

[REDACTED]
CRC, LPC, LSW, ABDA
Vocational Expert

Ph.: [REDACTED] or [REDACTED]

Fax: [REDACTED]

[REDACTED]

RE: Vocational Analysis for SSD Appeal

Social Security #: [REDACTED]

Date of Report: 6/25/13

Dear Ms. [REDACTED]:

Introduction:

This is a preliminary vocational analysis concerning your anticipated SSD Appeal, pending my receipt of both medical records from all treating sources, as well as any residual functional assessments made by any treating medical sources. During our meeting of 6/22/13, you indicated that the SSA did obtain records from all five of your treating medical sources, but you had not received copies. You may wish to ask SSA, to furnish you with a copy of all medical records which they based your denial of SSD benefits upon.

You did share a copy of your SSD denial letter, dated 6/06/13, which was denied upon an initial agency determination level by the [REDACTED], [REDACTED] ODAR Office. The denial letter indicates that this unfavorable decision was based upon a review of medical records, noted, as follows:

1. [REDACTED], D.O., response received, 5/22/13.
2. [REDACTED], M.D., response received, 5/16/13.
3. [REDACTED], D.P.M., response received, 5/10/13.
4. [REDACTED], response received, 5/15/13.
5. [REDACTED], response received, 5/14/13.

I am not aware of what specific records were reviewed by SSA from these treating sources, nor are you to my understanding.

Your SSD denial letter indicated that you have 60 days to request a hearing before an Administrative Law Judge for an appeal. You or your anticipated legal representative needs to complete SSA form, HA-501-U2, a request for a hearing form.

This vocational analysis report, once completed, pending review of medical records/assessments, will accompany your SSD appeal and be presented by your yet to be determined legal representative. Without knowing what restrictions your treating sources have rendered in their medical records, I do not have physician documented restrictions at this time, but do have your own assessment of your capacities. It is also recognized that you did meet the definition of disability by your employer's Long Term Disability Insurance carrier, The Assurant Company, as you are receiving disability payments from this insurance provider currently. In reviewing your policy, I noted that to qualify for disability payments from Assurant you needed to have at least one condition which "prevents you from performing at least one of the material duties of your regular occupation, which in your case was that of an elementary school teacher.

Vocational Analysis:

AGE:

Date of Birth: [REDACTED], with age as of the vocational interview of 6/22/13 being 54, with the claimant to be 55 years of age when she receives a hearing before an ALJ. She would be classified as an individual of "advanced age" per SSD regulation. Individuals of "advanced age" per SSD regulation require alternate work at stage of 5 of a hearing which requires, "very little if any, vocational adjustment required in terms of tools, work processes, work settings, or in the industry". This would thus require Ms. [REDACTED] to be able to return to work in the only job which she has held in the past 15 years, [i.e. in the past 15years], as an elementary school teacher, should she amend her onset date to the age of 55.

The claimant's SSD application was received by the [REDACTED] ODAR Office, via on-line application, on 4/27/13, as she last worked on 9/5/12, as an elementary school teacher for the [REDACTED] School District. She left work on that date due to no longer being able to perform all of the essential functions of her job. The claimant indicated in her SSD application that "My illnesses forced me into disability and retirement way before I had planned". "The classroom environment is no longer a healthy work place for me to be as I am continually being infected by the many illnesses of the students. In my last full teaching year, I contracted severe bronchitis 4 times and after many years of fighting both bronchitis and severe pneumonia my lungs could no longer function and after this school year began I became hospitalized after the first week and was diagnosed with COPD and could not return to the classroom and I have not returned and will not be able to ever go back".

Thus, Ms. [REDACTED] indicates an onset date for SSD of 9/5/13, at the age of 54, which would be classified in SSD terms as "approaching advanced age", which individuals in this age range "being significantly limited in vocational adaptability if they are restricted to sedentary work." SSA regulations indicate that at the age of 54, when individuals "can no longer perform past relevant work and have no transferable skills to sedentary work, that a finding of disability ordinarily" is granted.

Past Relevant Work:

Ms. [REDACTED]'s sole past relevant work was that of an elementary school teacher, DOT #: 092.227-010, classified as light in demand and skilled with an SVP of 7. The claimant also described the physical requirements of her job as light in demand, with standing and walking comprising over 66% of her work day and with occasional lifting of up to 20 lbs., in lifting chairs, film projectors and other educational materials.

With regard to the question of transferable skills, Ms. [REDACTED]'s sole occupation of an elementary school teacher would allow for a certain extent of transferable skills to school teacher positions and also to work in a day care center, with all of these DOT occupations being classified as light in demand and skilled to semi-skilled. There are no transferable skills to sedentary occupations, per the DOT, as well as per her occupational skills. This situation would appear to make Ms. [REDACTED] eligible for SSD benefits relative to Grid Rules, having no transferable skills to sedentary occupations at the age of 54, closely approaching advanced age.

Claimant's Perception of her Limitations:

Ms. [REDACTED] reported that she enjoyed her career as a teacher for over 30 years. She noted that the combination of her conditions, as well as side effects of medication, leave her with the following limitations:

1. COPD: This condition left Ms. [REDACTED] short of breath upon exertion, as well as being exposed to dust, fumes, heat and cold. She noted that the school had issues with its air ventilation system, as well as a roof which needed to be repaired which contributed to dust. Ms. [REDACTED] noted that she needs to take an inhalant twice per day, which causes drowsiness, which causes her to take a daily nap of about 1.5 hours during the afternoon.
2. Acute Asthma: Ms. [REDACTED] noted that she experienced repeated asthmatic symptoms while teaching, which were exacerbated due to contagious conditions brought into the classroom by students. She noted that this condition became exacerbated when working in close proximity to children who were contagious with various respiratory conditions, as well as environmental factors noted above concerning poor quality air/ air contamination.
3. Recurrent Severe Pneumonia: Ms. [REDACTED] noted that this condition was also worsened/ caused by poor air quality at the classroom she was assigned, as well as by contagious respiratory conditions of children in the classroom. This condition has contributed to the claimant's COPD & Asthmatic conditions.
4. Tarsal Tunnel of both feet, which has required podiatric surgery, which she is still under podiatric care & receiving physical therapy, to try to improve her ambulatory capacities. She reports that the podiatric surgery required the implantation of metal pins in both feet. This condition causes foot pain & numbness, limiting the amount of time which Ms. [REDACTED] can be on her feet and requiring her to take pain medication, which has a side-effect of drowsiness. Additionally, Ms. [REDACTED] noted that to assist in pain management

of her feet, that she will elevate her feet, to reduce swelling/ discomfort during the course of a day.

5. The claimant has taken several medications for her various conditions, which in her observation have caused drowsiness, which cause an afternoon nap, as well as difficulty maintaining concentration, persistence & pace. An example is that the claimant noted she tends to either take notes, or have her husband present with her, if his schedule permits. The claimant clearly felt this need concerning the vocational interview conducted on 6/22/13.

Ms. [REDACTED] noted that because of the combinations of her conditions/ symptoms that she has not been able to perform several activities, to include, but not limited to: swimming; using a treadmill; vacation travel; etc.

CONCLUSION:

As a Vocational Expert, I recognize it is an ALJ's responsibility to interpret the Grid Rules. It does appear that the claimant may meet the Grid Rule for disability, should her RFC be accepted as sedentary in function, in advanced age, age 54, at her alleged date of disability on 9/5/12, when he departed employment following a 32 year career as an elementary school teacher, with a skilled work background, with skills not transferable to sedentary occupations, Grid #: 201.06.

In the alternate, the claimant's combination of condition; symptoms; functional limitations and non-exertional issues relating to side effects of medications of drowsiness; fatigue; need to take a daily nap; and reduced concentration, persistence & pace would reduce the claimant's RFC to less than sedentary, to accurately portray her ability in function in the competitive labor market on a full-time, 40 hours per week basis.

All opinions rendered are done so with a reasonable degree of vocational certainty and as a Vocational Expert, Region II, for the past 13 years.

I await medical records and hopefully RFC assessments from treating sources in order to finalize my report.

Sincerely,

[REDACTED] G. [REDACTED],
CRC, LPC, LSW, ABDA
Ph.: [REDACTED]