

Editor's Note: In some States, SSA is testing a modification that allows State agency disability examiners called "single decisionmakers" (SDM) to make both favorable and unfavorable determinations alone in some cases, i.e., without obtaining the signature of a medical or psychological consultant. See 20 C.F.R. §§ 404.906(b)(2) and 416.1406(b)(2). This Memorandum addresses how ALJs should evaluate RFC assessments made by SDMs.



SOCIAL SECURITY

MEMORANDUM

Date: May 19, 2010

Refer To: 10-1280

To: Regional Chief Administrative Law Judges

From: Frank A. Cristaudo
Chief Administrative Law Judge

Subject: Evaluation of Single Decisionmaker Residual Functional Capacity Assessments -- **REMINDER**

We are issuing this memorandum as a reminder of how Administrative Law Judges (ALJs) and Attorney Adjudicators (AAs) should evaluate Residual Functional Capacity (RFC) assessments from State agency Single Decisionmakers (SDM).

Under 20 C.F.R. §§404.906(b)(2) & 416.1406(b)(2), the SDM will make the disability determination and may also determine whether the other conditions for entitlement to benefits based on disability are met. The SDM will make the disability determination after any appropriate consultation with a medical or psychological consultant. However, the medical or psychological consultant is not required to sign the disability determination forms the State agency uses to certify the determination of disability. See 20 C.F.R. §§404.906(b)(2) & 416.1406(b)(2).

SDMs often complete the Physical RFC Form, SSA-4374-BK, which is commonly completed by State agency medical consultants. Some ALJs and AAs treat the SDM RFC assessments as non-medical opinions and weigh them accordingly. However, this approach is inconsistent with agency policy clarified by POMS instruction DI 24510.050C, which states SDM forms are not opinion evidence at the appeal levels. Thus, agency policy requires ALJs and AAs to evaluate SDM RFC assessments as adjudicatory documents only, and not accord them any evidentiary weight when deciding cases at the hearing level. See also EM 08068-REV.

Please share this information with the ALJs and AAs in your region. If you would like to discuss this matter, please let me know. The staff contact is Attorney-Advisor Richard Ciaramello, who may be reached at 703-605-7957.

cc: Regional Office Management Teams