

# Social Security

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## **Disability Insurance**

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(PPS-80)

SSR 82-62

## SSR 82-62: TITLES II AND XVI: A DISABILITY CLAIMANT'S CAPACITY TO DO PAST RELEVANT WORK, IN GENERAL

**PURPOSE:** To state the policy and explain the procedures for determining a disability claimant's capacity to do past relevant work (PRW) as set forth in the regulations, and to clarify the provisions so that they will be consistently applied.

**CITATIONS (AUTHORITY):** Sections 223(d)(2)(A) and 1614(a)(3)(B) of the Social Security Act, as amended; Regulations No. 4, Subpart P, sections 404.1505(a), 404.1520(e), 404.1560, 404.1561, 404.1562, and 404.1565; and Regulations No. 16, Subpart I, sections 416.905(a), 416.920(e), 416.960, 416.961, 416.962, and 416.965.

**INTRODUCTION:** To be found disabled under the law, an individual (except for a title II widow, widower, or surviving divorced spouse, or a title XVI child younger than age 18) must have a medically determinable physical or mental impairment(s) of such severity that he or she is not only unable to do his or her previous work but cannot, considering his or her age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy. The regulations provide a sequential evaluation process for determining disability. In the fourth step of this process, consideration is given to the individual's capacity to perform PRW. Sections 404.1520(e) and 416.920(e) of the regulations state as follows:

*"Your impairment must prevent you from doing past relevant work. If we cannot make a decision based on your current work activity or on medical facts alone, and you have a severe impairment, we then review your residual functional capacity [RFC] and the physical and mental demands of the work you have done in the past. If you can still do this kind of work, we will find that you are not disabled."*

### **POLICY STATEMENT:**

#### *The Relevance of Past Work*

The term "work experience" means skills and abilities acquired through work previously performed by the individual which indicates the type of work the individual may be expected to perform. Work for which the individual has demonstrated a capability is the best indicator of the kind of work that the individual can be expected to do. Sections 404.1565(a) and 416.965(a) of the regulations state as follows: "We consider that your work experience applies [i.e., is relevant] when it was done within the last 15 years, lasted long enough for you to learn to do it, and was substantial gainful activity [SGA]."

*Last reviewed or modified 06/19/2013*





