

## **Social Security Disability Case Study: Claim Approved Using Grid Rule 201.14**

**Client profile:** my client is a 54 year old male who dropped out of high school but later obtained his GED. For over 34 years he worked in a textile mill, performing a variety of jobs including machine operator and factory repair technician.

**Claim background:** my client filed for benefits in 2013 alleging an onset date in 2009 (when he was terminated from employment). A hearing was held in an Atlanta area hearing office in March, 2016.

### **Factors in our favor:**

- my client has a long, consistent work history
- my client's breathing (pulmonary) impairments are well documented
- my client has no functional use of his right hand because of a childhood accident
- my client comes across as a credible witness

### **Factors not in our favor:**

- the medical record relating to back pain was somewhat sparse
- because of financial pressures, my client does not go to the doctor frequently

**My strategy:** my client's pulmonary function test results came very close to the listing at 3.02. I felt that his near listing-level breathing problems combined with his chronic back pain and anxiety would support an argument that his functional capacity for work was so poor that he would not be a reliable worker.

**Hearing Report:** prior to the hearing, the judge asked me to come in for a brief pre-hearing conference. He noted that my client's alleged onset date in 2009 was not supported by much medical treatment and asked if we would consider amending the onset date. I noted that my client's date last insured for Title II benefits was in December, 2014 so I proposed a date in December, 2013 which corresponded to a helpful psychological evaluation report. The judge accepted this amended onset date.

We also discussed briefly my client's pulmonary function lab test results and the judge confirmed that the results were just shy of the listing requirement. I sensed from this pre-hearing meeting that the judge was likely to approve.

I then brought my client in for his hearing. After being sworn and taking care of preliminary matters, the judge began questioning my client.

The judge first asked my client to verify his height and weight - he did this because Listing 3.02 considers a claimant's height for purposes of lung capacity. The judge then asked my client

about his work history and the reason he stopped working.

The judge also asked my client about his exposure to asbestos, which was interesting because the pulmonary function reports spoke mainly about textile fibers but did not talk much about asbestos. My client confirmed that in his capacity as a plant repair technician he was exposed frequently to friable asbestos and that he felt that this exposure had damaged his health.

This was a situation where the judge recognized an issue that was not highlighted in the medical record.

After a few more questions, the judge turned to the vocational witness and asked her to classify the claimant's past work, which was a medium skilled job of "textile machine repairer" - DOT 689.260.010.

The VE testified that there were no transferrable skills.

At that point the judge suggested the he felt it was reasonable to conclude that my client would be limited to sedentary work because of his back pain, limited lung function and lack of right hand function. I had my iPad open to <http://www.GridRules.net> and suggested that Grid Rule 201.14 would apply and the judge agreed.

**Conclusions:** the judge is going to approve this case. I was not really expecting a decision based on the grid rules but I understand the judge's reasoning. This is another example of how judges will default to the grid rules to approve a case as opposed to deciding a case on functional capacity.