

Social Security Disability Practice

Volume One

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3. *Dictionary of Occupational Titles*
4. Vocational Expert Self-Study Guide, Part 4, The Hearing
5. Unskilled Sedentary Occupations
6. Phrasing Hypothetical Questions to Vocational Experts Training Guide
7. Social Security Administration Telephone Numbers and Addresses
8. *Vocational Expert Handbook*
9. *Medical Expert Handbook*, pp. 8-36
10. "Professional Responsibility and Social Security Representation: The Myth of the State-Bar Bar to Compliance With Federal Rules on Production of Adverse Evidence," by Robert E. Rains, 92 *Cornell Law Review* 363 (2007), used with permission.
11. Glossary
12. Annual SSI, Medicare, COLA, SGA, TWP and Earnings for QC Amounts Since 2000

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Preface

How to Use This Book and Other Tips for Improving Your Social Security Disability Practice

Learn the Five-Step Sequential Evaluation Process. The five-step Social Security disability sequential evaluation process provides the framework for most arguments to the Social Security Administration about your client's disability. This book is organized around the five-step process. See §§ 110-119 and 20 C.F.R. § 404.1520. Take time to learn how the five steps work. Because the process is *sequential*, if a claimant can be found *not disabled* at any step other than step three, the claimant does not get to proceed to the next step.

Read the First Three Chapters. If you are new to Social Security disability law, sit down and read the first three chapters of this book. This should give you a reasonably good grasp of the unique and often peculiar rules governing this area of practice. You can peruse the other chapters and appendices later, as issues come up.

Use the Forms With Care. This book is absolutely filled with useful forms. The residual functional capacity forms, in particular, are great time savers. You may copy these forms directly out of the book or use the CD that comes with this book to adapt them for your word processing program. But beware, forms may need to be modified to address the specific issues in a particular case. A form cannot cover every possible situation. For example, a properly completed interview form will always have comments written in the margins about your client's case.

All of the forms in this book are in use in the author's office, but we are constantly modifying them for individual cases. Sometimes we like a modification so much, we incorporate it into the form. If you make any especially useful modifications, we would appreciate a copy so we can publish improvements.

Check Out the Charts. The charts provide useful summaries of disability concepts. The chart at §121.1 summarizes rules from the Medical Vocational Guidelines. From this chart you can quickly determine what exertional limitations a claimant must have in order to win a disability case. The chart at §135 summarizes differences between the Social Security disability and SSI programs. The chart at §271.1 shows how particular limitations affect ranges of work, and the chart at §349.6 summarizes the different standards for transferability of skills for different ages and exertional levels. The author keeps a copy of this chart in his briefcase for use in questioning vocational experts at hearings.

Do Not Neglect the Appendices. There is a wealth of material in the appendices. The author often begins research on disability issues with Appendix 1, an index to Social Security Rulings. Appendix 8 is an excerpt from the manual given by SSA to medical experts to prepare them to testify. Reading this manual may help prepare you to cross-examine a medical expert. Appendices 4 and 7, excerpts from manuals given by SSA to vocational experts, are required reading when you are preparing to cross-examine a vocational expert (even though they were published by SSA years ago). Appendix 5 is the complete list of unskilled sedentary occupations from the current edition of the *Dictionary*

of Occupational Titles. (There are so few of these occupations that vocational experts tend to come up with other jobs which they will testify that they know from “experience” to be unskilled sedentary occupations.) Appendix 9 is a 2007 law review article by Professor Robert E. Rains which tackles the ethical issue that haunts all social security disability practitioners: Must you submit an adverse medical report?

You Will Need Basic Reference Materials. This book provides a place to start. It cannot be used successfully without also reading the regulations and rulings themselves. You can order from the Superintendent of Documents a hard copy of 20 C.F.R. Parts 400-499, which in many circumstances is easier to use than the Internet version. You will also need access to Social Security Rulings and Acquiescence Rulings since 1981, a good medical dictionary and a medical textbook, all of which can be found on the Internet. *See* Appendix 2.

About the Author

Thomas E. Bush has represented Social Security disability claimants since 1977 when he spent a year as a VISTA attorney with the Milwaukee Indian Health Board. At the end of 1977, he opened his own law office. Since then his law practice has concentrated more and more on Social Security disability representation. At present, Bush practices almost exclusively in this area.

Bush received his law degree from the University of Wisconsin where he also did graduate work in Chinese history. He has regularly written and spoken about Social Security disability issues to other lawyers, advocacy groups and the general public. Two brochures he has written, “Social Security Disability and SSI Claims—Your Need for Representation” and “Preparing for Your Social Security Disability or SSI Hearing,” are in use all over the country.

A member of the National Organization of Social Security Claimants’ Representatives (NOSSCR) since 1980, he served on the Board of Directors from 1988 to 2001. He was the President of NOSSCR for the 1997-98 term.

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