WAC 388-447-0100 Progressive evaluation process Step VIII-How does the department determine ability to perform other work? When we determine you cannot do work you have done in the past, we consider your age, education, and other factors to decide if you are able to perform other work.

(1) We evaluate education in terms of formal schooling or other training to acquire skills that enable you to meet job requirements. We classify your level of education as follows:

|     | If you:   | Then your<br>education<br>level is:               |  |
|-----|---|---|--|
| (a) | Can't read or write a simple communication, such as two sentences or a list of items.   | Illiterate  |  |
| (b) | Have no formal schooling or<br>vocational training beyond the<br>eleventh grade; or   | Limited<br>education                              |  |
| (c) | Have participated in special<br>education in basic academic<br>classes of reading, writing, or<br>mathematics in high school. |   |  |
| (d) | Have received a high school<br>diploma or high school<br>equivalency certificate; or  | High school<br>and above<br>level of<br>education |  |
| (e) | Have received skills training<br>and was awarded a certificate,<br>degree or license.   |   |  |

(2) We approve incapacity if you have a moderate or marked physical impairment and meet the criteria below:

| Exertion<br>Level | Age          | Education<br>Level   | Other<br>Vocational<br>Factors |
|-------------------|--------------|----------------------|--------------------------------|
| Sedentary         | Any age      | Any level            | Does not<br>apply              |
| Light             | 50 and older | Any level            | Does not<br>apply              |
| Light             | 35 and older | Illiterate or<br>LEP | Does not<br>apply              |
| Light             | 18 and older | Limited<br>Education | Does not have<br>any past work |
| Medium            | 50 and older | Limited<br>Education | Does not have<br>any past work |

(3) We approve incapacity when you have a moderate or marked mental health impairment and we have objective medical evidence that social or cognitive factors described in WAC 388-447-0070 interfere with working as follows:

| Social and Cognitive Limitation |       |  | Age                   |
|---------------------------------|-------|--|-----------------------|
| (a)                             | Moder | 50   |                       |
|                                 | (i)   | Communicate and perform effectively in a work setting; and | years<br>and<br>older |
|                                 | (ii)  | Maintain appropriate behavior in a work setting.           |                       |

|     | Socia   | l and Cognitive Limitation  | Age                         |
|-----|---|---|-----------------------------|
| (b) | Marke<br>(i)  | dly impaired in your ability to:<br>Understand, remember, and<br>persist in tasks following   | 45<br>years<br>and<br>older |
|     | (ii)  | detailed instructions;<br>Set realistic goals and plan<br>independently; or   |                             |
|     | (iii)   | Learn new tasks.  |                             |
| (c) | (c) Markedly impaired in your ability to:                         |   | Any                         |
|     | (i)   | Understand, remember, and<br>persist in tasks by following<br>very short and simple<br>instructions;  | age                         |
|     | (ii)  | Perform activities within a<br>schedule, maintain regular<br>attendance, and be punctual<br>within customary tolerances<br>without special supervision; |                             |
|     | (iii)   | Perform routine tasks without special supervision;  |                             |
|     | (iv)  | Adapt to changes in a routine work setting;   |                             |
|     | (v)   | Make simple work-related decisions;   |                             |
|     | (vi) Be aware of normal hazards and take appropriate precautions; |   |                             |
|     | (vii)   | Ask simple questions or request assistance;   |                             |
|     | (viii)  | Communicate and perform effectively in a work setting;  |                             |
|     | (ix)  | Complete a normal workday and<br>work week without interruption<br>from psychologically based<br>symptoms; or   |                             |
|     | (x)   | Maintain appropriate behavior in a work setting.  |                             |

(4) We approve incapacity when you have both a mental and physical impairment with at least a moderate overall severity and we have objective medical evidence that social or cognitive factors in WAC 388-447-0070 interfere with your ability to work as follows:

| Age            | Education                       |     | Other Restrictions  |
|----------------|---------------------------------|-----|---|
| Any<br>age     | Any level                       | (a) | You are moderately<br>impaired in your ability to<br>communicate and<br>perform effectively in a<br>work setting. |
| 50 or<br>older | Limited<br>education<br>or less | (b) | You are restricted to medium exertion level or less.  |
| Any<br>age     | Limited<br>education<br>or less | (c) | You are restricted to light exertion level or less.   |

(5) If you do not meet the criteria listed above, and there are jobs you can do in the national economy, we will find you able to perform other work and take the following actions:

(a) Deny incapacity; and

(b) Give you examples of jobs you can do in the national economy despite your impairment(s).

(6) If there are no jobs you can do in the national economy de-spite your impairment(s), we approve incapacity.

[Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.100, 74.04.770, 74.08.025, 74.62.030, and 2013 2nd sp.s. c 10. WSR 13-24-044, § 388-447-0100, filed 11/26/13, effective 1/1/14.]