

- Has no more than a marginal education (generally 6th grade or less).

The “no work experience” profile applies when an individual:

- Has a severe impairment(s);
- Has no PRW;
- Is aged 55 or older; and
- Has no more than a limited

education (generally, 11th grade or less).

If either of these profiles applies, a finding of “disabled” must be made. This finding is made without considering the criteria in appendix 2 to subpart P of 20 CFR part 404.

*Applying the Criteria in Appendix 2 to Subpart P of 20 CFR Part 404.* If the special medical-vocational profiles are not applicable, we use the rules in appendix 2 to subpart P of 20 CFR part 404 to determine whether the individual has the ability to do other work. The highest age category used in appendix 2 is aged 60–64, “closely approaching retirement age.” However, we have longstanding internal procedures that direct our adjudicators to use the rules for ages 60–64 when making determinations for individuals aged 65 or older at step 5.

Under those rules, individuals aged 65 or older who are limited to “sedentary” or “light” work will be found disabled unless their PRW provided them with transferable skills or they are at least a high school graduate and their education provides for direct entry into skilled work. As set out in §§ 201.00(f) and 202.00(f) of appendix 2, to find transferability of skills for individuals aged 65 or older who are limited to “sedentary” or “light” work, there must be very little, if any, vocational adjustment required in terms of tools, work processes, work settings, or the industry.

Individuals aged 65 or older who can perform the full range of “medium” work are found disabled when they have no more than a limited education (including individuals who are illiterate in English or unable to communicate in English) and no PRW. Individuals aged 65 or older who can perform a full range of “medium” work are also found disabled when they have no more than a marginal education (including individuals who are illiterate in English or unable to communicate in English) and no PRW or their PRW is unskilled or their skilled or semi-skilled PRW provides no transferable skills.

*Duration.* As indicated earlier, the likelihood of the occurrence of some impairments, such as osteoporosis, osteoarthritis, certain cancers, adult-onset diabetes mellitus, impairments of memory, hypertension, and impairments of vision or hearing, increases with advancing age. Moreover,

such impairments are more likely to be chronic than acute. Therefore, adjudicators must be especially careful before concluding that an impairment in an individual aged 65 or older will not meet the 12-month duration requirement.

*Development Issues. Developing Allegations of Impairment(s).* When obtaining the medical history of an individual aged 65 or older, it is important to be alert to and address allegations of impairments that are commonly associated with the aging process, such as osteoporosis, arthritis, loss of vision, hearing loss, and memory loss. Allegations may be raised in response to specific questions about the individual’s impairment(s); e.g., on Form SSA–3368-BK. However, adjudicators must also be alert to allegations raised in other evidence in the file. For example, questionnaires about activities of daily living may contain statements like “I have difficulty walking or climbing stairs because my legs hurt,” “I can’t clean my apartment because my back hurts,” or “I don’t read much anymore because I don’t see well.” These statements constitute allegations of impairment(s). Therefore, adjudicators must:

- Review the case file thoroughly to identify all allegations or other indications of impairment.
- Be aware that the medical evidence or third party statements can raise additional allegations.
- When contacting an individual aged 65 or older, be alert to statements indicating the presence of an impairment(s) commonly associated with the aging process.
- Consider all signs or symptoms indicative of an impairment(s), including those impairments caused by degenerative changes associated with the aging process.

*Purchasing Medical Evidence.* Our regulations, at 20 CFR 404.1512(f), 404.1517, 416.912(f) and 416.917, indicate that we will purchase CEs when the individual’s medical sources cannot or will not give us sufficient medical evidence about the individual’s impairment for us to determine if he or she is disabled. Sections 404.1519f and 416.919f further provide that we will purchase only the specific examinations and tests that we need to make a determination or decision. Due to the wide range of allegations contained in cases of individuals aged 65 or older, evidence addressing more than one body system may need to be purchased. In these situations, it is usually appropriate to purchase general medical examinations rather than examinations targeted at particular body systems. This

will ensure that all allegations of impairment are evaluated, and will reduce the burden on the individual. For example, if the individual alleges back and knee pain, shortness of breath on exertion, and numbness and weakness in his or her arm, a general medical examination would usually be preferable to separate orthopedic, neurologic, respiratory, or cardiac examinations.

*Failure to Cooperate.* Individuals filing for benefits based on disability or blindness have certain responsibilities for furnishing us with, or helping us obtain, needed evidence. Our regulations at 20 CFR 404.1512(c), 404.1516, 404.1518, 416.912(c), 416.916, and 416.918 describe these responsibilities. However, due to factors such as possible language barriers or limited education, some individuals aged 65 or older may not understand, or be able to comply with, our requests to submit evidence or attend a CE.

If it appears that an individual aged 65 or older is not cooperating, adjudicators must take the following additional actions when the individual does not have an appointed representative, or when the appointed representative has asked us to deal directly with the individual.

If an individual aged 65 or older has not supplied evidence or taken an action we requested and still need, the adjudicator must:

- Contact the individual to determine why he or she has not complied with our request. If it appears that the individual needs personal assistance, including interpreter assistance, to complete forms, request field office assistance.

- Contact a third party (*i.e.*, someone other than the individual’s representative), if one has been identified, about assisting the individual at the same time the adjudicator contacts the individual.

If an individual aged 65 or older did not attend a CE, the adjudicator must:

- Contact the individual to determine why he or she did not attend the CE.
- Make at least two attempts at different times on different days to contact the individual by telephone. (A busy signal does not constitute an attempt.)
- Send the claimant a call-in letter if telephone contact is not possible or successful.
- Contact a third party, if one has been identified, about assisting the claimant at the same time contact is attempted with the claimant.

- When contact is made with the individual or the third party, explain that the CE is for evaluation purposes