

Revision #110

CATEGORY: DISABILITY DETERMINATION – STEP 5

http://www.dshs.wa.gov/manuals/socialservices/sections/Disability_Step5.shtml

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Summary: Updated and Clarified Worker Responsibilities.

DISABILITY DETERMINATION - STEP 5

Revised November 14, 2011

[WAC 388-449-0100](#) Sequential Evaluation Process step V — How does the department evaluate if I can perform other work when determining disability?

WAC 388-449-0100

WAC 388-449-0100 Sequential Evaluation Process step V — How does the department evaluate if I can perform other work when determining disability?

If we decide you cannot do work that you have done before, we consider your age, education, and other factors to decide if you have the residual functional capacity to perform other work.

1. We evaluate education in terms of formal schooling or other training to acquire skills that enable you to meet job requirements. We classify education as:

If you		Then your education level is
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a. Can't read or write a simple communication, such as two sentences or a list of items.	Illiterate
b. Have no formal schooling or vocational training beyond the sixth grade.	Marginal education
c. Have no formal schooling or vocational training beyond the eleventh grade; or d. Had participated in special education in basic academic classes of reading, writing or mathematics in high school.	Limited education
e. Have received a high school diploma or general equivalency degree (GED) and don't meet the special education definition in (d) above; or f. Have received skills training and were awarded a certificate, degree, or license.	High school and above level of education

2. We approve disability when you have a moderate, marked or severe physical impairment and meet the criteria below:

Exertional Level	Your age	Your education level	Work history	Nonexertional and Functional limitations
Restricted to less than sedentary	Any Age	Any level	Does not apply	Does not apply
Restricted to sedentary	Any Age	Any level	Does not apply	You have nonexertional or functional impairments that preclude all sedentary work
Restricted to sedentary	Fifty and older	Any level	Does not apply	Does not apply
Restricted to sedentary	Forty-five and older	Marginal education, illiterate, or unable to communicate in English	Unskilled or none	Does not apply
Restricted to light	Any Age	Any level	Does not apply	You have nonexertional or functional impairments that preclude all sedentary

				work
Restricted to light	Fifty and older	Marginal education or unable to communicate in English	Does not apply	Does not apply

3. We approve disability when you have a moderate, marked, or severe mental impairment and you meet the criteria below:

Your age	Your education	Work history	Social and cognitive limitations
Any age	Any level	Any level	Substantial loss of ability to: <ul style="list-style-type: none"> • Understand, remember, and persist in tasks by following very short and simple instructions; • Perform activities within a schedule, maintain regular attendance, and be punctual within customary tolerances without special supervision; • Perform routine tasks without special supervision; • Adapt to changes in a routine work setting; • Make simple work-related decisions; • Be aware of normal hazards and take appropriate precautions; • Ask simple questions or request assistance; • Communicate and perform effectively in a work setting; • Complete a normal workday and workweek without interruptions from psychologically based symptoms; or • Maintain appropriate behavior in a work setting.
Fifty-five and older	Any level	Any level	Substantial loss of ability to: <ul style="list-style-type: none"> • Understand, remember, and persist in tasks by following detailed instructions; • Set realistic goals and plan independently: or

- Learn new tasks.

4. **"Substantial loss of ability"** means you are not able to perform the particular activity in regular competitive employment or outside of a sheltered work setting.
5. We approve disability when you have both mental and physical impairments, with an overall severity that is moderate, marked or severe, and you meet the criteria below:

Your age	Your education	Exertional Level	Social and cognitive limitations	Other vocational factors
Any age	Any level	Restricted to light or less.	You have a substantial loss of ability to: <ul style="list-style-type: none"> • Communicate and perform effectively in a work setting; or • Maintain appropriate behavior in a work setting. 	No transferable skills to work level
Fifty or older	Limited education or unable to communicate in English	Restricted to light or less.	Does not apply	No transferable skills to work level
Any age	Marginal education, illiterate, or unable to communicate in English	Restricted to medium or less.	You have a substantial loss of ability to: <ul style="list-style-type: none"> • Communicate and perform effectively in a work setting with limited public contact; or • Maintain appropriate behavior in a work setting. 	No transferable skills to work level

6. If you don't meet the criteria listed above, and there are jobs you can do in the national economy, we will find you able to perform other work and take the following actions:
- Deny disability; and
 - Give you examples of jobs you can do despite your impairments.
7. If there are no jobs you can do in the national economy despite your impairment(s), we approve disability.

WORKER RESPONSIBILITIES

1. If an individual is neither approved at Step III nor denied at Steps I, II, or IV of the Sequential Evaluation Process (SEP), the Disability Specialist determines if the individual can performing other work.
2. When determining if the individual is capable of performing other work, the Disability Specialist gives full consideration to the individual's residual functional capacity, age, education, and work experience.

NOTE: SSA defines residual functional capacity as the most the person can do despite their impairment.

- ~~1. If a person with a physical condition has marked or severe environmental or functional impairments, the Disability Program Specialist must decide if the environmental impairments or functional impairment would prevent the person from working in the jobs available within their exertion level.~~
- ~~3. If the individual meets the approval criteria detailed in the physical, mental, or combination tables in WAC 388-449-0100, they are considered unable to perform other work and ABD is approved.~~
- ~~4. If the individual person does not meet the ABD approval disability criteria detailed in the physical, mental, or combination tables in WAC 388-449-0100, the Disability Specialist determines if the individual is capable of performing at least two jobs available in the national economy.~~
- ~~5. If the Disability Specialist determines the individual is capable of performing other work, the Disability Specialist must list at least two specific jobs from the Dictionary or Occupational Titles that the individual is able to perform given their residual functional capacity, age, educational, and work experience. for ABD cash, list at least two jobs the person is capable of doing despite his or her impairments on the denial letter.~~
- 2-6. If the Disability Specialist cannot identify at least two examples of jobs the individual can perform despite their impairment, ABD is approved.

EXAMPLE

~~Don worked in lumber mills for most of his life. He has degenerative disc disease and is limited to light work. Don also developed a severe allergy to cedar. This environmental factor means Don can't work in a lumber mill, but he could do other light work or sedentary work, such as an order writer or cashier.~~

EXAMPLE

~~Anne worked as a sales associate at several department stores. She states she has excellent customer service skills, but she stopped working due to increasing anxiety in public situations. Although Anne may not be able to work where she has physical contact with the public, she could do other work, such as a call center customer service representative.~~

EXAMPLE

~~Thomas worked as machinist for several years, and states he enjoyed the work. He has developed degenerative disc disease and has mild carpal tunnel syndrome. Thomas also has a history of panic attacks when he tried working in the office at his last job. He is physically capable of light work, but cannot type more than a few minutes at a time due to carpal tunnel and cannot work in a public setting. It would be very difficult for Thomas to find a job that he could do despite his impairments.~~