

# Determining Disability:

The Five Steps Used by the SSA  
to Judge Your Claim



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# If you're seeking disability benefits from the Social Security Administration (SSA), it's important to know how those benefits are determined by an administrative law judge.

You also may be concerned about your future, your financial security, and your ability—or inability—to work.

The SSA assists workers who can no longer work due to disability through two primary programs. Social Security Disability Insurance (SSDI) is a program designed for workers who have paid into the social security system. Supplemental Security Income (SSI) is a federal government income supplement program for those who don't have enough taxes paid in to apply for SSDI, and who meet the SSA's financial requirements.

It's funded by general tax dollars, not Social Security taxes, but it's managed through the SSA. For people who are over 65, blind or disabled, and have little to no income, SSI provides cash to meet basic needs of food, clothing, and shelter. These benefits can dramatically improve your quality of life and are a benefit you deserve.

# How Does the SSA Determine if a Person is Disabled?

There is a clear-cut five-step process used for determining disability, primarily focused on your ability to work. This not only means that you are clearly disabled, but that because of your disability, you are no longer able to work in any capacity and in an economy.

## 1. Are You Working?

If you're currently working in 2020 and you earn \$1260 or more per month (or \$2110 if you are blind), your income is considered too substantial for you to be considered disabled. The SSA calls this substantial gainful activity. Keep in mind that this amount changes every year, so it's important to follow the changes that the Social Security Administration makes on their website, [ssa.gov](https://www.ssa.gov). If you are not currently working, or are earning less than \$1260 per month (or \$2110 if blind), then you are eligible to go to step two of the process of seeking disability benefits. Even if your earnings are under the limit, your work activity will still be considered by the SSA in its overall determination.

## 2. Are Your Medical Conditions "Severe"?

The severity of your disabilities may be evident to you and your doctor. After all, it's impacting your life to the point that you can no longer work. However, to the SSA, your disabilities must significantly impact your ability to perform basic work activities like lifting, standing, walking, sitting, and focusing, paying attention, and concentrating for at least twelve months. The SSA may determine that your conditions are not severe enough at this point and may deny your benefits. However, if your medical records can sufficiently tie your disability to your inability to perform basic functions, the SSA will determine that you meet the threshold of having at least one severe impairment so that you go to the next level of determination.

### 3. Does Your Medical Condition “Meet a Listing”?

Because the SSA must have guidelines relating to disability, they’ve developed a detailed system of classifying disabilities called the Listing of Impairments. If your disability “meets a listing”, then you fall into one of their specific categories. These categories include 14 primary categories ranging from the musculoskeletal system to immune system disorders, to mental health and neurological disorders. Each of the 14 categories contains up to 30 subcategories of specific illnesses or conditions. If your condition meets one of these specific categories, then you are considered disabled and will receive benefits.

It’s important to note that it’s very uncommon to “meet a listing” because of how narrowly the conditions are defined. If you don’t meet a listing, your case will progress to step four.

### 4. Can You Do the Same Work You’ve Done Before?

If the SSA determines, through either the medical evidence or lack of medical evidence, that you are physically and mentally able to perform the same type of work that you’ve performed over the past 15 years, then you will not be considered disabled, and you will not receive benefits. This stage is called the evaluation of your **past relevant work**. However, if the tie between your medical history and your evidence of record shows that you can no longer perform this type of work that you performed, your case will advance to the fifth and final step in determining your ability to work.

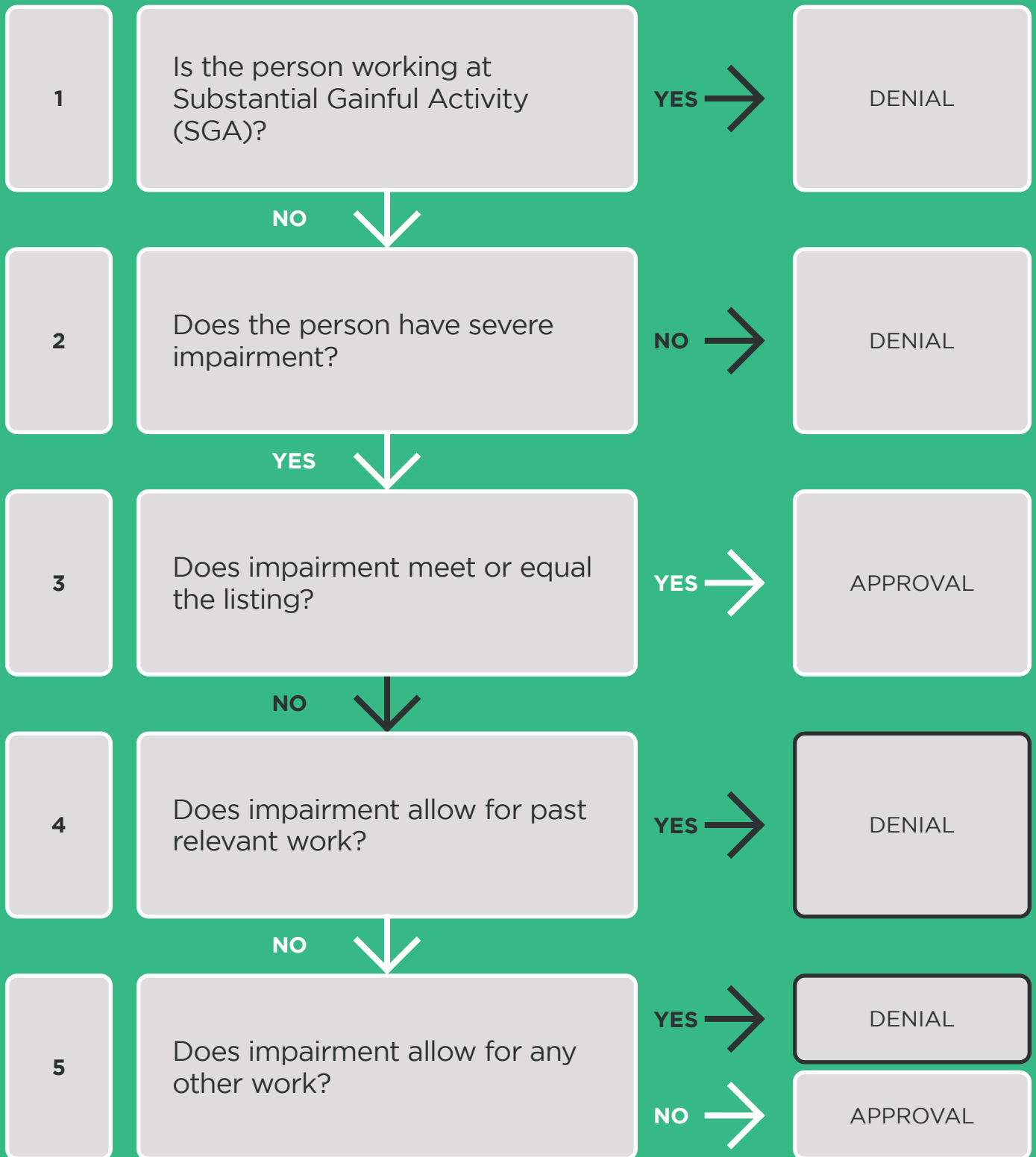
### 5. Can You Do Another Type of Work?

At the fifth and final step of the determination process, the administrative law judge will evaluate whether the claimant is able to work any other type of job in the national economy. This wording is important, because it does not matter whether or not the claimant has experience in these potential other jobs, but if there are jobs available that this person can do based on their limitations. If there are no other jobs available that you could perform based on your level of education, ability to speak English, and your level of disability, then you may be approved for disability benefits. It can be very difficult to establish an inability to do work at all ranges of exertional levels, including sedentary jobs.

In addition, the SSA has special rules for people over the ages of 50 and 55. These special rules may impact the outcome of your case, as you may not have to prove that you can do “any other work” if you can prove you cannot perform your own past relevant work. These rules are complicated, and can require a skillful representative to explain to the SSA why they apply to each claimant’s particular case.

Each step of this process is contingent on each step that comes before it. At each step, you may be either denied, approved for the next step, and hopefully, ultimately approved for disability benefits. Along the way, it’s important to have the right legal team advising you and guiding you through the system. A skilled, experienced Social Security Disability attorney and their team can make the difference in the outcome of your case.

# The SSA Sequential Evaluation



# We're Affleck & Gordon

**The right attorney for your SSDI/SSI claim can save you time.** By having the right information at hand to help you at every step of the way, you can ensure that your claim has fewer holdups. You'll make fewer mistakes when you have the right advice to help with filling out complicated forms, booklets, and paperwork you are required to complete.

**The right attorney can also bring experience to your claim** to help you navigate the complexities of the system. At Affleck & Gordon, we have over 40 years of experience in Georgia helping people with disabilities obtain the benefits they are entitled to.

**The right attorney knows the law.** As laws change, your attorney will be up-to-date on how these changes might affect you. They will keep your case on track as it navigates potential denials and appeals. When your claim gets complicated, remember that your attorney can handle whatever questions might arise during the process.

**The right attorney is a skilled communicator.** The right legal professional can not only explain the meticulous details and the process of your case, they are there to listen and to address your specific concerns about the whole affair. With compassion and empathy, they can help you gain understanding and peace of mind as your claim is processed. If your case is denied, they can handle your appeal. The right attorney is with you every step of the way.



**If your Social Security Disability claim has been denied, or you're thinking about filing and don't know where to start, Affleck and Gordon can help. We've been helping people in Georgia just like you for over 40 years. Sign up for a free case evaluation here, or call us (404) 373-1649.**