

Welcome

SVP 1 Introduction to being an Social Security Vocational Expert

 INTERNATIONAL ASSOCIATION OF REHABILITATION PROFESSIONALS

Overview

- History of the Program
- Vocational Expert Definition
- Requirements – “Must Have”
- Role of the Vocational Expert
- Responsibilities of the Vocational Expert

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History Of The Program

- The Social Security Administration pays approximately \$12 billion in disability benefits to more than 13 million disabled beneficiaries each month.
- The Disability program is predicated upon a medical/vocational definition of disability.
- Vocational factors have been considered a major part of the evaluation process of Social Security Disability Claims since the program's inception and contracted Vocational Experts have been part of the process since 1962.
- There are approximately 1,100 BPAs under contract with SSA to provide expert services and they provide expert testimony in approximately 600,000 hearings per year.
- SSV's provide expert opinions regarding the claimant's vocational background, the skills derived from their past work and transferability of those skills, existence of jobs in a variety of labor markets and the claimant's ability to perform their past and/or any other work.

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What The SSVE Is Not...

- A counselor for the claimant or the Social Security Administration.
- In a personal or professional relationship with the claimant.
- An Advocate for the claimant or the government.
- Involved with the claimants goals or wants.
- To consider job adaptations or advocate for accommodations.
- Assessing the claimant's physical or psychological limitations.
- An adversary.
- Hired to recommend services.
- The one who determines disability.



What a VE Is...

An impartial expert contracted by the government to provide both factual and expert opinion evidence based on knowledge of:

- The skill level and physical/mental demands of occupations.
- The characteristics of work settings.
- The existence and incidence of jobs within occupations.
- Transferable skills and SSA regulatory requirements for *transferability* of work skills (See VE Handbook pg7).



VOC Expert Must Have

- The highest level of integrity and be honest.
- An understanding of jobs, occupations (Revised RHAJ) and the world of work.
- An understanding of how to review the files prior to the hearing (Work Activity Report SSA-820, Work History SSA-3369, and Disability Report-Adult SSA-3368)(In-depth discussion in SVP3).
- An up-to-date knowledge of, and experience with, industrial and occupational trends and local labor market conditions.
- An understanding of how SSA determines whether a claimant is disabled, especially at Steps 4 and 5 of the Sequential Evaluation Process.
- Current and extensive experience in vocational counseling and job placement of people with disabilities.
- Knowledge of, and experience using, vocational reference sources such as DOT, SCO, RHAA (In-depth discussion in SVP 4).



Role of the Vocational Expert

A VE provides impartial factual and expert opinion evidence based on knowledge, skill, experience, training, or education, of:

- The skill level and physical and mental demands of occupations.
- The characteristics of work settings.
- The existence and incidence of jobs within occupations in the local region or several regions of the country (20 CFR 404.1566). Judges are primarily asking for national numbers currently.
- Transferrable skills analysis and SSA regulatory requirements for transferability of work skills.



Responsibilities of the VE

- Review the records sent to you or available through ERE.
- Obtain DOT Code and Title of each PAST RELEVANT OCCUPATION.
- Listen to the testimony.
- Determine whether the job/occupation is consistent with the DOT definition.
- Answer ONLY the question posed in the hypotheticals by the ALJ or Rep & rarely claimant.
- Offer testimony based upon sufficient facts or data which is the product of reliable principles and methods, that you have applied.



Gathering Information and Testimony

At the hearing, the VE will:

- Listen to the claimant's testimony and take notes.*
- Based on claimant's testimony, verify and reassess job history summary. Correct and modify as needed.
- Be prepared to ask clarifying questions about the work history and prior jobs.
- Look up DOT codes as needed.

* You may not hear the claimant's testimony in all cases (e.g., telephonic).



Vocational Expert Skills and Knowledge

- Up-to-date knowledge of, and experience with, industrial and occupational trends, and local labor market conditions.
- An understanding of how SSA determines whether a claimant is disabled, especially at steps 4 and 5 of the sequential evaluation process.
- Experience in vocational rehabilitation counseling and job placement of people with disabilities.
- Knowledge of, and experience using, vocational reference sources, including but not limited to:
 - The Dictionary of Occupational Titles (DOT) and the Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles (SCO);
 - County Business Patterns published by the Bureau of Census;
 - The Occupational Outlook Handbook published by the Bureau of Labor Statistics; and
 - Any occupational surveys of occupations prepared for SSA by various state employment agencies.



Vocational Experts Key Knowledge Areas

- How does DOL and Census get collect employment numbers?
- What are some crosswalks from DOT to DOL and Census data?
- What are Skilltran and US Publishing methods for estimating job numbers by DOT?
- What are some combination methods used by VE's?



Vocational Expert Does Not

- Determine whether or not work activity rises to the level of SGA. This is a finding of fact reserved to the Commissioner (the ALJ).
- The VE may give an opinion about whether or not the work activity is competitive as performed by the claimant and/or provide an expert opinion about the "value" of the work as performed by the claimant.



Vocational Experts Should Not Testify or Answer Questions About:

- Medical matters, such as what limitations you believe result from a medical condition.
- Whether you believe the claimant is disabled.
- Whether you think the claimant can actually get hired.
- Whether the numbers of jobs is significant.
- Whether work is past relevant work (PRW).
- Whether "if everything the claimant said is true, can the claimant work?" unless asked in a hypothetical question.
- Whether "if the Doctor's opinion in Exhibit X is true, can the claimant work?" unless asked in a hypothetical question.



33

Work Setting of the VE

- Is performed in a private hearing room.
- The ALJ, hearing reporter, VE, claimant and may include attorney/non attorney rep, case manager, social worker, physician, family member, therapist, medical expert, and other witnesses.
- Experts may be testifying via telephone (land line only due to contract).
- Audio recorded.
- Testimony under oath.
- Hearings can run anywhere from a few minutes to several hours.
- VE must be present and available for all assigned hearings through to their conclusion.
- There may or may not be internet access.
- If you want to access to source materials (to) or even a computer you must bring your own.



34

Who Is In the Hearing Room?

- Judge
- Hearing Recorder/VHR
- Attorney/Non-Attorney Rep
- Vocational Expert
- Claimant (Claimant spouse, support person, Case Manager or Other)



35

References

- Your Age as a Vocational Factor 20 CFR 404.1563
- Your education as a vocational factor 20 CFR 404.1564 .
- Skill Requirements 20 CFR 404.1568
- 20 CFR 404.1566
- Rules found in 20 CFR 404
- Rules found in 20 CFR 416.
- 20 CFR §404.1505
- 20 CFR §404.1520
- [SSR 85-28](#)
- *Kerner v. Fleming*, 283 F.2d 916, 921 (2nd Cir.1960)
- <http://www.ssa.gov/history/ssa/lbjooper5.html>
-



References cont'd

- GRIDS-SSR 82-47c
- SCO-SSR 96-9 *Capacity to do other work*
- Physical Exertional Requirement Definitions - 20 CFR 404.1567
- Non-exertional Requirement Definitions - 20 CFR 404.1569a
- SSA estimation of "unskilled" jobs
- 20 CFR Appendix 2 to Subpart P of Part 404, Medical Vocational Guidelines Sec. 200.00 (b)
- Work Experience 404.1565 - 15 Year Rule


