



## What is Medical Equivalence to Social Security's Impairment Listings?

Written On February 2, 2010 By [Bob Kraft](#)

A number of our Social Security clients have impairments that do not satisfy Social Security's Listing requirements. There are just over 100 Listed impairments that are considered disabling despite age, education, and past work experience. To qualify, the individual's impairment must satisfy the severity and duration requirements of the Listing. Often however, the strict requirements of the Listings are not satisfied. Does that mean you lose? Not necessarily.

Just this week we were able to win a disability claim for our client who, according to the medical opinion of her doctor, had a combination of impairments that were medically equivalent to an appropriate Listing. A finding of medical equivalence occurs when "...one or more of the specified medical findings is missing from the evidence...[but] other findings of equal or greater clinical significance and relating to the same impairment are present in the medical evidence." 20 C.F.R. 404.1526(b)(1)(2009), 416.926(b)(i)(2009).

Determining equivalency requires a medical judgment. The opinion is rendered after a doctor considers and compares the requirements of a particular Listed impairment to the appropriate symptoms, signs, and laboratory findings in an individual case. While the Administrative Law Judge can choose among conflicting medical opinions – including opinions of equivalence – the judge, as a layman, cannot render an independent opinion on equivalence.

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There are various instances where a determination of medical equivalence is appropriate because an individual's impairment has no relevant corresponding Listing in the regulations. It is also frequently the case that individuals present with multiple related impairments that, in combination, are more severe than any one impairment considered individually. The combination of impairments is, therefore, the basis of equivalency.

Regardless of the disease, you or your lawyer should have a good working list of your symptoms, a knowledge of the degree of certainty of your diagnosis, a general understanding of the consistency between your symptoms and your diagnosis, a good understanding of what evidence might best support your contention that your symptoms are disabling, and which legal theory will most likely be accepted by the Social Security Administration given the particular facts of the case.

If you are considering a Social Security Disability claim, we advise you to speak with an attorney. We handle cases throughout the state of Texas, but we are happy to give you a referral if we are unable to assist you.

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