

CROSS EXAMINATION OF VOCATIONAL EXPERTS

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I. BE PREPARED

- Understand the demands of your client's past relevant work. Submit Abstracts of each job performed by the client in the previous 15 years. Example of Vocational Profile attached (*Introductory Materials, pp. 77 - 78*)
- Obtain definite statements of your client's limitations from treating sources. Examples of Physical, Mental and Visual RFC's, attached. (*Introductory Materials, Appendix E*)
- Prepare your own Hypothetical Question prior to hearing based on the evidence of record. Annotate the Hypothetical Question.

II. BE ORGANIZED

- Use hearing checklists
- One fact at a time in cross-examination. Don't shotgun it in one question.

III. BE COURTEOUS AND PROFESSIONAL

- Obtain helpful or non-controversial information from VE, first before going into more controversial or "touchy" areas. Get the VE in the mode of agreeing with you, first.

IV. KNOW WHERE YOU ARE GOING

- Understand the Grid Regulations. Don't over-prove your case.
- Develop a theory of the case well in advance. Fit your Hypothetical Question to that theory.

EROSION OF THE OCCUPATIONAL BASE

THE LAND BETWEEN TWO CONFLICTING GRID RULES AT THE FIFTH STEP OF THE SEQUENTIAL EVALUATION

As noted in the Introduction to Social Security Materials, the Grid Rules more often than not do not help. But you also learned that the Grid Rules do not have a DIRECT and EXACT applicability if any of the four statutory factors (age, education, skills and Residual Functional Capacity or “RFC”) don’t precisely match the exact parameters of the Grid Rule that the ALJ would try to employ.

Example:

- AGE: Joe is 52 at time of onset of disability and 54 now;
- EDUCATION: Joe has a High School diploma or GED;
- WORK: Joe has worked in the past as a Construction Laborer This is considered to be a job that requires walking and standing all day with lifting of 50# Frequently (2/3 of the day) and 100# Occasionally (1/3 of the day). It is unskilled;
- RFC: The ALJ might seem to believe that Joe can:

This corresponds exactly with the definition of “Light” work. 20 C.F.R. §404.1567(b)

- Walk and Stand a total of 8 hours a day;
- Sit 6 - 8 hours a day total;
- Lift 20# Occasionally;
- Lift 10# Frequently.

If that’s all the ALJ thinks Joe’s limits are, then the ALJ is entitled to rely upon the Administrative Notice of the LIGHT GRID TABLE that assumes the individual is limited to LIGHT work. Grid Rule 202.13 would direct that Joe is Not Disabled (*Introductory Materials, p. 28*). How do you get out of that?

RARELY are an individual’s problems manifested **only** in limitations in Sitting, Standing, Walking and Lifting. **ALMOST ALWAYS**, the problems manifest themselves in other, **ADDITIONAL** ways. Since the “RFC” for any Grid Rule is only defined by those four factors, if there are other limitations at play, the Grid Rule does not apply.

Abbott v. Sullivan, 905 F.2d 918, 926 (6th Cir. 1990).

The Light RFC Grid (including Grid Rule 202.13), as a whole, reflects Administrative Notice that there are 1,400 Light Unskilled Occupations. Social Security Ruling 83-10. Those 1,400 Occupations are referred to as the Light **OCCUPATIONAL BASE**.

What if Joe could only:

- Walk and Stand a total of 2 hours a day;
- Sit 6 - 8 hours a day total;
- Lift 10# Occasionally;
- Lift less than 10# Frequently.

Those limitations correspond exactly with the definition of “Sedentary” work. 20 C.F.R. §404.1567(a). If that were the case, the ALJ would then rely upon the SEDENTARY GRID TABLE. Joe’s age, education and unskilled work history would then require the use of Grid Rule 201.12 (*Introductory Materials, p. 26*). That Rule directs a finding of “DISABLED”.

The SEDENTARY GRID TABLE (including Grid Rule 201.12), as a whole, reflects Administrative Notice that there are 200 Sedentary Unskilled Occupations.¹ Social Security Ruling 83-10. Those 200 Occupations are referred to as the Sedentary **OCCUPATIONAL BASE**.

YOU **CANNOT** CONVINCe THE ALJ THAT JOE IS MORE LIMITED TO SEDENTARY WORK. That will **NEVER HAPPEN**.

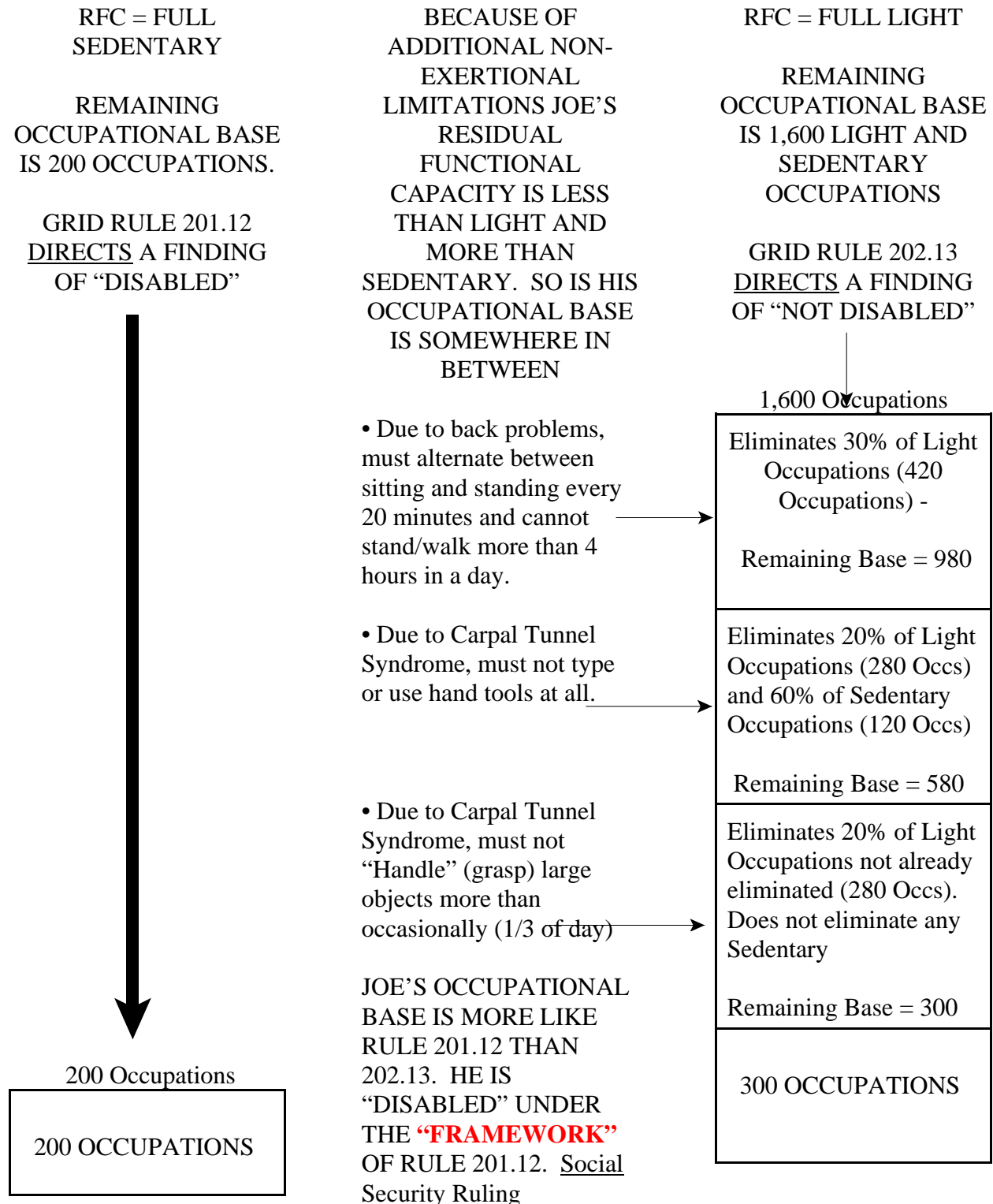
WHAT YOU **CAN** do is convince the ALJ that Joe’s medical problems result in **ADDITIONAL** limitations besides only Walking, Standing, Sitting and Lifting. Those additional limitations (**NON-EXERTIONAL LIMITATIONS**) further restrict the **LIGHT OCCUPATIONAL BASE** of 1,400 occupations. The question is, HOW MUCH? You may be able to convince the ALJ that the additional non-exertional limitations pare down the Light Occupational Base to something that looks a whole lot like the Sedentary Occupational Base.

Given Joe’s age, he wins even if he can still do 200 Occupations. He loses if he can do 1,600 Occupations (remember, the Light RFC also includes the ability to do Sedentary occupations, too). On the GRID TABLES, it looks like this:

<u>RFC</u>	<u>Age</u>	<u>Education</u>	<u>Work Experience</u>	<u>Result</u>
LIGHT (1,600)	50 - 54	High School	Unskilled	Not Disabled
SEDENTARY (200)	50 - 54	High School	Unskilled	Disabled

¹The Sedentary Grid Table takes Administrative Notice that Joe can still do 200 Sedentary Occupations. If that’s the case, why does he win? The difference in the outcome of Rule 201.12 reflects the impact that Joe’s age has on that Occupational Base. The Commissioner is taking Administrative Notice that Joe’s age would prevent him from adjusting to those other Occupations.

BUT THINK OF IT THIS WAY. Joe can't do ALL of the things composing LIGHT work. His Occupational Base is somewhere in between that of the ability to do all 1,600 Light and Sedentary occupations and the Occupational Base for just being able to do the 200 Sedentary occupations. What if the additional things resulted in an Occupational Base that looked at lot more like Grid Rule 201.12 than Grid Rule 202.13? Shouldn't he be treated more like the person who absolutely fits Grid Rule 201.12?



This analysis is explained in Social Security Ruling 83-12:

If the exertional level falls between two rules which direct opposite conclusions, i.e., "Not disabled" at the higher exertional level and "Disabled" at the lower exertional level, consider as follows:

- a. An exertional capacity that is only slightly reduced in terms of the regulatory criteria could indicate a sufficient remaining occupational base to satisfy the minimal requirements for a finding of "Not disabled."
- b. On the other hand, if the exertional capacity is significantly reduced in terms of the regularity definition, it could indicate little more than the occupational base for the lower rule and could justify finding of "Disabled."

THOUGHTS TO KEEP IN MIND:

- most unskilled sedentary jobs require good use of both hands. Social Security Ruling 83-12
- There are some jobs in the national economy -- typically professional and managerial ones -- in which a person can sit or stand with a degree of choice. If an individual had such a job and is still capable of performing it, or is capable of transferring work skills to such jobs, he or she would not be found disabled. However, most jobs have ongoing work processes which demand that a worker be in a certain place or posture for at least a certain length of time to accomplish a certain task. Unskilled types of jobs are particularly structured so that a person cannot ordinarily sit or stand at will. Social Security Ruling 83-12.
- Stooping, kneeling, crouching, and crawling are progressively more strenuous forms of bending parts of the body, with crawling as a form of locomotion involving bending. Some stooping (bending the body downward and forward by bending the spine at the waist) is required to do almost any kind of work, particularly when objects below the waist are involved. If a person can stoop occasionally (from very little up to one-third of the time) in order to lift objects, the sedentary and light occupational base is virtually intact. However, because of the lifting required for most medium, heavy, and very heavy jobs, a person must be able to stoop frequently (from one-third to two-thirds of the time); inability to do so would substantially affect the more strenuous portion of the occupational base. This is also true for crouching (bending the body downward and forward by bending both the legs and spine). Social Security Ruling 85-15.
- Consequently, to perform the full range of medium work as defined, a person must be able to do both frequent stooping and frequent crouching -- bending both the back and the legs. Social Security Ruling 83-14
- Reaching, handling, fingering, and feeling require progressively finer usage of the upper extremities to perform work-related activities. **Reaching** (extending the hands and arms in any direction) **and handling** (seizing, holding, grasping, turning or otherwise

working primarily with the whole hand or hands) ***are activities required in almost all jobs***. Significant limitations of reaching or handling, therefore, may eliminate a large number of occupations a person could otherwise do... "***Fingering***" involves picking, pinching, or otherwise working primarily with the fingers. It ***is needed to perform most unskilled sedentary jobs*** and to perform certain skilled and semiskilled jobs at all levels of exertion. As a general rule, limitations of fine manual dexterity have greater adjudicative significance — in terms of relative number of jobs in which the function is required — as the person's exertional RFC decreases. Thus, loss of fine manual dexterity narrows the sedentary and light ranges of work much more than it does the medium, heavy, and very heavy ranges of work. Social Security Ruling 85-15.

PAST RELEVANT WORK

JOB TITLE:	<input type="checkbox"/> S <input type="checkbox"/> L	<input type="checkbox"/> U/S <input type="checkbox"/> S/S <input type="checkbox"/> S
DOT #: _____ GOE #: _____	<input type="checkbox"/> M <input type="checkbox"/> H	SVP: _____
<u>Skills:</u>		
● Tools/Machines/Equipment: <input type="checkbox"/> hand tools <input type="checkbox"/> computers <input type="checkbox"/> office equipment		
● Reports: <input type="checkbox"/> Inventory <input type="checkbox"/> Analysis v. <input type="checkbox"/> data entry		
● Technical Knowledge		
● Supervisory: <input type="checkbox"/> hire/fire <input type="checkbox"/> work schedules <input type="checkbox"/> job performance <input type="checkbox"/> pay raises		
Tools:		
Machines:		
Raw Materials:		
Products:		
Processes:		
Services:		

JOB TITLE:	<input type="checkbox"/> S <input type="checkbox"/> L	<input type="checkbox"/> U/S <input type="checkbox"/> S/S <input type="checkbox"/> S
DOT #: _____ GOE #: _____	<input type="checkbox"/> M <input type="checkbox"/> H	SVP: _____
<u>Skills:</u>		
● Tools/Machines/Equipment: <input type="checkbox"/> hand tools <input type="checkbox"/> computers <input type="checkbox"/> office equipment		
● Reports: <input type="checkbox"/> Inventory <input type="checkbox"/> Analysis v. <input type="checkbox"/> data entry		
● Technical Knowledge		
● Supervisory: <input type="checkbox"/> hire/fire <input type="checkbox"/> work schedules <input type="checkbox"/> job performance <input type="checkbox"/> pay raises		
Tools:		
Machines:		
Raw Materials:		
Products:		
Processes:		
Services:		

JOB TITLE:	<input type="checkbox"/> S <input type="checkbox"/> L	<input type="checkbox"/> U/S <input type="checkbox"/> S/S <input type="checkbox"/> S
DOT #: _____ GOE #: _____	<input type="checkbox"/> M <input type="checkbox"/> H	SVP: _____
Skills:		
● Tools/Machines/Equipment: <input type="checkbox"/> hand tools <input type="checkbox"/> computers <input type="checkbox"/> office equipment		
● Reports: <input type="checkbox"/> Inventory <input type="checkbox"/> Analysis v. <input type="checkbox"/> data entry		
● Technical Knowledge		
● Supervisory: <input type="checkbox"/> hire/fire <input type="checkbox"/> work schedules <input type="checkbox"/> job performance <input type="checkbox"/> pay raises		
Tools:		
Machines:		
Raw Materials:		
Products:		
Processes:		
Services:		

JOB TITLE:	<input type="checkbox"/> S <input type="checkbox"/> L	<input type="checkbox"/> U/S <input type="checkbox"/> S/S <input type="checkbox"/> S
DOT #: _____ GOE #: _____	<input type="checkbox"/> M <input type="checkbox"/> H	SVP: _____
Skills:		
● Tools/Machines/Equipment: <input type="checkbox"/> hand tools <input type="checkbox"/> computers <input type="checkbox"/> office equipment		
● Reports: <input type="checkbox"/> Inventory <input type="checkbox"/> Analysis v. <input type="checkbox"/> data entry		
● Technical Knowledge		
● Supervisory: <input type="checkbox"/> hire/fire <input type="checkbox"/> work schedules <input type="checkbox"/> job performance <input type="checkbox"/> pay raises		
Tools:		
Machines:		
Raw Materials:		
Products:		
Processes:		
Services:		

ALJ HYPOTHETICAL

PHYSICAL RFC: Sedentary Light Medium Heavy No physical limits

Lift Occasionally 5 10 15 20 25 30 35 40 45 50

Lift Frequently 5 10 15 20 25 30 35 40 45 50

POSTURAL: Bending None None - Occ Occ - Freq > Frequent

Sit/Stand Option

Sit (total): _____ Sit (at one time): _____
 Stand (total): _____ Stand (at one time): _____

At workers convenience

Can continue work process at new position

Must bend over at waist (work process at waist level or lower) to continue work process; e.g., typing, inspecting)

Cannot continue work process at new position for _____ minutes

USE OF HANDS:

Dominant (<input type="checkbox"/> R <input type="checkbox"/> L) Fine Manip: <input type="checkbox"/> None <input type="checkbox"/> Occ <input type="checkbox"/> Freq Gross “ <input type="checkbox"/> None <input type="checkbox"/> Occ <input type="checkbox"/> Freq	Non-dominant Fine Manip: <input type="checkbox"/> None <input type="checkbox"/> Occ <input type="checkbox"/> Freq Gross “ <input type="checkbox"/> None <input type="checkbox"/> Occ <input type="checkbox"/> Freq
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VISION: Fine Vision: None Occ Freq

Gross Vision: None Occ Freq

ENVIRONMENTAL: No pulmonary irritants (dust/fumes) No outside work
 Temperature controlled environment

ATTENDANCE:

MENTAL: Simple, routine, repetitive Entry Level SVP < _____
 one - two step tasks one- three step tasks
 Contact with the public: None Occ Freq
 Contact with co-workers None Occ Freq
 Contact with supervisors None Occ Freq
 Production Quotas: None Occ Freq
 Precision; e.g. math or measured tolerances None Occ Freq
 Deadlines: None Occ Freq

RESPONSE TO ALJ HYPOTHETICAL # _____

JOB TITLE:	<input type="checkbox"/> S <input type="checkbox"/> L	<input type="checkbox"/> U/S <input type="checkbox"/> S/S <input type="checkbox"/> S
DOT #: _____ GOE #: _____	<input type="checkbox"/> M <input type="checkbox"/> H	SVP: _____
National Economy:#	Local Economy #	
Skills: <ul style="list-style-type: none"> ● Tools/Machines/Equipment: <input type="checkbox"/> hand tools <input type="checkbox"/> computers <input type="checkbox"/> office equipment ● Reports: <input type="checkbox"/> Inventory <input type="checkbox"/> Analysis v. <input type="checkbox"/> data entry ● Technical Knowledge ● Supervisory: <input type="checkbox"/> hire/fire <input type="checkbox"/> work schedules <input type="checkbox"/> job performance <input type="checkbox"/> pay raises 		
Tools:		
Machines:		
Raw Materials:		
Products:		
Processes:		
Services:		

JOB TITLE:	<input type="checkbox"/> S <input type="checkbox"/> L	<input type="checkbox"/> U/S <input type="checkbox"/> S/S <input type="checkbox"/> S
DOT #: _____ GOE #: _____	<input type="checkbox"/> M <input type="checkbox"/> H	SVP: _____
National Economy #	Local Economy #	
Skills: <ul style="list-style-type: none"> ● Tools/Machines/Equipment: <input type="checkbox"/> hand tools <input type="checkbox"/> computers <input type="checkbox"/> office equipment ● Reports: <input type="checkbox"/> Inventory <input type="checkbox"/> Analysis v. <input type="checkbox"/> data entry ● Technical Knowledge ● Supervisory: <input type="checkbox"/> hire/fire <input type="checkbox"/> work schedules <input type="checkbox"/> job performance <input type="checkbox"/> pay raises 		
Tools:		
Machines:		
Raw Materials:		
Products:		
Processes:		
Services:		

JOB TITLE:	<input type="checkbox"/> S <input type="checkbox"/> L	<input type="checkbox"/> U/S <input type="checkbox"/> S/S <input type="checkbox"/> S
DOT #: _____ GOE #: _____	<input type="checkbox"/> M <input type="checkbox"/> H	SVP: _____
National Economy:#	Local Economy #	
Skills:		
● Tools/Machines/Equipment: <input type="checkbox"/> hand tools <input type="checkbox"/> computers <input type="checkbox"/> office equipment		
● Reports: <input type="checkbox"/> Inventory <input type="checkbox"/> Analysis v. <input type="checkbox"/> data entry		
● Technical Knowledge		
● Supervisory: <input type="checkbox"/> hire/fire <input type="checkbox"/> work schedules <input type="checkbox"/> job performance <input type="checkbox"/> pay raises		
Tools:		
Machines:		
Raw Materials:		
Products:		
Processes:		
Services:		

JOB TITLE:	<input type="checkbox"/> S <input type="checkbox"/> L	<input type="checkbox"/> U/S <input type="checkbox"/> S/S <input type="checkbox"/> S
DOT #: _____ GOE #: _____	<input type="checkbox"/> M <input type="checkbox"/> H	SVP: _____
National Economy #	Local Economy #	
Skills:		
● Tools/Machines/Equipment: <input type="checkbox"/> hand tools <input type="checkbox"/> computers <input type="checkbox"/> office equipment		
● Reports: <input type="checkbox"/> Inventory <input type="checkbox"/> Analysis v. <input type="checkbox"/> data entry		
● Technical Knowledge		
● Supervisory: <input type="checkbox"/> hire/fire <input type="checkbox"/> work schedules <input type="checkbox"/> job performance <input type="checkbox"/> pay raises		
Tools:		
Machines:		
Raw Materials:		
Products:		
Processes:		
Services:		

ATTORNEY HYPOTHETICAL

PHYSICAL RFC: Sedentary Light Medium Heavy No physical limits

Lift Occasionally 5 10 15 20 25 30 35 40 45 50

Lift Frequently 5 10 15 20 25 30 35 40 45 50

POSTURAL: Bending None None - Occ Occ - Freq > Frequent

Sit/Stand Option

Sit (total): _____ Sit (at one time): _____

Stand (total): _____ Stand (at one time): _____

At workers convenience

Can continue work process at new position

Must bend over at waist (work process at waist level or lower) to continue work process; e.g., typing, inspecting)

Cannot continue work process at new position for _____ minutes

USE OF HANDS:

Dominant (<input type="checkbox"/> R <input type="checkbox"/> L) Fine Manip: <input type="checkbox"/> None <input type="checkbox"/> Occ <input type="checkbox"/> Freq Gross " <input type="checkbox"/> None <input type="checkbox"/> Occ <input type="checkbox"/> Freq	Non-dominant Fine Manip: <input type="checkbox"/> None <input type="checkbox"/> Occ <input type="checkbox"/> Freq Gross " <input type="checkbox"/> None <input type="checkbox"/> Occ <input type="checkbox"/> Freq
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VISION: Fine Vision: None Occ Freq

Gross Vision: None Occ Freq

ATTENDANCE/REST PERIODS:

MENTAL: Simple, routine, repetitive Entry Level SVP < _____

one - two step tasks one- three step tasks

Contact with the public: None Occ Freq

Contact with co-workers None Occ Freq

Contact with supervisors None Occ Freq

Production Quotas: None Occ Freq

Precision; e.g. math or measured tolerances None Occ Freq

Deadlines: None Occ Freq

CONCEPTS

404.1568 Skill requirements.

In order to evaluate your skills and to help determine the existence in the national economy of work you are able to do, occupations are classified as unskilled, semi-skilled, and skilled. In classifying these occupations, we use materials published by the Department of Labor. When we make disability determinations under this subpart, we use the following definitions:

(a) Unskilled work. Unskilled 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. The job may or may not require considerable strength. For example, we consider jobs unskilled if the primary work duties are handling, feeding and offbearing (that is, placing or removing materials from machines which are automatic or operated by others), or machine tending, and a person can usually learn to do the job in 30 days, and little specific vocational preparation and judgment are needed. A person does not gain work skills by doing unskilled jobs.

(b) Semi-skilled work. Semi-skilled work is work which needs some skills but does not require doing the more complex work duties. Semi-skilled jobs may require alertness and close attention to watching machine processes; or inspecting, testing or otherwise looking for irregularities; or tending or guarding equipment, property, materials, or persons against loss, damage or injury; or other types of activities which are similarly less complex than skilled work, but more complex than unskilled work. A job may be classified as semi-skilled where coordination and dexterity are necessary, as when hands or feet must be moved quickly to do repetitive tasks.

(c) Skilled work. Skilled work requires qualifications in which a person uses judgment to determine the machine and manual operations to be performed in order to obtain the proper form, quality, or quantity of material to be produced. Skilled work may require laying out work, estimating quality, determining the suitability and needed quantities of materials, making precise measurements, reading blueprints or other specifications, or making necessary computations or mechanical adjustments to control or regulate the work. Other skilled jobs may require dealing with people, facts, or figures or abstract ideas at a high level of complexity.

(d) Skills that can be used in other work (transferability).

(1) What we mean by transferable skills. We consider you to have skills that can be used in other jobs, when the skilled or semi-skilled work activities you 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. This depends largely on the similarity of occupationally significant work activities among different jobs.

(2) How we determine skills that can be transferred to other jobs. Transferability is most probable and meaningful among jobs in which--

- (i) The same or a lesser degree of skill is required;
- (ii) The same or similar tools and machines are used; and
- (iii) The same or similar raw materials, products, processes, or services are involved.

(3) Degrees of transferability. There are degrees of transferability of skills ranging from very close similarities to remote and incidental similarities among jobs. A complete similarity of all three factors is not necessary for transferability. However, when skills are so specialized or have been acquired in such an isolated vocational setting (like many jobs in mining, agriculture, or fishing) that they are not readily usable in other industries, jobs, and work settings, we consider that they are not transferable.

(4) Transferability of skills for individuals of advanced age. If you are of advanced age (age 55 or older), and you have a severe impairment(s) that limits you to sedentary or light work, we will find that you cannot make an adjustment to other work unless you have skills that you can transfer to other skilled or semiskilled work (or you have recently completed education which provides for direct entry into skilled work) that you can do despite your impairment(s). We will decide if you have transferable skills as follows. If you are of advanced age and you have a severe impairment(s) that limits you to no more than sedentary work, we will find that you have skills that are transferable to skilled or semiskilled sedentary work only if the sedentary work is so similar to your previous work that you would need to make very little, if any, vocational adjustment in terms of tools, work processes, work settings, or the industry. (See § 404.1567(a) and § 201.00(f) of appendix 2.) If you are of advanced age but have not attained age 60, and you have a severe impairment(s) that limits you to no more than light work, we will apply the rules in paragraphs (d)(1) through (d)(3) of this section to decide if you have skills that are transferable to skilled or semiskilled light work (see § 404.1567(b)). If you are closely approaching retirement age (age 60-64) and you have a severe impairment(s) that limits you to no more than light work, we will find that you have skills that are transferable to skilled or semiskilled light work only if the light work is so similar to your previous work that you would need to make very little, if any, vocational adjustment in terms of tools, work processes, work settings, or the industry. (See § 404.1567(b) and Rule 202.00(f) of appendix 2 to this subpart.)

Social Security Ruling 96-9p

Nevertheless, the rules in Table No. 1 in appendix 2 take administrative notice that there are approximately 200 separate unskilled sedentary occupations, each representing numerous jobs, in the national economy. Therefore, even though "sedentary work" represents a significantly restricted range of work, this range in itself is not so prohibitively restricted as to negate work capability for substantial gainful activity in all individuals.

Moreover, since each occupation administratively noticed by Table No. 1 represents numerous jobs, the ability to do even a limited range of sedentary work does not in itself establish disability in all individuals, although *a finding of "disabled" usually applies when the full range of sedentary work is significantly eroded (see Using the Rules in Table No. 1 as a Framework: "Erosion" of the Occupational Base below)*. In deciding whether an individual who is limited to

a partial range of sedentary work is able to make an adjustment to work other than any PRW, the adjudicator is required to make an individualized determination, considering age, education, and work experience, including any skills the individual may have that are transferable to other work, or education that provides for direct entry into skilled work, under the rules and guidelines in the regulations.

Alternate sitting and standing: An individual may need to alternate the required sitting of sedentary work by standing (and, possibly, walking) periodically. Where this need cannot be accommodated by scheduled breaks and a lunch period, the occupational base for a full range of unskilled sedentary work will be eroded. The extent of the erosion will depend on the facts in the case record, such as the frequency of the need to alternate sitting and standing and the length of time needed to stand. The RFC assessment must be specific as to the frequency of the individual's need to alternate sitting and standing. It may be especially useful in these situations to consult a vocational resource in order to determine whether the individual is able to make an adjustment to other work.

Manipulative Ability: Most unskilled sedentary jobs require good use of both hands and the fingers; i.e., bilateral manual dexterity. Fine movements of small objects require use of the fingers; e.g., to pick or pinch. Most unskilled sedentary jobs require good use of the hands and fingers for repetitive hand-finger actions. Any significant manipulative limitation of an individual's ability to handle and work with small objects with both hands will result in a significant erosion of the unskilled sedentary occupational base.

Mental Limitations: ***A substantial loss of ability to meet any one of several basic work-related activities on a sustained basis (i.e., 8 hours a day, 5 days a week, or an equivalent work schedule), will substantially erode the unskilled sedentary occupational base and would justify a finding of disability.*** These mental activities are generally required by competitive, remunerative, unskilled work:

- Understanding, remembering, and carrying out simple instructions.
- Making judgments that are commensurate with the functions of unskilled work--i.e., simple work-related decisions.
- Responding appropriately to supervision, co-workers and usual work situations.
- Dealing with changes in a routine work setting.