



How the Judge Determines Whether You Are Disabled



When you go to your disability hearing, you will need to disregard your own ideas about what constitutes “disabled.” The SSA has its own unique definition, and you need to meet this in order to be deemed eligible for benefits.

When you go before the judge at the hearing, you will need to prove two things:

1. Your impairment disallows you from working any job you have held in the past 15 years.
2. There are few jobs you are capable of, given your age, education, and work experience.

Proving these does not require that you cannot ever work again, but for only at least 12 months. Also, you do not have to prove that you cannot do anything at all; most claimants can do some things. However, you will have to prove that you cannot perform a job that exists in significant numbers.

In a nutshell, it is important to understand that a judge’s determination is hypothetical in nature. He will use your testimony, that of other witnesses, and medical evidence to decide whether you meet the requirements.

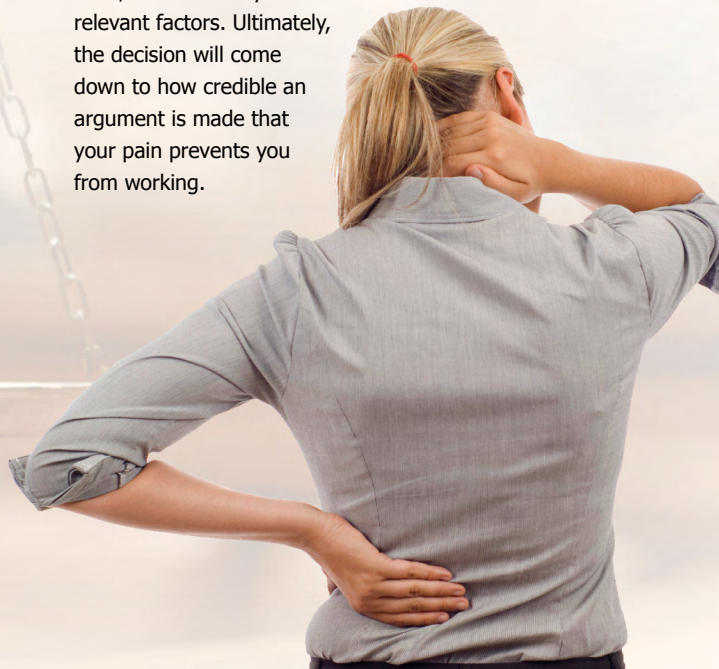
Proving How Chronic Pain Limits You

Because pain is subjective in nature, and therefore difficult to measure, the decision maker working on behalf of the SSA is required to take into consideration a number of factors in determining whether your chronic pain limits you enough to qualify for benefits.

Among these factors are:

- Medical evidence. However, the medical evidence may not adequately reflect the severity of pain you are suffering.
- Your statements. You will be asked about daily activities, including your work, and how the pain limits you. You will also be asked to describe the pain, including its location, frequency, and intensity. Also, you will be asked about the medication you use, and steps you have taken to relieve the pain
- Medical opinion of doctors. Their testimony may be able to “fill in the gaps” that are in your medical evidence.

The testimony of other people who can attest to your pain and its limiting effects may also be used, as well as any other relevant factors. Ultimately, the decision will come down to how credible an argument is made that your pain prevents you from working.



Vocational Experts

In many cases when a claimant is called to appear at an administrative hearing, vocational experts are used to provide testimony. The information a VE gives can be very important to the success of your claim; in fact, it can be the sole reason for denying or approving it.



VEs generally view their role as that of helping the judge determine where the line between disabled and not disabled is drawn. However, most judges already have a perception of this that may or may not be accurate, and that is unlikely to be altered by the VE’s testimony.

VEs are actually put in an awkward position by being asked to testify. Their job is more often to help those who are disabled gain accommodation at their work for their impairments—not to show that they cannot work. Nevertheless, if the VE manages to distinguish what constitutes disabled, and your attorney is able to show that your impairment meets this definition through your residual functional capacity, the testimony provided by the VE can be beneficial to your case.