**What you Need to Know about the Worn-Out Worker Rule in SSD Claims**

A majority of workers are unaware of the little-known provision of the SSA, known as the worn-out worker rule. This rule applies to disabled workers who have an extensive employment history comprising of unskilled physical labor work. The worn-out worker rule provides employees with disability a good chance for claiming Social Security disability benefits that otherwise would be denied.

**Understanding the Worn-Out Worker Rule**

The SSA has set many checkpoints for workers to obtain disability benefits, one of which is the ability of an application to continue working. Several tests give priority to work that the applicant might have done in their employment history. If they do not find anything suitable, the caseworker will consider any kind of job that matches with the skills and education of the applicant. However, the caseworker runs out of options when the applicant does not have any specific skills or academics applicable to their situation.

This is where the worn-out worker rule is taken into consideration. The statutory guidelines for this rule can be found in the [Code of Federal Regulations in Section 404.1562](https://www.ssa.gov/OP_Home/cfr20/404/404-1562.htm). The worn-out worker rule applies to a narrowed class of workers to determine whether they are eligible for disability benefits. There are three conditions that an applicant must satisfy:

1. **Marginal Education:** The applicant must only have a marginal education. If a worker has studied till sixth grade, they will be considered eligible under this rule.
2. **Work Experience:** The applicant must have an employment history of at least 35 years comprising of arduous unskilled physical labor only. According to the SSA, arduous work is defined as a job entailing physical work that primarily require high level of endurance or strength. However, there are no specific exertional level or physical actions that comes under the definition arduous work. Moreover, the SSA has not put any requirement that unskilled physical work for 35 years should be continuous – it can be divided into intervals.
3. **Severe Impairment:** The worker must no longer be able to perform any kind of work due to a severe impairment expected to go on for at least a year. The impairment can either be mental or physical, or a combination of both, having more than a minimal impact on the worker’s ability to perform work-related tasks.

If an applicant meets the above criteria, they will not have to undergo a diagnosis to find out if they have any disability that is mentioned in the Listing of Impairments. They will not be assessed for Residual Functional Capacity (RFC) either. The caseworker will automatically classify them as disabled, and will not see if they can perform any kind of lighter unskilled work.

If a worker is eligible under the worn-out worker rule, it can increase their chances of receiving disability benefits. However, they will have to go through a lot of interpretation of the caseworker. It is important to retain the services of an experienced Social Security Disability attorney to develop a deep understanding of the worn-out worker rule and improve your chances of qualification by the SSA. [Contact](http://conicklaw.com/contact/) Harold W. Conick & Associates Ltd. today at (800) 608-8881 to schedule a consultation with our Social Security disability attorney.