

3. For children age 3 to attainment of age 18, at least two of the appropriate age-group criteria in paragraph B2 of 112.02.

114.10 *Sjögren's syndrome*. As described in 114.00D7. With:

A. Involvement of two or more organs/body systems, with:

1. One of the organs/body systems involved to at least a moderate level of severity; and

2. At least two of the constitutional symptoms or signs (severe fatigue, fever, malaise, or involuntary weight loss).

OR

B. Any other manifestation(s) of Sjögren's syndrome resulting in one of the following:

1. For children from birth to attainment of age 1, at least one of the criteria in paragraphs A–E of 112.12; or

2. For children age 1 to attainment of age 3, at least one of the appropriate age-group criteria in paragraph B1 of 112.02; or

3. For children age 3 to attainment of age 18, at least two of the appropriate age-group criteria in paragraph B2 of 112.02.

[50 FR 35066, Aug. 28, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting appendix 1 to subpart P of part 404, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

#### APPENDIX 2 TO SUBPART P OF PART 404— MEDICAL-VOCATIONAL GUIDELINES

Sec.

200.00 Introduction.

201.00 Maximum sustained work capability limited to sedentary work as a result of severe medically determinable impairment(s).

202.00 Maximum sustained work capability limited to light work as a result of severe medically determinable impairment(s).

203.00 Maximum sustained work capability limited to medium work as a result of severe medically determinable impairment(s).

204.00 Maximum sustained work capability limited to heavy work (or very heavy work) as a result of severe medically determinable impairment(s).

200.00 *Introduction*. (a) The following rules reflect the major functional and vocational patterns which are encountered in cases which cannot be evaluated on medical considerations alone, where an individual with a severe medically determinable physical or mental impairment(s) is not engaging in substantial gainful activity and the individual's impairment(s) prevents the performance of his or her vocationally relevant past work. They also reflect the analysis of the various vocational factors (*i.e.*, age, education, and

work experience) in combination with the individual's residual functional capacity (used to determine his or her maximum sustained work capability for sedentary, light, medium, heavy, or very heavy work) in evaluating the individual's ability to engage in substantial gainful activity in other than his or her vocationally relevant past work. Where the findings of fact made with respect to a particular individual's vocational factors and residual functional capacity coincide with all of the criteria of a particular rule, the rule directs a conclusion as to whether the individual is or is not disabled. However, each of these findings of fact is subject to rebuttal and the individual may present evidence to refute such findings. Where any one of the findings of fact does not coincide with the corresponding criterion of a rule, the rule does not apply in that particular case and, accordingly, does not direct a conclusion of disabled or not disabled. In any instance where a rule does not apply, full consideration must be given to all of the relevant facts of the case in accordance with the definitions and discussions of each factor in the appropriate sections of the regulations.

(b) The existence of jobs in the national economy is reflected in the "Decisions" shown in the rules; *i.e.*, in promulgating the rules, administrative notice has been taken of the numbers of unskilled jobs that exist throughout the national economy at the various functional levels (sedentary, light, medium, heavy, and very heavy) as supported by the "Dictionary of Occupational Titles" and the "Occupational Outlook Handbook," published by the Department of Labor; the "County Business Patterns" and "Census Surveys" published by the Bureau of the Census; and occupational surveys of light and sedentary jobs prepared for the Social Security Administration by various State employment agencies. Thus, when all factors coincide with the criteria of a rule, the existence of such jobs is established. However, the existence of such jobs for individuals whose remaining functional capacity or other factors do not coincide with the criteria of a rule must be further considered in terms of what kinds of jobs or types of work may be either additionally indicated or precluded.

(c) In the application of the rules, the individual's residual functional capacity (*i.e.*, the maximum degree to which the individual retains the capacity for sustained performance of the physical-mental requirements of jobs), age, education, and work experience must first be determined. When assessing the person's residual functional capacity, we consider his or her symptoms (such as pain), signs, and laboratory findings together with other evidence we obtain.

(d) The correct disability decision (*i.e.*, on the issue of ability to engage in substantial gainful activity) is found by then locating

the individual's specific vocational profile. If an individual's specific profile is not listed within this appendix 2, a conclusion of disabled or not disabled is not directed. Thus, for example, an individual's ability to engage in substantial gainful work where his or her residual functional capacity falls between the ranges of work indicated in the rules (e.g., the individual who can perform more than light but less than medium work), is decided on the basis of the principles and definitions in the regulations, giving consideration to the rules for specific case situations in this appendix 2. These rules represent various combinations of exertional capabilities, age, education and work experience and also provide an overall structure for evaluation of those cases in which the judgments as to each factor do not coincide with those of any specific rule. Thus, when the necessary judgments have been made as to each factor and it is found that no specific rule applies, the rules still provide guidance for decisionmaking, such as in cases involving combinations of impairments. For example, if strength limitations resulting from an individual's impairment(s) considered with the judgments made as to the individual's age, education and work experience correspond to (or closely approximate) the factors of a particular rule, the adjudicator then has a frame of reference for considering the jobs or types of work precluded by other, nonexertional impairments in terms of numbers of jobs remaining for a particular individual.

(e) Since the rules are predicated on an individual's having an impairment which manifests itself by limitations in meeting the strength requirements of jobs, they may not be fully applicable where the nature of an individual's impairment does not result in such limitations, e.g., certain mental, sensory, or skin impairments. In addition, some impairments may result solely in postural and manipulative limitations or environmental restrictions. Environmental restrictions are those restrictions which result in inability to tolerate some physical feature(s) of work settings that occur in certain industries or types of work, e.g., an inability to tolerate dust or fumes.

(1) In the evaluation of disability where the individual has solely a nonexertional type of impairment, determination as to whether disability exists shall be based on the principles in the appropriate sections of the regulations, giving consideration to the rules for specific case situations in this appendix 2. The rules do not direct factual conclusions of disabled or not disabled for individuals with solely nonexertional types of impairments.

(2) However, where an individual has an impairment or combination of impairments resulting in both strength limitations and nonexertional limitations, the rules in this

subpart are considered in determining first whether a finding of disabled may be possible based on the strength limitations alone and, if not, the rule(s) reflecting the individual's maximum residual strength capabilities, age, education, and work experience provide a framework for consideration of how much the individual's work capability is further diminished in terms of any types of jobs that would be contraindicated by the nonexertional limitations. Also, in these combinations of nonexertional and exertional limitations which cannot be wholly determined under the rules in this appendix 2, full consideration must be given to all of the relevant facts in the case in accordance with the definitions and discussions of each factor in the appropriate sections of the regulations, which will provide insight into the adjudicative weight to be accorded each factor.

201.00 *Maximum sustained work capability limited to sedentary work as a result of severe medically determinable impairment(s).* (a) Most sedentary occupations fall within the skilled, semi-skilled, professional, administrative, technical, clerical, and benchwork classifications. Approximately 200 separate unskilled sedentary occupations can be identified, each representing numerous jobs in the national economy. Approximately 85 percent of these jobs are in the machine trades and benchwork occupational categories. These jobs (unskilled sedentary occupations) may be performed after a short demonstration or within 30 days.

(b) These unskilled sedentary occupations are standard within the industries in which they exist. While sedentary work represents a significantly restricted range of work, this range in itself is not so prohibitively restricted as to negate work capability for substantial gainful activity.

(c) Vocational adjustment to sedentary work may be expected where the individual has special skills or experience relevant to sedentary work or where age and basic educational competences provide sufficient occupational mobility to adapt to the major segment of unskilled sedentary work. Inability to engage in substantial gainful activity would be indicated where an individual who is restricted to sedentary work because of a severe medically determinable impairment lacks special skills or experience relevant to sedentary work, lacks educational qualifications relevant to most sedentary work (e.g., has a limited education or less) and the individual's age, though not necessarily advanced, is a factor which significantly limits vocational adaptability.

(d) The adversity of functional restrictions to sedentary work at advanced age (55 and over) for individuals with no relevant past work or who can no longer perform vocationally relevant past work and have no transferable skills, warrants a finding of disabled in the absence of the rare situation where the

individual has recently completed education which provides a basis for direct entry into skilled sedentary work. Advanced age and a history of unskilled work or no work experience would ordinarily offset any vocational advantages that might accrue by reason of any remote past education, whether it is more or less than limited education.

(e) The presence of acquired skills that are readily transferable to a significant range of skilled work within an individual's residual functional capacity would ordinarily warrant a finding of ability to engage in substantial gainful activity regardless of the adversity of age, or whether the individual's formal education is commensurate with his or her demonstrated skill level. The acquisition of work skills demonstrates the ability to perform work at the level of complexity demonstrated by the skill level attained regardless of the individual's formal educational attainments.

(f) In order to find transferability of skills to skilled sedentary work for individuals who are of advanced age (55 and over), there must be very little, if any, vocational adjustment required in terms of tools, work processes, work settings, or the industry.

(g) Individuals approaching advanced age (age 50-54) may be significantly limited in vocational adaptability if they are restricted to sedentary work. When such individuals have no past work experience or can no longer perform vocationally relevant past work and have no transferable skills, a finding of disabled ordinarily obtains. However, recently completed education which provides for direct entry into sedentary work will preclude such a finding. For this age group, even a high school education or more (ordinarily completed in the remote past) would have little impact for effecting a vocational adjustment unless relevant work experience reflects use of such education.

(h)(1) The term *younger individual* is used to denote an individual age 18 through 49. For individuals who are age 45-49, age is a less advantageous factor for making an adjustment to other work than for those who are age 18-44. Accordingly, a finding of "disabled" is warranted for individuals age 45-49 who:

- (i) Are restricted to sedentary work,
- (ii) Are unskilled or have no transferable skills,
- (iii) Have no past relevant work or can no longer perform past relevant work, and
- (iv) Are unable to communicate in English, or are able to speak and understand English but are unable to read or write in English.

(2) For individuals who are under age 45, age is a more advantageous factor for making an adjustment to other work. It is usually not a significant factor in limiting such

individuals' ability to make an adjustment to other work, including an adjustment to unskilled sedentary work, even when the individuals are unable to communicate in English or are illiterate in English.

(3) Nevertheless, a decision of "disabled" may be appropriate for some individuals under age 45 (or individuals age 45-49 for whom rule 201.17 does not direct a decision of disabled) who do not have the ability to perform a full range of sedentary work. However, the inability to perform a full range of sedentary work does not necessarily equate with a finding of "disabled." Whether an individual will be able to make an adjustment to other work requires an adjudicative assessment of factors such as the type and extent of the individual's limitations or restrictions and the extent of the erosion of the occupational base. It requires an individualized determination that considers the impact of the limitations or restrictions on the number of sedentary, unskilled occupations or the total number of jobs to which the individual may be able to adjust, considering his or her age, education and work experience, including any transferable skills or education providing for direct entry into skilled work.

(4) "Sedentary work" represents a significantly restricted range of work, and individuals with a maximum sustained work capability limited to sedentary work have very serious functional limitations. Therefore, as with any case, a finding that an individual is limited to less than the full range of sedentary work will be based on careful consideration of the evidence of the individual's medical impairment(s) and the limitations and restrictions attributable to it. Such evidence must support the finding that the individual's residual functional capacity is limited to less than the full range of sedentary work.

(i) While illiteracy or the inability to communicate in English may significantly limit an individual's vocational scope, the primary work functions in the bulk of unskilled work relate to working with things (rather than with data or people) and in these work functions at the unskilled level, literacy or ability to communicate in English has the least significance. Similarly the lack of relevant work experience would have little significance since the bulk of unskilled jobs require no qualifying work experience. Thus, the functional capability for a full range of sedentary work represents sufficient numbers of jobs to indicate substantial vocational scope for those individuals age 18-44 even if they are illiterate or unable to communicate in English.

TABLE NO. 1—RESIDUAL FUNCTIONAL CAPACITY: MAXIMUM SUSTAINED WORK CAPABILITY LIMITED TO SEDENTARY WORK AS A RESULT OF SEVERE MEDICALLY DETERMINABLE IMPAIRMENT(S)

| Rule       | Age                               | Education   | Previous work experience                                      | Decision         |
|------------|-----------------------------------|---|---|------------------|
| 201.01 ... | Advanced age .....                | Limited or less .....   | Unskilled or none .....                                       | Disabled         |
| 201.02 ... | .....do .....                     | .....do .....   | Skilled or semiskilled—skills not transferable <sup>1</sup> . | Do.              |
| 201.03 ... | .....do .....                     | .....do .....   | Skilled or semiskilled—skills transferable <sup>1</sup> .     | Not disabled     |
| 201.04 ... | .....do .....                     | High school graduate or more—does not provide for direct entry into skilled work <sup>2</sup> . | Unskilled or none .....                                       | Disabled         |
| 201.05 ... | .....do .....                     | High school graduate or more—provides for direct entry into skilled work <sup>2</sup> .         | .....do .....   | Not disabled     |
| 201.06 ... | .....do .....                     | High school graduate or more—does not provide for direct entry into skilled work <sup>2</sup> . | Skilled or semiskilled—skills not transferable <sup>1</sup> . | Disabled         |
| 201.07 ... | .....do .....                     | .....do .....   | Skilled or semiskilled—skills transferable <sup>1</sup> .     | Not disabled     |
| 201.08 ... | .....do .....                     | High school graduate or more—provides for direct entry into skilled work <sup>2</sup> .         | Skilled or semiskilled—skills not transferable <sup>1</sup> . | Do.              |
| 201.09 ... | Closely approaching advanced age. | Limited or less .....   | Unskilled or none .....                                       | Disabled         |
| 201.10 ... | .....do .....                     | .....do .....   | Skilled or semiskilled—skills not transferable.               | Do.              |
| 201.11 ... | .....do .....                     | .....do .....   | Skilled or semiskilled—skills transferable.                   | Not disabled     |
| 201.12 ... | .....do .....                     | High school graduate or more—does not provide for direct entry into skilled work <sup>3</sup> . | Unskilled or none .....                                       | Disabled         |
| 201.13 ... | .....do .....                     | High school graduate or more—provides for direct entry into skilled work <sup>3</sup> .         | .....do .....   | Not disabled     |
| 201.14 ... | .....do .....                     | High school graduate or more—does not provide for direct entry into skilled work <sup>3</sup> . | Skilled or semiskilled—skills not transferable.               | Disabled         |
| 201.15 ... | .....do .....                     | .....do .....   | Skilled or semiskilled—skills transferable.                   | Not disabled     |
| 201.16 ... | .....do .....                     | High school graduate or more—provides for direct entry into skilled work <sup>3</sup> .         | Skilled or semiskilled—skills not transferable.               | Do.              |
| 201.17 ... | Younger individual age 45-49.     | Illiterate or unable to communicate in English.   | Unskilled or none .....                                       | Disabled         |
| 201.18 ... | .....do .....                     | Limited or less—at least literate and able to communicate in English.                           | .....do .....   | Not disabled     |
| 201.19 ... | .....do .....                     | Limited or less .....   | Skilled or semiskilled—skills not transferable.               | Do.              |
| 201.20 ... | .....do .....                     | .....do .....   | Skilled or semiskilled—skills transferable.                   | Do.              |
| 201.21 ... | .....do .....                     | High school graduate or more .....  | Skilled or semiskilled—skills not transferable.               | Do.              |
| 201.22 ... | .....do .....                     | .....do .....   | Skilled or semiskilled—skills transferable.                   | Do.              |
| 201.23 ... | Younger individual age 18-44.     | Illiterate or unable to communicate in English.   | Unskilled or none .....                                       | Do. <sup>4</sup> |
| 201.24 ... | .....do .....                     | Limited or less—at least literate and able to communicate in English.                           | .....do .....   | Do. <sup>4</sup> |
| 201.25 ... | .....do .....                     | Limited or less .....   | Skilled or semiskilled—skills not transferable.               | Do. <sup>4</sup> |
| 201.26 ... | .....do .....                     | .....do .....   | Skilled or semiskilled—skills transferable.                   | Do. <sup>4</sup> |
| 201.27 ... | .....do .....                     | High school graduate or more .....  | Unskilled or none .....                                       | Do. <sup>4</sup> |
| 201.28 ... | .....do .....                     | .....do .....   | Skilled or semiskilled—skills not transferable.               | Do. <sup>4</sup> |
| 201.29 ... | .....do .....                     | .....do .....   | Skilled or semiskilled—skills transferable.                   | Do. <sup>4</sup> |

<sup>1</sup> See 201.00(f).  
<sup>2</sup> See 201.00(d).  
<sup>3</sup> See 201.00(g).  
<sup>4</sup> See 201.00(h).

202.00 *Maximum sustained work capability limited to light work as a result of severe medically determinable impairment(s).* (a) The functional capacity to perform a full range of light work includes the functional capacity to perform sedentary as well as light work. Approximately 1,600 separate sedentary and light unskilled occupations can be identified in eight broad occupational categories, each occupation representing numerous jobs in the national economy. These jobs can be performed after a short demonstration or within 30 days, and do not require special skills or experience.

(b) The functional capacity to perform a wide or full range of light work represents substantial work capability compatible with making a work adjustment to substantial numbers of unskilled jobs and, thus, generally provides sufficient occupational mobility even for severely impaired individuals who are not of advanced age and have sufficient educational competences for unskilled work.

(c) However, for individuals of advanced age who can no longer perform vocationally relevant past work and who have a history of unskilled work experience, or who have only skills that are not readily transferable to a significant range of semi-skilled or skilled work that is within the individual's functional capacity, or who have no work experience, the limitations in vocational adaptability represented by functional restriction to light work warrant a finding of disabled. Ordinarily, even a high school education or more which was completed in the remote past will have little positive impact on effecting a vocational adjustment unless relevant work experience reflects use of such education.

(d) Where the same factors in paragraph (c) of this section regarding education and work experience are present, but where age, though not advanced, is a factor which sig-

nificantly limits vocational adaptability (*i.e.*, closely approaching advanced age, 50-54) and an individual's vocational scope is further significantly limited by illiteracy or inability to communicate in English, a finding of disabled is warranted.

(e) The presence of acquired skills that are readily transferable to a significant range of semi-skilled or skilled work within an individual's residual functional capacity would ordinarily warrant a finding of not disabled regardless of the adversity of age, or whether the individual's formal education is commensurate with his or her demonstrated skill level. The acquisition of work skills demonstrates the ability to perform work at the level of complexity demonstrated by the skill level attained regardless of the individual's formal educational attainments.

(f) For a finding of transferability of skills to light work for persons of advanced age who are closely approaching retirement age (age 60 or older), there must be very little, if any, vocational adjustment required in terms of tools, work processes, work settings, or the industry.

(g) While illiteracy or the inability to communicate in English may significantly limit an individual's vocational scope, the primary work functions in the bulk of unskilled work relate to working with things (rather than with data or people) and in these work functions at the unskilled level, literacy or ability to communicate in English has the least significance. Similarly, the lack of relevant work experience would have little significance since the bulk of unskilled jobs require no qualifying work experience. The capability for light work, which includes the ability to do sedentary work, represents the capability for substantial numbers of such jobs. This, in turn, represents substantial vocational scope for younger individuals (age 18-49) even if illiterate or unable to communicate in English.

TABLE NO. 2—RESIDUAL FUNCTIONAL CAPACITY: MAXIMUM SUSTAINED WORK CAPABILITY LIMITED TO LIGHT WORK AS A RESULT OF SEVERE MEDICALLY DETERMINABLE IMPAIRMENT(S)

| Rule         | Age                | Education   | Previous work experience                                  | Decision      |
|--------------|--------------------|---|---|---------------|
| 202.01 ..... | Advanced age ..... | Limited or less .....   | Unskilled or none .....                                   | Disabled.     |
| 202.02 ..... | .....do .....      | .....do .....   | Skilled or semiskilled—skills not transferable.           | Do.           |
| 202.03 ..... | .....do .....      | .....do .....   | Skilled or semiskilled—skills transferable <sup>1</sup> . | Not disabled. |
| 202.04 ..... | .....do .....      | High school graduate or more—does not provide for direct entry into skilled work <sup>2</sup> . | Unskilled or none .....                                   | Disabled.     |
| 202.05 ..... | .....do .....      | High school graduate or more—provides for direct entry into skilled work <sup>2</sup> .         | .....do .....   | Not disabled. |
| 202.06 ..... | .....do .....      | High school graduate or more—does not provide for direct entry into skilled work <sup>2</sup> . | Skilled or semiskilled—skills not transferable.           | Disabled.     |
| 202.07 ..... | .....do .....      | .....do .....   | Skilled or semiskilled—skills transferable <sup>2</sup> . | Not disabled. |

TABLE NO. 2—RESIDUAL FUNCTIONAL CAPACITY: MAXIMUM SUSTAINED WORK CAPABILITY LIMITED TO LIGHT WORK AS A RESULT OF SEVERE MEDICALLY DETERMINABLE IMPAIRMENT(S)—Continued

| Rule   | Age                               | Education   | Previous work experience                        | Decision      |
|--------|-----------------------------------|---|---|---------------|
| 202.08 | .....do                           | High school graduate or more—provides for direct entry into skilled work <sup>2</sup> . | Skilled or semiskilled—skills not transferable. | Do.           |
| 202.09 | Closely approaching advanced age. | Illiterate or unable to communicate in English.   | Unskilled or none                               | Disabled.     |
| 202.10 | .....do                           | Limited or less—at least literate and able to communicate in English.                   | .....do   | Not disabled. |
| 202.11 | .....do                           | Limited or less   | Skilled or semiskilled—skills not transferable. | Do.           |
| 202.12 | .....do                           | .....do   | Skilled or semiskilled—skills transferable.     | Do.           |
| 202.13 | .....do                           | High school graduate or more  | Unskilled or none                               | Do.           |
| 202.14 | .....do                           | .....do   | Skilled or semiskilled—skills not transferable. | Do.           |
| 202.15 | .....do                           | .....do   | Skilled or semiskilled—skills transferable.     | Do.           |
| 202.16 | Younger individual                | Illiterate or unable to communicate in English.   | Unskilled or none                               | Do.           |
| 202.17 | .....do                           | Limited or less—at least literate and able to communicate in English.                   | .....do   | Do.           |
| 202.18 | .....do                           | Limited or less   | Skilled or semiskilled—skills not transferable. | Do.           |
| 202.19 | .....do                           | .....do   | Skilled or semiskilled—skills transferable.     | Do.           |
| 202.20 | .....do                           | High school graduate or more  | Unskilled or none                               | Do.           |
| 202.21 | .....do                           | .....do   | Skilled or semiskilled—skills not transferable. | Do.           |
| 202.22 | .....do                           | .....do   | Skilled or semiskilled—skills transferable.     | Do.           |

<sup>1</sup> See 202.00(f).  
<sup>2</sup> See 202.00(c).

203.00 *Maximum sustained work capability limited to medium work as a result of severe medically determinable impairment(s).* (a) The functional capacity to perform medium work includes the functional capacity to perform sedentary, light, and medium work. Approximately 2,500 separate sedentary, light, and medium occupations can be identified, each occupation representing numerous jobs in the national economy which do not require skills or previous experience and which can be performed after a short demonstration or within 30 days.

(b) The functional capacity to perform medium work represents such substantial work capability at even the unskilled level that a finding of disabled is ordinarily not warranted in cases where a severely impaired person retains the functional capacity to perform medium work. Even the adversity of advanced age (55 or over) and a work history of unskilled work may be offset by the substantial work capability represented by the

functional capacity to perform medium work. However, we will find that a person who (1) has a marginal education, (2) has work experience of 35 years or more doing only arduous unskilled physical labor, (3) is not working, and (4) is no longer able to do this kind of work because of a severe impairment(s) is disabled, even though the person is able to do medium work. (See §404.1562(a) in this subpart and §416.962(a) in subpart I of part 416.)

(c) However, the absence of any relevant work experience becomes a more significant adversity for persons of advanced age (55 and over). Accordingly, this factor, in combination with a limited education or less, militates against making a vocational adjustment to even this substantial range of work and a finding of disabled is appropriate. Further, for persons closely approaching retirement age (60 or older) with a work history of unskilled work and with marginal education or less, a finding of disabled is appropriate.

Social Security Administration

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TABLE NO. 3—RESIDUAL FUNCTIONAL CAPACITY: MAXIMUM SUSTAINED WORK CAPABILITY LIMITED TO MEDIUM WORK AS A RESULT OF SEVERE MEDICALLY DETERMINABLE IMPAIRMENT(S)

| Rule   | Age                                 | Education   | Previous work experience                        | Decision      |
|--------|-------------------------------------|---|---|---------------|
| 203.01 | Closely approaching retirement age. | Marginal or none  | Unskilled or none                               | Disabled.     |
| 203.02 | do                                  | Limited or less   | None  | Do.           |
| 203.03 | do                                  | Limited   | Unskilled                                       | Not disabled. |
| 203.04 | do                                  | Limited or less   | Skilled or semiskilled—skills not transferable. | Do.           |
| 203.05 | do                                  | do  | Skilled or semiskilled—skills transferable.     | Do.           |
| 203.06 | do                                  | High school graduate or more  | Unskilled or none                               | Do.           |
| 203.07 | do                                  | High school graduate or more—does not provide for direct entry into skilled work. | Skilled or semiskilled—skills not transferable. | Do.           |
| 203.08 | do                                  | do  | Skilled or semiskilled—skills transferable.     | Do.           |
| 203.09 | do                                  | High school graduate or more—provides for direct entry into skilled work.         | Skilled or semiskilled—skills not transferable. | Do.           |
| 203.10 | Advanced age                        | Limited or less   | None  | Disabled.     |
| 203.11 | do                                  | do  | Unskilled                                       | Not disabled. |
| 203.12 | do                                  | do  | Skilled or semiskilled—skills not transferable. | Do.           |
| 203.13 | do                                  | do  | Skilled or semiskilled—skills transferable.     | Do.           |
| 203.14 | do                                  | High school graduate or more  | Unskilled or none                               | Do.           |
| 203.15 | do                                  | High school graduate or more—does not provide for direct entry into skilled work. | Skilled or semiskilled—skills not transferable. | Do.           |
| 203.16 | do                                  | do  | Skilled or semiskilled—skills transferable.     | Do.           |
| 203.17 | do                                  | High school graduate or more—provides for direct entry into skilled work.         | Skilled or semiskilled—skills not transferable. | Do.           |
| 203.18 | Closely approaching advanced age.   | Limited or less   | Unskilled or none                               | Do.           |
| 203.19 | do                                  | do  | Skilled or semiskilled—skills not transferable. | Do.           |
| 203.20 | do                                  | do  | Skilled or semiskilled—skills transferable.     | Do.           |
| 203.21 | do                                  | High school graduate or more  | Unskilled or none                               | Do.           |
| 203.22 | do                                  | High school graduate or more—does not provide for direct entry into skilled work. | Skilled or semiskilled—skills not transferable. | Do.           |
| 203.23 | do                                  | do  | Skilled or semiskilled—skills transferable.     | Do.           |
| 203.24 | do                                  | High school graduate or more—provides for direct entry into skilled work.         | Skilled or semiskilled—skills not transferable. | Do.           |
| 203.25 | Younger individual                  | Limited or less   | Unskilled or none                               | Do.           |
| 203.26 | do                                  | do  | Skilled or semiskilled—skills not transferable. | Do.           |
| 203.27 | do                                  | do  | Skilled or semiskilled—skills transferable.     | Do.           |
| 203.28 | do                                  | High school graduate or more  | Unskilled or none                               | Do.           |
| 203.29 | do                                  | High school graduate or more—does not provide for direct entry into skilled work. | Skilled or semiskilled—skills not transferable. | Do.           |
| 203.30 | do                                  | do  | Skilled or semiskilled—skills transferable.     | Do.           |
| 203.31 | do                                  | High school graduate or more—provides for direct entry into skilled work.         | Skilled or semiskilled—skills not transferable. | Do.           |

204.00 *Maximum sustained work capability limited to heavy work (or very heavy work) as a result of severe medically determinable impairment(s).* The residual functional capacity to

perform heavy work or very heavy work includes the functional capability for work at the lesser functional levels as well, and represents substantial work capability for jobs

in the national economy at all skill and physical demand levels. Individuals who retain the functional capacity to perform heavy work (or very heavy work) ordinarily will not have a severe impairment or will be able to do their past work—either of which would have already provided a basis for a decision of “not disabled”. Environmental restrictions ordinarily would not significantly affect the range of work existing in the national economy for individuals with the physical capability for heavy work (or very heavy work). Thus an impairment which does not preclude heavy work (or very heavy work) would not ordinarily be the primary reason for unemployment, and generally is sufficient for a finding of not disabled, even though age, education, and skill level of prior work experience may be considered adverse.

[45 FR 55584, Aug. 20, 1980, as amended at 56 FR 57944, Nov. 14, 1991; 68 FR 51164, Aug. 26, 2003; 73 FR 64197, Oct. 29, 2008]

**Subpart Q—Determinations of Disability**

**AUTHORITY:** Secs. 205(a), 221, and 702(a)(5) of the Social Security Act (42 U.S.C. 405(a), 421, and 902(a)(5)).

**SOURCE:** 46 FR 29204, May 29, 1981, unless otherwise noted.

**GENERAL PROVISIONS**

**§ 404.1601 Purpose and scope.**

This subpart describes the standards of performance and administrative requirements and procedures for States making determinations of disability for the Commissioner under title II of the Act. It also establishes the Commissioner’s responsibilities in carrying out the disability determination function.

(a) Sections 404.1601 through 404.1603 describe the purpose of the regulations and the meaning of terms frequently used in the regulations. They also briefly set forth the responsibilities of the Commissioner and the States covered in detail in other sections.

(b) Sections 404.1610 through 404.1618 describe the Commissioner’s and the State’s responsibilities in performing the disability determination function.

(c) Sections 404.1620 through 404.1633 describe the administrative responsibilities and requirements of the States. The corresponding role of the Commissioner is also set out.

(d) Sections 404.1640 through 404.1650 describe the performance accuracy and processing time standards for measuring State agency performance.

(e) Sections 404.1660 through 404.1661 describe when and what kind of assistance the Commissioner will provide State agencies to help them improve performance.

(f) Sections 404.1670 through 404.1675 describe the level of performance below which the Commissioner will consider a State agency to be substantially failing to make disability determinations consistent with the regulations and other written guidelines and the resulting action the Commissioner will take.

(g) Sections 404.1680 through 404.1683 describe the rules for resolving disputes concerning fiscal issues and providing hearings when we propose to find that a State is in substantial failure.

(h) Sections 404.1690 through 404.1694 describe when and what action the Commissioner will take and what action the State will be expected to take if the Commissioner assumes the disability determination function from a State agency.

[46 FR 29204, May 29, 1981, as amended at 62 FR 38451, July 18, 1997; 71 FR 16445, Mar. 31, 2006; 76 FR 24808, May 3, 2011]

**§ 404.1602 Definitions.**

For purposes of this subpart:

*Act* means the Social Security Act, as amended.

*Class or classes of cases* means the categories into which disability claims are divided according to their characteristics.

*Commissioner* means the Commissioner of Social Security or his or her authorized designee.

*Compassionate allowance* means a determination or decision we make under a process that identifies for expedited handling claims that involve impairments that invariably qualify under the Listing of Impairments in appendix 1 to subpart P based on minimal, but sufficient, objective medical evidence.

*Determination of disability or disability determination* means one or more of the following decisions:

(a) Whether or not a person is under a disability;