

What Is a Disability?

The most frequently asked question we get is about what types of conditions are considered disabilities under the Social Security Administration guidelines. The attorneys at Linder Law Offices can help you understand the legal definition of a disability. There are rules set by the Social Security Administration for determining whether you have a disability, but every case is different. Please do not hesitate to contact us for a free consultation with an experienced lawyer.

How Does Social Security Evaluate your Case?

Social Security regulations provide that a “five step sequential evaluation” must be done to determine whether someone is disabled. If a claimant is not disabled at a step then they go to the next step until determined that they are disabled or are able to work.

Step One: Is the claimant engaged in “substantial gainful activity”. “Substantial work activity” is work that involves doing significant physical or mental activities for pay or profit – whether or not a profit is realized. If an individual is engaged in SGA, they are not disabled regardless of how severe the physical or mental impairments are and regardless of age, education and work experience.

Step Two: Whether the individual has a medically determinable impairment that is “severe” or a combination of impairments that are “severe”. Impairment is “severe” within the meaning of the regulations if it significantly limits an individual’s ability to perform basic work activities. In establishing a successful disability case it is important that an applicant have a thorough detailed “medical evidence of record” which establishes the condition and significant limitations. Linder Law Office works with you and your physicians to build a complete and accurate medical record which highlights your limitations.

Step Three: Does the claimant’s medical limitations meet a medical listing? Social Security has a list of medically determined conditions which if the conditions are met the claimant is considered disabled. Medical listings can be found at:

(<http://www.socialsecurity.gov/disability/professionals/bluebook/listing-impairments.htm>)

Step Four: Social Security or the Administrative Law Judge must first determine the claimant’s capacity to do physical and mental work activities on a substantial basis despite limitations from impairments. After that, it must be determined whether the claimant can do past relevant work – past relevant work means work performed in the last 15 years. The claimant must have worked long enough to learn the job and the job must have been at SGA. If the individual can be returned to past relevant work - the claimant is not disabled. If the claimant cannot perform past relevant work the analysis proceeds to the fifth and last step.

Step Five: At this step the Administrative Law Judge will determine whether the claimant is able to do any other work considering their functional capacity; age; education and work experience. The Social Security Administration has the burden of proof that other work exists in the economy that the claimant can perform. At this step, a vocational consultant will testify as to the type of work the claimant can perform based upon the hypothetical provided by the Administrative Law Judge.

Linder Law Office has an experienced staff - we employ a nurse consultant and a former examiner from the Illinois Bureau of Disability Determination Services (who has over thirty years of experience evaluating claims) and Kevin Linder has helped many individuals get the benefits they deserve. Please contact us for a no cost, no obligation consultation about your case.