

The Question of Working When a Person is Applying For or Going Back to Work while on Social Security Disability Insurance (SSDI)

Disclaimer

This article is intended to present some of the current information on working while applying for Social Security Disability – and working while receiving Social Security disability benefits. The article is not intended to be a substitute for the advice of a competent attorney. For legal advice it is imperative to consult with an attorney or qualified legal advocate of your own choosing. Further, Social Security regulations and practice may change over time.

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An excellent adjunct to this paper is the Social Security Administration booklet, “Working While Disabled” SSA 2022 <https://www.ssa.gov/pubs/EN-05-10095.pdf>

In addition to explaining working while on SSDI, it also explains working while on SSI, and additionally working while self-employed.

Should I be working while I am applying for SSDI?

There are two main operating principles in determining whether a person is considered disabled: 1) whether they are performing Substantial Gainful Activity (SGA) and 2) what is their remaining Residual Functional Capacity (RFC) for performing Substantial Gainful work activity.

If a person is capable of performing SGA, then they are not considered disabled.

SGA is measured by 1) the gross income a person earns per month; or less often by the number of hours a person is working; 2) and/or whether they have the physical or mental capacities to regularly perform either part-time or full time sedentary work.

When a person is applying for SSDI and they are working and earning (in 2022) \$1,350 or more if single (with a few exceptions), they are considered not disabled and their application is rejected before any further evaluation. (Such an action is “rebuttable” when there are legal exceptions on countable income, including when a person’s income is being subsidized.)

Impairment-Related-Work-Expenses, or work-related circumstances or subsidies, can be taken into account if they reduce a person’s gross pay below \$1,350. This SGA figure changes annually.

If the person is working at the time of application and earning less than \$1,350, then Social Security will further assess whether they can perform SGA and therefore whether they are disabled. As part of this process Social Security will evaluate the person’s Residual Functional Capacity (RFC).

In fact, even if the person is earning less than \$1,350, Social Security might further consider that the person is not disabled. A person’s recent work history can have a bearing on Social Security’s further assessment of their ability to work.

To be considered disabled the person’s disabling medical impairment must have lasted or is expected to last at least 12 months. This is the “duration period”. (One experienced attorney emphasizes that a person should at least not be working during this duration period following their application.)

However any work before approval even past the 12-month duration period may be taken as evidence of the ability to perform substantial gainful activity and be the basis for denial. Therefore, it is best not to work at all until one is granted benefits.

(There is some opinion that if a person must work while applying, then they would be safer only to work minimally with income of perhaps less than \$800 a month in gross earnings at perhaps 8 hours a week or less.)

One exception occurs when a person has attempted to work for 6 months or less and had to stop because of their medical disability. Social Security may consider this past employment a “failed work attempt” and therefore not substantial gainful activity. In this case the application will be further evaluated for disability. One Social Security expert explains that the closer one gets to the full 6 months of a past work attempt, the more Social Security may consider it SGA, and therefore reason to deny benefits.

Generally, the Social Security evaluation process can take many months. However, if accepted, the person may accrue retroactive benefits. The acceptance process can be shortened if the applicant and their medical provider(s) present strong and well-documented medical evidence that the person has a severe medical impairment that prevents them from performing even minimal work tasks on any predictable basis.

Here is an opinion on this topic: *Working While Applying for Benefits*

<https://www.disabilitysecrets.com/page1-13.html>

“Keep in mind that the mere fact that you're working, even if you are making somewhat less than \$1,350 per month, may influence whether a disability claims examiner or a disability judge believes you're disabled, especially if you're working more than 15 or 20 hours a week. For this reason, many disability lawyers and representatives will advise their clients not to work while their case is pending. For more information, see our article on [whether you have to quit work when applying for disability benefits](#). Updated December 10, 2021”

Working while receiving SSDI benefits

When a person is on SSDI, Social Security allows an individual to test whether they can go back to work without losing their benefits. This is called the Trial Work Period.

The Trial Work period is both a test and an incentive for the person to see if they are still disabled and unable to work -- or if they are no longer disabled and are able to go back to work.

The Trial Work Period Explained

A trial work period consists of 9 separate months during which a person can earn any amount and still receive full SSDI benefits as well as Medicare. If a person earns \$970 a month or more during a particular month, then that month counts as a trial work month. If a person earns less than \$970 a month, then the month is not counted as a trial work month.

Once a person has accumulated 9 trial work months of earning \$970 (in 2022) a month or more, then their trial work period is ended and they enter the Extended Period of Eligibility (EPE) – see below.

The Trial Work period allows a person to earn more than \$970 per month for 9 months over an extended period of up to 5 years. The trial work months may be accumulated over a full 5 year period or less – for example, two in the first year, two in the second, and then one in the third; or they may be accumulated consecutively; or over the entire five years.

If a person earns less than \$970 during other months over their trial work period, these months will not be counted as trial work months.

The trial work monthly amount changes from year to year – so a person must be aware of the changes in the trial work gross monthly ceiling if they go into a second or third year.

While a person is on SSDI and doing any work, their earnings must be reported promptly to Social Security.

Once the person has used up the 9 months over up to 5 years, the trial work period ends.

All of your monthly earnings before taxes apply to the \$970 TWP threshold, but you can deduct impairment-related work expenses that you pay for out-of-pocket (such as service animal-related costs, medical supplies, or job coaching). Keep receipts of your impairment-related expenses so that Social Security can total your earnings accurately.

If you're self-employed, you have a trial work month when you earn more than \$970 (after business expenses) or work more than 80 hours in your own business.

The trial work period continues until you have used nine cumulative trial work months within a 60-month period.

If you lose your job during a trial work period, your benefits aren't affected.

Reporting your earnings:

If you are engaged in any work while you are receiving SSDI – or SSI – you must report your earnings in a timely manner. This reporting requirement extends to trial work periods, the extended period of eligibility, or at any time you are working and receiving benefits.

Here are the reporting requirements as described by several knowledgeable sources:

From an article “Can You Work While Receiving Social Security Disability Benefits?” By [Melissa Linebaugh](#), Contributing Author

“Reporting Requirements

Both SSI and SSDI recipients must report to the SSA:

- the start and stop date for any job
- any changes to duties, pay scale, or hours worked, and
- any work-related expenses as a result of their disability.

You must also report the amount of your monthly wages (if any) to the SSA. If you report your wages by telephone, it must be done by the 6th of the next month; if you mail or bring in your paystub to your local SSA, it must be done by the 10th of the next month. SSDI and SSI recipients can now report wages online using their Social Security account, and SSI recipients can now also report wages with a smartphone app.

[Social Security's website](#) has more information on telephone wage reporting and online wage reporting.”

Here is the [Reporting Information](#) from the Social Security Disability Redbook <https://www.ssa.gov/pubs/EN-64-030.pdf>

“RETURNING TO WORK

What Are Your Responsibilities When You Return to Work?

If you receive Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefits, you or your representative must promptly report any changes in work activity.

You must tell us right away if:

- You start or stop work .
- You already reported your work, but your duties, hours, or pay have changed .
- You start paying for expenses that you need for work due to your disability .

For more information, refer to the Impairment-Related Work Expenses section (click link above.)

“You can report changes in your work activity by phone, fax, mail, in person or by using My Social Security [your website account]. Call our toll-free number 1-800-772-1213 between 7 a.m . and 7 p .m ., Monday through Friday, or you may call, visit, or write your local Social Security office . You can find your local office by going to our website at www.socialsecurity.gov/locator .”

[If you send in your earnings by letter, make sure you do so by certified letter by the 10th of the month after a month in which you work.]

If you receive SSDI or SSI benefits and have a My Social Security account, you may be able to report your wages online. If you receive SSI, Social Security also offers a toll-free automated wage reporting telephone system and a mobile wage reporting application. For more information about these electronic wage reporting methods, please see our website at [ww.socialsecurity.gov/ssi/spotlights/spot-telephone-wage.htm](http://www.socialsecurity.gov/ssi/spotlights/spot-telephone-wage.htm) or call our toll-free number 1-800-772-1213 and ask Social Security how you can report wages using the system or application .

When you report changes in your work activity, we will give you a receipt to verify that you have properly fulfilled your obligation to report. Save this receipt, along with your paystubs so that we can verify your monthly earnings, and any deductions from allowable earnings.”

Also see:

Working While Disabled – How We Can Help

<https://www.ssa.gov/pubs/EN-05-10095.pdf>

“Contacting Social Security

“The most convenient way to do business with us is to visit www.ssa.gov to get information and use our online services. There are several things you can do online: apply for benefits; get useful information; find publications; and get answers to frequently asked questions.

When you open a personal my Social Security account, you have more capabilities. You can review your Social Security Statement, verify your earnings, and get estimates of future benefits. You can also print a benefit verification letter, change your direct deposit information, request a replacement Medicare card, get a replacement SSA-1099/1042S, and request a replacement Social Security card (if you have no changes and your state participates). Access to your personal my Social Security account may be limited for users outside the United States. If you don't have access to the internet, we offer many automated services by telephone, 24 hours a day, 7 days a week, so you do not need to speak with a representative. Call us toll-free at 1-800-772-1213 or at our TTY number, 1-800-325-0778, if you're deaf or hard of hearing. A member of our staff can answer your call from 8 a.m. to 7 p.m., Monday through Friday. Wait times to speak to a representative are typically shorter Wednesdays through Fridays or later in the day.”

The Extended Period of Eligibility

When a person has used up their trial work months they enter an Extended Period of Eligibility (EPE) for the next 3 years (36 months). No new application or disability decision is needed to receive a Social Security disability benefit during this period.

During the EPE, the person can still receive full benefits as long as they make less than the monthly Substantial Gainful Activity (SGA) amount -- \$1,350 in 2022 –

and as long as they are still medically disabled. The income threshold amount changes yearly and is only one measure of continuing disability.

The person is considered to be still disabled if they are making under the threshold amount – unless they are found to be medically disabled during a Continuing Periodic Review (CPR). (See more below on this important point.)

All earnings during this period must be reported promptly – see above. “Work expenses related to your disability — from <https://www.ssa.gov/pubs/EN-05-10095.pdf> “Working While Disabled” SSA 2022

During the EPE if you continue working and are earning below the monthly SGA amount “...you may need certain items or services to assist you. For example, because of your medical condition, you may need to take a taxicab, paratransit, special bus, or other type of transportation to work instead of public transportation. Also, you may need to pay for counseling services. We may be able to deduct these expenses from your monthly earnings before we decide if you’re still eligible for benefits...

“If you have extra work expenses, your earnings could be substantially higher than \$1,350 in 2022 before they affect your benefits. The substantial earnings amount usually increases each year. Some of your work expenses may include the costs of items or services you need to work, but that are also useful in your daily living.

“Examples include:

Copayments for prescriptions.

Counseling services.

Transportation to and from work (under certain conditions).

A personal attendant or job coach.

A wheelchair.

Any specialized work equipment.

What happens if I make more than the monthly SGA amount during the 36-month EPE period?

If a person during any working month earns more than the EPE monthly amount (\$1,350 in 2022), after taking any expenses into account, their benefits will be suspended.

If this suspension occurs during the EPE, Social Security will pay benefits for the month your disability ceased and the following 2 months. This is the grace period.

Important: If your earnings again fall below the monthly SGA amount and you are still within the 36-month EPE, Social Security can restart your benefits immediately without a new application. (<https://choosework.ssa.gov/blog/2021-03-11-what-you-need-to-know-about-the-trial-work-period-twp>)

Also if you lose your job during the 36-month extended period of eligibility, call Social Security and they can reinstate your benefits as long as you still have a qualifying disability. Because your benefits can be reinstated without a new application, Social Security calls the EPE the “re-entitlement period.”

<https://www.nolo.com/legal-encyclopedia/how-much-can-you-work-while-receiving-social-security-disability-ssdi-benefits.html> By [Aaron Hotfelder](#), J.D., University of Missouri School of Law

“When the 36-month EPE/re-entitlement period ends, your benefits will continue as long as you are medically disabled and not earning SGA. If you earn over SGA for even one month after the 36-month period of re-entitlement, your benefits will terminate. However, if your medical condition makes you stop working again, you may be eligible for expedited reinstatement if it's within five years of the EPE.”

The following is a statement on Expedited Reinstatement by Social Security:

<https://www.ssa.gov/pubs/EN-05-10095.pdf>

“Working While Disabled” SSA 2022 -

“Expedited Reinstatement — If your benefits stop because of substantial earnings, you have five years to ask us to restart your benefits. This applies if you’re unable to keep working because of your condition. You won’t have to file a new

application or wait for your benefits to restart while we review your medical condition.”

The following statements on Expedited Reinstatement are from a Social Security legal blog. They indicate that as long as a person is making under the annual SGA monthly amount – rather than not working at all – they can be approved for Expedited Reinstatement.

[Expedited Reinstatement After Your Disability Benefits Were Terminated | DisabilitySecrets](#)

“**SSDI.** If you were receiving Social Security disability insurance (SSDI) when you started working at the SGA level, you were given a [trial work period](#) for nine months. But if you continued working at the SGA level after your trial work period, the SSA assumed you were no longer disabled and your payments stopped. If your earnings fall below the SGA level again within five years, you can have your benefits restarted by applying for expedited reinstatement. After this five-year period is up, you must file a brand new application for benefits to re-enter the disability system.”

<https://www.disabilitysecrets.com/dnewsblog/2010/01/social-security-disability-trial-work.html>

“Expedited Reinstatement

“You can file an application for expedited reinstatement if your countable gross income falls below the SGA amount or stops altogether at any time within five years after your benefits ceased due to work activity. (After this five-year period is up, you must file a brand new application for benefits to re-enter the disability system.) If you file an application for expedited reinstatement, Social Security will pay you benefits for six months while the agency processes your application. Even if Social Security denies your application for expedited reinstatement, Social Security will let you keep the benefits paid while your application was pending. The odds, however, are in your favor when you file an application for expedited reinstatement. Before denying your claim, Social Security must prove that you have medically improved enough to work since the last time you were receiving

benefits. In contrast, if you file a new application for benefits, *you* must prove that you are medically disabled before your claim will be granted.”

What Happens to Medicare Coverage During the TWP and EPE?

Medicare coverage comes with SSDI benefits (two years after you become entitled to SSDI). It continues during the Trial Work Period. It also continues during the Extended Period of Eligibility (EPE) and beyond the EPE as long as you are earning below the SGA monthly earnings threshold.

If you earn above the earnings threshold during EPE, you’ll remain covered by Medicare for another 93 months. After that, you can buy Medicare Part A coverage by paying a monthly premium. If you have Medicare Part B coverage, you must continue to pay the premium. If you want to end your Part B coverage, you must request it in writing. *Updated February 10, 2022*

Evaluation of Disability Status during Continuing Periodic Reviews

While you are continuing to work and receiving SSDI benefits because you are earning under the monthly SGA amount, can your benefits be terminated for any other reason?

Yes, an SSDI recipient can be found to be not medically disabled during a Continuing Periodic Review (CPC).

From the Social Security regulations: “Protection From Medical Continuing Disability Reviews” <https://www.ssa.gov/disabilityresearch/wi/cdrprotection.htm>

“Social Security Administration (SSA) reviews disability cases periodically to see if the person with a disability still meets SSA disability rules. SSA performs two types of reviews, a medical continuing disability review and a work continuing disability review. Under a work review, SSA looks at earnings to determine if an individual is eligible for monthly benefits. A medical review determines if an individual is meeting the medical requirements to collect disability. If the person does not meet the medical requirements, SSA may stop the disability benefits.

Work Reviews:

The Work-Triggered CDR as authorized for persons who return to work and/or complete the trial work period, but it does not apply to persons who have been entitled to SSDI for at least 24 months.

“A disabled beneficiary will not have to undergo a medical continuing disability review (CDR) based on work activity alone if he or she:

- has received disability benefits for at least 24 months; or
- is participating in the Ticket to Work program.” [this applies to SSI only]

SSA will review if one of these factors is present: advance in technology, completion of a trial work period, substantial earnings reported, the recipient or other person reports to SSA that the individual has returned to work or has recovered.”

However, persons affected by the above two rules “...are still subject to a regularly scheduled medical CDR that is not triggered by work.”

Reviews are supposed to be conducted randomly according to the person’s level of medical disability and are not supposed to be conducted specifically because a person is working (unless the person has been receiving benefits for less than 2 years).

Medical Continuing Reviews:

During the Review process Social Security may do either a screening review by questionnaire or a full Review which requires a physician to document the continuing medical disability and the person’s inability to do even sedentary work at an SGA level.

When to expect CDRs (Information obtained from Neighborhood Legal Services, <https://nls.org/wp-content/uploads/2019/02/Medical-Continuing-Disability-Review-2018-FINAL.pdf>) Note: *This document has been reviewed by Social Security for accuracy, but it does not constitute an official Social Security communication. Produced in 2018.*

“A person’s CDR is determined when they are first found to be disabled according to the evaluated level of disability:

Medical improvement not expected – once every 5-7 years.

Medical improvement possible – once every 3 years

Medical improvement expected – every 6-18 months

Vocational Re-examination cases – SSA will review recipients enrolled in a vocational program at the end of the program.”

A Continuing Review of a person’s medical disability can occur at any time, even during a trial work period or during the extended Period of Eligibility (EPE) (3 years after the trial work period) – or at any time a person is working and making less than the yearly SGA amount.

The Continuing Review will evaluate the person’s current medical condition(s) and whether the medical condition still prevents them from working. It is possible that even if a person is earning less than the required amount that they might be found medically-capable of performing substantial work (SGA).

Here are some opinions by knowledgeable Social Security Disability attorneys:

<https://www.nolo.com/legal-encyclopedia/how-much-can-you-work-while-receiving-social-security-disability-ssdi-benefits.html> By [Aaron Hotfelder](#), J.D., University of Missouri School of Law:

“For those concerned that a TWP could lead to their benefits being terminated when Social Security conducts a [Continuing Disability Review \(CDR\)](#), it should be noted that CDRs are generally conducted randomly by Social Security. While it's possible for a CDR to occur during a Trial Work Period (or at any other time), a TWP by itself is not likely to raise a red flag with Social Security. If you do have a review, Social Security will look at your medical records, but not your trial work, to see if you are still disabled.”

Please note the following SSA publication: “What Can Cause Benefits to Stop?”

<https://www.ssa.gov/benefits/disability/work.html>

“Two things can cause us to decide that you no longer have a disability and stop or suspend your benefits:

- If, after completing a nine-month Trial Work Period (TWP), you work at a level we consider substantial.

We suspend cash benefits for months your earnings are over the substantial level during the 36-month re-entitlement period after you complete the TWP. If your earnings fall below the substantial level in that period, we can start your benefits again. In 2022, average earnings of \$1,350 or more per month (\$2,260 or more per month if you are blind) are usually considered substantial. The amount of earnings that we consider substantial changes each year.

- If we decide that your medical condition has improved and you no longer have a disability.”

During Reviews Social Security may reassess the severity of your medical impairment and your residual functional capacity for any substantial work. You could be earning below the monthly SGA threshold but still be determined as medically-improved and capable of performing substantial gainful activity based on your capability for work (RFC). (See our paper on SGA, RFC, and the five-step process of evaluating SGA. Material in this paper is summarized below.)

If you are working, or even if you are not working, you should continue to see your doctor periodically in order to document your continuing level of disability in the event of a future review.

Risks of working while you are receiving benefits - even during trial work months and during the extended period of eligibility:

Continuing Reviews are not always conducted according to the letter of various regulations and Agency Guidance.

Even if you continue to be medically-disabled and especially if you are working 10-20 hours per week, but are still making less than the monthly SGA, a disability claims examiner or a disability judge, during a Review, might believe you're not disabled.

Also: During a trial work period if you are making substantially more than \$970 per month, an examiner or judge might question whether you are still disabled. Therefore it might be prudent during the Trial Work Period not to earn substantially more than \$970 per month.

Moreover, during the extended period in which a person can make less than \$1,350, it might be prudent to make somewhat less than the cut-off amount.

If you are denied benefits during a Review contrary to regulations, make sure you obtain knowledgeable legal representation to make sure you retain your benefits.

If working part-time beyond the trial work period it is essential to keep close track of your earnings in order to avoid overpayments that may jeopardize your benefits.

How is disability re-determined during a continuing review?:

If a person gets a full review, rather than just the screening questionnaire, then Social Security will evaluate, medically, whether there has been any decrease in the medical severity of their condition(s) based in any changes of medical signs, symptoms, and/or laboratory findings.

Often the first step in a Review is the screening questionnaire. The screening questionnaire will ask you if you are working; if your physician has said that you can work; and if your medical condition has improved. If a person truthfully answers “no” to these questions, they may not be subject to a full review.

If there is no documented medical improvement, then the Review is supposed to end and benefits are continued -- unless Social Security determines your functional capacity will allow you to perform substantial gainful activity. However any such determination must be based on your medical condition.

If there is some medical improvement then Social Security will determine if the person can perform substantial work. If the person’s condition is no longer considered severe, the person will be found no longer disabled.

If the person’s current medical condition remains severe despite some improvement, then Social Security must then determine whether the recipient’s current condition meets the regular standards for a finding of disability.

Evaluating whether a person remains disabled during a Medical Review:

During a full Medical Review a person's medical provider must document that the person's medical condition remains severe and that they are unable to perform substantial gainful activity. SGA will be determined by whether their medically-determined Residual Functional Capacity (RFC) prevents them from performing the work tasks required at near full time sedentary work, or in some cases, substantial part-time work.

For the person already working during a medical review, the physician should document:

- 1) the continuing severity of the person's medical illness(es) and symptoms;
- 2) the individual's continuing inability to perform work tasks beyond the minimal ones they are already performing in their current limited work.

A person who is currently working but is unable to perform SGA is doing minimal work during very limited hours and is therefore unable to perform many work tasks required of substantial, ongoing part-time or full-time work, and is making less than the annual SGA threshold.

The physician, therefore, should document the person's severely reduced functional capacities in terms of their inability to perform more substantial part-time work or near full-time work because of their medical condition. These medical restrictions would include:

Your need to take frequent sick days;

Your inability to sit (uninterrupted) for more than the time you take for sitting at your current work;

Your inability to stand (uninterrupted) for any amount of time during the day beyond what is required of the work you currently do;

How limited you are in walking and movement beyond the work you do currently;

How often you have to rest during an average day if you had to work for any more work hours;

How often during more substantial work you would be off-task due to the unpredictability of your symptoms;

How many days, even part-time, in a week or month you would likely be absent from any more substantial work;

Your inability to lift and carry weight more than 10 pounds on any limited basis beyond that which you are already doing;

Any postural restrictions (such as inability to stoop, bend, kneel, or reach overhead);

The inability to concentrate, read, and process cognitive information; and problems with short-term memory;

The inability to follow/carry-out normal instructions on a continuing and timely basis within a normal working environment.

Sensory factors limiting your work.

The inability to work at your computer or perform other mental work tasks beyond your current work.

These are just some of the functional incapacities that limit a person from performing substantial work – even part time sedentary work.

More information on documenting your ability/inability to perform substantial gainful activity:

The following information represents some repetition of the above, but should be helpful in clarifying the type of medical and functional evidence needed to document continuing disability.

For those with ME/CFS and associated chronic medical illnesses it is essential that the claimant provide specific medical documentation from an MD or DO physician that they are unable to perform the various work functions required to do sedentary work as defined by Social Security.

Your doctors should document fully and in detail your inability to do sedentary work – again beyond what you are already doing. Social Security takes into account both exertional and non-exertional factors in determining your Residual Functional Capacity.

“Exertional factors” are those that require the ability to use physical energy in various activities, such as standing, lifting, walking, sitting, grasping, carrying, etc.

“Non-exertional factors” do not require physical energy and include the need to rest, lie down, follow directions, perform cognitive tasks, etc.

What are the exertional and non-exertional tasks in the range of sedentary work?

“Sedentary work involves lifting no more than 10 pounds at a time and occasionally lifting or carrying articles like docket files, ledgers, and small tools. Although a sedentary job involves sitting, a certain amount of walking and standing is often necessary in carrying out job duties. Jobs are sedentary if walking and standing are required occasionally and other sedentary criteria are met. ‘Occasionally’ means occurring from very little to one-third of the time, and would generally total no more than up to one-third of the time, and would generally total no more than two hours of an 8-hour workday. Sitting would generally total about 6 hours of an 8 hour workday.”

“Unskilled sedentary work also involves other activities, classified as ‘non-exertional,’ such as capacities for seeing, manipulation, and understanding, remembering, and carrying out simple instructions.” *SSR 96-9p*.

The RFC form:

Social Security claims examiners and other personnel will assess your physical and mental residual functional capacity and will then fill-out the associated RFC forms.

It can be very helpful if your physician(s) also fill-out an RFC form and submit it at the time a person applies. The applicant can take the form to his/her doctor.

However, in filling-out the form, the doctor must describe in actual detail the physical and cognitive impairments of the patient rather than just “checking a box” without any further description(s) of your more specific and detailed limitations.

*****Additionally and very importantly for ME/CFS applicants the physician should fill-out the RFC form in direct conjunction with the Social Security Instructions “Providing Medical Evidence for Individuals with Myalgic Encephalomyelitis/Chronic Fatigue Syndrome (ME/CFS)”

<https://www.ssa.gov/disability/professionals/documents/64-063.pdf>

By providing this specific medical evidence of the person’s ME/CFS -- with the patient’s input on their work-related limitations -- the doctor will be in a much better position to fill-out the RFC form accurately. If the patient feels that a particular doctor would fill-out the RFC form too generally and without detail, it would probably be better to have the physician write a disability report letter based on the patient’s own description of their limitations. If the doctor is agreeable, the patient can draft a letter writing a detailed description of their limitations – see our Disability Handbook at <https://www.massmecfs.org/disability-handbook>

Moreover as described in an article below, the doctor filling-out an RFC form should know the patient and their limitations well. A doctor who has not seen the person over time and, does not know him or her well, could do more harm than good in filling-out the form in a cursory and unformed manner.

The RFC form should not replace a Physician Disability Letter which describes the person’s inability to perform both work tasks and the activities of daily living. See our Disability Booklet at <https://www.massmecfs.org/disability-handbook>

See the following articles on the Residual Functional Capacity forms:

Social Security Disability and the Doctor's Residual Functional Capacity Form (RFC) . By [Nicole Moberg](#), Attorney [Social Security Disability and the Doctor's Residual Functional Capacity Form \(RFC\) | DisabilitySecrets](#)

Residual Functional Capacity Forms: Download an RFC Form By [Bethany K. Laurence](#), Attorney <https://www.disabilitysecrets.com/rfcdownloadhome.html>

Residual Functional Capacity Form:

https://www.disabilitysecrets.com/sites/default/files/Residual_Functional_Capacity_Form.pdf

Here are some articles which describe the limitations that a doctor should document:

From: *What Do I Need From My Doctor to Qualify for Disability Benefits? Your doctor's detailed opinion of your impairments and limitations are key in your Social Security claim* By [Melissa Linebaugh](#),
<https://www.disabilitysecrets.com/resources/disability/filing-disability/what-do-i-need-from-my-docto>

“...Remember, though, that doctors' RFCs must be supported by objective medical evidence for the SSA to give them consideration; otherwise, the SSA can disregard them.

What Your Doctor Should Put in a Physical RFC

Here are some examples of the things that a physical RFC should discuss:

- how much you can lift and how often
- how much you can carry and how often
- how long you can sit down (uninterrupted)
- how long you can stand (uninterrupted)
- how far you can walk
- any environmental restrictions (such as sensitivity to dust or temperature)
- any postural restrictions (such as inability to stoop, bend, kneel, or reach overhead), and
- sensory limitations (vision or hearing difficulties).

What Your Doctor Should Put in a Mental RFC

Here are some things that a mental RFC should discuss:

- your ability to understand, remember, and carry out simple instructions
- your ability to interact with co-workers
- your ability to interact with the general public
- your memory
- whether you are reliable, and

- how your condition affects your ability to concentrate, focus, and complete tasks in a normal amount of time.

RFCs from your doctor should also contain a statement about how your illness is likely to affect your reliability and ability to attend work regularly, due to issues such as fatigue, pain, ongoing treatments, or frequent hospitalizations.”

The doctor should also discuss specifically the number of sick days you would likely need to take in a month; as well as the number of hours you would be “off task” – having to rest or not be able to carry-out work functions during an eight hour day; or in previously held part-time work.

Also the doctor should document your inability to stand or walk for more than a combined total of two hours a day; the need to rest or lie down as needed through the day; the significant inability to stoop or bend.

Also, the medical source providers should document the limitations the person has in carrying out normal daily functions in terms of activities of daily living – such as preparing meals, shopping, doing household chores, personal care, etc. These non-work difficulties can limit a person’s further ability to work.

Certainly the amount of time a person working at home has to take to rest, nap, etc. can limit the person’s ability to work.

In other words your medical providers need to document that you are unable to perform the detailed work tasks beyond the work you are currently doing – including the work tasks of any previous part-time substantial work you did when you were paid more than \$1,350 – or any other near full time work.

In addition Social Security must be able to find either existing part-time or near full time jobs in the national or regional economy that you could actually perform given your limitations. If these jobs are not available given your limitations, Social Security must find you disabled.

Social Security recognizes that as a person becomes older that any jobs a disabled person might do become fewer and fewer. Therefore a person over 50 with limited work capacity is more likely to be found disabled than a younger person.

In evaluating a person's remaining work capability due to their medical disability, Social Security must take into account how adaptable they are to various available jobs/occupations given their work experience, skills, education and age.

A person 50 and over will generally be more easily found disabled since their ability to utilize previous skills, work experience and education in new work is more difficult. Also, there will often be fewer jobs available in the national and regional economies for persons over 50.

“For the majority of individuals who are age 50 or older and who are limited to the full range of sedentary work by their medical impairments, the rules and guidelines in appendix 2 require a conclusion of ‘disabled’.

“Nevertheless, the rules...take administrative notice that there are approximately 200 separate unskilled sedentary occupations... Therefore, even though sedentary work represents a significantly reduced range of work, this range in itself is not so prohibitively restricted as to negate work capability for substantial gainful activity for all individuals.”

SSR 96-9p states: “The impact of an RFC for less than a full range of sedentary work is especially critical for individuals who have not yet attained age 50. Since age, education, and work experience are not usually significant factors in limiting the ability of individuals under the age of 50 to adjust to other work, the conclusion that such individuals who are limited to less than the full range of sedentary work are disabled will depend primarily on the nature and extent of their functional limitations...”

Regulation 201.00 explains further: “For individuals who are under 45, age is a more advantageous factor in making an adjustment to other work...including an adjustment to unskilled sedentary work, even when the individuals are unable to communicate in English...Nevertheless, a decision may be appropriate for individuals under the age of 45...who do not have the ability to perform a full range of sedentary work...However the inability to perform a full range of sedentary work does not necessarily equate with a finding of disabled. Whether an individual can make an adjustment to other work requires adjudicative assessment of factors such as the type and extent of the individual's limitations or restrictions...including the availability of sedentary unskilled occupations.”