

## FEDERAL COURTS LAW REVIEW -- 1998 Fed. Cts. L. Rev. 5

### **"Transferability of Skills" and the Medical-Vocational Guidelines Under the Social Security Act**

By  
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#### **Abstract**

[A.1] In the evaluation of a disability claim under the Social Security Act, the Social Security Administration (SSA) must determine the claimant's capacity for employment. If the claimant is no longer able to perform his or her previous work due to medical impairments, to determine whether the claimant can perform other work in the economy, the SSA must consider the entire vocational profile of the claimant. This includes the claimant's functional abilities, age, education and prior work experience. In evaluating prior work experience, the SSA must, under the regulations, determine whether or not the claimant acquired work skills that could be used in other jobs ("transferable skills") because such skills would tend to make the worker more employable.

[A.2] To aid SSA adjudicators in deciding whether claimants can perform other work in the national economy, the SSA has taken administrative notice of the many unskilled jobs that exist in the national economy and has published regulations (contained in the Medical-Vocational Guidelines) ("Guidelines") for determining if persons with specified vocational profiles (sometimes called the "grids") can or cannot perform such jobs. If claimants cannot perform such unskilled jobs, they are considered "disabled"; if they are able to perform such jobs, they are deemed "not disabled."

[A.3] The Guidelines (which evaluate the claimant's ability to perform unskilled work only) nevertheless consider the "transferability" of the claimant's acquired skills in evaluating whether the claimant is "disabled" or "not disabled." This appears to be inconsistent with other SSA regulations, which prohibit consideration of claimants' prior skilled work when determining whether or not the claimants can perform unskilled work.

[A.4] To protect the rights under the Act of claimants with transferable skills, SSA adjudicators should consider obtaining expert vocational testimony describing such claimants' transferable skills, the jobs in which those skills can be used, and the number of such jobs in the national and regional economies.

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## 1. Background

[1.1] The Social Security Act [42 U.S.C. §301 et seq.] ("Act")(2) establishes two programs to compensate persons suffering from disabilities:

(A) The Social Security Disability Insurance Program (SSDI), established by Title II of the Act [42 U.S.C. 401 et seq.] , is a program of social insurance under which covered employees and their employers pay taxes into a special fund administered separately from the general federal revenues to purchase protection against the economic consequences of old age, disability and death. SSDI provides benefits to workers who have contributed to the SSDI program who have become disabled.

(B) The Supplemental Security Income Program ("SSI"), established by Title XVI [42 U.S.C. §1381, et seq.] of the Act to provide benefits to indigent disabled persons, is a program to assist individuals who have attained age 65 or are blind or disabled by setting a guaranteed minimum income level for such persons. SSI provides benefits to disabled persons whose income and financial resources are below a certain level [42 U.S.C. §1382(a)].

[1.2] Section 223(d)(1)(A) of the Act [42 U.S.C. §423] defines "disability" as:

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. . . .

[1.3] The Act adopts a functional approach to adult disability: the definition of "disability" as it pertains to adults(3) is related to an individualized, functional inquiry into the effect of medical problems on a person's ability to work.

## 2. Procedure for evaluating disability claims

[2.1] SSA Regulations ("Regulations") establish a five-step sequential evaluation process for determining the question of disability. A finding of "disability" or "non-disability" at any point in the process completes the evaluation. The claimant has the burden of proving the existence of a disability [ 20 C.F.R. §404.1512(a)].

[2.2] The first step of the process involves an inquiry into whether or not the claimant has engaged in substantial gainful [work] activity ("SGA") during the period of time at issue. To make this determination, both the claimant's testimony and the claimant's earnings record on file with the SSA are evaluated to determine whether or not the

claimant has engaged in any work activity through the date the adjudication is made; if not, the adjudicator moves to the next step of the process.

[2.3] At the second step of the sequential evaluation process, the SSA must determine if the claimant has a medically determinable(4) impairment (or combination of impairments) that is "severe" within the meaning of the Act [i.e., whether the impairment "significantly limits" the claimant's "physical or mental ability to do basic work activities" [ 20 C.F.R. §404.1520(c)]. The claimant has the obligation to furnish medical and other evidence to substantiate the existence of a medical impairment and its effect on his/her ability to work on a sustained basis [ 20 C.F.R. §404.1512(a)]. An impairment is "not severe" if it has no more than a minimal effect on an individual's ability to perform basic work activities. In determining whether an impairment is "severe," the SSA must consider any symptoms that are reasonably related to an individual's medically determinable impairment(s) [20 C.F.R. §404.1521(a), §404.1529, §416.921, §416.929)]. The SSA must also determine whether the impairment meets the "duration" requirement of the Act; that is, whether the impairment has lasted (or can be expected to last) for more than 12 months.

[2.4] At the third step of the sequential evaluation process, the SSA must determine whether or not the claimant's impairments are severe enough to either meet or equal the medical and clinical criteria of any of those impairments listed in Appendix 1 to Subpart P of Part 404 of the Regulations ("Listings")(5), which have been established by the SSA to delineate and define those impairments that are assumed to be so severe that they would prevent an adult- regardless of age, education or work experience- from performing any gainful activity, not just "substantial gainful activity."(6)

[2.5] In the event an adult claimant is not found to be disabled at Step 3, the claimant's residual functional capacity ("RFC") must be formulated and determined at the fourth step of the sequential evaluation in order to determine whether the claimant is capable of performing his/her past relevant work ("PRW") or any other work that exists in significant numbers in the national or regional economies. PRW is defined by the Commissioner's Regulations [ 20 C.F.R. §404.1565 and §416.925] as work experience within the last 15 years based on the understanding that a gradual change occurs in most jobs, so that after 15 years it is no longer realistic to expect that skills and abilities acquired in a job continue to apply, because it is considered too remote.

[2.6] If the claimant has established an inability to perform past relevant work, the burden of proof shifts at the fifth step to the Commissioner to establish that the claimant retains the residual functional capacity to perform other jobs that exist in significant numbers in the national or regional economies given the claimant's medically determined impairments, functional limitations, age, education and work experience.(7) Hall v. Chater, 109 F.3d 1255, 1259 (8th Cir. 1997); Allen v. Califano, 613 F.2d 139, 145 (6th Cir. 1980).

[2.7] To assist the Commissioner in meeting this burden of proof, the SSA has taken administrative notice of the numerous unskilled jobs ("Grid jobs") that exist throughout the national economy at the various functional levels(8): the SSA has promulgated the Medical-Vocational Guidelines found at 20 C.F.R. Part 404, Appendix 2 to Subpart P

("Guidelines")(9) to serve as an objective, standardized basis for decision making at the fifth step of the evaluation process in the cases of claimants who have exertional(10) impairments or restrictions.(11) Each Guideline is expressed by terse entries on a "Medical-Vocational grid" in terms of a vocational profile consisting of "age", "education" and "previous work experience" and contains a "Decision"-expressed in terms of "disabled" or "not disabled"- based on each particular profile. These Grid rules represent the determination of the Commissioner, arrived at by taking administrative notice of relevant vocational data, that a significant number of unskilled jobs exist in the national economy are capable of being performed by persons having each profile, at each level of residual functional capacity. Chavez v. Department of Health and Human Services, 103 F.3d 849, 851 (9th Cir. 1996). It is important to note that the Guidelines only apply if they can be precisely applied: where the claimant is not able to do a full range of work at a particular exertional level, the Guidelines do not provide any presumption concerning the availability of jobs and may not be used.(12)

[2.8] Step five of the sequential analysis requires the SSA to consider, inter alia, the claimant's age [ 20 C.F.R. §404.1520(f)(1), §404.1563, §416.920(f)(1)]. While age is not presumed to seriously affect the ability to adapt to new work situations for people under age 50 [ 20 C.F.R. §404.1563(b)], the Regulations recognize that age, in conjunction with a severe impairment and limited work experience, may seriously affect the ability of persons either "approaching advanced age" (i.e., 50-54) or "of advanced age" (i.e., 55 and over) to adjust to a significant number of jobs in the economy. The Regulations implicitly recognize a direct relationship between age and the likelihood of employment: as a claimant ages, it becomes increasingly difficult for him/her to adapt to new work environments and to successfully compete with younger, healthier, similarly-skilled workers. Tom v. Heckler, 779 F.2d 1250, 1257 n.11 (7th Cir. 1985). In other words, the number of available jobs substantially decreases for a claimant of age fifty-five and up. For example, where a claimant of advanced age with a "skilled work" background is limited to sedentary work, the regulations require that there be little vocational adjustment:

In order to find transferability of skills to skilled sedentary work for individuals who are of advanced age (55 and over), there must be very little, if any, vocational adjustment required in terms of tools, work processes, work settings, or the industry.

20 C.F.R., Part 404, Subpt. P, App. 2, Rule 201.00(f).

[2.9] Thus, while the Regulations might mandate a finding that a younger claimant is not disabled so long as he/she can perform unskilled work [see 20 C.F.R. § 404.1565(a)], the same is not true of claimants of advanced age (i.e. 55 or over): the Regulations consider this age bracket as "the point where age significantly affects a person's ability to do substantial gainful activity." 20 C.F.R. §404.1563(d). In other words, in recognition of the fact that older people are generally at a competitive disadvantage for jobs, the proposed work for an "advanced age" claimant must not only be "less demanding" than that previously performed by him/her [20 C.F.R. §

404.1563(d)], but cannot require so little skill that anyone at all could do it. Terry v. Sullivan, 903 F.2d 1273, 1276 (9th Cir. 1990).

### **3. "Transferability" of skills and the Grid Tables**

[3.1] At step five of the evaluation process, consideration is given to the impaired individual's capability to adjust to and perform other work which differs from that of his/her past relevant work experience or, in the case of a person without work experience, the capability to begin to work for the first time.(13) The Guidelines implicitly recognize a direct relationship between the skills that the claimant may have acquired during the course of past employment and the likelihood of future employment- the theory being that a claimant with a "skilled" work background can more successfully adapt to new work environments and thereby has a competitive advantage over other [unskilled] workers. To that end, the Commissioner considers whether or not the claimant has skills acquired in PRW which are transferable(14) to closely related skilled or semi-skilled work with little or no vocational adjustment. With the possible assistance of a VE,(15) the adjudicator must determine if the claimant has acquired any skills in previous jobs and, if so, whether these skills are transferable and if their transfer requires any vocational adjustment. Burton v. Secretary of Health and Human Services, 893 F.2d 821, 824 (6th Cir. 1990).

[3.2] The question of "transferability" is not a mere academic exercise: when the Guidelines are applicable to a case, the existence or non-existence of "transferability" can be decisive in resolving the issue of "disability" or "non disability". For example, Table No. 1 (which deals with claimants who have an RFC limited to sedentary work as a result of a severe medically determinable impairment) sets forth several categories in which the issue of transferability makes a crucial difference in the determination of disability:

- (a) With respect to persons of "advanced age"(16) who
  - (i) have a "limited education" background(17) and have skilled or semiskilled previous work experience but whose skills are not transferable, Rule 201.02 mandates a finding of "disabled"; however Rule 201.03 mandates a finding of "not disabled" for a similarly situated person whose skills are transferable.
  - (ii) have a full high school education (or more) and have skilled or semiskilled previous work experience but whose skills are not transferable, Rule 201.06 mandates a finding of "disabled"; however, Rule 201.07 mandates a finding of "not disabled" for a similarly situated person whose skills are transferable.

- (b) With respect to persons "closely approaching advanced age"(18) who
  - (i) have a "limited education " background and have skilled or semiskilled previous work experience but whose skills are not transferable, Rule 201.10 mandates a finding of "disabled"; however Rule 201.11 mandates a finding of "not disabled" for a similarly situated person whose skills are transferable.
  - (ii) have a full high school education (or more) and have skilled or semiskilled previous work experience but whose skills are not transferable, Rule 201.14 mandates a finding of "disabled"; however, Rule 201.15 mandates a finding of "not disabled" for a similarly situated person whose skills are transferable.
- (c) With respect to persons who are "younger individuals" (i.e. 18-49 years of age),the issue of "transferability" of skills does not change the result one way or the other [see Rules 201.19, 201.20, 201.21, 201.22, 201.25, 201.26, 201.28 and 201.29].

[3.3] Table No. 2 (which deals with claimants who have an RFC limited to light work as a result of a severe medically determinable impairment) also sets forth several categories in which the issue of transferability makes a crucial difference in the determination of disability:

- (a) With respect to persons of "advanced age" who
  - (i) have a limited (or less) education and skilled or semiskilled previous workexperience but whose skills are not transferable, Rule 202.02 mandates a finding of "disabled"; however, Rule 202.03 mandates a finding of "not disabled" for a similarly situated person whose skills are transferable.
  - (ii) have a full high school education (or more) and have skilled or semiskilled previous work experience which does not provide for direct entry into skilled work but whose skills are not transferable, Rule 202.06 mandates a finding of "disabled"; however, Rule 202.07 mandates a finding of "not disabled" for a similarly situated person whose skills are transferable.(19)

- (b) With respect to persons "closely approaching advanced age" who
  - (i) have a "limited education " background and have skilled or semiskilled previous work experience but whose skills are not transferable, Rule 202.11 mandates a finding of "not disabled" and Rule 202.12 also mandates a finding of "not disabled" for a similarly situated person whose skills are transferable.
  - (ii) have a full high school education (or more) and have skilled or semiskilled previous work experience but whose skills are not transferable, Rule 202.14 mandates a finding of "not disabled", as does Rule 202.15 for a similarly situated person whose skills are transferable.
- (c) With respect to persons who are "younger individuals" (i.e. 18-49 years of age), the issue of "transferability" of skills does not change the result one way or the other [see Rules 202.18, 202.19, 202.21 and 201.22].

[3.4] Table No. 3 (which deals with claimants who have an RFC limited to medium work as a result of a severe medically determinable impairment) also sets forth several categories relating to issue of transferability, but none of those categories makes any difference in the determination of disability in a particular case.

[3.5] It is thus evident that Rules 201.03, 201.07, 201.11 and 201.15 ("Transferability Grids") - on their face - compel a finding of "not disabled" in situations in which the claimant has acquired transferable skills from prior work experience independent of whether or not the trier of fact can identify specific jobs which are available in the national or regional economies. Given the detailed evaluations required by SSR 82-41. , however, it is hard to see how an adjudicator can make use of the "mechanical" conclusions authorized by the Transferability Grids to find Grid jobs for claimants with transferable skills.

[3.6] Under the Regulations, an individual is considered to have transferable skills "when the skilled or semi-skilled work activities [the individual] did in past work can be used to meet the requirements of skilled or semi-skilled work activities of other jobs or kinds of work" 20 C.F.R. §404.1568. Transferability is most probable among jobs in which the same or a lesser degree of skill is required; the same or similar tools and machines are used; and the same or similar raw materials, products, processes or services are involved. Id. 20 C.F.R. §404.1565. "Transferability refers to acquired work skills, not to aptitudes and attributes that are more properly characterized as qualities necessary and useful in nearly all jobs." Frey v. Bowen, 816 F.2d 508, 517-18 (10th Cir. 1987).

[3.7] The concepts of "skills" and "transferability of skills" are explained in SSR 82-41, which deals with the methodology under which SSA adjudicators are required to consider whether a claimant with skilled or semiskilled prior work experience is able to adjust to other kinds of work. The term "skill" is defined as:

. . . knowledge of a work activity which requires the exercise of significant judgment that goes beyond the carrying out of simple job duties and is acquired through performance of an occupation which is above the unskilled level (requires more than 30 days to learn). It is practical and familiar knowledge of the principles and processes of an art, science or trade, combined with the ability to apply them in practice in a proper and approved manner. . . . A skill gives a person a special advantage over unskilled workers in the labor market.

Skills are not gained by doing unskilled jobs, and a person has no special advantage if he or she is skilled or semiskilled but can qualify only for an unskilled job because his or her skills cannot be used to any significant degree in other jobs.

SSR 82-41. , ¶2(a) (1982) (emphasis added).

[3.8] The term "transferability" is defined as "applying work skills which a person has demonstrated in vocationally relevant past jobs to meet the requirements of other skilled or semiskilled jobs." *Id.* ¶2(b).

[3.9] Consistent with SSR 82-41, Regulation 20 C.F.R. §404.1568(d) also defines transferability in terms of transferability to "skilled" work only:

We consider you to have skills that can be used in other jobs, when the skilled or semiskilled work activities you did in past work can be used to meet the requirements of skilled or semi-skilled(20) work activities other jobs or kinds of work.

(Emphasis added).

[3.10] Case law also emphasizes that skills are not transferable to unskilled work because, by definition, unskilled work requires no skills.(21) Allen v. Bowen, 881 F.2d 37, 43 (3rd Cir. 1989) ("if the only jobs that a claimant can presently perform are of an unskilled nature . . . then plainly his former employment has transferred no skills of present value"). Botefur v. Heckler, 612 F.Supp. 973, 977 (D.Or. 1985) ("The existence of unskilled jobs in completely different fields [than his past work] should be legally irrelevant to individuals of [claimant's] age and background"). Saulsberry v. Chater, 959 F.Supp. 1247, 1251 (C.D.Cal. 1997) (even if claimant developed transferable skills, any such skills are not transferable to an unskilled job). If a claimant's skills are not



transferable to an identified job, the claimant is in the same position as someone who is unskilled. See also 20 C.F.R. §404.1565(a): "If you cannot use your skills in other skilled or semiskilled work, we will consider your work background the same as unskilled."

[3.11] SSR 82-41 emphasizes that the SSA decision maker (whether in a State agency or in the Office of Hearing and Appeals(22)) must make a careful inquiry - usually with the assistance of a vocational expert ("VE") - to determine (a) whether the claimant's PRW is unskilled, semiskilled or skilled, (b) whether particular skills acquired by the claimant in such semiskilled or skilled PRW are capable of being used by him/her in other jobs in view of his/her RFC, (c) whether the degree of transferability is close or remote to the particular "other job" under consideration and (d) whether the age of the claimant (i.e. age 55 or over) may impede transferability of skills.(23)

[3.12] As already indicated, the basic assumption underlying the Regulations(24) is that a skill generally gives a person a special advantage over unskilled workers in the overall labor market since a skilled worker (i) has a greater number of possible jobs that he/she can do and (ii) is generally more able to adapt to a new work environment; on the other hand, a skilled or semiskilled person has no special advantage in the labor market if those skills cannot be used in other jobs (i.e. if the person cannot transfer these skills to another skilled or semiskilled job). In such a case, the person can qualify only for an unskilled job - a situation which places the person at no competitive advantage vis-a-vis other workers with prior unskilled work experience.(25)

#### **4. Problems with Transferability and the Guidelines**

[4.1] Because (a) the Guidelines explicitly mandate presumptions as to the availability of unskilled jobs (i.e. Grid jobs) only and (b) the Transferability Grids provide a mechanism by which a claimant's acquired [transferable] skills are allowed to "transfer" to Grid jobs, the Guidelines seem to permit skills to be transferred to unskilled jobs in the disability evaluation process. This, of course, would be logically inconsistent with the basic premises underlying SSR 82-41; to wit, that acquired skills cannot be transferred to unskilled work but only to other work that requires the same or similar skills. For this reason, it would appear that the issue of "transferability of skills" should really have no application in the use of the Guidelines: because skills cannot be transferred to unskilled work, if a claimant has skills which are transferable they should not (logically) be considered for those "administratively noticed" Grid jobs, which are all unskilled. On the surface, it would appear that the Guidelines cannot be mechanically applied.

[4.2] This apparent inconsistency can only be reconciled if the Transferability Grids are understood as exceptions to the presumptions otherwise contained in the Guidelines; that is, the presumption that certain vocational profiles established by the Guidelines automatically mandate a finding of "disabled" or "not disabled". What the Transferability Grids do is allow the adjudicator to find "employability" (i.e. a finding of "not disabled") notwithstanding the fact that the vocational profile of the claimant would otherwise mandate a finding of "disabled".

[4.3] If the claimant has transferable skills (either as testified to by a VE or determined by the Department of Labor in the Dictionary of Occupational Titles), the Transferability Grids allow the adjudicator - notwithstanding the claimant's profile - to make a finding of "not disabled", but only after considering VE testimony as to whether the skills acquired by the claimant during his/her work history can be transferred to other jobs generally. What is important to understand, however, is that the Transferability Grids do not - on their face - require that a VE either (i) actually identify specific jobs or (ii) state the specific number of such jobs that are available in the national and regional economies. They rather assume (sub silencio) that a skilled worker is inherently more "employable" than an unskilled worker.

## **5. Conclusion**

[5.1] Common sense tells us that a skilled worker with transferable skills is more capable of finding employment than one without skills [or one without transferable skills]; however, adjudicators should exert great care before mechanically using the Transferability Grids to make findings that a particular claimant with prior skilled work experience is "not disabled" (ie "employable"). Before making such a finding, the better course would be to obtain VE testimony specifically (i) identifying those skills which are transferable, (ii) describing specific jobs in which those skills can be utilized and (iii) advising the adjudicator as to the number of such jobs that actually exist in the national and regional economies.

## **ENDNOTES**

1. This article was written by Judge Katz in his private capacity. No official approval or endorsement by the Office of Hearings and Appeals or the Social Security Administration is intended or should be inferred. The views expressed in this article do not represent the views of the Agency or of the United States.
2. The Act is administered by the Social Security Administration ("SSA") which is headed by the Commissioner of Social Security ("Commissioner").
3. The Commissioner's test for determining disability is different for a child claimant (i.e., someone who has not yet attained the age of 18 years [20 C.F.R. § 416.911] as it is related to the child's overall health and functioning - not to the child's ability to work per se.
4. An impairment must be shown by objective medical evidence to result from an anatomical, physiological or psychological abnormality and must be established not only by the claimant's statements of symptoms, but also by medical evidence consisting of sign, symptoms and laboratory findings. 20 C.F.R. §404.1508. In other words, there must be an organic basis or a known medical pathology for the claimant's report of symptoms in order for an impairment to exist. SSR 96-4p emphasizes the requirement that under no circumstances may the existence of an impairment be established on the basis of symptoms alone.

5. The Listings consist of descriptions of various physical and mental illnesses and abnormalities categorized by the body system they affect. Each impairment is defined in terms of several specific medical signs, symptoms or laboratory test results. For a claimant to show that his/her impairment matches a Listing, it must meet all of the specified medical criteria. The Listings essentially contain a list of impairments presumed severe enough to preclude any gainful work.
6. See 20 C.F.R. §416.925 (purpose of Listings is to describe impairments "severe enough to prevent a person from doing any gainful activity").
7. The trier of fact's common sense determines just what constitutes a "significant" number of jobs in each particular factual situation. Hall v. Chater, 109 F.3d 1255, 1259 (8th Cir. 1997); Johnson v. Chater, 108 F.3d 178, 1880 (8th Cir. 1997). Factors the trial judge should consider include the level of the claimant's disability, the reliability of both the claimant's and the VE's testimony and the types and availability of work that the claimant can perform.
8. Regulation 200.00(b).
9. The Guidelines are sometimes referred to as the "Grids".
10. The Guidelines can be used to determine disability or non-disability, provided that the nonexertional impairments do not significantly diminish the claimant's residual capacity to perform the activities listed in them. Where a claimant is not able to do a full range of work at a particular exertional level, the Guidelines do not provide any presumption concerning the availability of jobs and may not be used. SSR 96-9p governs in such cases.
11. The Supreme Court determined that the use of the Medical-Vocational grids was consistent with the Social Security Act and is a valid exercise of the Social Security Administration's rule making powers. Heckler v. Campbell, 461 U.S. 458, 467-8 (1983).
12. In such a case, the provisions of SSR 96-9 govern.
13. See, SSR 82-63.
14. Transferability means applying work skills which a person has demonstrated in vocational relevant past jobs to meet the requirements of other skilled or semiskilled jobs. SSR 82-41. . Transferability of skills becomes an issue, of course, only after a determination is made at Step 4 that an individual's impairment(s) prevents the performance of past relevant work (PRW) which is skilled or semiskilled.
15. The use of a VE is not mandatory, but "may" be used to assist the adjudicator [Regulation 20 C.F.R. §404.1565]. The adjudicator may also take administrative notice of the Dictionary of Occupational Titles ("DOT"), which is published by the

Department of Labor, to obtain job data and make determinations of these issues. Regulation 20 C.F.R. §404.1565(d).

16. Defined as individuals who are 55 years and over. In order to find transferability of skills to skilled sedentary work for such persons, however, there must be very little, if any, vocational adjustment required in terms of tools, work processes, work settings or the industry [Guidelines 201.00(f)].
17. Defined as a 7th to 11th grade of formal education [20 C.F.R. §404.1564(b)(3)].
18. Defined as persons aged 50-54 [Guidelines 201.00(g)].
19. Those high school graduates whose education provides for direct entry into skilled work are found by Rule 202.08 to be "not disabled" even though such skills are not transferable.
20. "Semi-skilled work is work which needs some skills but does not require doing the more complex work duties . . . . [It involves] activities which are . . . less complex than skilled work, but more complex than unskilled work" 20 C.F.R. §416.968(b).
21. By definition: "[U]nskilled work is work which needs little or no judgment to do simple duties that can be learned on the job in a short period of time," usually within 30 days. 20 C.F.R. §416.968(a).
22. i.e., an Administrative Law Judge ("ALJ").
23. Based on the assumption that older workers have a more difficult time making adjustments to new work situations than younger workers.
24. As explained in SSR 82-41.
25. Even if unskilled, a person who has worked in the past is still more employable than a person who has never worked: "The lack of work experience is a vocationally adverse factor in that a person who has not been in the labor market has not developed any basic knowledge of work products or services, the ability to relate and communicate to supervisors and coworkers, [or] the work habits of scheduling time. . . ." SSR 82-63.