
**OFFICE OF
THE INSPECTOR GENERAL**

SOCIAL SECURITY ADMINISTRATION

**JOB INFORMATION USED IN THE
SOCIAL SECURITY ADMINISTRATION'S
DISABILITY CLAIMS ADJUDICATION PROCESS**

November 2010

A-01-10-21024

**MANAGEMENT
ADVISORY REPORT**



Mission

By conducting independent and objective audits, evaluations and investigations, we inspire public confidence in the integrity and security of SSA's programs and operations and protect them against fraud, waste and abuse. We provide timely, useful and reliable information and advice to Administration officials, Congress and the public.

Authority

The Inspector General Act created independent audit and investigative units, called the Office of Inspector General (OIG). The mission of the OIG, as spelled out in the Act, is to:

- Conduct and supervise independent and objective audits and investigations relating to agency programs and operations.
- Promote economy, effectiveness, and efficiency within the agency.
- Prevent and detect fraud, waste, and abuse in agency programs and operations.
- Review and make recommendations regarding existing and proposed legislation and regulations relating to agency programs and operations.
- Keep the agency head and the Congress fully and currently informed of problems in agency programs and operations.

To ensure objectivity, the IG Act empowers the IG with:

- Independence to determine what reviews to perform.
- Access to all information necessary for the reviews.
- Authority to publish findings and recommendations based on the reviews.

Vision

We strive for continual improvement in SSA's programs, operations and management by proactively seeking new ways to prevent and deter fraud, waste and abuse. We commit to integrity and excellence by supporting an environment that provides a valuable public service while encouraging employee development and retention and fostering diversity and innovation.



SOCIAL SECURITY

MEMORANDUM

Date: November 30, 2010

Refer To:

To: The Commissioner

From: Inspector General

Subject: Job Information Used in the Social Security Administration's Disability Claims Adjudication Process (A-01-10-21024)

OBJECTIVE

The objective of our review was to assess the Social Security Administration's (SSA) plans for developing an occupational information system (OIS) designed specifically for its disability adjudication process.

BACKGROUND

SSA provides Disability Insurance and Supplemental Security Income disability benefits to eligible individuals under Titles II and XVI of the *Social Security Act* (Act).¹ An adult is considered disabled under the Act if he or she is unable to engage in substantial gainful activity (SGA) because of a medically determinable physical or mental impairment that can be expected to result in death or has lasted, or can be expected to last, for a continuous period of not less than 12 months.²

An individual shall be determined to be under a disability only if his physical or mental impairment(s) are so severe that he is not able to do his previous work. Further, he cannot, considering his age, education, and work experience, engage in any other kind of SGA that exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, a specific job vacancy exists for him, or he would be hired if he applied.³

¹ The Act §§ 201 *et seq.* and 1601 *et seq.*, 42 U.S.C. §§ 401 *et seq.* and 1381 *et seq.*

² The Act §§ 216(i)(1), 223(d)(1), and 1614(a)(3), 42 U.S.C. §§ 416(i)(1), 423(d)(1), and 1382c(a)(3). See also 20 C.F.R. §§ 404.1505 and 416.905. These sections of the Act also provide a separate definition of blindness for adults.

³ "Work which exists in the national economy" means work that exists in significant numbers either in the region where such individual lives or in several regions of the country. The Act §§ 223(d)(2)(A) and 1614 (a)(3)(B), 42 U.S.C. §§ 423(d)(2)(A) and 1382c(a)(3)(B).

SSA has a five-step sequential evaluation process for evaluating disability for adults, which follows the definition of disability in the Act.⁴ (See Appendix C for more information.) SSA requires occupational information to determine whether an individual's impairment prevents the individual from doing not only his or her past work, but also any work in the national economy. Hence, for many claims, the Agency's sequential evaluation process relies, fundamentally, on a comparison between what a person can do despite the effects of an impairment⁵ and what work requires.⁶

Following a series of judicial and congressional challenges in the early 1960s,⁷ SSA began using the *Dictionary of Occupational Titles* (DOT),⁸ among other things, to evaluate adult disability claims and has done so ever since.⁹ SSA uses the occupational descriptions in the DOT to determine whether a claimant can do his or her past work as it is usually performed in the national economy or to find other occupations he or she could do based on his or her medical-vocational profile. The Agency used occupational information in over 60 percent of all initial and reconsideration disability determinations in Calendar Years 2007 through 2009. (See Appendix C for additional information on the number of claims in which occupational information was used in the determination.)

The Department of Labor (DoL) initially developed the DOT in 1939, and it contains descriptions of thousands of occupational titles. Trained occupational analysts gathered this information by visiting work sites, interviewing job incumbents, and observing them at work. DoL instructed the analysts to follow standardized procedures when observing and interviewing job incumbents and creating descriptions using a common format.

While minor revisions were made in 1991, the DOT's last major revision was in 1977, and DoL has no plans to update it again—even though the jobs that exist in the national

⁴ 20 C.F.R. §§ 404.1520 and 416.920.

⁵ 20 CFR §§ 404.1508, 404.1511 and 416.908, 416.911(a)(1).

⁶ 20 CFR §§ 404.1520 and 416.920.

⁷ See, for example, *Kerner v. Fleming*, 283 F.2d 916 (2nd Circuit, 1960) and *Rinalidi v. Ribicoff*, 305 F.2d 548 (2nd Circuit, 1962) and Harrison Subcommittee Report, Preliminary Report to the Committee on Ways and Means (U.S. House of Representatives, 1960), pp. 17-20.

⁸ See U.S. Department of Labor, *Dictionary of Occupational Titles*, Fourth Edition, Revised 1991, available at: <http://www.oalj.dol.gov/libdot.htm>.

⁹ The Agency also uses vocational experts and vocational specialists as sources of occupational evidence in certain cases.

economy have significantly changed since then.¹⁰ For example, such jobs as Web designer did not exist until after the 1970s. Conversely, some common jobs in the 1970s have dramatically declined, such as gas station attendants responsible for pumping gas—who have been replaced by self-service gas stations.¹¹ DoL has replaced the DOT with the Occupational Information Network (O*NET).¹² While O*NET contains current information on occupations (including Web designer and gas station attendants), it does not provide the data the Agency needs to adjudicate disability claims. SSA evaluated O*NET and found that it was not suited to disability evaluation.

Some stakeholders consider SSA's initiative to design and implement its own OIS to be the most important policy matter addressed by SSA in more than 30 years. The Commissioner of Social Security, speaking at the National Association of Disability Representatives' Social Security Law Conference in April 2010, stated that this project is estimated to take 4 years and cost about \$100 million.¹³

To conduct this review, we attended public meetings on the OIS, interviewed SSA staff, and gathered and reviewed information on the Agency's efforts to develop an OIS designed specifically for its disability adjudication process.

RESULTS OF REVIEW

Based on information available as of July 2010, SSA's strategy to develop an OIS designed specifically for its disability adjudication process appears reasonable. The DOT no longer represents all jobs in the national economy because it has not been updated in almost 20 years. Additionally, neither the DOT nor O*NET was designed to be used for SSA's disability adjudication process.

The Agency researched these issues—determined that available occupational information systems did not meet its requirements—and decided to create a new OIS tailored specifically for use in its disability programs, rather than modify the DOT or O*NET systems. SSA determined that modifying O*NET would require fundamentally changing its underlying organization, identifying elements required for disability

¹⁰ SSA, Occupational Information Development Advisory Panel, *Content Model and Classification Recommendations for the Social Security Administration Occupational Information System*, p. 21—available at: <http://www.socialsecurity.gov/oidap/Documents/Occupational%20Information%20Development%20Advisory%20Panel.pdf>.

¹¹ In Oregon and New Jersey, by State law, gas stations must use attendants exclusively to pump gas for customers. Failure to do so can result in a monetary penalty for the gas station owner, the attendant, and the customer.

¹² Id., p. 9.

¹³ SSA stated the project timeframe and cost estimates mentioned by the Commissioner were preliminary. Once the Agency completes a feasibility study in Fiscal Year 2011, it will have a more accurate estimate of the timeframes and costs for the project.

examiners to make decisions, testing of those elements, developing an instrument to conduct data collection, and validating results—all steps required in creating a new OIS.

SSA formed an advisory panel for professional advice in developing an OIS. The panel delivered its recommendations in September 2009 and concurred with the Agency's need to create a new OIS rather than update the DOT or modify the O*NET. As the OIS project transitioned into the research and development phase, SSA requested further advice and asked the panel to review reports that may affect or inform its work on the OIS. In June 2010, the advisory panel issued its findings after review of the National Academy of Sciences (NAS) report on O*NET. Additionally, SSA

- formed an internal cross-component workgroup;
- is coordinating its efforts with other Federal agencies;
- plans to conduct studies on the best methods for collecting, aggregating, and using vocational information in its disability adjudication process;
- is conducting outreach to stakeholders; and
- plans to incorporate suggestions and feedback from the advisory panel and other stakeholders.

THE OCCUPATIONAL INFORMATION DEVELOPMENT ADVISORY PANEL

To begin developing an OIS, the Commissioner of Social Security established the Occupational Information Development Advisory Panel (OIDAP) under the provisions of the *Federal Advisory Committee Act* (FACA) in December 2008.¹⁴ (See Appendix D for OIDAP's Charter.) OIDAP's mission is to provide independent advice and recommendations on plans and activities to replace the DOT used in SSA's disability determination process. Advice and recommendations relate to SSA's disability programs in the following areas:

- medical and vocational analysis of disability claims;
- occupational analysis, including definitions, rating and capture of physical and mental/cognitive demands of work, and other occupational information critical to SSA's disability programs;
- data collection;
- use of occupational information in SSA's disability programs; and
- any other area(s) that would enable SSA to develop an occupational information system suited to its disability programs and improve the medical-vocational adjudication policies and processes.¹⁵

¹⁴ In accordance with FACA and other applicable laws, the OIDAP meetings are open to the public; due notice of its meetings are published in the Federal Register; and meetings are conducted as required by applicable regulations, guidelines, and laws.

¹⁵ For more information on the OIDAP, see <http://www.socialsecurity.gov/oidap/>.

The panel is composed of not more than 12 members, including

- members of academia recognized as experts in relevant subject areas, such as occupational analysis, vocational assessment, and physical and occupational rehabilitation;
- professional experts in relevant subject areas, such as vocational rehabilitation, forensic vocational assessment, and disability insurance programs;
- medical professionals with experience in relevant subject areas, such as occupational or physical rehabilitation medicine, psychiatry or psychology, and physical or occupational therapy;
- professional experts who represent or advocate on behalf of disabled claimants; and
- an Agency employee who has expertise in SSA's disability program policies, processes, and systems.

On September 30, 2009, OIDAP issued a report, *Content Model and Classification Recommendations for the Social Security Administration Occupational Information System*. The report included seven general recommendations for the content model and classification of a new OIS designed for SSA's needs. For example, OIDAP concluded that a new OIS needs to be created to replace the DOT for SSA's disability adjudication system, and provided a list of elements that should be included in the new OIS.

In November 2010, OIDAP agreed on an additional recommendation for SSA to develop and make public an overarching project plan and timeline and a fully articulated research plan. (See Appendix E for a list of the recommendations and Appendix F for a Fact Sheet prepared by OIDAP.)

NATIONAL ACADEMY OF SCIENCES' REVIEW OF THE OCCUPATIONAL INFORMATION NETWORK

In 2008, DoL requested that NAS convene an expert panel to review O*NET and consider its future direction. The panel completed its review and published its report in May 2010.¹⁶ The report included a chapter on disability determination and SSA's occupational information needs. The NAS panel also recommended SSA and DoL create an interagency task force to study the viability of potential modifications of O*NET to accommodate SSA's needs with regard to disability determination.

SSA asked OIDAP to review NAS' report for relevance and lessons learned useful to the Agency's development of an OIS. In June 2010, the panel submitted its findings to the Agency. Generally, OIDAP found that O*NET in its current form is not suitable for disability adjudication. (See Appendix G for more information.)

¹⁶ NAS, *A Database for a Changing Economy: Review of the Occupational Information Network (O*NET)*, May 2010. The report can be found at <http://www.nap.edu/catalog/12814.html>.

THE SOCIAL SECURITY ADMINISTRATION'S OCCUPATIONAL INFORMATION DEVELOPMENT PROJECT

SSA has put much effort into developing an OIS and established the Office of Vocational Resources Development to oversee the project. The Agency is developing this system using information obtained from research, OIDAP, stakeholders, and other Federal agencies. Additionally, SSA formed an internal workgroup that began meeting in October 2008 and included representatives from many SSA components. The workgroup members provide advice and consultation to SSA's Occupational Information Development staff and briefed OIDAP on SSA's programs.

Coordination with Other Agencies

SSA has been communicating with DoL on OIS issues. SSA met with DoL's Bureau of Labor Statistics in May 2010 to obtain advice on how to access, or get access to, entities to gather occupational data. SSA also held meetings in April, June, and July 2010 with DoL's Employment and Training Administration to discuss the status of O*NET and what SSA is doing to develop an OIS. Additionally, in July 2010, SSA met with the Census Bureau within the Department of Commerce to obtain a clear understanding of the Census Bureau's American Community Survey (ACS). SSA is interested in reviewing ACS employment data to more clearly identify the type and extent of employment information reported by ACS respondents and to assess the potential feasibility and utility of applying this information as a part of SSA's OIS sampling methodology. The Agency expects to arrange reviews of these data in the near future.

SSA has also initiated contacts with officials at the United Nations-International Labor Organization, European Union, United Kingdom, Canada, Australia, and New Zealand. Some of these countries use the DOT, but they do not appear to have an OIS applicable to SSA's needs or uses. SSA is conducting follow-up contacts to obtain further information and expected to issue a final report in late 2010.

Studies

SSA is conducting studies to determine the best methods for collecting, aggregating, and using vocational information in its disability adjudication process. The Agency is performing an Occupational and Medical-Vocational Study to determine which occupations to review first when the Agency begins conducting job analyses. As a part of this study, SSA staff is reviewing 5,000 cases to determine the most common jobs reported by claimants for their past work and the most common occupations cited in medical-vocational denials by adjudicators. SSA staff will also determine the most commonly occurring functional limitations and the most commonly used medical-vocational rules. This effort should take several more months to complete.

SSA has also developed Requests for Proposal for contractors to conduct studies in the following areas.

- Usability and data quality of the proposed data elements for the OIS – Through this study, SSA would obtain expert user feedback from SSA disability adjudicators and

reviewers on the data elements as well as selected measurements and scales that may be useful in SSA's disability adjudicative process. For the purpose of this study, a test instrument will be created to provide a means by which SSA can obtain this expert user feedback.

- Development of a business process for conducting job analysis – Job analysis is performed by a variety of professionals (for example, vocational rehabilitation counselors, physical and occupational therapists, and human resource professionals). Each type of professional approaches job analysis differently. After benchmarking and thoroughly researching these various methods, the contractor will make recommendations on how SSA should perform job analysis—including the development of processes; how to operationalize; and training, certification, and recruitment of job analysts.

Once these initial studies are completed, SSA plans to conduct a feasibility study in 2011. After that, the Agency will be able to estimate the project's timeframes and costs.

In response to a recommendation made by OIDAP, SSA plans to develop internal expertise by hiring individuals with specialized skill sets in areas crucial to effective work analysis. These individuals will also assist as the Agency continues to design studies in the future.

Outreach SSA requested comments on OIDAP's recommendations in three separate Federal Register notices: The first notice was issued on November 19, 2009, and two more notices extended the comment period to June 30, 2010.¹⁷

SSA staff and OIDAP members have presented at conferences to provide update and status information to stakeholders and interested organizations. Topics in these presentations included OIDAP's recommendations, overall project activities, timelines, milestones, and next steps. These outreach efforts also helped the Agency solicit feedback on the project. OIDAP will also prepare fact sheets to address the most common questions and concerns expressed in public comments.

Suggestions and Feedback SSA has received suggestions and feedback from the public and different organizations, such as the National Association of Disability Examiners, National Council of Disability Determination Directors, National Organization of Social Security Claimants' Representatives (NOSSCR), and International Association of Rehabilitation Professionals (IARP).¹⁸

Some feedback is positive. For example, IARP thanked OIDAP and SSA staffs for their hard work, vision, and openness to stakeholder opinions. IARP also stated, it

¹⁷ 74 Fed. Reg. 60011 (November 19, 2009); 75 Fed. Reg. 10545 (March 8, 2010); 75 Fed. Reg. 23834 (May 4, 2010).

¹⁸ Public submissions in response to the Agency's requests for comments can be found at www.regulations.gov.

"...concurs with the seven general recommendations made by the OIDAP to SSA in their report." Additionally, it "...concurs that SSA requires a new occupational information system to complete its work; that the DOT could not reasonably be updated based on the numerous flaws in the DOT's original development. . .O*NET cannot be used for disability determinations in its present form—a major overhaul would be needed to make O*NET useable in disability-related cases."

In contrast, some feedback is negative, for example, an attorney who also helped write comments submitted by NOSSCR states, "...nothing in the Panel's report convinces me that a completely new occupational information system is necessary. I believe that SSA's purpose would be better served by updating and revising the DOT, or by making changes to the O*NET which would be required for disability adjudication purposes."

CONCLUSION

Based on the information available as of July 2010, SSA's strategy to develop an OIS designed specifically for its disability adjudication process appears reasonable. SSA researched this issue and determined that available occupational information systems do not meet the Agency's requirements and would require validation and extensive changes to do so. SSA established an advisory panel, OIDAP, for expert advice. After studying the issue and reviewing SSA's data and legal requirements, OIDAP concurred that SSA needed to create a new OIS, tailored specifically for use in its disability programs. The Agency continues to keep other Federal agencies abreast of current and future activities, and plans to incorporate suggestions and feedback from the advisory panel and other stakeholders, where appropriate.

Because the project to build a new OIS will take several years, we plan to conduct future reviews to ensure it is developed efficiently and will meet the Agency's needs. We will assess whether SSA continues to solicit and incorporate feedback from all stakeholders in the disability claims process.

AGENCY COMMENTS

SSA appreciated our recognition of its efforts toward developing an OIS. See Appendix H for the Agency's comments.



Patrick P. O'Carroll, Jr.

Appendices

APPENDIX A – Acronyms

APPENDIX B – Scope and Methodology

APPENDIX C – The Social Security Administration’s Process for Evaluating Disability in Adults

APPENDIX D – Occupational Information Development Advisory Panel Charter

APPENDIX E – Recommendations from the October 2009 Occupational Information Development Advisory Panel Report to the Social Security Administration

APPENDIX F – Occupational Information Development Advisory Panel Fact Sheet

APPENDIX G – Occupational Information Development Advisory Panel’s Review of the National Academy of Sciences’ Report on the Occupational Information Network

APPENDIX H – Agency Comments

APPENDIX I – OIG Contacts and Staff Acknowledgments

Appendix A

Acronyms

ACS	Census Bureau's American Community Survey
Act	<i>Social Security Act</i>
C.F.R.	Code of Federal Regulations
DoL	Department of Labor
DOT	<i>Dictionary of Occupational Titles</i>
FACA	<i>Federal Advisory Committee Act</i>
IARP	International Association of Rehabilitation Professionals
NAS	National Academy of Sciences
NOSSCR	National Organization of Social Security Claimants' Representatives
O*NET	Occupational Information Network
OIDAP	Occupational Information Development Advisory Panel
OIS	Occupational Information System
RFC	Residual Functional Capacity
SGA	Substantial Gainful Activity
SSA	Social Security Administration
U.S.C.	United States Code

Scope and Methodology

To achieve our objective, we:

- Reviewed the *Social Security Act* and the Social Security Administration's (SSA) regulations, rules, policies, and procedures on disability case processing.
- Reviewed the Occupational Information Development Advisory Panel's (OIDAP) reports dated September 30, 2009 and June 22, 2010.
- Reviewed the National Academy of Sciences' report, *A Database for a Changing Economy: Review of the Occupational Information Network (O*NET)*, May 2010.
- Attended OIDAP's public meetings.
- Reviewed public comments to OIDAP's September 2009 report.
- Met with staff from the Agency's Office of Program Development and Research under the Deputy Commissioner for Retirement and Disability Policy.
- Obtained information from SSA's Office of Disability Programs on the number of disability claims in which occupational information was used in the determination.

We conducted our review from May through August 2010 in Boston, Massachusetts. The entity reviewed was the Office of Program Development and Research under the Deputy Commissioner for Retirement and Disability Policy. We conducted our review in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspections*.

The Social Security Administration's Process for Evaluating Disability in Adults

Under the *Social Security Act* (Act), an adult is considered disabled if he or she is unable to engage in substantial gainful activity (SGA)¹ by reason of a medically determinable physical or mental impairment. Such impairment must be expected to result in death or last, or be expected to last, for a continuous period of not less than 12 months.²

The Social Security Administration (SSA) has a five-step sequential process for evaluating disability for adults, which follows the definition of disability in the Act (Chart C-1).³ The steps are followed in order. If a decision about disability can be made at a step, the analysis stops, and a decision is made. If a decision about disability cannot be made, the adjudicator proceeds to the next step.

At Step 1, SSA generally considers whether the claimant is performing SGA. If the claimant is performing SGA, SSA finds that he or she is not disabled, regardless of the severity of his or her impairment(s). If the claimant is not performing SGA, the claim is sent for a determination of whether the claimant is disabled at a later step in the process. When the claim is initially developed, the adjudicator generally requests all evidence needed for consideration at Steps 2 through 5 of the sequential evaluation process. The adjudication process stops when a decision regarding disability can be made at any step.⁴

¹ 20 C.F.R. §§ 404.1572 and 416.972: SGA means the performance of significant physical and/or mental activities in work for pay or profit, or in work of a type generally performed for pay or profit. As of 2010, "countable earnings" of employees indicate SGA and "countable income" of self-employed individuals are "substantial" if the amount averages more than \$1,000 per month for non-blind individuals or \$1,640 for blind individuals. See also SSA, POMS, DI 10501.001 and 10501.015 B and C.

² The Act §§ 216(i)(1)(A) and 223(d)(1)(A), 42 U.S.C. §§ 416(i)(1)(A) and 423(d)(1)(A), and § 1614(a)(3)(A), 42 U.S.C. § 1382c(a)(3)(A). See also 20 C.F.R. §§ 404.1505 and 416.905.

³ 20 C.F.R. §§ 404.1520 and 416.920.

⁴ If the claimant disagrees with the Agency's initial disability determination, he or she can file an appeal within 60 days from the date of notice of the determination. In most cases, there are three levels of administrative review: (1) reconsideration by the disability determination services, (2) hearing by an administrative law judge, and (3) request for review by the Appeals Council. If a claimant is still dissatisfied after exhausting administrative remedies, he or she can appeal to the Federal courts.

At Step 2, SSA determines whether the claimant's impairment—or combination of impairments—is severe.⁵ If the claimant does not have a severe medically determinable impairment(s) that meets the duration requirement, the claim is denied. If the claimant has a severe medically determinable impairment(s) that meets the duration requirement, the Agency goes to Step 3 and looks to the Listing of Impairments. If the severity of the impairment meets or medically equals a specific listing and meets the duration requirement, the individual is determined to be disabled.

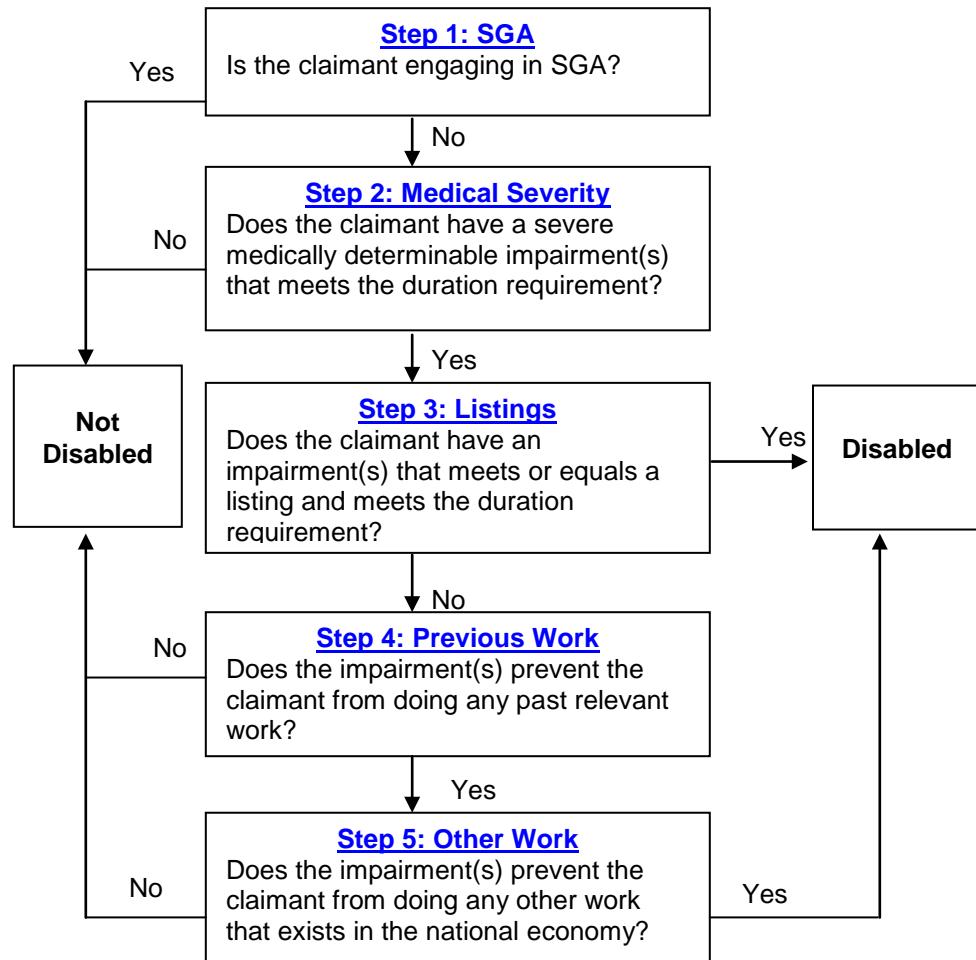
If the individual's impairment does not meet or medically equal a listing, the Agency goes to Step 4, and, if necessary, Step 5. At Step 4, the Agency determines whether the claimant can perform any past relevant work, considering his or her residual functional capacity (RFC)⁶ and the physical and mental demands of the work he or she did. If the claimant can perform past relevant work, the claim is denied. If the claimant cannot perform past relevant work, SSA goes to Step 5. At this step, SSA determines whether the claimant can perform any other work that exists in the national economy, considering his or her RFC, age, education, and past work experience. If the claimant can perform any other work, SSA finds him or her not disabled; if the claimant cannot perform any other work, SSA finds him or her disabled.⁷

⁵ 20 C.F.R. §§ 404.1520(c), 404.1521, 416.920(c) and 416.921: An impairment or combination of impairments is not severe if it does not significantly limit an individual's physical or mental ability to do basic work activities. See also Social Security Ruling 85-28.

⁶ 20 C.F.R. §§ 404.1545 and 416.945: An individual's impairment(s), and any related symptoms, such as pain, may cause physical and mental limitations that affect what he or she can do in a work setting. The RFC is the most the individual can still do despite these limitations. SSA assesses RFC based on all relevant evidence in the case record.

⁷ SSA has another sequential process for evaluating whether a disabled beneficiary's disability continues. 20 C.F.R. §§ 404.1594(f) and 416.994(b)(5). This process generally requires a showing of medical improvement related to the ability to work, but also includes steps like the ones in the initial sequential evaluation process.

**Chart C-1: SSA's Five-Step Sequential Evaluation
for Determining Disability for Adults**



SSA relies on the *Dictionary of Occupational Titles* (DOT) to evaluate adult disability claims.⁸ The Agency uses the occupational descriptions in the DOT to determine whether a claimant can do his or her past work as it is usually performed in the national economy or to find other occupations he or she could do, based on his or her medical-vocational profile. As shown in Table C-1, SSA used occupational information in over 60 percent of all initial and reconsideration disability determinations in Calendar Years 2007 through 2009.⁹

Table C-1: Initial and Reconsideration Determinations 2007 Through 2009			
	Occupational Information Used	Occupational Information Not Used	Total Disability Claims
2007			
Allowances	393,153 (15%)	407,671 (16%)	800,824 (31%)
Denials	1,198,706 (46%)	608,997 (23%)	1,807,703 (69%)
Total	1,591,859 (61%)	1,016,668 (39%)	2,608,527 (100%)
2008			
Allowances	429,627 (16%)	426,272 (16%)	855,899 (32%)
Denials	1,214,563 (45%)	623,286 (23%)	1,837,849 (68%)
Total	1,644,190 (61%)	1,049,558 (39%)	2,693,748 (100%)
2009			
Allowances	487,352 (17%)	450,207 (15%)	937,559 (32%)
Denials	1,311,867 (45%)	659,162 (23%)	1,971,029 (68%)
Total	1,799,219 (62%)	1,109,369 (38%)	2,908,588 (100%)

⁸ See U.S. Department of Labor, *Dictionary of Occupational Titles*, Fourth Edition, Revised 1991, available at: <http://www.oalj.dol.gov/libdot.htm>.

⁹ SSA, Office of Disability Programs, June 2010.

Appendix D

Occupational Information Development Advisory Panel Charter

E. Panel Meetings: SSA anticipates the Panel will meet a minimum of four times a year. The Panel can meet more frequently when called by the Chairperson, after consulting with the Designated Federal Official (“DFO”). The Commissioner will appoint the DFO, who will attend all meetings, as required by the FACA. A majority of the membership of the Panel will constitute a quorum; a lesser number may meet for information gathering and fact-finding purposes only.

Unless determined otherwise by SSA in accordance with the FACA and other applicable law, Panel meetings are open to the public. Due notice of all Panel meetings will be published in the Federal Register and meetings will be conducted as required by applicable regulations, guidelines, and laws. SSA will maintain a public web site of information about the Panel, scheduled meetings, publications, and activities. SSA will record and maintain the proceedings of all Panel public meetings in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. Records will be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

Meetings will occur in locations accessible to the public. SSA will provide reasonable accommodations to the known needs of members and the general needs of the public (e.g., interpreters for individuals with hearing impairments and large print copies of materials for individuals with visual impairments).

The Panel may establish subcommittees as necessary and consistent with its mission. These subcommittees will operate under the provisions of the FACA and appropriate Federal regulations. Such subcommittees will not work independently of the chartered Panel and will report their recommendations and advice to the Panel for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Panel, nor may they report directly to SSA or any Federal officers or employees who are not Panel members.

F. Agency Support: SSA will provide support as it deems necessary for the performance of the Panel’s functions and will ensure compliance with the requirements of the FACA.

G. Operating Costs: The annual estimated operating costs are \$960,000 and three staff years of support.

H. Consultants: The Panel may also engage additional technical assistance from experts and consultants knowledgeable in relevant fields.

I. Reports: The Panel will submit its recommendations to the Commissioner.

J. Duration: The Panel is continuing in nature. The charter is in effect for 2 years from the date it is filed with Congress and renewable in accordance with the terms of the FACA after this 2-year period.

Approved:

December 9, 2008
DATE



Commissioner of Social Security

January 15, 2009
Congressional Filing Date

(Date Charter filed with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate)

Appendix E

Recommendations from the October 2009 Occupational Information Development Advisory Panel Report to the Social Security Administration

OIDAP GENERAL RECOMMENDATIONS TO SSA – OCTOBER 2009
SUPPORTING THE NEED FOR A NEW OCCUPATIONAL INFORMATION SYSTEM (OIS) AND ON THE TECHNICAL, LEGAL, AND DATA REQUIREMENTS OF SUCH AN OIS
<p><i>The creation of a new OIS [Occupational Information System] is needed to replace the Dictionary of Occupational Titles (DOT) for SSA's disability adjudication system. The OIS must include:</i></p> <p><i>a) occupations aggregated at a level to support individualized disability assessment; b) a cross-walk to the Standard Occupational Classification; c) precise occupationally-specific data; d) core work activities; e) minimum levels of requirements needed to perform work; f) observable and deconstructed measures; g) a manageable number of data elements; h) sampling methodology capturing the full range of work; i) inter-rater agreement justifying data inference; j) data collection of high quality data; k) valid, accurate, and reproducible data; l) whether core work activities could be performed in alternative ways; and, m) terminology that is consistent with medical practice and human function.</i></p>
REGARDING DATA ELEMENTS FOR THE NEW OIS
<p><i>An initial empirically derived work taxonomy should serve as a stimulus to develop instruments to measure each dimension. Specific data elements for the development of the OIS include physical and psychological abilities required to do work; they also include work activities, context, and extra data elements for the content model.</i></p>
FOR THE CLASSIFICATION OF THE OIS
<p><i>Once a large database representative of all work in the national economy is available, SSA should examine various job classification methods based on the common metric.</i></p>
FOR THE CREATION OF INTERNAL AND EXTERNAL EXPERTISE FOR THE CREATION AND MAINTENANCE OF THE OIS
<p><i>Development of an independent internal unit at SSA staffed with experts addressing the work analysis and person-side development and research needs for the creation and maintenance of the OIS. Concurrent development and maintenance of online communities of researchers and other professionals to inform the unit's emerging and ongoing ideas, research, and methods.</i></p>

FOR BASIC AND APPLIED RESEARCH

Research to develop and pilot work-side instruments and prototypes, perform a usability analysis, and create a sampling plan. Exploratory, validation, and reliability research on the quantitative link between person and job-side mental/cognitive, physical, or environmental attributes and demands of jobs. Studies that focus on the consideration of the data collected vis-à-vis a work experience analysis. Research on best methods and standards for measurement and scaling of person-side variables. Applied research should focus on the user needs and comparative effects of new instruments on SSA's disability process and programs. Research should consider the inclusion of additional person and job-side data elements that could foment independent research.

FOR MEASUREMENT CONSIDERATIONS

Identify, refine, or create scales for person and job-side dimensions, categories, and ratings that are discrete and consider frequency, duration, or other needs. Person-side measurements should be based on functional levels. These scales should have sufficient specificity to measure person-side constructs. Use decomposed ratings of work to prevent holistic ratings of abstract characteristics.

FOR COMMUNICATION WITH USERS, THE PUBLIC, AND THE SCIENTIFIC COMMUNITY

Explore, develop, host, and monitor the creation and use of various forms of traditional and emerging government and private media to inform or solicit input from various audiences about SSA and Panel activities regarding the development of the OIS.

OIDAP ADDITIONAL RECOMMENDATION TO SSA – NOVEMBER 2010

In keeping with its charge to provide independent advice and guidance on plans and activities to replace the Dictionary of Occupational Titles (DOT) in disability adjudicative decisions and the development of a new OIS that will help the Social Security Administration (SSA) meet its burden of proof, is forensically defensible, reflects all work nationally and links residual functional capacity to the requirements of work, the Panel strongly recommends that SSA:

- 1. Take the immediate step to develop an overarching project plan and timeline that specifies SSA's needs and objectives with regard to occupational information;*
- 2. Develop a fully articulated research plan and associated processes that provide for the coordination of necessary scientific research and allows for the incorporation of findings and results, as appropriate;*
- 3. Prepare and make available to the Panel the overall project plan, including the attendant research plans, for advice and recommendation before further developmental activities for the OIS proceed; and,*
- 4. Make public the aforementioned project and research plans, thus delineating how SSA plans to proceed in its efforts to develop said OIS.*

Appendix F

Occupational Information Development Advisory Panel Fact Sheet

OCCUPATIONAL INFORMATION DEVELOPMENT ADVISORY PANEL



F A C T S H E E T

OFFICIAL DESIGNATION & CHARTER

The Occupational Information Development Advisory Panel (the Panel) was established by Michael J. Astrue, Commissioner of the Social Security Administration (SSA), on December 9, 2008 to:

“... provide advice and recommendations related to SSA’s disability programs in the following areas: medical and vocational analysis of disability claims; occupational analysis, including definitions, rating, and capture of physical and mental/cognitive demands of work, and other occupational information critical to SSA disability programs; data collection; use of occupational information in SSA’s disability programs; and any other area(s) that would enable SSA to develop an occupational information system suited to its disability programs and improve the medical-vocational adjudication policies and processes.”

GENERAL RECOMMENDATIONS

In the first year, the Panel presented general recommendations regarding an occupational information system (OIS). It also identified attributes of occupations and people that should be measured for purposes of disability adjudication. For occupations, these attributes included the *work activities* and related demands that a job requires of workers. For people, these attributes described characteristics that individual *workers* bring to the job situation that may be involved when performing the job successfully. The following seven recommendations were presented to the Commissioner. Both the recommendations and the proposed OIS are specific to the needs of the Social Security Administration.

1. A NEW OCCUPATIONAL INFORMATION SYSTEM: TECHNICAL, LEGAL, AND DATA REQUIREMENTS

A new OIS is needed to replace the *Dictionary of Occupational Titles* for SSA’s disability adjudication system. To meet SSA’s disability adjudication needs, the new OIS must be designed as to assure its data are not only useful, but also reliable, valid, and able to withstand any legal challenges.

Characteristics to support these requirements include: a) grouping of occupations at a level to support individualized disability assessment; b) cross-referenced to the Standard Occupational Classification; c) precise occupationally-specific data; d) core work activities; e) minimum levels of requirements needed to

perform work; f) discrete, observable measures of both work activities and worker characteristics; g) a manageable number of data elements; h) sampling methodology capturing the full range of work; i) measures that are psychometrically sound; j) data collection of high quality data; k) valid, accurate, and reproducible data; l) information about whether core work activities could be performed in alternative ways; and, m) terminology that is consistent with medical practice and human function.

2. DATA ELEMENTS FOR THE NEW OCCUPATIONAL INFORMATION SYSTEM

Based upon previous research related to job analytic techniques, the Panel derived a listing of work activities applicable to all occupations. It is recommended that this taxonomy serve as a stimulus to develop SSA-specific instruments that measure the requirements of work. It is recommended that new instruments include not only work activities, but also the physical and psychological abilities required to do work, work context, and any other attributes appropriate to disability adjudication.

3. THE CLASSIFICATION OF OCCUPATIONS

Once a large database representative of all work in the national economy is available, SSA should use various methods to classify jobs based upon work activities. Work activities will be a common language that should allow for the abilities of people to be matched to appropriate work available within the economy.

4. DEVELOPMENT OF INTERNAL & EXTERNAL EXPERTISE FOR THE CREATION AND MAINTENANCE OF THE NEW OCCUPATIONAL INFORMATION SYSTEM

To create and maintain an up-to-date and legally defensible OIS and the development of an independent internal unit at SSA, staffed with experts on work analysis and other related disability research needs, should be a priority. It is also recommended that SSA develop and maintain online researcher and professional communities to inform the unit's emerging and ongoing ideas, research, and methods.

5. NEED FOR BASIC & APPLIED RESEARCH

Developing a new OIS requires significant research by SSA. Early research should focus on the development and pilot-tests of measures of work requirements, usability analysis of these measures, and creation of an appropriate sampling plan. Research will also be required to determine the most accurate and defensible sources of data for the OIS, the best methods for measuring the required work attributes, and if any other attributes are appropriate for study due to their potential for use in the adjudication process. Other research focused on exploring and validating the link between the work requirements and attributes of the person, the environment, and other job-related factors is needed. Finally, applied research examining user needs and the effects of new instruments on SSA's disability process and programs are necessary.

6. MEASUREMENT CONSIDERATIONS

In addition to the research needs described in Recommendation 5, SSA should consider research related to appropriate scales for inclusion in any new instruments developed (e.g. scales of absolute frequency, absolute duration, etc.). Any new instruments should be composed of scales that are legally defensible for SSA's needs and therefore focus on observable, discrete characteristics.

7. COMMUNICATION WITH USERS, THE PUBLIC & THE SCIENTIFIC COMMUNITY

SSA should use both traditional and emerging government and private media outlets to inform or solicit input from various audiences about SSA and Panel activities regarding the OIS development.

CONCLUSION

The Panel recommendations were presented to Commissioner Astrue in September 2009. The Panel is soliciting feedback related to these general recommendations from interested parties and welcomes your comments. As the Panel continues to move forward to provide guidance to SSA regarding the new OIS development, additional Summary Fact Sheets will be forthcoming. To read the full report, please visit the Panel website (www.ssa.gov/oidap).

Occupational Information Development Advisory Panel's Review of the National Academy of Sciences' Report on the Occupational Information Network

The Social Security Administration (SSA) asked the Occupational Information Development Advisory Panel (OIDAP) to review the National Academy of Sciences (NAS) report on the Occupational Information Network (O*NET) for relevance and lessons learned useful to the Agency's development of an Occupational Information System (OIS). The OIDAP described O*NET as "...a general purpose database addressing the needs of the primary users (e.g., workforce development, economic development, career development, academic and policy research) for which it was designed."¹

In recent comments received in reply to the OIDAP recommendations report, staff from the National Center for O*NET Development stated, "The O*NET system was designed for purposes related to the Employment and Training Administration's mission and developed to meet the modern needs of the public workforce system. The O*NET system is a valid and reliable tool for people to use for career exploration, identification of skill requirements and identification of areas of needing training. We acknowledge that SSA's requirement for legal defensibility is a very high standard for which neither the O*NET system nor its predecessor, the Dictionary of Occupational Titles, was designed."²

In June 2010, the panel submitted its findings to the Agency:

1. NAS panel's review of the use of the O*NET in disability adjudication reached the same conclusion as that of other national governmental bodies, OIDAP, and SSA in that the O*NET in its current form is not suitable for disability adjudication.
2. The NAS and OIDAP reports reached the common conclusion that significant changes would need to be made to the O*NET for it be suitable for disability adjudication.

¹ SSA, OIDAP, *Findings Report: A Review of the National Academy of Sciences Report A Database for a Changing Economy: Review of the Occupational Information Network (O*NET)*, June 28, 2010.

² Response to Federal Register Notice, Volume 75, No. 85: Request for Comments Regarding Social Security Administration (Docket No. SSA-2010-0018), Occupational Information System, National Center for O*NET Development.

3. The O*NET report included a variety of important conclusions regarding occupational database maintenance that were similarly reached by OIDAP for the OIS' development.
4. NAS staff deferred to OIDAP's expertise for SSA's occupational data needs.
5. The application of O*NET in SSA's disability adjudication process would require that SSA change its definition of "skills" as well as the way skills are assessed in SSA's disability programs.
6. O*NET is a general purpose database addressing the needs of the primary users (for example, workforce development, economic development, career development, and academic and policy research) for which it was designed. Disability adjudication data needs and purposes are very different and not a subset of the general purpose database.
7. The O*NET report did not articulate the evaluation criteria the NAS panel may have used for its evaluation of O*NET.
8. The forensic defensibility of using O*NET data for disability adjudication was not addressed by the NAS panel.³

Based on its review of the O*NET report, OIDAP reaffirmed its September 30, 2009 recommendations (shown in Appendix E) to SSA and advised the Agency should also consider the following.

1. Cautious progress on the research and development agenda for the OIS until the scientific expertise unit recommended by OIDAP in its September report has been established.
2. Continued and expanded SSA and DoL cooperation on mutually beneficial areas, such as sampling and/or data collection. This cooperation may include examining how DoL has historically developed and used occupational data for its own labor-related adjudicative needs.
3. Collaboration with other Federal agencies, such as the Department of Defense, Office of Personnel Management, Rehabilitation Services Administration, and Census Bureau, regarding work analysis methods or other studies, surveys, or information of value to the development of the OIS.
4. Consideration of potential ethical and legal concerns that might arise from repurposing O*NET or by pursuing an update to the aging DOT framework for use in the disability adjudication process.

³ "Forensic defensibility" refers to whether the information would withstand legal challenges.

Appendix H

Agency Comments



SOCIAL SECURITY

MEMORANDUM

Date: November 9, 2010 **Refer To:** S1J-3

To: Patrick P. O'Carroll, Jr.
Inspector General

From: James A. Winn /s/
Executive Counselor
to the Commissioner

Subject: Office of the Inspector General Draft Report, "Job Information Used in the Social Security Administration's Disability Claims Adjudication Process" (A-01-10-21024)—INFORMATION

Thank you for the opportunity to review the subject report and for acknowledging our hard work in developing an occupational information system. We appreciate that you recognize our efforts thus far in conducting extensive research, enlisting support from a wide range of experts and stakeholders, and considering all options as we focus on this long-term project. Please see our attached comments.

Please let me know if we can be of further assistance. You may direct staff inquiries to Rebecca Tohero, Acting Director, Audit Management and Liaison Staff, at (410) 966-6975.

Attachment

[In addition to the information above, SSA provided technical comments which were incorporated in the report where appropriate.]

Appendix I

OIG Contacts and Staff Acknowledgments

OIG Contacts

Judith Oliveira, Director, Boston Audit Division

Phillip Hanvy, Audit Manager

Acknowledgments

In addition to those named above:

Katie Greenwood, Senior Auditor

For additional copies of this report, please visit our Website at
www.socialsecurity.gov/oig or contact the Office of the Inspector General's Public Affairs Staff Assistant at (410) 965-4518. Refer to Common Identification Number A-01-10-21024.

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Social Security Advisory Board

Overview of the Office of the Inspector General

The Office of the Inspector General (OIG) is comprised of an Office of Audit (OA), Office of Investigations (OI), Office of the Counsel to the Inspector General (OCIG), Office of External Relations (OER), and Office of Technology and Resource Management (OTRM). To ensure compliance with policies and procedures, internal controls, and professional standards, the OIG also has a comprehensive Professional Responsibility and Quality Assurance program.

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OA conducts financial and performance audits of the Social Security Administration's (SSA) programs and operations and makes recommendations to ensure program objectives are achieved effectively and efficiently. Financial audits assess whether SSA's financial statements fairly present SSA's financial position, results of operations, and cash flow. Performance audits review the economy, efficiency, and effectiveness of SSA's programs and operations. OA also conducts short-term management reviews and program evaluations on issues of concern to SSA, Congress, and the general public.

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OI conducts investigations related to fraud, waste, abuse, and mismanagement in SSA programs and operations. This includes wrongdoing by applicants, beneficiaries, contractors, third parties, or SSA employees performing their official duties. This office serves as liaison to the Department of Justice on all matters relating to the investigation of SSA programs and personnel. OI also conducts joint investigations with other Federal, State, and local law enforcement agencies.

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OER manages OIG's external and public affairs programs, and serves as the principal advisor on news releases and in providing information to the various news reporting services. OER develops OIG's media and public information policies, directs OIG's external and public affairs programs, and serves as the primary contact for those seeking information about OIG. OER prepares OIG publications, speeches, and presentations to internal and external organizations, and responds to Congressional correspondence.

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