

[REDACTED]

Re: [REDACTED]

Our File No.: 1359

Dear Attorney [REDACTED],

I am in receipt of your letter of [REDACTED] concerning your client, Mr. [REDACTED], who was denied long-term disability benefits by the [REDACTED]. In this regard, I have reviewed the documents which you forwarded me, as follows:

1. Disability Statement of [REDACTED];
2. Denial letter of [REDACTED];
3. Occupational Analysis by [REDACTED];
4. Neuropsychological Testing Report by Dr. [REDACTED];
5. Peer Review by Dr. [REDACTED], and
6. Records summary of Dr. [REDACTED].

1. **Disability Statement of Mr. [REDACTED], [REDACTED]:**

- Mr. [REDACTED] worked as a Vice President of Commercial Loans, [REDACTED] in [REDACTED].
- Duties included:
  - Develop/expand relationships with bank customers to provide commercial loans and to expand existing referral sources (lawyers, real estate agents, and influential customers in local community). To develop new customer relationships through marketing and promotions. To perform "cold-calling" and participate in marketing activities.
  - To perform portfolio maintenance activities to satisfy existing customers.
  - Perform credit-review functions to include reviewing customers' credit histories in preparation for business loans.
  - Perform loan-approval functions and coordinate efforts with other bank departments; prepare loan presentations for approval or disapproval and confer with bank management staff and board of directions if necessary.
  - To prepare all documentation necessary for commercial loans and review with internal staff and external legal counsel as needed.
  - To prepare periodic audits and address all deficiencies; to prepare ongoing management reports concerning new business developments and updating customer financial information.
  - To manage special external projects, to include; cross-selling investment services and adhere to regulatory standards.

- Exertional requirements included frequently working from 8am to 7pm; using a computer for extended periods of time; occasional lifting of files and boxes from 5 to 25lbs; driving to visit customers up to 50 miles in any one direction.
- Cognitive requirements of the job included analysis, concentration, short- and long-term memory, communication with others, organizing and performing multiple tasks on a timely basis, and sustaining attention to task while fielding interruption from staff, bank regulators, and others.
- **Post Heart Attack Issues:**

- [REDACTED] began working for [REDACTED] in [REDACTED] and for [REDACTED], beginning in [REDACTED], when [REDACTED] purchased [REDACTED]. Prior to his heart attacks, he generated new loans ranging from \$5 million to \$15 million per year. Mr. [REDACTED] was cautioned by his internal medicine physician, Dr. [REDACTED], against returning to work in [REDACTED]. Dr. [REDACTED] had registered Mr. [REDACTED] with the NJMVC to obtain a handicapped parking certificate for his vehicle. In returning to work in [REDACTED], Mr. [REDACTED] initially did not use the certificate and used stairs and carried his own files in an effort to improve his physical capacities.
- Mr. [REDACTED] physical capacities did not improve, and he needed to use an elevator more often and e-mailed coworkers, versus walking 30 feet to their office to speak with them. He “began dozing off when driving”, resulting in two MVAs in [REDACTED]. He also began to close his office door to rest during lunch, and other periods during the day. He also began avoiding customer calls, visits, and inspections.
- Mr. [REDACTED]’ condition caused a downward business trend in his job, resulting in booking no new loans from [REDACTED] through [REDACTED]. His customer satisfaction deteriorated, complaints increased, and referrals were dropped. He became increasingly confused, and unable to function with the “pressure to perform becoming overwhelming”.
- After consulting with cardiologist Dr. [REDACTED] and internist Dr. [REDACTED], Mr. [REDACTED] gave notice that he was no longer able to continue his duties as a commercial loan officer in [REDACTED].
- Mr. [REDACTED] described his current symptoms to include; lack of stamina, chronic fatigue, memory difficulties, and difficulty standing/walking more than a few minutes, anxiety, and difficulty learning new tasks, and being nervous while driving.

2. **Summary of Records of Dr. [REDACTED]:**

- Mr. [REDACTED] began treating with Dr. [REDACTED] in [REDACTED] for cardiac issues, with Mr. [REDACTED] requiring the insertion of a cardiac stent on an emergency basis on [REDACTED]. He required an emergency diagnostic catheterization on [REDACTED], having suffered another heart attack earlier that day. He also suffered from chronic leg problems and required cardiac rehab.
- In [REDACTED], Mr. [REDACTED] was treated for high cholesterol and testing of a battery for his cardiac pacemaker. On [REDACTED], Dr. [REDACTED] found Mr. [REDACTED] to have memory deficits, sleeplessness, and anger.
- In [REDACTED], Dr. [REDACTED] found Mr. [REDACTED] to have shortness of breath, heartburn, dysuria, arthralgia, epilepsy, anxiety, anemia, and weakness.
- In [REDACTED], Dr. [REDACTED] noticed continued shortness of breath and other cardiac issues. In [REDACTED], Dr. [REDACTED] found increased cholesterol, a decline in Mr. Davis’ memory, and increased blood pressure.
- In [REDACTED], Dr. [REDACTED] continued to find shortness of breath, dizziness, and fatigue, as well as persistent cognitive impairment and poor memory.

- In [REDACTED], Dr. [REDACTED] found continued shortness of breath, dizziness, lightheadedness, leg pain, fatigue, and decreased activity.

### 3. **Results of Neuropsychological Evaluation:**

- On [REDACTED], Mr. [REDACTED] was examined by [REDACTED], Ph.D., Neuropsychologist, for cognitive evaluation. Dr. [REDACTED] traced Mr. [REDACTED]' cognitive decline back to [REDACTED], when he sustained multiple injuries in an MVA. This accident caused severe concussion and multiple traumas. As a result of the injuries and reduced activity Mr. [REDACTED] developed obesity and hypertension.
- Mr. [REDACTED] presented for the neuropsychological exam using a cane for ambulation, with slow movement, being in discomfort, clearly fatigued and only able to work at a slow rate. His response to the Validity Indicator Profile was found to be "valid and compliant".
- Results of the neuropsychological testing given included difficulty with attention and concentration, perseverance, visual and auditory attention, attention span, and demonstrated "significant elevations for anxiety and depression, coupled with multiple somatic complaints". He exhibited impairments in attention/concentration, processing speed, and reasoning and was subject to distraction and prone to attention lapses. He had difficulty sustaining focus, in particular to visual scanning, which was remarkably poor. His processing speed was "essentially nonfunctional", as testing results indicated that "95% of the population is able to process faster".
- He exhibited reasoning lapses and cognitive rigidity and was not able to creatively problem-solve and became "stuck and at a loss as to how to proceed". Dr. [REDACTED] concluded that "overall, as a result of his physical and cognitive limitations, it is evident that Mr. [REDACTED] is unable to continue to work".

### 4. **Occupational Analysis complied by the [REDACTED]:**

- This "occupational analysis" was performed by an employee of the [REDACTED] and not by an independent vocational examiner. Further, this "report" was mostly what appeared to be in-house case notes for the claims examiner's use. The writer appeared to be a [REDACTED], whose background is not clear to this Vocational Expert.
- There is notation that the [REDACTED] did not have a copy of Mr. [REDACTED]'s job description from his employer, thus their occupational analysis was dependent upon limited information included from the Dictionary of Occupational Titles. The last time the DOT updated the Commercial Loan Officer, DOT # 186.267-018, was in [REDACTED], [REDACTED]. Thus, the current practice of this position has changed relative to technology, regulatory and competition practices. Thus this position arguably is more complex in [REDACTED] than it was in [REDACTED].
- The **DOT Essential Duties** include interviewing applicants, examining and evaluating and authorizing (or recommending) approval of applications for lines (or extensions) of credit, commercial loans, real estate loans, consumer credit loans, or credit card accounts. Tasks include;
  - Interviewing applicants and requesting specified information for loan application.
  - Analyzing applicant financial status, credit, and property evaluation to determine feasibility of loan-grant or submitted application to credit analyst.
  - Corresponding with, or interviewing, applicant or creditors to resolve questions regarding application information.
  - Approving loan within specified limits or referring loan to loan committee for approval.
  - Ensuring loan agreements are complete and accurate according to company policy.

- The **DOT Physical Demands**: sedentary, with frequent reaching and handling; constant talking, hearing and near acuity; and occasional fingering.
- The **DOT Environmental Demands** require a quiet space.
- **DOT Non-Exertional Requirements** include; dealing with people, making judgments and decisions, analyzing, speaking-signaling.
- This Vocational Expert would note that this position is classified as Skilled by the DOT, with a Specific Vocational Preparation, [SVP] of 7 on a scale of maximum skill of 9. This reflects training and/or experience of 2-4 years. The General Education Scale is Reasoning Level 5; Math Level 4 & Language Level 4, on a scale of maximum complexity of 6.

5. **Peer Review Report:**

The [REDACTED] had Dr. [REDACTED], Internist with a Sub-Specialty in Cardiology, but **not** a Board Certified Cardiologist, to my awareness, perform what was termed a "peer review" of the medical treatment which Mr. [REDACTED] has received from his Cardiologist, Dr. [REDACTED] and his Internist, Dr. [REDACTED], dated [REDACTED]. This document indicates, in summary, that:

- Dr. [REDACTED] spoke to Dr. [REDACTED] on [REDACTED], with Dr. [REDACTED] indicating that Mr. [REDACTED] suffers from ischemic cardiomyopathy, poor stamina, and cognitive dysfunction "which is the result of an ischemic encephalopathy associated with a survived cardiac arrest".
- It was noted that Mr. [REDACTED]' "primary impairment is related to cognitive dysfunction associated with an ischemic encephalopathy; this has prevented him from resuming his work as a bank officer".
- Dr. [REDACTED] spoke with Mr. [REDACTED]' Internist, Dr. [REDACTED], on [REDACTED], at which time Dr. [REDACTED] indicated that he perceives Mr. [REDACTED] as being "totally disabled from a cognitive standpoint, due to suffering from progressive memory loss, dementia, anoxia, and the ability to concentrate".
- Dr. [REDACTED] also referenced Mr. [REDACTED]' loss of balance, as well as "blackouts". Dr. [REDACTED] indicated Mr. [REDACTED] has limitations, as follows;
  - He becomes breathless on exertion walking ¼ of a block.
  - Cannot sit, stand, or walk more than occasionally.
  - Cannot lift, push, or pull 10 pounds.
- Dr. [REDACTED] indicated that he has been Mr. [REDACTED]' primary care physician for many years and that "after he survived the cardiac arrest associate with his infarct, he was never the same from the cognitive standpoint" and is no longer capable of performing his duties as a commercial loan officer due to "loss of cognitive/intellectual function associated with an anoxic encephalopathy".
- Dr. [REDACTED]' review of records revealed that Mr. [REDACTED] is a [REDACTED]-year old former commercial loan officer who sustained a myocardial infarction in [REDACTED] and an "in-stent thrombosis which resulted in a second infarct associated with Sudden Cardiac Death (SCD) from which he was resuscitated. This resulted in a nine-day secondary to an anoxic encephalopathy".
- Dr. [REDACTED]' review of records indicate that Mr. [REDACTED] is currently experiencing "ataxis, memory loss, loss of concentration, dyspnea. His family physician indicated that the neurologic symptoms which he also indicated included dementia that is progressive".
- [REDACTED] issued a [REDACTED] by Dr. [REDACTED] on [REDACTED] that issued the following restrictions;
  - No standing greater than 3 minutes.
  - No weight lifting greater than 10 pounds.
  - Unable to return to work even with restrictions.
- Dr. [REDACTED] issued a [REDACTED] documenting the following:

- Complaints of dyspnea.
- Confusion.
- Noted chest pain, rales on physical exam and confusion.
- Stated “totally disabled”.

6. **LTD Denial Letter:**

- The [REDACTED] issued Mr. [REDACTED] a denial of eligibility for LTD benefits on [REDACTED], on the grounds of allegedly not meeting the policy definition of disability, despite his having been granted STD benefits. This denial was issued by [REDACTED], Senior Claim Analyst, based on the [REDACTED]’s position that Mr. [REDACTED] is able to perform the essential duties of his occupation as a commercial loan officer as of [REDACTED].
- The [REDACTED] indicates that the LTD policy definition of disability is defined as:
  - **“Disability or Disabled** means you are prevented from performing one or more of the Essential Duties of;
    1. Your Occupation during the Elimination Period;
    2. Your Occupation, for the 2 year(s) following the Elimination Period, and as a result Your Current Monthly Earnings are less than 80% of Your Indexed Pre-disability Earnings; and
    3. After that, Any Occupation.”

Based upon the assessments of both of Mr. [REDACTED]’ treating physicians, as well as that of neuropsychologist, Dr. [REDACTED], Mr. [REDACTED] is not capable of performing his prior job as a Commercial Loan Officer, due to cognitive impairments, as well as from a physical capacities perspective due to inability of performing any work on a full-time basis, due to fatigue, inability to maintain persistence and pace for an 8 hour day, etc.

The [REDACTED]’s LTD policy language, per the denial letter indicates that:

**“Your Occupation** means Your Occupation as it is recognized in the general workplace. Your Occupation does not mean the specific job you are performing for a specific employer or at a specific location.

“On page 20 of the policy:

**“Essential Duty** means a duty that:

1. is substantial, not incidental;
2. is fundamental or inherent to the occupation; and
3. Cannot be reasonably omitted or changed.”

“Your ability to work the number of hours in your regularly scheduled work week is an Essential Duty.”

The [REDACTED]’s Denial Letter’s depiction of Mr. [REDACTED]’ job as a Commercial Loan Officer, per the DOT, involves:

“The DOT Essential Duties include interviewing applicants, examining and evaluating and authorizing (or recommending) approval of applications for lines (or extensions) of credit, commercial loans, real estate loans, consumer credit loans, or credit card accounts. Tasks include;

- Interviewing applicants and requesting specified information for loan application.
- Analyzing applicant financial status, credit, and property evaluation to determine feasibility of loan-grant or submitted application to credit analyst.
- Corresponding with, or interviewing, applicant or creditors to resolve questions regarding application information.
- Approving loan within specified limits or referring loan to loan committee for approval.
- Ensuring loan agreements are complete and accurate according to company policy.”

These “essential duties” involve the GED Analysis earlier described by the DOT, as well as being classified as skilled, with an SVP of 7 and thus in my understanding as a Vocational Expert since [REDACTED], would not be possible for Mr. [REDACTED] to perform, per:

- Mr. [REDACTED]’ written statement of his cognitive impairments.
- The results of my vocational interview with Mr. [REDACTED], as earlier detailed, [e.g. he failed the series 7 math oral test.]
- The results of neuro-psychologist, Dr. [REDACTED]’s examination and testing.
- The assessment of Mr. [REDACTED]’ two treating physicians.

**7. Telephonic Vocational Interview with Mr. [REDACTED]:**

On [REDACTED], this Vocational Expert conducted a telephonic vocational interview with Mr. [REDACTED].

The results of this interview yielded the following results:

- Mr. [REDACTED] confirmed his written description of his position as a Commercial Loan Officer, dated, [REDACTED] as being accurate.
- Mr. [REDACTED], currently age [REDACTED], noted that his job as a Commercial Loan Officer, required a substantial amount of multi-tasking, consistent with how the DOT describes this position. He indicated that following his second heart attack and his return to work, that he noticed several issues which impacted his ability to perform his complex job, as he previously performed it.
- Specific points noted by Mr. [REDACTED] included:
  - Mr. [REDACTED] found that his short term memory loss caused failures to maintain necessary follow-up with customers and referral sources. This caused alienation of these critical individuals to which he was providing banking services to.
  - Mr. [REDACTED] noted that he made several efforts to adjust to his memory loss, by using reminders with his computer, “to mask the problems”, but despite these efforts, he would have difficulty performing tasks on a timely and accurate basis. He noted that this was also noticed by co-workers, management and customers.
  - Mr. [REDACTED] noted that in addition to cognitive issues affecting his job performance, that from a physical perspective, he became fatigued easily, even in his sedentary job. He found himself taking a nap in his office during lunch periods, as well as was found asleep in his office during the course of the workday. This lead to co-workers closing his office door, “to prevent his naps from becoming obvious to others”.
  - Mr. [REDACTED] noted that at this time he finds himself fatigued during the day and napping on most days for 1-2 hours. He indicated that he is required to use a C-PAP devise to sleep, along with an Oxygen Concentrator.
  - He noted that he is unable to stay active for more than 1-2 hours at a time. He finds it impossible to maintain concentration on a television program for an hour and recall the information dealt with in the program. He noted that his wife frequently brings this to his attention. He noted that his wife takes most responsibility of the management of the

household, including balancing their bank checkbook, performing necessary bill paying, etc. Mr. [REDACTED] noted that he now limits his driving to about 5 minutes, partially due to the cognitive and physical demands of operating a car.

- When asked to perform serial 7 series subtraction, he struggled to be able to respond to the 2<sup>nd</sup> operation of 93 minus 7, taking about 45 seconds to formulate a response. Given his background in banking this response was significant in the opinion of this Vocational Expert.
- When asked if he believed he would be capable of independent living, should he become widowed, Mr. [REDACTED] noted that he and his wife have discussed this issue and that he would plan to live with one of his siblings, as he does not feel confident that he could live independently, due to his memory problems, difficulty maintaining concentration, attention to detail, fatigue, fears in driving, etc.
- Mr. [REDACTED] noted that he no longer has any organized hobbies, involvement in any community organizations, has limited conversation with others, as he has found himself having difficulty maintaining concentration during the course of conversations, etc.

#### 8. Spousal Statement;

A review of Mr. [REDACTED]'s spousal statement from his wife of [REDACTED] years revealed the following vocationally pertinent information;

- In [REDACTED], Mr. [REDACTED] was the victim of an MVA when a car failed to stop and hit the motorcycle which he was riding, causing multiple injuries and a "severe coma".
- Following the MVA of [REDACTED], Mr. [REDACTED] began to gain weight, lose mobility, and became more sedentary.
- Mrs. [REDACTED] noted that her husband "loved being a loan officer" and also enjoyed driving to and from work.
- Following a heart attack, Mr. [REDACTED] was in a coma for approximately [REDACTED] days and became weak, confused, and wasn't able to get out of bed. Despite the severity of these symptoms, Mr. [REDACTED] insisted upon returning to work in [REDACTED] despite concerns of his cardiologist Dr. [REDACTED], and his primary care physician Dr. [REDACTED].
- By [REDACTED], Mr. [REDACTED] was diagnosed with sleep apnea in addition to his cardiac condition and required a C-PAP machine and oxygen concentrator.
- Upon returning to work in [REDACTED], Mr. [REDACTED] initially thought he was doing a "good job" but by [REDACTED], he realized that the quality of his work had deteriorated. By [REDACTED], Mr. Davis realized that customer complaints were becoming a problem and he was having difficulty with his daily commute to work.
- By [REDACTED], Mr. [REDACTED] accepted that he was no longer able to perform his job adequately due to both cognitive impairments and physical issues related to inability to maintain persistence and pace as a Commercial Loan Officer.

#### **CONCLUSION:**

There are several reasons which lead this Vocational Expert to the firm conclusion that Mr. [REDACTED] is clearly not capable of performing the essential functions of his prior job as a Commercial Loan Officer, a very skilled, complex and cognitively demanding position, which is very competitive in the [REDACTED] labor market, as has been documented by both Mr. [REDACTED]'s written report, as well as by my vocational

interview with him, as well as by experience as a Vocational Expert. These reasons include many of the reasons which have been reported throughout the body of this report, which include, but are not limited to:

1. The DOT details the Commercial Loan Officer GED Analysis, as follows:
  - **GENERAL EDUCATIONAL DEVELOPMENT:** R = 5; M = 4; L = 4 (DATA SOURCE: U.S. Dept. of Labor, Dictionary of Occupational Titles Fourth Edition, Revised.)
    - **Reasoning Skills** (GED-R-5)
      - Apply principles of logical or scientific thinking to define problems, collect data, establish facts, and draw valid conclusions. Interpret an extensive variety of technical instructions, in books, manuals, and mathematical form. Deal with several abstract and concrete variables.
    - **Mathematical Skills** (GED-M-4)
      - **Algebra:** Deal with system of real numbers; linear, quadratic, rational, exponential; logarithmic, angle, and circular functions, and inverse functions; related algebraic solution of equations and inequalities; limits and continuity, and probability and statistical inference.
      - **Geometry:** Deductive axiomatic geometry, plane and solid; and rectangular coordinates.
      - **Shop math:** Practical application of fractions, percentages ratio and proportion, mensuration, logarithms, slide rule, practical algebra, geometric constructions, and essentials of trigonometry.
    - **Language Skills** (GED-L-4)
      - **Reading:** Read novels, poems, newspapers, periodicals, journals, manuals, dictionaries, thesauruses, and encyclopedias.
      - **Writing:** Prepare business letters, expositions, summaries, and reports, using prescribed format, and conforming to all rules of punctuation, grammar, diction, and style.
      - **Speaking:** Participate in panel discussions, dramatizations and debates. Speak extemporaneously on a variety of subjects.

This description of the demands of Mr. [REDACTED]' job is clearly inconsistent with the results of the neuro-psychological exam conducted by [REDACTED], Ph.D, as well as the results of my interview with Mr. [REDACTED], and the assessments of both of his treating physicians.

The O'Net indicates the position of a Loan Officer as Code 13-2072, described as involving the following tasks:

- Analyze applicants' financial status, credit, and property evaluations to determine feasibility of granting loans.
- Obtain and compile copies of loan applicants' credit histories, corporate financial statements, and other financial information.
- Meet with applicants to obtain information for loan applications and to answer questions about the process.
- Explain to customers the different types of loans and credit options that are available, as well as the terms of those services.
- Review loan agreements to ensure that they are complete and accurate according to policy.

- Approve loans within specified limits, and referring loan applications outside those limits to management for approval.
- Handle customer complaints and take appropriate action to resolve them.
- Stay abreast of new types of loans and other financial services and products to better meet customers' needs.
- Review and update credit and loan files.
- Submit applications to credit analysts for verification and recommendation.

These tasks are consistent with Mr. [REDACTED]' description of his responsibilities and involve detailed and complex tasks, which also require multi-tasking.

Additionally, the O'Net indicates that work activities involved in the Loan Officer position include:

- **Getting Information** — Observing, receiving, and otherwise obtaining information from all relevant sources.
- **Establishing and Maintaining Interpersonal Relationships** — Developing constructive and cooperative working relationships with others, and maintaining them over time.
- **Making Decisions and Solving Problems** — Analyzing information and evaluating results to choose the best solution and solve problems.
- **Interacting With Computers** — Using computers and computer systems (including hardware and software) to program, write software, set up functions, enter data, or process information.
- **Processing Information** — Compiling, coding, categorizing, calculating, tabulating, auditing, or verifying information or data.
- **Organizing, Planning, and Prioritizing Work** — Developing specific goals and plans to prioritize, organize, and accomplish your work.
- **Performing for or Working Directly with the Public** — Performing for people or dealing directly with the public. This includes serving customers in restaurants and stores, and receiving clients or guests.
- **Updating and Using Relevant Knowledge** — Keeping up-to-date technically and applying new knowledge to your job.
- **Communicating with Persons Outside Organization** — Communicating with people outside the organization, representing the organization to customers, the public, government, and other external sources. This information can be exchanged in person, in writing, or by telephone or e-mail.
- **Communicating with Supervisors, Peers, or Subordinates** — Providing information to supervisors, co-workers, and subordinates by telephone, in written form, e-mail, or in person.

These work activities are also consistent with Mr. [REDACTED]' work activities and responsibilities and require detailed and complex tasks, which are incongruent with Mr. [REDACTED]' current cognitive capacities, per the results of the neuro-psychological evaluation, treating physician opinions and Mr. and Mrs. [REDACTED]' observations of Mr. [REDACTED]' capacities.

2. It was noted by this vocational expert, that Dr. [REDACTED] deemed Mr. [REDACTED] as “totally disabled and currently unable to perform sedentary work on a full time basis. He has memory loss, dementia and arteriosclerotic heart disease. He is forgetful, unable to concentrate and unable to balance properly”.

3. The results of the neuro-psychological evaluation with [REDACTED], PhD indicated that Mr. [REDACTED], “exhibited impairments in attention/concentration, processing speed, and reasoning and was subject to distraction and prone to attention lapses. He had difficulty sustaining focus, in particular to visual scanning, which was remarkably poor. His processing speed was “essentially nonfunctional”, as testing results indicated that “95% of the population is able to process faster”.
4. Mr. [REDACTED]’ medical records pertaining to his two heart attacks, Sudden Cardiac Death, and nine-day coma second to anoxic encephalopathy, would clearly suggest resulting cognitive impairment, which again appears to be discounted by Dr. [REDACTED]. Also discounted are Mr. [REDACTED]’ documented difficulty with stamina; fatigue; needing to take rest breaks; difficulty maintaining persistence and pace, required in all jobs in the competitive labor market and certainly evident in his prior job as a Commercial Loan Officer. Additionally, it is significant to recognize that:
  - In [REDACTED], Mr. [REDACTED] had his first heart attack and subsequently had his second heart attack in [REDACTED], requiring a stent, which collapsed a week later, with a medically induced coma required for [REDACTED] days and a replacement stent. This was followed by a blood clot, affecting his r. knee. These conditions required admission to the [REDACTED], with his conditions then requiring C-PAP, since that time.
  - Following extensive recuperation, he was determined to return to work in [REDACTED], on a part-time basis, when he recognized that his conditions caused a decline in his ability to perform complex work as well as he was previously able to. He began having attention lapses, ‘dozing off at work”, driving past exits on highways and losing gaps of time.
5. Both Mr. and Mrs. [REDACTED]’ description of Mr. [REDACTED]’ cognitive decline and physical impairments related to fatigue, difficulty maintaining persistence and pace, and inability to maintain focus in an eight-hour workday, all reflect Mr. [REDACTED]’ inability to perform the essential functions of his prior job as a Commercial Loan Officer, as well as in this vocational experts’ assessment any full-time position in the competitive labor market.

All opinions expressed in this report were done so with a reasonable degree of vocational certainty and based upon my education and experience since [REDACTED] as a vocational expert. I reserve the right to furnish an addendum report, should additional information becomes available for my review.

Respectfully Submitted,

Victor G. Alberigi,  
CRC, CDMS, LPC, ABDA, ABVE-A