

## HOW DOES SOCIAL SECURITY DEFINE DISABILITY?

By Sharon A. Chrisitie, Esq.

How does the Social Security Administration (SSA) define disabled? The answer to this question is crucial to your Social Security disability claim.

Many people think that if their doctor has said they are unable to work, or if they're receiving disability benefits from their job, then SSA will automatically declare them disabled. However, this is far from the truth. Although SSA will take into account your doctor's medical evaluation, that information will be only a part of their method of determining your disability.

The SSA lists five criteria to be used for determining disability:

- 1) Are you working? First and foremost, if you are currently working and your earnings average more than \$940 a month (in 2008), you generally cannot qualify as disabled.
- 2) Is your condition considered severe enough to prevent you from performing work-related activities? You must show that your medical condition, and not some other factor, is preventing you from working.
- 3) Is your medical condition in SSA's Listing of Impairments? This list encompasses 14 categories of medical conditions that would prevent a person from working. If your condition isn't on the list, you will need to prove that its severity is equal to those on the list.
- 4) Can you perform the work you did previously? If your condition isn't as severe as the medical conditions on the list, then you must show that it interferes with your ability to do the work you did previously.
- 5) Can you do any other type of work? The SSA takes your age, medical condition, education, training, past work experience and skills into consideration to determine whether you can do a job other than your previous one. If SSA believes that you can be employed in another job, your claim will be denied.

The SSA also bases its determination of disability on the duration of your inability to work. You must have been unable to work for at least 12 months, or you are not expected to be able to return to work for at least that long. For example: if your illness or injury means that you cannot work for 6 months but you are expected to return to work after that time, or have returned to work, SSA won't consider you disabled.

The SSA will look carefully at your ability to do things associated with your job, such as sitting, lifting, walking, climbing stairs or ladders, etc. SSA will look at your ability to endure things like extreme temperatures, noise, dust, fumes, etc., if related to your profession. Your ability to concentrate and carry out instructions will also factor into the disability evaluation.

While SSA disability benefits are meant to be a safety net for people who can't work because of a medical condition, the screening process is arduous to ensure that claimants are truly unable to be gainfully employed. All in all, determining disability is rarely an easy process. It can take years and many appeals to

qualify for benefits. An attorney experienced in presenting disability cases to SSA will ease the process for you..

*Sharon A. Christie is a nurse and attorney in Towson, Maryland. She helps disabled workers get Social Security Disability benefits. You can reach her at 410-823-8200 or [www.SharonChristieLaw.com](http://www.SharonChristieLaw.com)*