

**DISABILITY HEARING OFFICER'S DECISION**  
**Medical Improvement Review Standard Not Applicable**

CODE NUMBERS

DO

DDS

DHU

CLAIMANT'S NAME

HEARING DATE

NUMBER HOLDER'S NAME

NUMBER HOLDER'S SOCIAL SECURITY NUMBER  
- -

TYPE OF BENEFITS  
*(Check relevant type(s))*

TITLE II

DIB

DWB

CDB

TITLE XVI

Disability

Blind

Child

The claimant was earlier notified that his/her disability:

Ceased \_\_\_\_\_  
*(Month/Year)*

Did not exist as previously established because: (Explain below)

Present at the disability hearing were the following: \_\_\_\_\_

The basic issue to be determined by this disability hearing decision is whether the claimant is disabled/blind under the definition of disability/blindness contained in Section 223(d) and Section 1614(a) of the Social Security Act, taking into account, when applicable, the standard of review for termination of disability benefits contained in Section 223(f) and Section 1614(a)(5) of the Social Security Act.

Other issues are: \_\_\_\_\_

The Summary of Evidence, attached, lists medical/vocational reports in the claims folder obtained prior to the disability hearing. The claimant has submitted additional documentary evidence which consists of the following: \_\_\_\_\_







**DISABILITY HEARING OFFICER'S DECISION**  
**Medical Improvement Review Standard Not Applicable**

1. The Social Security regulations require that a person's disability be determined through a series of evaluation steps. The first step is to determine whether or not the person is presently engaging in substantial gainful activity (20 CFR 404.1520(b); 20 CFR 416.920 (b)). This decision was made by the Social Security office before the disability hearing decision was issued. The decision was:

You are not engaging in substantial gainful activity.                       You are engaging in substantial gainful activity but may be entitled to an extended period of eligibility for Social Security disability and/or to cash payments and/or Medical coverage under Supplemental Security Income.

In making the determination of disability, the hearing officer will review the remaining evaluation steps. Depending upon the evaluation of the evidence, the hearing officer may make a determination regarding the claimant's disability at various steps during the review.

2. Does the claimant have a severe impairment? \_\_\_\_\_  YES     NO

If a person's impairment(s) is a slight abnormality or a combination of slight abnormalities which has no more than a minimal effect on a person's ability to do basic work activities, the hearing officer will determine that the person does not have a severe impairment. Examples of work activities include walking, standing, sitting, lifting, carrying, pushing or handling. Also involved are capacities for seeing, hearing, speaking, understanding, and carrying out simple instructions. If a person does not have a severe impairment(s), he/she will be determined not to be disabled and the hearing officer will not continue to the next review step. (20 CFR 404.1520-1523; 20 CFR 416.920-923; SSR 85-28 as applicable)

Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Does claimant's Impairment(s) meet or equal a current listed impairment? \_\_\_\_\_  YES     NO

If a person has a severe impairment, the hearing officer will then determine whether the impairment meets or equals an impairment in the Listing of Impairments in the Social Security regulations. The listing contains many medical conditions which would normally prevent a person from doing any gainful activity. If a person's impairment(s) meets or equals an impairment in the listing, he/she will be found disabled. If the impairment does not, the hearing officer will continue to the next review step. (20 CFR 404.1525, 1526; 20 CFR 416.925, 926 as applicable)

Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. What is the claimant's residual functional capacity?

If the person's impairment(s) does not meet or equal a listing, it is necessary to determine his/her residual functional capacity. "Residual functional capacity" refers to those basic work activities a person can do despite his/her impairment(s). For the purpose of determining physical exertion requirements of work, jobs are classified as sedentary, light, medium, heavy, and very heavy (20 CFR 404.1545, 1567; 20 CFR 416.945, 967 as applicable). After determining the person's residual functional capacity, the hearing officer will proceed to the next step.

Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. Does the claimant's impairment(s) prevent him/her from doing past relevant work?  YES  NO

Past relevant work refers to work that the claimant has done within the last 15 years, has done long enough to learn, and has done for profit or gain. If a person has the residual functional capacity to perform past relevant work, he/she will be considered not disabled. If he/she cannot do past relevant work, the hearing officer will continue to the next review step. (20 CFR 404.1561; 20 CFR 416.961 as applicable)

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Does the claimant have a marginal education and work experience that is limited to arduous, unskilled physical labor?  YES  NO

Generally, if a person has a marginal education and work experience of 35 years or more of arduous, unskilled physical labor and the person is not working and cannot perform past work due to a severe impairment, he/she will be considered unable to do lighter work and the person will be considered disabled. If he/she does not meet all of these criteria, the hearing officer will continue to the next review step. (20 CFR 404.1562; 20 CFR 416.962 as applicable)

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Is the claimant of advanced age with a limited education and no work experience or no recent and relevant work experience?  YES  NO

Generally, a person of advanced age with no relevant work experience and a limited education or less will be considered disabled provided his/her impairment is severe. If all of these criteria are not met, the hearing officer will continue to the next review step. (SSR 82-63)

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



