

How Does Social Security Define "Disability" Anyway?

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Have you ever wondered what the "definition" of disability is? I know you have...we all believe we know "who" is disabled and "who" is not. Heck, you can tell just by looking at a person! Doctors are usually certain they know whether their patients meet the "definition" of disabled.

The obvious question becomes...whose definition of disability are we talking about? If you think everyone, including the Social Security Administration (SSA) are on the same page...think again! This article is my humble attempt to educate everyone, including physicians, regarding SSA's definition of disability. Please understand it is difficult to capture the entire definition in a short article; however, it is possible to set forth a general framework.

First, allow me to debunk several longstanding myths about what it means to be disabled.

Myth #1: You have to be Totally Disabled to be eligible for Disability Benefits

Not true. I am not sure what "totally" disabled means; I do know it is a term of art our society uses, but not one SSA uses.

I suspect that if you put 100 doctors in a room and asked for a definition of "totally disabled," you would get many different answers. My guess is that it means one is unable to function at all in any capacity.

In general, to be eligible for disability benefits, SSA does require that you not be working in any capacity. However, this does not mean you have to be physically and/or psychologically unable to function in any capacity.

Myth #2: You have to be Permanently Disabled to be eligible for Disability Benefits

Not true. Again, I am not sure what "permanently" disabled means; it is a term of art our society uses, but not one SSA uses. If a doctor supports a patient's claim for disability, they will frequently state the patient is "permanently" disabled. The statement may be true in many cases, but my experience is that most people who apply for disability benefits with SSA are not "permanently" disabled. Even if they were, it is usually too early to tell if a 45 year old will return to work before the age of 65.

Thankfully, SSA does not require that you be permanently disabled. In fact, the issue of whether a disability is or can be permanent is never an issue at SSA.

What is SSA's Definition of Disability?

Simply put, SSA and federal law defines disability as follows, "The inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months." (citing 42 U.S.C. §§ 423(d)(1)(A) and 1382c(a)(3)(A)).

First, please note that SSA's policy is that disability can be due to any medical or psychological diagnosis (disorder). Second, contrary to popular myth, SSA does not require that you be "totally" disabled. Third, with regard to duration, the impairment does not have to be permanent, it only has to prevent you from working for a minimum of 12 months. Scott E. Davis is a social security and long-term disability insurance attorney in Phoenix, Arizona. Mr. Davis represents clients throughout the United States. Although Mr. Davis has experience representing clients with a broad spectrum of physical and/or psychological disorders, the majority of his disability practice is devoted to representing individuals with chronic pain and chronic fatigue disorders. In almost every case, a fee is charged only if his client obtains benefits. Mr. Davis invites your questions and inquiries regarding representation via telephone (602) 482-4300, or email: info@scottdavispc.com.