

Know the broad scope of the B criteria "moderate" rating.

- A moderate limitation means the person's ability to function in this area independently, appropriately, and effectively, and on a sustained basis is "FAIR."
- A moderate limitation covers a wide range between a mild, or slight limitation, and a marked, or serious limitation.



Recognize that the B criteria areas often overlap.

- A deficit in one area of mental functioning often has implications for another area.



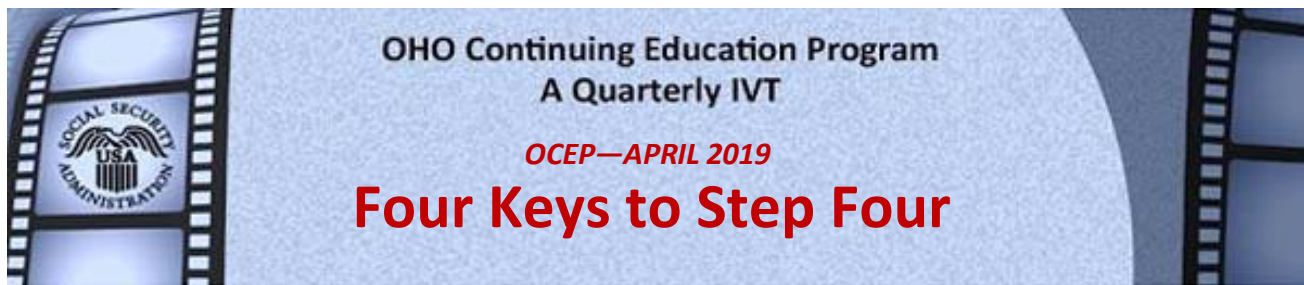
B criteria ratings are not appropriate RFC limitations.

- B criteria ratings must be translated into specific vocational terms in the RFC.
- Never use B criteria terms, such as moderate or marked, in the RFC unless they are defined by a source as specific work-related limitations.



Ensure each "moderate" or higher B criteria rating area correlates to a specific matching functional limitation in the RFC. Harmony between the B criteria and RFC is completed only through a corresponding discussion of the relevant evidence related to the limitations found.

- Explain in the RFC rationale, using the evidence, how the B criteria limitations correlate to specific functional limitations in the RFC.
- If your case is in a jurisdiction where courts have found that a limitation to simple, routine, repetitive tasks does not address persistence and pace, consider explaining whether a limitation specifically addressing persistence and pace is supported by the facts. Even in other jurisdictions, it is important for the RFC to fully account for the claimant's functional limitations.
- Be sure not to use vague or undefined terms to describe functional limitations.



PRW is RED

- For employees
 - **R**ecency (within the past 15 years)
 - **E**arnings (at SGA), and
 - **D**uration (long enough to learn to do it)
- Generally, calculate the 15-year recency period from the date of adjudication. If the date last insured or end of prescribed period for widow's benefits has expired, calculate from that date.
- Primary authority for PRW: 20 CFR 404.1560 and 416.960; Social Security Rulings (SSRs) 82-61 and 82-62.



Use Special Care if the Step Four Determination May be Outcome Determinative

- The step four determination is outcome determinative if the medical-vocational guidelines would direct a finding of disabled at step five. This situation may occur if the claimant is in a higher age category or over age 45 and illiterate.
- The "vocational expedient" (20 CFR 404.1520(h) and 416.920(h) allows adjudicators to bypass step four only if the evidence supports a finding of "not disabled" at step five. Use the vocational expedient only if the evidence is insufficient to determine PRW; it is not a substitute for developing the record on PRW.
- When supported by the evidence, make an alternative finding of "not disabled" at step five if the finding at step four is not disabled.



Know the Difference between PRW as Actually and Generally Performed; it Matters

- To do PRW as generally performed, the job duties need not match the Dictionary of Occupational Titles (DOT) in every detail, as long as the primary duties match.
- A claimant learns transferable skills only from work as actually performed, not as generally performed.
- A step four finding of not disabled must state whether the claimant can do PRW as actually performed, as generally performed, or both.



A Composite Job Has Significant Elements of Two or More Jobs and No Counterpart in the DOT

- A claimant can do a PRW composite job only as actually performed, and must be able to do all parts of the of the composite job.

Key Three: Know the Difference between PRW as Actually and Generally performed; it Matters.

- The regulations and SSR 82-61 direct a finding of not disabled if the claimant can perform PRW as actually or generally performed.
- For information on work as generally performed, look to the DOT and VE evidence.
 - The job duties do not need to match in every detail, as long as the primary duties match. This is a determination that rests with the adjudicator.
- The claimant is the primary source of information for information on work as actually performed.
- **Critical Tip:** When determining PRW as actually performed, you cannot substitute a DOT description of the job to fill in gaps about how the claimant actually performed the job, and you cannot use the DOT to measure the accuracy of the claimant's description of the past work.
- A focused examination of PRW is the key. Identify the basic work activities affected by the impairments (exertional, manipulative, mental, or other) since you will incorporate them into the RFC. Direct questions on PRW duties by focusing on the work activities in these categories. Then do a function-by-function comparison of the requirements of the claimant's PRW with the RFC.
- A good understanding of how the claimant actually performed PRW may also help with the transferable skills analysis. Transferable skills are acquired from PRW as the work was actually performed, not generally performed. Therefore, development of work as actually performed may help at Steps Four and Five of the evaluation.
- **Decision Drafting Tips:**
 - Compare the claimant's RFC with the demands of PRW, as actually and generally performed. If you find the claimant not disabled at Step Four, make sure to indicate whether the claimant can do PRW as actually performed, generally performed, or both.
