

WAC 388-447-0090 Progressive evaluation process step VII—How does the department determine ability to perform past work? (1) If your overall severity rating is moderate (three) or marked (four) and we have not approved or denied incapacity by this stage of the progressive evaluation process (PEP), then we decide if you are able to do the same or similar work as you have done in the past. We consider your current physical and/or mental limitations when making this decision. Vocational factors are education, relevant work history, and age.

(2) We evaluate your work experience to determine if you have relevant past work. "Relevant past work" means work that:

(a) Is defined as gainful employment per WAC 388-447-0001;

(b) Has been performed within the past five years; and

(c) You performed long enough to acquire the knowledge and skills to continue performing the job. You must meet the specific vocational preparation level as defined in Appendix C of the Dictionary of Occupational Titles.

(3) For each relevant past work situation that you have, we compare:

(a) The exertion, nonexertional, educational, and skill requirements detailed in the DOT for that job; and

(b) Current cognitive, social, exertional, and nonexertion factors that significantly limit your ability to perform past work.

(4) After considering vocational factors, we deny incapacity when we determine you:

(a) Are able to perform any of your relevant past work; or

(b) Recently acquired specific work skills through completion of schooling or training, for jobs within your current physical and mental capacities.

(5) We approve incapacity at this step if you are fifty-five years of age or older and do not have the physical or mental ability to perform relevant past work.

[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, § 388-447-0090, filed 11/26/13, effective 1/1/14.]