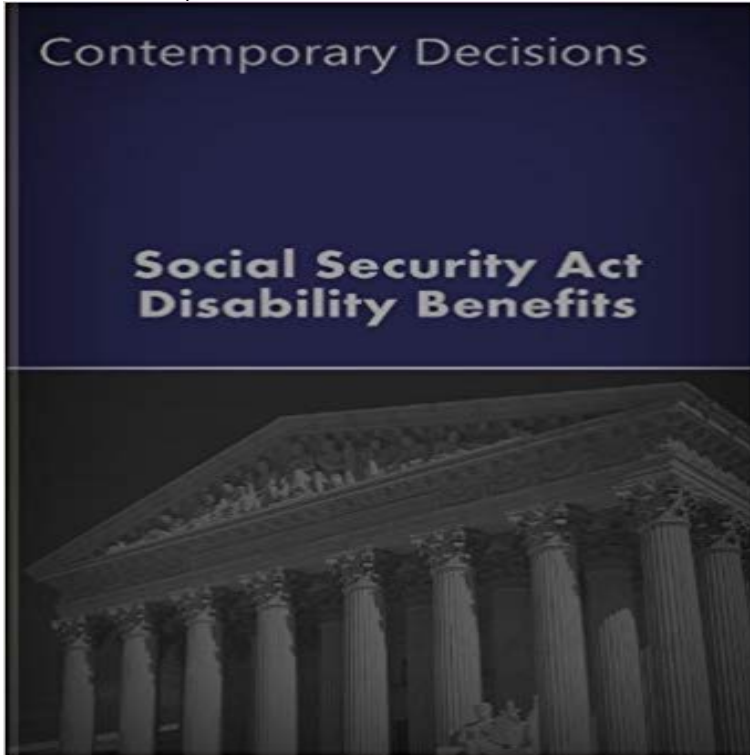


Disability Benefits and the Social Security Act (Litigator Series)



This casebook contains a selection of 299 Federal Court of Appeals decisions that rule on disability benefits claims brought under the Social Security Act. The selection of decisions spans from 2002 to the date of publication. For each circuit, the cases are listed in the order of frequency of citation. The most cited decisions appear first. For purposes of the Social Security Act, a claimant is disabled if the claimant is unable 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. 42 U.S.C. 423(d)(1)(A). In order to determine whether a claimant meets this definition, the administrative law judge employs a five-step sequential evaluation. In brief, the ALJ considers whether a claimant is disabled by determining: (1) whether the claimant is doing substantial gainful activity; (2) whether the claimant has a severe medically determinable physical or mental impairment or combination of impairments that has lasted for more than 12 months; (3) whether the impairment meets or equals one of the listings in the regulations; (4) whether, given the claimant's residual functional capacity, the claimant can still do his or her past relevant work; and (5) whether the claimant can make an adjustment to other work. 20 C.F.R. 404.1520(a), 416.920(a). The claimant bears the burden of proof at steps one through four. *Molina v. Astrue*, 674 F.3d 1104 (9th Cir. 2012). According to the Social Security Act, An individual shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in

the national economy. . . . For purposes of the preceding sentence (with respect to any individual), work which exists in the national economy means work which exists in significant numbers either in the region where such individual lives or in several regions of the country. 42 U.S.C. 423(d)(2)(A). The burden of establishing that there exists other work in significant numbers lies with the Commissioner. *Beltran v. Astrue*, 676 F.3d 1203 (9th Cir. 2012)

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