

get older, your advancing age makes it increasingly more difficult for you to make an adjustment to other work. They also reflect our policy that we consider that, if you are illiterate or unable to communicate in English, you may have more difficulty adjusting to other work than a person who is literate and able to communicate in English.

If you have skilled or semiskilled work experience, you may have gained skills that make it easier for you to adjust to other work—even at an advanced age. If your skills can be used in (transferred to) other skilled or semiskilled work within your RFC, we will ordinarily find that you can adjust to other work and are not disabled regardless of your age or education.

Our regulations at §§ 404.1565(a) and 416.965(a) provide that, if your skills cannot be transferred to other work within your RFC, we consider you to be no better off than if you have only unskilled work experience. When all other vocational factors are the same, we will make the same decision if you have work skills that do not transfer to other work, as we will for a person who has unskilled work experience.

What Revisions Are We Proposing To Make, and Why?

Experience has shown that some of these medical-vocational rules can be subject to misinterpretation if you have skilled or semiskilled past relevant work or are illiterate or unable to communicate in English. Therefore, we propose to revise these rules, as described below, to make them clearer and easier to follow. None of these proposed modifications would change any of our policies.

Our rules say that we will find you disabled at step 5 if you are a younger individual (age 45–49), you can do only sedentary work, you are unable to communicate in English or unable to read or write in English, and your work experience is unskilled or you have no transferable skills. (See paragraph (h) of § 201.00 of appendix 2.) However, this policy is not reflected as clearly as it could be in the corresponding medical-vocational rules in Table No. 1 of appendix 2. Therefore, we propose revising the rules in Table No. 1 to make them clearer by:

- Revising the previous work experience criterion of rule 201.17 to clarify that this rule applies if you have unskilled or no work experience, or if you have skilled or semiskilled work experience with no transferable skills; and
- Revising the education criterion in rule 201.19 to clarify that this rule

applies only if you are at least literate and able to communicate in English.

(The revisions we propose in rules 201.17 and 201.19 will also necessitate editorial revisions in the text of rules 201.18 and 201.20 because of the format of Table 1. However, this will not result in a change of the criteria for either of these rules.)

Our rules also say that we will find you disabled at step 5 if you are closely approaching advanced age (age 50–54), you are limited to light work, you are either illiterate or unable to communicate in English, and you have no work experience, unskilled work experience, or no transferable skills. (See paragraph (d) of § 202.00 of appendix 2.) However, this policy is not reflected as clearly as it could be in the medical-vocational rules in Table No. 2 of appendix 2. Therefore, we propose revising the rules in Table No. 2 to make them clearer by:

- Revising the previous work experience criterion in rule 202.09 to clarify that this rule applies if you have unskilled or no work experience, or if you have skilled or semiskilled work experience with no transferable skills; and
- Revising the education criterion in rule 202.11 to clarify that this rule applies only if you are at least literate and able to communicate in English.

(The revisions we propose in rules 202.09 and 202.11 will also necessitate editorial revisions in the text of rules 202.10 and 202.12 because of the format of Table 2. However, this will not result in a change of the criteria for either of these rules.)

A similar principle to those described above for Tables No. 1 and No. 2 applies under paragraph (c) of § 203.00 of appendix 2 and the medical-vocational rules in Table No. 3 of appendix 2. These provisions do not make it as clear as they could that we will find you disabled if you are closely approaching retirement age (age 60–64), you are illiterate or unable to communicate in English, and you have unskilled work experience or no transferable skills. Therefore, we propose revising § 203.00(c) and the rules in Table No. 3 of appendix 2 by:

- Revising the last sentence of current § 203.00(c) to make clear that, if you are limited to medium work, you are closely approaching retirement age (age 60–64), you have a marginal or less education (which includes being illiterate or unable to communicate in English), and you have unskilled work experience or skilled or semiskilled work experience with no transferable skills, a finding of disability is appropriate;

- Revising the education criterion of rule 203.01 to clarify that it applies if you are illiterate or unable to communicate in English;

- Revising the previous work experience criterion of rule 203.01 to clarify that it applies if you have no work experience, unskilled work experience, or if you have no transferable skills; and

- Revising the education criteria of rules 203.03 and 203.04 to clarify that they apply only if you have a limited education and are at least literate and able to communicate in English.

(The revisions we propose in rules 203.03 and 203.04 will necessitate an editorial revision in the text of rule 203.05 because of the format of Table 3. However, this will not result in a change of the criteria for this rule.)

In addition, we plan to revise Social Security Ruling 99–3p, “Title XVI: Evaluation of Disability and Blindness in Initial Claims for Individuals Age 65 or Older” (64 FR 33337). Although SSR 99–3p provides guidelines for evaluating disability claims for individuals age 65 and over, it includes informational discussions about evaluation of individuals under age 65 as well. Some of the material in the ruling about § 203.00 of appendix 2 could be misleading, and we will revise that material consistent with the final version of these proposed rules.

We also propose revising our rules in §§ 404.1564 and 416.964 to clarify how we evaluate your ability to adjust to other work if you are illiterate or unable to communicate in English and what we mean by “illiterate or unable to communicate in English.” Several aspects of our policy are not as clear as they could be in our regulations.

We therefore propose revising the last sentence in §§ 404.1564(b) and 416.964(b), and reorganizing current §§ 404.1564(b)(1) and (b)(5) and 416.964(b)(1) and (b)(5) by combining paragraphs (b)(1) and (b)(5) into proposed §§ 404.1564(b)(1) and 416.964(b)(1). We also propose revising the text in (b)(1) to make it clearer. These proposed changes would clarify that “illiterate or unable to communicate in English” is a single education category. Currently, these sections discuss illiteracy separately from the inability to communicate in English, and they are not organized clearly.

For clarification purposes, we also propose revising the text of paragraphs (b)(1) and (b)(5) of current §§ 404.1564 and 416.964 (in proposed §§ 404.1564(b)(1) and 416.964(b)(1)) to clarify what we mean by the terms “illiterate” and “unable to communicate