

Qualifying for Disability Benefits in Puerto Rico Based on an Inability to Speak English

A-12-13-13062



April 2015

Office of Audit Report Summary

Objective

To analyze the effect of regulations requiring that disability adjudicators allow a disability claim based on a claimant's inability to understand the English language for claimants residing in Puerto Rico.

Background

The Social Security Administration (SSA) uses a five-step sequential evaluation process for determining whether a claimant qualifies for disability benefits. In claims that reach the last step in the process, adjudicators use medical-vocational guidelines (grids) developed in the 1970s to guide them in deciding a claimant's physical and vocational abilities to adjust to work in the national economy.

When deciding a case under the grids, adjudicators evaluate a claimant's physical capacity to work along with age, education, and work experience. The ability to speak, read, write, and understand English is considered an educational factor. A claimant's inability to communicate in English can lessen the relevance of work experience and education, potentially making it more likely the claimant will receive disability benefits.

Findings

SSA has applied the medical-vocational guidelines nationally and does not make exceptions for claimants who reside in Puerto Rico where both Spanish and English are the official languages. The guidelines assume individuals who are unable to communicate in English are limited in their ability to find a job in the regional or national economy where English is the predominant language, even though residents of Puerto Rico may be able to find local work with their Spanish-speaking skills.

While the Agency had incomplete management information on claimants allowed using the grid rules related to an inability to communicate in English, we identified 244 cases in Puerto Rico from Calendar Year 2011 to 2013 where disability determination services used the aforementioned grid rules to grant benefits. Moreover, about 4 percent of the hearings we sampled involved these same grid rules.

SSA is preparing to issue an Advanced Notice of Proposed Rulemaking on the need to update the medical-vocational guidelines. This process should lead to changes in how the Agency considers factors that may affect a claimant's ability to adjust to other work in the economy. SSA may also want to review other interpretations of the grid rules. For example, a U.S. District Court's earlier judgment, upheld by a U.S. Court of Appeals, found that, for the most part, it is the ability to communicate in Spanish, not English, that is vocationally important in Puerto Rico.

Recommendations

1. Capture the number of beneficiaries awarded disability based on their inability to communicate in English.
2. Evaluate the appropriateness of the grid rules related to an inability to communicate in English when determining eligibility for disability benefits in circumstances such as those we identified in our audit.

The Agency agreed with our recommendations.