will need to be on his or her feet to obtain or return small articles.

Frequent means occurring from one-third to two-thirds of the time. Since frequent lifting or carrying requires being on one's feet up to two-thirds of a workday, the full range of light work requires standing or walking, off and on, for a total of approximately 6 hours of an 8-hour workday. Sitting may occur intermittently during the remaining time. The lifting requirement for the majority of light jobs can be accomplished with occasional, rather than frequent, stooping. Many unskilled light jobs are performed primarily in one location, with the ability to stand being more critical than the ability to walk. They require use of arms and hands to grasp and to hold and turn objects, and they generally do not require use of the fingers for fine activities to the extent required in much sedentary work.

Skill Level

Unskilled. 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, we consider jobs unskilled if the primary work duties are handling, feeding, and offbearing (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 work.

Semiskilled. Semiskilled work is work which needs some skills but does not require doing the more complex work duties. Semiskilled 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, material, 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 semiskilled where coordination and dexterity are necessary, as when hands or feet must be moved quickly to do repetitive tasks.

Skilled. 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.

SSR 83-11: Capability To Do Other Work -- The Exertionally Based Medical-Vocational Rules Met

This ruling defines the four basic vocational factors when one of the exertionally based medical-vocational rules is met.

Residual Functional Capacity

This term coincides with the capacity to meet the strength requirements of sedentary, light, or medium work and includes no nonexertional limitations.

Age

The determination of age coincides with one of the age categories listed in the regulations.

Education

This term coincides with one of the education categories listed in the regulations. In the cases in which a person recently completed education at the high school level or above which provides a basis for direct entry into skilled work within his or her RFC, this finding of fact requires identification of the work skills, examples of specific occupations with his or her RFC the person can do, and a statement of the incidence of such jobs in the region in which the person lives or in several regions of the country.

Work Experience

This term defines that claimant's past relevant work, at the highest level performed, in terms of unskilled, semi-skilled, skilled, or none. Where the individual's past relevant work included one or more skilled or semi-skilled jobs and transferability of skills is material, the finding of fact requires identification of the work skills, examples of specific skilled or semi-skilled occupations within the person's RFC to which he or she can transfer skills (if any), and a statement of the incidence of such jobs in the region in which the person lives or in several regions of the country.

SSR 83-12: Capability To Do Other Work -- The Medical-Vocational Rules As A Framework For Evaluating Exertional Limitations Within A Range Of Work Or Between Ranges Of Work

The ruling gives guidance where an individual exertional RFC does not coincide with the definitions of any one of the defined ranges of work. In such cases, the occupational base is affected and may or may not represent a significant number of jobs in the national economy and the adjudicator will consider the extent of any erosion of the occupational base and assess its significance. In some instances, the restriction will be so slight that it would clearly have little effect on the occupational base. In cases of considerably greater restriction(s), the occupational base will obviously be affected. In still other instances, the restrictions of the occupational base will be less obvious.

If the individual's exertional capacity falls between two rules which direct the same conclusion, a finding of *disabled* or *not disabled*, as appropriate, will follow. If the exertional level falls between two rules which direct opposite conclusions, i.e., *not disabled* at the higher exertional level and *disabled* at the lower exertional level, the following principles apply:

- An exertional capacity that is only slightly reduced could indicate a sufficient remaining occupational base to justify a finding of *not disabled*.
- An exertional capacity that is significantly reduced could indicate little more than the occupational base for the lower rule and might therefore justify finding of *disabled*.
- In situations where the rules would direct different conclusions, and the individual's exertional limitations in the middle in terms of the regulatory criteria for exertional ranges of work, vocational expert evidence may be necessary.
- Where the claimant's RFC is for less than a full range of sedentary work, vocational expert assistance may be needed to help determine whether the full range of sedentary work is significantly compromised.

Special Situations

Sensitivity to solvents. Where a person can perform all of the requirements of sedentary work except, for example, a restriction to avoid frequent contact with petroleum based solvents, there is an insignificant compromise of the full range of sedentary work. Technically, because of the restriction, this person cannot perform the full range of sedentary work. However, this slight compromise within the full range of sedentary work (i.e., eliminating only the very few sedentary jobs in which frequent exposure to petroleum based solvents would be required) leaves the sedentary occupational base substantially intact. Using the rules as a framework, a finding of *not disabled* would be appropriate.

Alternate Sitting and Standing. Some jobs allow a worker to sit or stand with a degree of choice while others demand that the worker maintain a particular posture for at least a certain length of time to accomplish a certain task.

Loss of Use of an Upper Extremity. A person who has lost the use of an upper extremity may have an occupational base which is between the occupational bases for sedentary and light work, but the total number of occupations within his or her RFC is less than the number represented by a full or wide range of light work. These individuals would generally not be expected to perform sedentary work because most unskilled sedentary jobs require good use of both hands. Vocational evidence may be needed to determine the size of the remaining occupational base, cite specific jobs within the individual's RFC, and provide a statement of the incidence of those jobs in the region of the individual's residence or in several regions of the country.

SSR 83-14: Capability To Do Other Work -- The Medical-Vocational Rules As A Framework For Evaluating A Combination Of Exertional And Nonexertional Impairments

This ruling defines the terms *exertional* and *nonexertional*.

Exertional

The term "exertional" has the same meaning in the regulations as it has in the United States Department of Labor's publication, the Dictionary of Occupational Titles (DOT). In the DOT supplement, Selected Characteristics of Occupations Defined in the Dictionary of Occupational Titles (SCO), occupations are classified as sedentary, light, medium, heavy, and very heavy according to the degree of primary strength requirements of the occupations. These consist of three work positions (standing, walking, and sitting) and four worker movements of objects (lifting, carrying, pushing, and pulling).

Nonexertional

Any functional or environmental job requirement which is not exertional is nonexertional. In the disability programs, a nonexertional impairment is one which is medically determinable and causes a nonexertional limitation of function or an environmental restriction. Nonexertional impairments may or may not significantly narrow the range of work a person can do.

SSR 85-15: Capability To Do Other Work -- The Medical-Vocational Rules As A Framework For Evaluating Solely Nonexertional Impairments

This ruling describes how a determination is made whether the claimant can adjust to work when he or she has no exertional restrictions. The issue in such cases how much the person's occupational base -- the entire exertional span from sedentary work through heavy (or very heavy) work -- is reduced by the effects of the nonexertional impairment(s). This may range from very little to very much, depending on the nature and extent of the impairments).

Environmental restrictions do not ordinarily significantly affect the range of work existing in the national economy for individuals with the physical capability for heavy or very heavy work. However, *numerous* environmental restrictions might lead to a different conclusion, as might one or more severe nonexertional functional limitations. The medical and vocational factors of the individual case determine whether exclusion of particular occupation or kinds of work so reduces the person's vocational opportunity that a work adjustment could not be made.

Where a person's only impairment is mental, is not of listing severity, but does prevent the person from meeting the mental demands of past relevant work and prevents the transferability of acquired work skills, the final consideration is whether the person can be expected to perform unskilled work. The basic mental demands of competitive, remunerative, unskilled work include the abilities (on a sustained basis) to understand, carry out, and remember simple instructions; to respond appropriately to supervision, coworkers, and usual work situations; and to deal with changes in a routine work setting. A substantial loss of ability to meet any of these basic work-related activities would severely limit the potential occupational base. This, in turn, would justify a finding of disability because even favorable age, education, or work experience will not offset such a severely limited occupational base.

Where a person's only impairment is mental, is not of listing severity, but does prevent the person from meeting the mental demands of past relevant work and prevents the transferability of acquired work skills, the final consideration is whether the person can be expected to perform unskilled work. The decisionmaker must not assume that failure to meet or equal a listed mental impairment equates with capacity to do at least unskilled work.

The basic mental demands of competitive, remunerative, unskilled work include the abilities (on a sustained basis) to understand, carry out, and remember simple instructions; to respond appropriately to supervision, coworkers, and usual work situations; and to deal with changes in a routine work setting. A substantial loss of ability to meet any of these basic work-related activities would severely limit the potential occupational base. This, in turn, would justify a finding of disability because even favorable age, education, or work experience will not offset such a severely limited occupational base.

SSR 96-9p - Policy Interpretation Ruling: Determining Capability To Do Other Work-- Implications Of A Residual Functional Capacity For Less Than A Full Range Of Sedentary Work

This important ruling provides that a finding that an individual has the ability to do less than a full range of sedentary work does not necessarily equate with a decision of "disabled." If the performance of past relevant work is precluded by an RFC for less than the full range of sedentary work, consideration must still be given to whether there is other work in the national economy that the individual is able to do, considering age, education, and work experience.

The ability to do even a limited range of sedentary work does not in itself establish disability in all individuals, although a finding of "disabled" usually applies when the full range of sedentary work is significantly eroded. In deciding whether an individual who is limited to a partial range of sedentary work is able to make an adjustment to work other than any PRW, the adjudicator is required to make an individualized determination, considering age, education, and work experience, including any skills the individual may have that are transferable to other work, or education that provides for direct entry into skilled work, under the rules and guidelines in the regulations.

The base of jobs may be broadened by the addition of specific skilled or semiskilled occupations that an individual with an RFC limited to sedentary work can perform by reason of his or her education or work experience. However, if the individual has no transferable skills or no education or training that provides for direct entry into skilled work, the occupational base represented by the rules in Table No. 1 comprises only the sedentary unskilled occupations in the national economy that such an individual can perform.

The mere inability to perform substantially all sedentary unskilled occupations does not equate with a finding of disability. There may be a number of occupations from the approximately 200 occupations administratively noticed, and jobs that exist in significant numbers, that an individual may still be able to perform even with a sedentary occupational base that has been eroded. Whether the individual will be able to make an adjustment to other work requires adjudicative judgment regarding factors such as the type and extent of the individual's limitations or restrictions and the extent of the erosion of the occupational base; i.e., the impact of the limitations or restrictions on the number of sedentary unskilled occupations or the total number of jobs to which the individual may be able to adjust, considering his or her age, education, and work experience, including any transferable skills or education providing for direct entry into skilled work. Any significant manipulative limitation of an individual's ability to handle and work with small objects with both hands will result in a significant erosion of the unskilled sedentary occupational base.

SSR 00-4p: Use Of Vocational Expert And Vocational Specialist Evidence, And Other Reliable Occupational Information In Disability Decisions

This ruling provides instruction on what action is taken when vocational expert evidence contradicts information given in the Dictionary of Occupational Titles. The Social Security Administration relies primarily on the DOT (including its companion publication, the SCO) for information about the requirements of work in the national economy, and consideration may also be given to vocational expert evidence to resolve complex vocational issues. Evidence provided by a VE should be consistent with the DOT, and when there is an apparent unresolved conflict between VE evidence and the DOT, the adjudicator must elicit a reasonable explanation for the conflict before relying on the VE or VS evidence to support a determination or decision about whether the claimant is disabled.

Neither the DOT nor the vocational expert evidence automatically "trumps" when there is a conflict. However, the ALJ and other SSA adjudicators may not rely on evidence provided by a VE, if that evidence is based on underlying assumptions or definitions that are inconsistent with our regulatory policies or definitions. The regulatory definitions of exertional levels and skill levels are controlling. Moreover, evidence from a VE cannot be inconsistent with SSA policy on transferability of skills. For example, an individual does not gain skills that could potentially transfer to other work by performing unskilled work. Likewise, an individual cannot transfer skills to unskilled work or to work involving a greater level of skill than the work from which the individual acquired those skills.