

Hey Hey, My My

Fifteen years will now be five
There's more to this rule than meets the eye

Social Security Disability Update

Drake University Law School
General Practice Review

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Social Security Disability Update
Hey Hey, My My, Fifteen years will now be five.
By Timothy N. Tripp¹

Disability does not discriminate!

I. Introduction

A. Disability defined in the Social Security Act:

“inability 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)

B. Procedure

1. application
2. initial determination
3. reconsideration
4. administrative hearing before administrative law judge (“ALJ”)
5. review of decision from administrative hearing
6. 405(g) appeal/review in Federal District Court.
 - a. whether the Commissioner’s final decision is supported by substantial evidence, or
 - b. whether the Commissioner committed an error of law.

42 U.S.C. § 405(g)

II. Miscellaneous

A. The Commissioner announced there will be a 2.5% cost-of-living increase for 2025 (last year it was 3.2%, and 8.7% in 2023). 89 Fed. Reg. 85276 (Oct. 25, 2024) (copy attached); <https://www.federalregister.gov/documents/2024/10/25/2024-24871/cost-of-living-increase-and-other-determinations-for-2025>

	<u>2023</u>	<u>2024</u>	<u>2025</u>
1. SSI	\$ 914	\$ 943	\$ 967
2. SGA	\$1,470	\$1,550	\$1,620
Blind	\$2,460	\$2,590	\$2,700
3. TWP	\$1,050	\$1,110	\$1,160
4. Quarter of Coverage	\$1,640	\$1,730	\$1,810
5. User Fee	\$ 113	\$ 117	\$ 120
6. Tax Max	\$160.2K	\$168.6K	\$176.1K

B. Social Security Commissioner Martin O’Malley resigned his position effective November 29, 2024. President Biden, appointed former Acting Commissioner Carolyn Colvin, as the Acting Commissioner.

C. Appeals and Appointed Representative Processing Services (AARPS) - This is a tool SSA rolled out late this fall to allow attorneys to access information about their clients’ social

¹**Disclaimer:** This outline is designed to address general issues about the Social Security disability insurance benefit process and case law. This outline should not be substituted for legal advice. Social Security claims are almost always very fact specific and legal advice should be sought for any legal question presented.

security claims. The intent was to avoid calls from attorneys and non-attorney representatives regarding the status of clients' claims.

D. Business Services Online (BSO). This is a web based system that give attorney's access to their clients' cases. It also provides reports as to the status of claims. Attorneys can also file documents regarding individual claims with this system.

E. Fee cap. The fee cap was \$4,000.00, then \$6,000. Recently it was \$7,200, and has now increased to \$9,200 at the end of November. The cap will be increased annually tied into COLA.

F. Change of Time/Place -DI 12026.026
Completion of the SSA-769-U4 Request for Change in Time/Place of Disability Hearing

G. Average wait time from the date the request for hearing was filed until a hearing was held (as of Oct. 2024):

Office # of mo.	'21	'22	'23	'24
(West) Des Moines	11	13	11	6
Omaha, NE	7	13	10	6
Peoria, IL	6	8	7	6
Fargo, ND	9	9	10	7

https://www.ssa.gov/appeals/DataSets/01_NetStat_Report.html (visited Dec. 6, 2024)

H. In Federal Court. Captions are using only the first name of the client, and the first initial of the last name.

I. SSA's My Social Security Account
More and more claimants are using their My Social Security account to access information about the status of their claims.

As an appointed representative you have access to the claimant's claims folder at all the administrative levels, although the information at the initial and reconsideration levels is still limited, i.e., can only review the medical records DDS has obtained, along with some administration correspondence.

J. Appointment of Representative.
In 2020 SSA changed the SSA-1696, the Claimant's Appointment of Representative form. This form essentially went from a one page form to a six page form. The current version New 1696, and electronic version is from August 2020.

On this form the representative must

- include their Appointed Representative Rep ID number,
- Certify to 10 items,
- Identify the claim for which the person is being appointed, and
- Select fee arrangement option.

See <https://www.ssa.gov/forms/ssa-1696.html> for a link to the paper version and to the electronic version that can be completed online.

K. In-person hearings versus other options

In 2020 in-person administrative hearings stopped being held due to COVID-19. This also included no video teleconference (VTC) hearings. In 2020, SSA pivoted quickly and went from in-person and VTC hearings to telephone hearings. In 2021, SSA introduced on-line video hearings (OVH) using Microsoft Teams software. Telephone and OVH are but options, and claimants had the right to continue to request in-person hearings. In March 2022 in-person hearings resumed. Today, a claimant has all four options, in-person, VTC, OVH, and telephone. As of May 2024, according to SSA

data, the vast majority of hearings are held by telephone.

L. Scheduling SSA Hearings

By the 1st of each month you must notify SSA of your availability 5 months from the current month. For example: Submit availability for May 2025 by December 1, 2024. This must be done for each Region in which you practice. SSA has a portal for attorneys (and non-attorney representatives) to use to report their availability for administrative hearings. You must register to use the portal. For more information please go to:
https://www.ssa.gov/appeals/scheduling_process.html

M. Social Security Rulings in 2024

- SSR 24-1p: Titles II and XVI: How We Apply Medical-Vocational Profiles

- SSR 24-2p: Titles II and XVI: How We Evaluate Past Relevant Work - This Social Security Ruling (SSR) rescinds SSR 86-8 and rescinds and replaces SSRs 82-61 and 82-62.

PRW had always been work that an individual had done at the SGA level during the 15 years prior to the alleged onset date, or the date last insured in a Title II case when the DLI is in the past. See SSR 24-2p chart in attached materials. PRW is now work done at the SGA level in the past 5 years. Keep in mind that an unsuccessful work attempt (UWA) can defeat the presumption that work was SGA. Also the work must be done long enough for the individual to have learned the job; think higher skilled jobs.

Also with SSR 24-2, work that starts and stops in fewer than 30 calendar days is not PRW.

N. Emergency Messages

- EM-24027 Guidance Regarding the Citation of Certain Occupations at Step Five. It's intent is to increase the evidentiary and articulation requirements about certain Dictionary of Occupational Titles (DOT) occupations which have come under scrutiny from a number of courts. SSA lists jobs that are considered obsolete absent additional evidence from a vocational witness or vocational specialist.

Where these jobs are given in response to the hypothetical question presented by the ALJ, the ALJ must then "elicit a reasonable explanation for the conflict and explain in the determination or decision how the conflict is resolved. For example, descriptions of occupations in the DOT may refer to job materials or processes that have been replaced by more modern materials or processes identified by" the vocational witness. See also SSR 00-4p.

- EM-24026 This emergency message identifies 114 occupations that are "isolated," i.e., exist only in very limited numbers in relatively few locations. Keep in mind, this EM does not apply to determinations or decisions that are based on the person's ability to do past relevant work. Some examples, astronomer, telegrapher, model, embalmer, fur farmer . . . etc. These jobs cannot be relied on by an ALJ at Step 5.

- EM-24028 - Res judicata
- EM-24032 - Reopening policy
- EM-24033 - Collateral estoppel policy.

III. Selected 2024 Case law

Supreme Court

0 cases*

1. *Loper Bright Ent. V. Raimondo*, 144 S.Ct. 2244 (June 28, 2024)

In a 33 page decision, the SCOTUS ends *Chevron* deference. “Courts must exercise their independent judgement in deciding whether an agency has acted within its statutory authority, as the [Administrative Procedure Act] requires.” This potentially could lead to more challenges to SSA decisions and increased judicial review of the agency’s interpretations of Social Security laws.

Eighth Circuit Court of Appeals

December 1, 2023 - November 1, 2024	21 cases
Published	2
Unpublished	19
Affirmed	21 (i.e., 100%)

Published

1. *Ross v. O'Malley*, 92 F.4th 775 (8th Cir. 2024)

2/13/24

Smith, Melloy, and Erickson

Affirmed

Kevin Ross applied for DIB due to deep vein thrombosis in the left hip, a cervical spine disc replacement, and a bulging disc in his lumbar spine. The ALJ had found that he retained the RFC to work as document preparer and a surveillance systems monitor. The district court (E.D. Ark) affirmed the ALJ’s decision.

The court will affirm the ALJ’s decision “if the ALJ made no legal error and the ALJ’s decision is supported by substantial evidence on the record as a whole.” Substantial evidence is “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” Citing *Biestek v. Berryhill*, ___ U.S. ___, 139 S. Ct. 1148, 1154, 203 L. Ed. 2d 504 (2019).

Mr. Ross had argued, among other things, that the ALJ “improperly discredited” his subjective complaints of pain. The court held that the medical evidence of record supported the ALJ’s decision to discount Mr. Ross’ statements about pain.

Mr. Ross further argued that the ALJ's hypothetical question to the VE was flawed in that it failed to include his own stated "limitations on vertical head and neck movement." Citing to prior case law, the court reiterates that "A hypothetical is not insufficient because it does not include all the health limitations *alleged* by the claimant." *Kraus v. Saul*, 988 F.3d 1019, 1027 (8th Cir. 2021). The court concludes that the VE responded two jobs existed which would allow for the limitations in the hypothetical question: document preparer and surveillance system monitor. "Although Ross may be correct that those jobs require some vertical head movement, the ALJ had the substantial evidence to disagree with Ross' portrayal of his head and neck limitations."

Of note, four months after the court's decision in *Ross*, the Commissioner of Social Security issued an Emergency Message (EM) expressly listing document preparer (microfilming); and surveillance-system monitor as out-dated occupations. Where a VE cites to those jobs (as well as some other listed jobs listed in the EM) in response to hypothetical questions, the VE is required to further explain how those jobs are done now and the number of the jobs in the economy as they are now performed. EM 24027; SSR 00-4p.

2. *Bradford v. O'Malley* 104 F.4th 1055 (8th Cir. 2024)

6/25/24

Loken, Colloton, and Kelly

Affirmed

Catherine Bradford appeals the district court (E. Dist. Ark.) Order affirming the denial of DIB and SSI payments.

Ms. Bradford first claimed that the ALJ erred by "disregarding a prior remand order" of the district court. She challenged the ALJ's decision to give a treating nurse's opinion "little weight." However, at the time the applications for DIB/SSI were filed, the nurse was "not an acceptable medical source, and so her opinion was not entitled to any special deference or weight. 20 C.F.R. §§ 404.1502(a)(8), 404.1527(f)(1)-(2), 416.902(a)(7), 416.927(f)(1)-(2) (for applications filed PRIOR to March 27, 2017). In dicta the earlier court had stated in the remand order that "if the original ALJ had given [the nurse's] opinion proper weight, the ALJ would have concluded that Bradford was disabled." But the court went on to remand the case for SSA to update the medical records, consider ordering a consultative examination, and then to render a new decision. The 8th Cir. held that the district court's statement about the nurse's opinion was not a definitive conclusion on disability that amounted to the "law of the case."

On remand from the district court, the ALJ developed the record further including obtaining a consultative examination. The ALJ concluded that Ms. Bradford retained the functional capacity to perform "light" work, and again denied her applications for DIB and SSI. She appeals, and this time the District Court upholds the ALJ's decision. The court of appeals concludes that the ALJ decision that Ms. Bradford could perform light level work was inside the "available 'zone of choice.'" Citing *Hacker v. Barnhart*, 459 F.3d 934, 936 (8th Cir. 2006). The court further noted

that the ALJ “reasonably concluded that [the nurse’s] opinion to the contrary was inconsistent with the record as whole.”

Unpublished

Of the 19 unpublished cases, the standard of review articulated was substantial evidence on the record as a whole. In one decision, *Bentley v. Kijakazi*, No: 22-2883, Slip Op. (8th Cir. June 7, 2023) the Court wrote: "This threshold is not high, and only requires “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Biestek v. Berryhill*, 139 S. Ct. 1148, 1154 (2019) (citation omitted). We view the record in the light most favorable to the ALJ’s determination, *Chismarich v. Berryhill*, 888 F.3d 978, 980 (8th Cir. 2018) (per curiam), and “defer heavily” to the Social Security Administration’s findings and conclusions. *Hurd v. Astrue*, 621 F.3d 734, 738 (8th Cir. 2010). Substantial Evidence on the Record as a whole is the standard of review.

Another issue seen frequently in the unpublished cases was the valuation of medical opinion evidence. 20 C.F.R. §§ 404.1527c and 416.920c regulate how opinion evidence is evaluated for claims filed after March 27, 2017. Under the new regulations, a treating physician opinion is no longer entitled to controlling weight. Rather, all opinions are evaluated for persuasiveness using five factors: supportability, consistency, relationship with the claimant, specialization, and other factors such as familiarity with the other evidence in the file or understanding of the disability program's policies.

Of note is *Lane v. O'Malley*, No. 23-1432, slip op., 2024 WL 302395 (8th Cir. Jan. 26, 2024) Gruender, Stras, Kobes [Per Curiam], Affirmed. Jason Lane argued that the ALJ’s RFC which found, inter alia, that Lane could "respond appropriately to occasional interaction with supervisors and co-workers" was inconsistent with the two DDS psychological consultants who said Lane could only have "superficial" interactions. The difference is quantity (occasional) versus quality (superficial). The Court found that to be “manufactured inconsistencies.”

1. *Lane v. O'Malley*, (8th Cir. Jan. 26, 2024)
Affirmed
2. *Memelink v. O'Malley*, (8th Cir. Feb. 5, 2024)
Affirmed
3. *Lindsey v. O'Malley*, (8th Cir. Feb. 7, 2024)
Affirmed
4. *Goldschmidt v. O'Malley*, (8th Cir. Feb. 9, 2024)
Affirmed

5. *Griffith v. O'Malley*, (8th Cir. Feb. 21, 2024)
Affirmed
6. *Hunter-Kitchen v. O'Malley*, (8th Cir. Feb. 21, 2024)
Affirmed
7. *Messer v. O'Malley*, (8th Cir. Feb. 21, 2024)
Affirmed
8. *Rask v. O'Malley*, (8th Cir. Feb. 21, 2024)
Affirmed
9. *Willaby v. O'Malley*, (8th Cir. Feb 21, 2024)
Affirmed
10. *Sauer v. O'Malley*, (8th Cir. Feb. 22, 2024)
Affirmed
11. *Schauer v. O'Malley*, (8th Cir. Feb. 23, 2024)
Affirmed
12. *Snyder v. O'Malley*, (8th Cir. Mar. 4, 2024)
Affirmed
13. *McKinny v. O'Malley*, (8th Cir. Mar. 28, 2024)
Affirmed
14. *Spader v. O'Malley*, (8th Cir. Apr. 17, 2024)
Affirmed
15. *Sabriye v. O'Malley*, (8th Cir. May 17, 2024)
Affirmed
16. *Britton v. O'Malley*, (8th Cir. May 31, 2024)
Affirmed
17. *Skaro v. O'Malley*, (8th Cir. June 24, 2024)
Affirmed
18. *Key v. O'Malley*, (8th Cir. June 26, 2024)
Affirmed
19. *Littrell v. O'Malley*, (8th Cir. Oct. 4, 2024)
Affirmed

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[Social Security](#)

[Search](#) [Menu](#) [Languages](#) [Sign in / up](#)

Emergency Message

Effective Dates: 06/22/2024 - Present

Identification Number: EM-24026
Intended Audience: All RCs/ARCs/ADs/FOs/TSCs/PSCs/OCO/OCO-CSTs/OHO/OARO/ DDSs/DPBs/DPU
Originating Office: ORDP ODP
Title: Isolated Occupations We Will Not Use to Support a “Not Disabled” Finding at Step Five of the Sequential Evaluation Process
Type: EM - Emergency Messages
Program: Disability
Link To Reference: See References at the end of this EM.

Retention Date: 03/28/2025

A. Purpose

This emergency message (EM) identifies certain Dictionary of Occupational Titles (DOT) occupations that are isolated. “Isolated” occupations are occupations with jobs that “exist only in very limited numbers in relatively few locations outside of the region where [the individual lives]”; [20 CFR 404.1566\(b\)](#) and [416.966\(b\)](#). This EM also explains that adjudicators may not cite work in those occupations to support a “not disabled” determination or decision that uses the medical-vocational guidelines (20 CFR Part 404, Subpart P, [Appendix 2](#)) as a framework for decision making.

IMPORTANT: This guidance does not apply to determinations or decisions that are based on an individual’s ability to do past relevant work. Accordingly, adjudicators may continue to rely on isolated jobs at step four of the disability evaluation process.

B. Background

At step five in the sequential evaluation process for adult disability claims (and at the corresponding step in the medical improvement review standard used in continuing disability reviews), we must determine whether, considering their residual functional capacity (RFC), age, education, and work experience, an individual can adjust to other work that exists in significant numbers in the national economy. In determinations and decisions in which the medical-vocational guidelines do not direct an outcome under our rules, we use the medical-vocational guidelines as a framework for decision making. When we use the medical-vocational guidelines as a framework and make a finding of “not disabled,” we must support the finding with evidence that an individual can adjust to work that exists in significant numbers in the national economy. Under our rules, isolated jobs are jobs that “exist only in very limited numbers in relatively few locations outside of the region where [the individual lives].” 20 CFR [404.1566](#) and [416.966](#). Occupations with isolated jobs are therefore not considered “work which exists in the national economy.”

In the medical-vocational guidelines and our other rules, we take administrative notice of the DOT and its companion publication, the Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles (SCO), as reliable sources of information. While these publications provide information about the requirements of work, they do not provide information about how much work exists within occupations or where such work exists within the national economy.

In developing this guidance, we used current federal employment data from the Bureau of Labor Statistics’ Occupational Employment and Wage Statistics (OEWS) program for the years 2020 to 2022. The OEWS program publishes data using the Standard Occupational Classification (SOC) system. First, we summed the OEWS state level employment data for each year by U.S. Census Division. The Census Divisions divide the states into nine geographical areas, as is explained [here](#). Then, we identified the SOC occupations with fewer than 1,000 employees in each of the nine U.S. Census Divisions in the 2020, 2021, and 2022 OEWS panels. There are 35 SOC occupations that meet these criteria. We then identified the corresponding DOT occupations, using the Occupational Information Network (O*NET) DOT crosswalk file ([available here](#)). Using this method, we identified 114 DOT occupations, each of which corresponds to one of the 35 SOC occupations with jobs that exist in very limited numbers in each U.S. Census Division. We will now consider these 114 DOT occupations isolated in all regions of the country.

C. Policy

Under 20 CFR [404.1566](#) and [416.966](#), when we make a determination or decision at step five of the sequential evaluation, we will not deny disability benefits based on the existence of isolated jobs which exist only in very limited numbers in relatively few locations outside of the region where the individual lives. We have determined that the DOT occupations listed below currently satisfy the regulatory definition of isolated jobs in all regions of the country.

Our adjudicators may not support a “not disabled” determination or decision under the framework of the medical-vocational guidelines by citing any of the following occupations as examples of other work an individual can perform. We will remove an occupation from this list if we later determine that occupational data demonstrate that it is no longer isolated.

DOT Code	DOT Occupational Title	DOT Industry Designation(s)
013.061-010	AGRICULTURAL ENGINEER	professional and kindred occupations
013.061-014	AGRICULTURAL-RESEARCH ENGINEER	professional and kindred occupations
013.061-018	DESIGN-ENGINEER, AGRICULTURAL EQUIPMENT	professional and kindred occupations
013.061-022	TEST ENGINEER, AGRICULTURAL EQUIPMENT	professional and kindred occupations
021.067-010	ASTRONOMER	professional and kindred occupations
		professional and

029.067-010	GEOGRAPHER	kindred occupations
029.067-014	GEOGRAPHER, PHYSICAL	professional and kindred occupations
045.061-014	PSYCHOLOGIST, ENGINEERING	professional and kindred occupations
045.107-030	PSYCHOLOGIST, INDUSTRIAL-ORGANIZATIONAL	professional and kindred occupations
052.067-014	DIRECTOR, STATE-HISTORICAL SOCIETY	professional and kindred occupations
052.067-018	GENEALOGIST	professional and kindred occupations
052.067-022	HISTORIAN	professional and kindred occupations
052.067-026	HISTORIAN, DRAMATIC ARTS	professional and kindred occupations
052.167-010	DIRECTOR, RESEARCH	motion picture; radio and television broadcasting
072.101-018	ORAL AND MAXILLOFACIAL SURGEON	medical services
072.101-034	PROSTHODONTIST	medical services
193.162-022	AIRLINE-RADIO OPERATOR, CHIEF	air transportation; business services
193.262-010	AIRLINE-RADIO OPERATOR	air transportation; business services
193.262-014	DISPATCHER	government services
193.262-022	RADIO OFFICER	water transportation
193.262-026	RADIO STATION OPERATOR	aircraft manufacturing
193.262-030	RADIOTELEGRAPH OPERATOR	telephone and telegraph
193.262-034	RADIOTELEPHONE OPERATOR	any industry
		printing and

193.362-010	PHOTORADIO OPERATOR	publishing; telephone and telegraph
193.362-014	RADIO-INTELLIGENCE OPERATOR	government services
193.382-010	ELECTRONIC INTELLIGENCE OPERATIONS SPECIALIST	military services
203.562-010	WIRE-TRANSFER CLERK	financial institutions
235.462-010	CENTRAL-OFFICE OPERATOR	telephone and telegraph
235.562-010	CLERK, ROUTE	telephone and telegraph
235.662-018	DIRECTORY-ASSISTANCE OPERATOR	telephone and telegraph
236.562-010	TELEGRAPHER	railroad transportation
236.562-014	TELEGRAPHER AGENT	railroad transportation
237.367-034	PAY-STATION ATTENDANT	telephone and telegraph
239.382-010	WIRE-PHOTO OPERATOR, NEWS	printing and publishing
297.667-014	MODEL	garment; retail trade; wholesale trade
299.647-010	IMPERSONATOR, CHARACTER	any industry
305.281-010	COOK	domestic service
338.371-010	EMBALMER APPRENTICE	personal service
338.371-014	EMBALMER	personal service
379.384-010	SCUBA DIVER	any industry
410.161-010	ANIMAL BREEDER	agriculture and agricultural service
410.161-014	FUR FARMER	agriculture and agricultural service
410.161-018	LIVESTOCK RANCHER	agriculture and agricultural service
410.161-022	HOG-CONFINEMENT-SYSTEM MANAGER	agriculture and agricultural service

411.161-010	CANARY BREEDER	agriculture and agricultural service
411.161-014	POULTRY BREEDER	agriculture and agricultural service
413.161-014	REPTILE FARMER	agriculture and agricultural service
452.167-010	FIRE WARDEN	forestry
452.367-010	FIRE LOOKOUT	forestry
452.367-014	FIRE RANGER	forestry
455.367-010	LOG GRADER	logging; sawmill and planing mill
455.487-010	LOG SCALER	logging; millwork, veneer, plywood, and structural wood members; paper and pulp; sawmill and planing mill
519.684-010	LADLE LINER	foundry; smelting and refining
519.684-022	STOPPER MAKER	blast furnace, steel work, and rolling and finishing mill
579.664-010	CLAY-STRUCTURE BUILDER AND SERVICER	glass manufacturing
661.281-010	LOFT WORKER	ship and boat manufacturing and repairing
661.281-018	PATTERNMAKER APPRENTICE, WOOD	foundry
661.281-022	PATTERNMAKER, WOOD	foundry
661.380-010	MODEL MAKER, WOOD	any industry
690.682-078	STITCHER, SPECIAL MACHINE	boot and shoe
690.682-082	STITCHER, STANDARD MACHINE	boot and shoe
690.685-494	STITCHER, TAPE-CONTROLLED MACHINE	boot and shoe
693.261-018	MODEL MAKER	aircraft-aerospace manufacturing
		photographic

714.281-010	AIRCRAFT-PHOTOGRAPHIC-EQUIPMENT MECHANIC	apparatus and materials
714.281-014	CAMERA REPAIRER	photographic apparatus and materials
714.281-018	MACHINIST, MOTION-PICTURE EQUIPMENT	motion picture; photographic apparatus and materials
714.281-022	PHOTOGRAPHIC EQUIPMENT TECHNICIAN	photographic apparatus and materials
714.281-026	PHOTOGRAPHIC-EQUIPMENT-MAINTENANCE TECHNICIAN	photographic apparatus and materials
714.281-030	SERVICE TECHNICIAN, COMPUTERIZED-PHOTOFINISHING EQUIPMENT	photofinishing
715.281-010	WATCH REPAIRER	clocks watches, and allied products
715.281-014	WATCH REPAIRER APPRENTICE	clocks, watches, and allied products
715.381-010	ASSEMBLER	clocks, watches, and allied products
715.381-014	ASSEMBLER, WATCH TRAIN	clocks, watches, and allied products
715.381-018	BANKING PIN ADJUSTER	clocks watches, and allied products
715.381-022	BARREL ASSEMBLER	clocks, watches, and allied products
715.381-026	BARREL-BRIDGE ASSEMBLER	clocks, watches, and allied products
715.381-030	BARREL-ENDSHAKE ADJUSTER	clocks, watches, and allied products
715.381-038	CHRONOMETER ASSEMBLER AND ADJUSTER	clocks, watches, and allied products
715.381-042	CHRONOMETER-BALANCE-AND-HAIRSPRING ASSEMBLER	clocks, watches, and allied products
715.381-054	HAIRSPRING ASSEMBLER	clocks, watches, and allied products
715.381-062	HAIRSPRING VIBRATOR	clocks, watches, and allied products
715.381-082	PALLET-STONE INSERTER	clocks, watches, and allied products
715.381-		clocks, watches,

086	PALLET-STONE POSITIONER	and allied products
715.381-094	WATCH ASSEMBLER	clocks, watches, and allied products
715.584-014	REPAIRER, AUTO CLOCKS	clocks, watches, and allied products
715.681-010	TIMING ADJUSTER	clocks, watches, and allied products
761.381-014	JIG BUILDER	wooden container
788.684-114	THREAD LASTER	boot and shoe
826.261-010	FIELD-SERVICE ENGINEER	photographic apparatus and materials
841.381-010	PAPERHANGER	construction
841.684-010	BILLPOSTER	business services
849.484-010	BOILER RELINER, PLASTIC BLOCK	foundry
850.663-010	DREDGE OPERATOR	construction; coal, metal, and nonmetal mining and quarrying
861.381-046	TERRAZZO WORKER	construction
861.381-050	TERRAZZO-WORKER APPRENTICE	construction
861.664-014	TERRAZZO FINISHER	construction
899.261-010	DIVER	any industry
899.684-010	BONDACTOR-MACHINE OPERATOR	foundry
910.362-010	TOWER OPERATOR	railroad transportation
910.363-018	YARD ENGINEER	railroad transportation
910.382-010	CAR-RETARDER OPERATOR	railroad transportation
910.583-010	LABORER, CAR BARN	railroad transportation
910.683-010	HOSTLER	railroad transportation

910.683-022	TRANSFER-TABLE OPERATOR	railroad equipment building and repairing; railroad transportation
911.663-010	MOTORBOAT OPERATOR	any industry
919.663-014	DINKEY OPERATOR	any industry
919.683-010	DOCK HAND	air transportation
919.683-026	TRACKMOBILE OPERATOR	any industry
930.683-026	ROOF BOLTER	coal, metal, and nonmetal mining and quarrying
952.362-022	POWER-REACTOR OPERATOR	utilities
960.362-010	MOTION-PICTURE PROJECTIONIST	amusement and recreation; motion picture
960.382-010	AUDIOVISUAL TECHNICIAN	any industry
961.367-010	MODEL, PHOTOGRAPHERS'	any industry
961.667-010	MODEL, ARTISTS'	any industry

D. Questions

Disability Determination Services (DDS) personnel should direct all other program-related and technical questions to their Regional Office (RO) support staff using vHelp or Program Service Center (PSC) Operations Analysis (OA) staff. RO support staff or PSC OA staff may refer questions, concerns, or problems to their Central Office contacts.

Office of Hearings Operations personnel should direct questions through their office's management chain. Regional staff may direct questions about this matter to the Division of Field Procedures in the Office of the Chief Administrative Law Judge.

Office of Appellate Operations personnel should direct questions through their management chain. Managers may direct further questions to the Executive Director's Office.

References:

- 20 CFR [404.1560](#), [404.1566](#), [416.960](#), and [416.966](#)
- [DI 25025.030](#) Support for a Framework "Not Disabled" Determination

- [HALLEX I-2-5-48](#) Vocational Experts - General
- [HALLEX I-2-5-57](#) Obtaining Vocational Expert Testimony Through Interrogatories
- [HALLEX I-2-6-74](#) Testimony of a Vocational Expert

EM-24026 - Isolated Occupations We Will Not Use to Support a “Not Disabled” Finding at Step Five of the Sequential Evaluation Process - 06/22/2024

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Emergency Message

Effective Dates: 06/22/2024 - Present

Identification Number: EM-24027
Intended Audience: All RCs/ARCs/ADs/FOs/TSCs/PSCs/OCO/OCO-CSTs/OHO/OARO/ DDSs/DPBs/DPU's
Originating Office: ORDP ODP
Title: **Guidance Regarding the Citation of Certain Occupations at Step Five of the Sequential Evaluation Process**
Type: EM - Emergency Messages
Program: Disability
Link To Reference: See References at the end of this EM.

Retention Date: 03/28/2025

A. Purpose

This emergency message (EM) clarifies and consolidates guidance related to evidentiary support for certain “not disabled” determinations and decisions that use the medical-vocational guidelines (20 CFR Part 404, Subpart P, [Appendix 2](#)) as a framework for decision making. It explains heightened evidentiary and articulation requirements about certain Dictionary of Occupational Titles (DOT) occupations whose continued widespread existence multiple courts have questioned.

B. Background

At step five in the sequential evaluation process for adult disability claims (and at the corresponding step in the medical improvement review standard used in continuing disability reviews), we must determine whether an individual can adjust to other work, given their residual functional capacity (RFC) along with their age, education, and work experience. In determinations and decisions in which the medical-vocational guidelines do not direct an outcome under our rules, we use the medical-vocational guidelines as a framework for decision making. When we use the medical-vocational guidelines as a framework and make a finding of “not disabled,” we must support the finding with evidence that an individual can adjust to work that exists in significant numbers in the national economy.

In the medical-vocational guidelines and our other rules, we take administrative notice of the DOT and its companion publication, the Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles (SCO), as reliable sources of information. Social Security Ruling (SSR) [00-4p](#) explains that, when there is an apparent conflict between vocational expert (VE) or vocational specialist (VS) evidence and information in the DOT, the adjudicator must elicit a reasonable explanation for the conflict and explain in the determination or decision how the conflict is resolved. For example, descriptions of occupations in the DOT may refer to job materials or processes that have been replaced by more modern materials or processes identified by a VS or VE. This may create a conflict that an adjudicator must address under [SSR 00-4p](#).

Some courts have questioned whether some occupations continue to be performed in the manner that they are described in the DOT. To ensure that our decisions are adequately supported and consistent with [SSR 00-4p](#), we are clarifying the evidence needed to resolve these potential conflicts and support a finding of “not disabled” with respect to the listed occupations discussed below.

C. Policy

An adjudicator may not cite any of the DOT occupations listed below to support a framework “not disabled” determination or decision without additional evidence from a VS or VE supporting the adjudicator's conclusion that, as the occupation is currently performed:

- Its requirements are consistent with the individual's RFC, and

- It exists in the national economy in numbers that alone, or in combination with work in other cited occupations, are significant.

The determination or decision must include or summarize the VS or VE’s evidence that supports such a conclusion. This requirement applies if the adjudicator intends to rely on any of the following occupations as support for a framework finding of “not disabled”:

DOT Code	DOT Occupational Title	DOT Industry Designation
209.587-010	Addresser	clerical
249.587-018	Document Preparer, Microfilming	business services
249.587-014	Cutter-and-Paster, Press Clippings	business services
239.687-014	Tube Operator	clerical
318.687-018	Silver Wrapper	hotel and restaurant
349.667-010	Host/Hostess, Dance Hall	amusement and recreation
349.667-014	Host/Hostess, Head	amusement and recreation
379.367-010	Surveillance-System Monitor	government services
521.687-010	Almond Blancher, Hand	canning and preserving
521-687-086	Nut Sorter	canning and preserving
726.685-010	Magnetic-Tape Winder	recording
782.687-030	Puller-Through	glove and mitten
976.385-010	Microfilm Processor	business services

NOTE: Alternatively, adjudicators may support the determination or decision with other occupation(s) appropriate to the facts of the claim. This approach may be the most efficient way to ensure our burden at step five of the sequential evaluation process is met and that the record contains the necessary evidence to support the “not disabled” finding.

D. Questions

Disability Determination Services (DDS) personnel should direct all other program-related and technical questions to their Regional Office (RO) support staff using vHelp or Program Service Center (PSC) Operations Analysis (OA) staff. RO support staff or PSC OA staff may refer questions, concerns, or problems to their Central Office contacts.

Office of Hearings Operations personnel should direct questions through their office’s management chain. Regional staff may direct questions about this matter to the Division of Field Procedures in the Office of the Chief Administrative Law Judge.

Office of Appellate Operations personnel should direct questions through their management chain. Managers may direct further questions to the Executive Director’s Office.

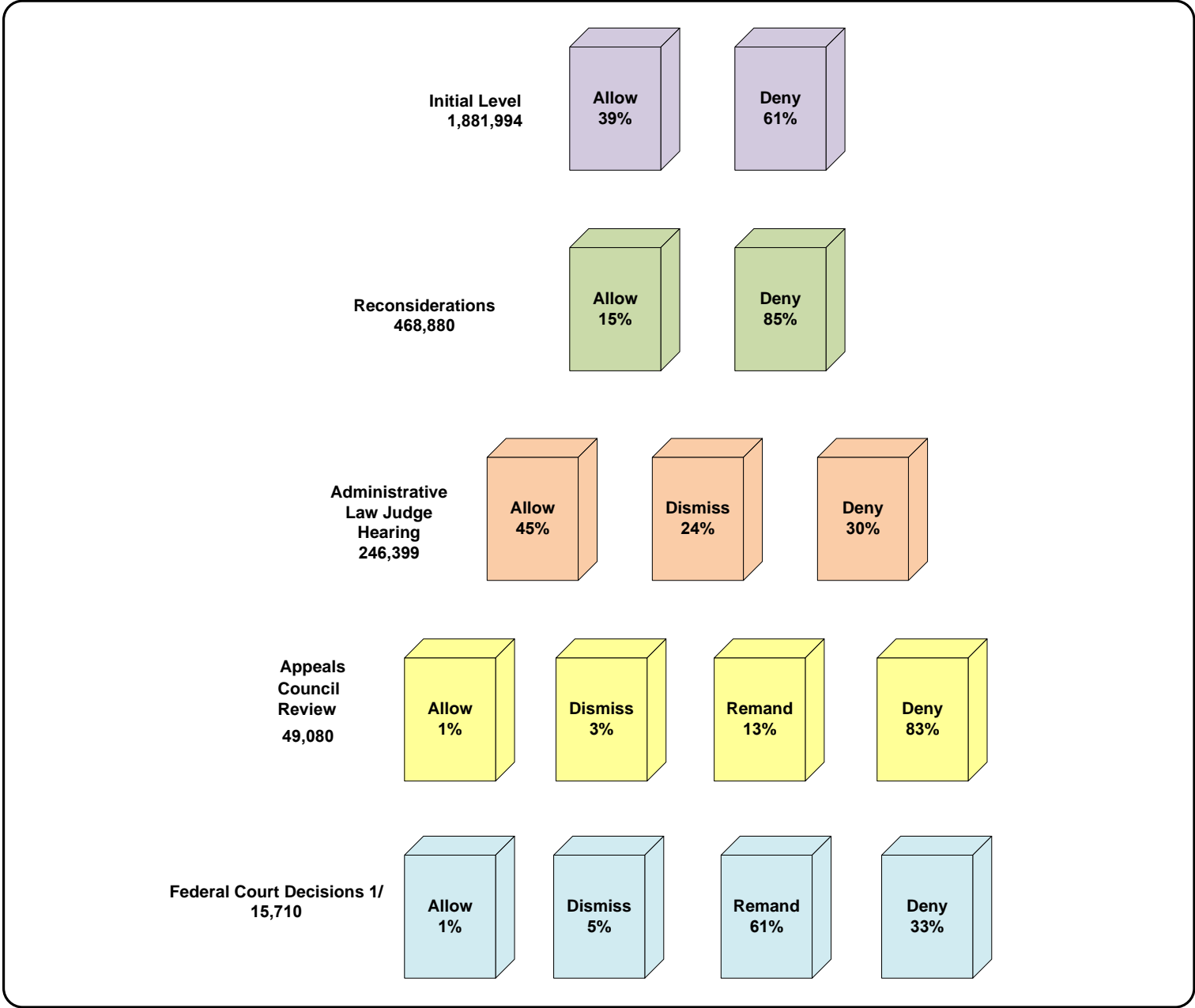
References:

- 20 CFR [404.1560](#), [404.1566](#), [416.960](#), and [416.966](#)
- [SSR 00-4p](#): Titles II and XVI: Use of Vocational Expert and Vocational Specialist Evidence, and Other Reliable Occupational Information in Disability Decisions
- [DI 25015.030](#) Use of Vocational Expert and Vocational Specialist Evidence, and Other Reliable Occupational Information in Disability Decisions—SSR 00-4p
- [DI 25025.030](#) Support for a Framework “Not Disabled” Determination
- DDSAL 1025 Clarification Regarding the Necessary Evidentiary Support When Citing Certain Occupations to Show the Claimant’s Capacity for Other Work
- [HALLEX I-2-5-48](#) Vocational Experts - General

- [HALLEX I-2-5-57](#) Obtaining Vocational Expert Testimony Through Interrogatories
 - [HALLEX I-2-6-74](#) Testimony of a Vocational Expert
-

FISCAL YEAR 2023 WORKLOAD DATA: DISABILITY DECISIONS*

Continuing Disability Redeterminations (CDRs) are not included
except for Federal Court Level



*Includes Title II, Title XVI, and concurrent initial disability determinations and appeals decisions issued in FY 2023, regardless of the year in which the initial claim was filed, and regardless of whether the claimant ever received benefits (in a small number of cases with a favorable disability decision benefits are subsequently denied because the claimant does not meet other eligibility requirements.) Does not include claims where an eligibility determination was reached without a determination of disability. If a determination or appeals decision was made on Title II and Title XVI claims for the same person, the results are treated as one concurrent decision.

1/ Federal Court data includes appeals of Continuing Disability Reviews.

NOTE: Due to rounding, data may not always total 100%.

Prepared by: SSA, ODSSI (Office of Decision Support and Strategic Information)

Date Prepared: January 29, 2024

Data Sources:

- 1) Initial and Reconsideration Data: SSA State Agency Operations Report
- 2) Administrative Law Judge and Appeals Council Review data: SSA Office of Hearing Operations (OHO)
- 3) Federal Court data: SSA Office of General Counsel

cost to all 3,800 respondents of approximately \$812,169 per year. The combined cost to all respondents is thus approximately \$8,830,195 per year.

Because the FBI will not accept fingerprint cards directly from submitting organizations, Commission approval of fingerprint plans from certain SROs is essential to carry out the Congressional goal to fingerprint securities industry personnel. Filing these plans for review assures users and their personnel that fingerprint cards will be handled responsibly and with due care for confidentiality.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by August 5, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: June 3, 2024.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-12442 Filed 6-5-24; 8:45 am]

BILLING CODE 8011-01-P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2024-0002]

Social Security Ruling, SSR 24-1p. Titles II and XVI: How We Apply Medical-Vocational Profiles

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Ruling (SSR).

SUMMARY: We are providing notice of SSR 24-1p. This SSR explains how we apply the medical-vocational profiles in establishing disability under titles II and

XVI of the Social Security Act (Act) and our implementing regulations. This ruling rescinds and replaces SSR 82-63.

DATES: We will apply this notice on June 22, 2024.

FOR FURTHER INFORMATION CONTACT:

Mary Quatroche, Social Security Administration, Office of Disability Policy, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 966-4794 or TTY 410-966-5609, for information about this notice. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our internet site, Social Security Online, at <https://www.ssa.gov>.

SUPPLEMENTARY INFORMATION: Although 5 U.S.C. 552(a)(1) and (a)(2) do not require us to publish this SSR, we are publishing it in accordance with 20 CFR 402.35(b)(1).

SSRs represent precedential final opinions, orders, and statements of policy and interpretations that we have adopted relating to the Federal Old Age, Survivors, and Disability Insurance program, and Supplemental Security Income program. We may base SSRs on determinations or decisions made in our administrative review process, Federal court decisions, decisions of our Commissioner, opinions from our Office of the General Counsel, or other interpretations of law and regulations.

Although SSRs do not have the same force and effect as law, they are binding on all SSA components in accordance with 20 CFR 402.35(b)(1).

This SSR will remain in effect until we publish a notice in the **Federal Register** that rescinds it, or until we publish a new SSR that replaces or modifies it.

The Commissioner of Social Security, Martin O'Malley, having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is the primary Federal Register Liaison for the Social Security Administration, for purposes of publication in the **Federal Register**.

Faye I. Lipsky,

Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.

Policy Interpretation Ruling

SSR 24-1p: Titles II and XVI: How We Apply the Medical-Vocational Profiles

This Social Security Ruling (SSR) rescinds and replaces SSR 82-63.

Purpose: The purpose of this SSR is to explain how we apply the three medical-vocational profiles. These

profiles represent combinations of the vocational factors of age, education, and work experience that are so unfavorable that an individual who meets one of them will be found to be unable to adjust to other work at step five of the sequential evaluation process without reference to the medical-vocational guidelines. The three medical-vocational profiles are the following: arduous unskilled work, no work, and lifetime commitment.

Citations (Authority): 42 U.S.C. 416(i), 423(d), and 1382c(a); 20 CFR 404.1520, 404.1560, 404.1562, 416.920, 416.960, and 416.962.

Dates: We will apply this SSR on June 22, 2024.¹

Policy Interpretation

To be disabled under title II of the Act, or as an adult under title XVI of the Act,² a claimant must be unable to engage in any substantial gainful activity (SGA) by reason of one or more medically determinable physical or mental impairments which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of at least 12 months.³ The Act also states that an individual shall be determined to have a disability only if their physical or mental impairment(s) is of such severity that they are not only unable to do their previous work but cannot, considering their age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which they live, or whether a specific job vacancy exists for them, or whether they will be hired if

¹ We will use this SSR beginning on its applicable date. We will apply this SSR to new applications filed on or after the applicable date of the SSR and to claims that are pending on and after the applicable date. This means that we will use this SSR on and after its applicable date in any case in which we make a determination or decision. We expect that Federal courts will review our final decisions using the rules that were in effect at the time we issued the decisions. If a court reverses our final decision and remands a case for further administrative proceedings after the applicable date of this SSR, we will apply this SSR to the entire period at issue in the decision we make after the court's remand.

² Individuals under age 18 who apply for Supplemental Security Income (SSI) under title XVI of the Act are disabled if they are not performing SGA and their medically determinable physical or mental impairment(s) causes marked and severe functional limitations and can be expected to cause death or has lasted or can be expected to last for a continuous period of 12 months. See 42 U.S.C. 1382c(a)(3)(C) and 20 CFR 416.906.

³ See 42 U.S.C. 416(i), 423(d), and 1382c(a). See also 20 CFR 404.1505, 404.1521, 416.905, and 416.921.

they apply for work.⁴ The Act defines *work which exists in the national economy* as work which exists in significant numbers either in the region where such individual lives or in several regions of the country.⁵

Medical-Vocational Profiles in the Sequential Evaluation Process

We use a five-step sequential evaluation process to determine whether an adult is disabled.^{6,7} If we find at the fourth step of this process that an individual cannot perform any past relevant work (PRW) given their residual functional capacity (RFC), or that the individual has no PRW, we will decide whether the individual can adjust to other work at step five of the process.⁸ We have three medical-vocational profiles that show an inability to adjust to other work.⁹ At step five, our adjudicators must consider these medical-vocational profiles before referring to the medical-vocational guidelines.¹⁰ The three medical-vocational profiles are: (1) arduous unskilled work, (2) no work, and (3) lifetime commitment.¹¹ If an individual's medical and vocational factors match the criteria of a medical-vocational profile, we find the individual disabled.¹² If not, we

consider the medical-vocational guidelines in our disability finding.¹³

List of Questions and Answers—

The following information is in a question-and-answer format that explains how we apply the three medical-vocational profiles.

Questions—

1. *When do we consider the medical-vocational profiles in the sequential evaluation process?*
2. *What are the requirements of the arduous unskilled work profile?*
3. *What are the requirements of the no work profile, and do we consider an individual's RFC when determining whether an individual meets this profile?*
4. *What are the requirements of the lifetime commitment profile and how does the lifetime commitment profile apply to an individual who has worked at multiple jobs or for multiple employers?*

Answers

1. *When do we consider the medical-vocational profiles in the sequential evaluation process?*

We consider whether a medical-vocational profile applies at step five of the sequential evaluation process. An individual can only be found disabled based on a medical-vocational profile if we have made a finding at step four that they do not have or are unable to perform their PRW. At step five, an adjudicator must consider whether a medical-vocational profile applies before using the medical-vocational guidelines.

2. *What are the requirements of the arduous unskilled work profile?*

The arduous unskilled work profile demonstrates the inability to make an adjustment to other work for an individual who:

- is not working at SGA level,¹⁴
- has a history of 35 years or more of arduous unskilled work,¹⁵
- can no longer perform this past arduous work because of a severe impairment(s),¹⁶ and

¹³ 20 CFR 404.1569 and 416.969.

¹⁴ See 20 CFR 404.1510, 404.1572, 416.910, and 416.972.

¹⁵ See 20 CFR 404.1568 and 416.968.

¹⁶ See 20 CFR 404.1522 and 416.922.

- has no more than a marginal education.¹⁷

We use the arduous unskilled work profile for an individual whose work experience includes very short periods of semi-skilled or skilled work, as long as the individual did not acquire any transferable skills from those periods of work.¹⁸ We also use this medical-vocational profile for an individual whose work experience includes longer periods of semi-skilled or skilled work if the skill(s) acquired is not readily transferable to lighter work.¹⁹

Arduous work is physical work requiring a high level of strength or endurance. Arduous work does not have to involve any specific physical action or exertional level, but it will usually, but not always, involve physical demands that we would classify as heavy or very heavy based on the individual's description of their past work.²⁰ Work that we would not classify as heavy or very heavy may still be considered arduous if, for example, it involves activity such as repetitive bending and lifting at a very fast pace. An adjudicator must evaluate the record to make the ultimate finding as to whether an individual's work meets this criterion.

¹⁷ See 20 CFR 404.1564 and 416.964. Marginal education means ability in reasoning, arithmetic, and language skills which are needed to do simple, unskilled types of jobs. We generally consider that formal schooling at a 6th grade level or less is a marginal education. However, the numerical grade level an individual completed in school may not reflect their actual educational abilities. 20 CFR 404.1564(b) and 416.964(b). For more information see SSR 20–1p: Titles II and XVI: How We Determine an Individual's Education Category.

¹⁸ 20 CFR 404.1568 and 416.968. We consider occupations with specific vocational preparation (SVP) levels one and two to be unskilled. Occupations with SVPs of three and four are semi-skilled, and occupations with an SVP of five or greater are skilled. See POMS DI 25015.015 Work Experience as a Vocational Factor, available at: <https://secure.ssa.gov/apps10/poms.nsf/lnx/0425015015> and DOT Appendix C, available at: https://www.occupationalinfo.org/appendxc_1.html#II and. For additional information about how we consider skills from past work under our rules, see SSR 82–41: Titles II and XVI: Work Skills and Their Transferability as Intended by the Expanded Vocational Factors Regulations Effective February 26, 1979.

¹⁹ See SSR 82–41.

²⁰ See 20 CFR 404.1567 and 416.967.

⁴ 42 U.S.C. 423(d)(2)(A) and 1382c(a)(3)(B).

⁵ *Id.*

⁶ 20 CFR 404.1520 and 416.920. The work profiles discussed in this SSR are not relevant to those claims involving individuals under age 18.

⁷ Once an individual is found disabled and receives benefits, we may periodically conduct a continuing disability review (CDR) to determine whether the individual continues to be disabled; see 20 CFR 404.1520(a)(5), 404.1594, 416.920(a)(5), and 416.994. Although the CDR rules use a different sequential evaluation process, the final two steps of the process used for CDRs (steps seven and eight in title II cases and steps six and seven in adult title XVI cases) mirror the final two steps used in the sequential evaluation process for initial claims (steps four and five); see 20 CFR 404.1594(f)(7)–(8) and 416.994(b)(5)(vi)–(vii).

⁸ 20 CFR 404.1520(a)(4)(v), and 416.920(a)(4)(v).

⁹ See 20 CFR 404.1520(g)(2), 404.1562, 416.920(g)(2), and 416.962; POMS DI 25010.001, available at: <https://secure.ssa.gov/apps10/poms.nsf/lnx/0425010001>.

¹⁰ 20 CFR 404.1562, 404.1569, Part 404 Subpart P Appendix 2, 416.962, and 416.969. For information about how we use the medical-vocational guidelines in decisionmaking, see SSR 83–10: Titles II and XVI: Determining Capability to Do Other Work—the Medical-Vocational Rules of Appendix 2.

¹¹ 20 CFR 404.1562 and 416.962; POMS DI 25010.001.

¹² *Id.*

3. *What are the requirements of the no work profile, and do we consider an individual's RFC when determining whether an individual meets this profile?*

The no work profile demonstrates the inability to make an adjustment to other work for an individual who:

- has a severe impairment(s),²¹
- has no PRW,
- is age 55 or older, and
- has no more than a limited

education.²²

Our adjudicators do not need to assess or consider RFC when applying the no work profile.

4. *What are the requirements of the lifetime commitment profile, and how does the lifetime commitment profile apply to an individual who has worked at multiple jobs or for multiple employers?*

The lifetime commitment profile demonstrates the inability to make an adjustment to other work for an individual who:

- is not working at SGA level,
- has a lifetime commitment (30 years or more) to a field of work that is unskilled, or that is skilled or semi-skilled but provided no transferable skills,
- can no longer perform this past work because of a severe impairment(s),
- is closely approaching retirement age (*i.e.*, age 60 or older),²³ and
- has no more than a limited education.

For purposes of the lifetime commitment profile, the individual's 30 years of work do not have to have been at only one job or for only one employer. The jobs must have been in one field of work, meaning that the types of work the individual performed must have been very similar to one another. Use of this medical-vocational profile is appropriate even if the individual has work experience in a

field(s) other than the one in which they have a 30-year lifetime commitment, as long as the work experience in the other field(s) is not PRW that the individual is still able to perform considering their RFC.

[FR Doc. 2024–12413 Filed 6–5–24; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2024–0003]

Social Security Ruling, SSR 24–2p. Titles II and XVI: How We Evaluate Past Relevant Work

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Ruling (SSR).

SUMMARY: We are providing notice of SSR 24–2p. This SSR explains how we evaluate past relevant work in establishing disability under titles II and XVI of the Social Security Act (Act) and our implementing regulations. This ruling rescinds SSR 86–8 and rescinds and replaces SSRs 82–61 and 82–62.

DATES: We will apply this notice on June 22, 2024.

FOR FURTHER INFORMATION CONTACT:

Mary Quatroche, Social Security Administration, Office of Disability Policy, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–4794 or TTY 410–966–5609, for information about this notice. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our internet site, Social Security Online, at <https://www.ssa.gov>.

SUPPLEMENTARY INFORMATION: Although 5 U.S.C. 552(a)(1) and (a)(2) do not require us to publish this SSR, we are publishing it in accordance with 20 CFR 402.35(b)(1).

SSRs represent precedential final opinions, orders, and statements of policy and interpretations that we have adopted relating to the Federal Old Age, Survivors, and Disability Insurance program, and Supplemental Security Income program. We may base SSRs on determinations or decisions made in our administrative review process, Federal court decisions, decisions of our Commissioner, opinions from our Office of the General Counsel, or other interpretations of law and regulations.

Although SSRs do not have the same force and effect as law, they are binding on all SSA components in accordance with 20 CFR 402.35(b)(1).

This SSR will remain in effect until we publish a notice in the **Federal**

Register that rescinds it, or until we publish a new SSR that replaces or modifies it.

The Commissioner of Social Security, Martin O'Malley, having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is the primary **Federal Register** Liaison for the Social Security Administration, for purposes of publication in the **Federal Register**.

Faye I. Lipsky,

Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.

Policy Interpretation Ruling

SSR 24–2p: Titles II and XVI: How We Evaluate Past Relevant Work

This Social Security Ruling (SSR) rescinds SSR 86–8 and rescinds and replaces SSRs 82–61 and 82–62.

Purpose: The purpose of this SSR is to explain how we determine whether an individual retains the residual functional capacity (RFC) to perform the demands of their past relevant work (PRW). This SSR explains the policy set forth in our regulations so that those regulations will be consistently applied.

Citations (Authority): 42 U.S.C. 416(i), 423(d), and 1382c(a); 20 CFR 404.1545, 404.1560, 404.1565, 416.945, 416.960, and 416.965.

Dates: We will apply this SSR on June 22, 2024.¹

Policy Interpretation

To be disabled under title II of the Act, or as an adult under title XVI of the Act,² a claimant must be unable to engage in any substantial gainful activity (SGA) by reason of one or more medically determinable physical or mental impairments which can be expected to result in death, or which has lasted or can be expected to last for

¹ We will use this SSR beginning on its applicable date. We will apply this SSR to new applications filed on or after the applicable date of the SSR and to claims that are pending on and after the applicable date. This means that we will use this SSR on and after its applicable date in any case in which we make a determination or decision. We expect that Federal courts will review our final decisions using the rules that were in effect at the time we issued the decisions. If a court reverses our final decision and remands a case for further administrative proceedings after the applicable date of this SSR, we will apply this SSR to the entire period at issue in the decision we make after the court's remand.

² Individuals under age 18 who apply for Supplemental Security Income (SSI) under title XVI of the Act are disabled if they are not performing SGA and their medically determinable physical or mental impairment(s) causes marked and severe functional limitations and can be expected to cause death or has lasted or can be expected to last for a continuous period of 12 months. See 42 U.S.C. 1382c(a)(3)(C) and 20 CFR 416.906.

²¹ For individuals aged 72 and older, we consider any medically determinable physical or mental impairment(s) that meets the duration requirement to be a severe impairment. SSR 03–3p: Policy Interpretation Ruling—Titles II and XVI: Evaluation of Disability and Blindness in Initial Claims for Individuals 65 or Older. For more information about the duration requirement, see SSR 23–1p: Titles II and XVI: Duration Requirement for Disability.

²² See 20 CFR 404.1564 and 416.964. Limited education means ability in reasoning, arithmetic, and language skills, but not enough to allow an individual with these educational qualifications to do most of the more complex job duties needed in semi-skilled or skilled jobs. We generally consider that a 7th grade through the 11th grade level of formal education is a limited education. However, the numerical grade level an individual completed in school may not reflect their actual educational abilities. 20 CFR 404.1564(b) and 416.964(b). For more information see SSR 20–1p.

²³ See 20 CFR 404.1563 and 416.963.

3. *What are the requirements of the no work profile, and do we consider an individual's RFC when determining whether an individual meets this profile?*

The no work profile demonstrates the inability to make an adjustment to other work for an individual who:

- has a severe impairment(s),²¹
- has no PRW,
- is age 55 or older, and
- has no more than a limited education.²²

Our adjudicators do not need to assess or consider RFC when applying the no work profile.

4. *What are the requirements of the lifetime commitment profile, and how does the lifetime commitment profile apply to an individual who has worked at multiple jobs or for multiple employers?*

The lifetime commitment profile demonstrates the inability to make an adjustment to other work for an individual who:

- is not working at SGA level,
- has a lifetime commitment (30 years or more) to a field of work that is unskilled, or that is skilled or semi-skilled but provided no transferable skills,
- can no longer perform this past work because of a severe impairment(s),
- is closely approaching retirement age (*i.e.*, age 60 or older),²³ and
- has no more than a limited education.

For purposes of the lifetime commitment profile, the individual's 30 years of work do not have to have been at only one job or for only one employer. The jobs must have been in one field of work, meaning that the types of work the individual performed must have been very similar to one another. Use of this medical-vocational profile is appropriate even if the individual has work experience in a

field(s) other than the one in which they have a 30-year lifetime commitment, as long as the work experience in the other field(s) is not PRW that the individual is still able to perform considering their RFC.

[FR Doc. 2024–12413 Filed 6–5–24; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2024–0003]

Social Security Ruling, SSR 24–2p. Titles II and XVI: How We Evaluate Past Relevant Work

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Ruling (SSR).

SUMMARY: We are providing notice of SSR 24–2p. This SSR explains how we evaluate past relevant work in establishing disability under titles II and XVI of the Social Security Act (Act) and our implementing regulations. This ruling rescinds SSR 86–8 and rescinds and replaces SSRs 82–61 and 82–62.

DATES: We will apply this notice on June 22, 2024.

FOR FURTHER INFORMATION CONTACT:

Mary Quatroche, Social Security Administration, Office of Disability Policy, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–4794 or TTY 410–966–5609, for information about this notice. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our internet site, Social Security Online, at <https://www.ssa.gov>.

SUPPLEMENTARY INFORMATION: Although 5 U.S.C. 552(a)(1) and (a)(2) do not require us to publish this SSR, we are publishing it in accordance with 20 CFR 402.35(b)(1).

SSRs represent precedential final opinions, orders, and statements of policy and interpretations that we have adopted relating to the Federal Old Age, Survivors, and Disability Insurance program, and Supplemental Security Income program. We may base SSRs on determinations or decisions made in our administrative review process, Federal court decisions, decisions of our Commissioner, opinions from our Office of the General Counsel, or other interpretations of law and regulations.

Although SSRs do not have the same force and effect as law, they are binding on all SSA components in accordance with 20 CFR 402.35(b)(1).

This SSR will remain in effect until we publish a notice in the **Federal**

Register that rescinds it, or until we publish a new SSR that replaces or modifies it.

The Commissioner of Social Security, Martin O'Malley, having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is the primary **Federal Register** Liaison for the Social Security Administration, for purposes of publication in the **Federal Register**.

Faye I. Lipsky,

Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.

Policy Interpretation Ruling

SSR 24–2p: Titles II and XVI: How We Evaluate Past Relevant Work

This Social Security Ruling (SSR) rescinds SSR 86–8 and rescinds and replaces SSRs 82–61 and 82–62.

Purpose: The purpose of this SSR is to explain how we determine whether an individual retains the residual functional capacity (RFC) to perform the demands of their past relevant work (PRW). This SSR explains the policy set forth in our regulations so that those regulations will be consistently applied.

Citations (Authority): 42 U.S.C. 416(i), 423(d), and 1382c(a); 20 CFR 404.1545, 404.1560, 404.1565, 416.945, 416.960, and 416.965.

Dates: We will apply this SSR on June 22, 2024.¹

Policy Interpretation

To be disabled under title II of the Act, or as an adult under title XVI of the Act,² a claimant must be unable to engage in any substantial gainful activity (SGA) by reason of one or more medically determinable physical or mental impairments which can be expected to result in death, or which has lasted or can be expected to last for

¹ We will use this SSR beginning on its applicable date. We will apply this SSR to new applications filed on or after the applicable date of the SSR and to claims that are pending on and after the applicable date. This means that we will use this SSR on and after its applicable date in any case in which we make a determination or decision. We expect that Federal courts will review our final decisions using the rules that were in effect at the time we issued the decisions. If a court reverses our final decision and remands a case for further administrative proceedings after the applicable date of this SSR, we will apply this SSR to the entire period at issue in the decision we make after the court's remand.

² Individuals under age 18 who apply for Supplemental Security Income (SSI) under title XVI of the Act are disabled if they are not performing SGA and their medically determinable physical or mental impairment(s) causes marked and severe functional limitations and can be expected to cause death or has lasted or can be expected to last for a continuous period of 12 months. See 42 U.S.C. 1382c(a)(3)(C) and 20 CFR 416.906.

²¹ For individuals aged 72 and older, we consider any medically determinable physical or mental impairment(s) that meets the duration requirement to be a severe impairment. SSR 03–3p: Policy Interpretation Ruling—Titles II and XVI: Evaluation of Disability and Blindness in Initial Claims for Individuals 65 or Older. For more information about the duration requirement, see SSR 23–1p: Titles II and XVI: Duration Requirement for Disability.

²² See 20 CFR 404.1564 and 416.964. Limited education means ability in reasoning, arithmetic, and language skills, but not enough to allow an individual with these educational qualifications to do most of the more complex job duties needed in semi-skilled or skilled jobs. We generally consider that a 7th grade through the 11th grade level of formal education is a limited education. However, the numerical grade level an individual completed in school may not reflect their actual educational abilities. 20 CFR 404.1564(b) and 416.964(b). For more information see SSR 20–1p.

²³ See 20 CFR 404.1563 and 416.963.

a continuous period of at least 12 months.³ The Act also states that an individual shall be determined to have a disability only if their physical or mental impairment(s) is of such severity that they are not only unable to do their previous work but cannot, considering their age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which they live, or whether a specific job vacancy exists for them, or whether they will be hired if they apply for work.⁴ The Act defines work which exists in the national economy as work which exists in significant numbers either in the region where such individual lives or in several regions of the country.⁵

Past Relevant Work in the Sequential Evaluation Process

We use a five-step sequential evaluation process to determine whether an individual is disabled.⁶ Past work is a consideration at step four of that process.

At step four of the sequential evaluation process, we consider whether, given their RFC, the individual can perform any of their PRW either as the individual actually performed it or as the work is generally performed in the national economy.⁷ If we find that the individual can perform any of their PRW, we will find that the individual is not disabled. If the individual cannot

perform any of their PRW, we go to the fifth step of the sequential evaluation process.⁸

Once an individual is found disabled and receives benefits, we may periodically conduct a continuing disability review (CDR) to determine whether the individual continues to be disabled.⁹ Although the CDR rules use a different sequential evaluation process, the final two steps of the process used for CDRs (steps seven and eight in title II cases and steps six and seven in adult title XVI cases) mirror the final two steps used in the sequential evaluation process for initial claims (steps four and five).¹⁰

List of Questions and Answers—

The following information is in a question-and-answer format that provides guidance on how we determine whether an individual retains the RFC to perform the demands of their PRW.

Questions

1. *How do we define PRW?*
2. *How do we determine whether an individual's past work was done within the past 5 years?*
3. *How do we determine whether an individual's past work started and stopped in fewer than 30 calendar days?*
4. *How do we determine whether an individual performed work long enough to learn to do it?*
5. *How do we determine whether an individual can perform PRW?*

6. *How do we determine whether an individual can perform their PRW as they actually performed it?*

7. *How do we determine whether an individual can perform their PRW as it is generally performed in the national economy?*

8. *How do we obtain evidence concerning an individual's work history?*

9. *What information do we require when determining whether work is PRW that an individual can perform?*

10. *What findings and rationale must our determination or decision include when we find an individual is able to perform PRW?*

Answers

1. *How do we define PRW?*

PRW is work that an individual has done within the past 5 years, that was SGA,¹¹ and that lasted long enough for the individual to learn to do it. Work that the individual started and stopped in fewer than 30 calendar days is not PRW.¹²

2. *How do we determine whether an individual's past work was done within the past 5 years?*

The relevant period for PRW is generally measured from the date of our determination or decision on a claim. In some situations, the relevant period is measured from an earlier date.¹³ The table below provides guidelines for common scenarios.

Type of claim	Relevant period—5-year period ends on
Title II Disability Insurance Benefits (DIB)—Date Last Insured (DLI) in the future	The date of adjudication.
Title II DIB—DLI in the past	The DLI.
Title II Widow or Widower, or Surviving Divorced Spouse (DWB)—Prescribed Period not expired.	The date of adjudication.
Title II DWB—Prescribed Period expired	The last day of the Prescribed Period.
Title II—Full Retirement Age (FRA) in the past	The day before attainment of FRA.
Title II Childhood Disability Beneficiaries (CDB)—Initial claim filed before age 22	The date of adjudication.
Title II CDB—Initial claim filed after age 22, no relevant work after age 22	The day before attainment of age 22.
Title II CDB—Reentitlement Claim, 7-year period applies and ended in the past	The last day of the reentitlement period.
Title II CDB—Reentitlement Claim, 7-year period applies and has not yet ended, or 7-year period does not apply.	The date of adjudication.
Title XVI Adult	The date of adjudication.
Title II or Title XVI Continuing Disability Review (CDR)	The date of CDR adjudication.

³ See 42 U.S.C. 416(i), 423(d), and 1382c(a). See also 20 CFR 404.1505, 404.1521, 416.905, and 416.921.

⁴ 42 U.S.C. 423(d)(2)(A) and 1382c(a)(3)(B).

⁵ *Id.*

⁶ 20 CFR 404.1520 and 416.920. We use a different sequential evaluation process for title XVI SSI claims involving individuals under age 18.

⁷ 20 CFR 404.1520(a)(4)(iv), 404.1520(f), 404.1560(b)(2), 416.920(a)(4)(iv), 416.920(f), and 416.960(b)(2).

⁸ We may use the expedited process described in 20 CFR 404.1520(h) and 416.920(h) to consider step five before step four, when applicable.

⁹ 20 CFR 404.1520(a)(5), 404.1589, 404.1594, 416.920(a)(5), 416.989, and 416.994.

¹⁰ 20 CFR 404.1594(f)(7)–(8) and 416.994(b)(5)(vi)–(vii).

¹¹ The criteria for determining whether an individual has done SGA are set forth in our regulations at 20 CFR 404.1571–404.1575 and 416.971–416.975.

¹² 20 CFR 404.1560(b)(1)(i)–(ii) and 416.960(b)(1)(i)–(ii).

¹³ See SSR 18–1p: Titles II and XVI: Determining the Established Onset Date (EOD) in Disability Claims, which identifies the most common types of disability claims and some of the regulations that explain the non-medical requirements for those types of claims. See also POMS DI 25001.001 Medical and Vocational Quick Reference Guide, available at: <https://secure.ssa.gov/apps10/poms.nsf/lnx/0425001001>.

3. *How do we determine whether an individual's past work started and stopped in fewer than 30 calendar days?*

We will not consider work to be PRW if an individual started and stopped it in fewer than 30 calendar days. We consider 30 calendar days to be a period of 30 consecutive days, including weekends, starting from the first day of work. We generally do not consider the total number of hours or days worked during that period, or whether the work was full-time or part-time. The 30 calendar days requirement is separate from the consideration of SGA or whether an individual worked long enough to learn how to do the work, although the 30 calendar days may count toward the time needed for an individual to learn to do the work. If an individual was self-employed or an independent contractor, we will consider whether the individual was engaged in the same type of work for 30 calendar days, even if individual work assignments or contracts each lasted fewer than 30 calendar days.¹⁴

Example 1: On March 1, 2023, an individual began working a job that requires only a brief demonstration to learn. The individual's last day of work was March 30, 2023. The individual worked at the job for 30 calendar days because they started work on March 1, 2023, and their last day of work was on March 30, 2023. In this situation, the job would qualify as PRW if it was performed at the SGA level and during the 5-year relevant work period.

Example 2: On February 1, 2023, an individual began working a job that requires only a brief demonstration to learn. The individual's last day of work was February 28, 2023. Although the individual held the job long enough to learn to do it, the work started and stopped in fewer than 30 calendar days. In this situation, the job would not qualify as PRW, even if it was performed at the SGA level and during the 5-year relevant work period.

4. *How do we determine whether an individual performed work long enough to learn to do it?*

Long enough to learn means that the individual gained sufficient job experience to learn the techniques, acquire information, and develop the facility needed for average performance

¹⁴ This would apply to "gig economy" type jobs as well, provided they meet the other requirements. For example, an individual completed 20 different shopping trips for a grocery delivery service but did so over a period of 30 calendar days or more. We would still require the individual to report that work experience as a single delivery job, because the individual did the same job for at least 30 calendar days. This is true even though each individual shopping trip started and stopped within a period of fewer than 30 calendar days.

in the job. The length of time this would take depends on the nature and complexity of the work, which may be expressed as specific vocational preparation (SVP).

5. *How do we determine whether an individual can perform PRW?*

We determine whether an individual can perform their PRW by considering whether the individual retains the RFC to meet the functional demands of any of their PRW as they actually performed it or as it is generally performed in the national economy.

6. *How do we determine whether an individual can perform their PRW as they actually performed it?*

When we determine whether an individual can perform their PRW as they actually performed it, we consider whether the individual retains the RFC to perform the particular functional demands peculiar to the work the individual did.

For information about the evidence we use to determine how an individual actually performed a job, see the guidance below at Question 9, *What information do we require when determining whether work is PRW that an individual can perform?*

7. *How do we determine whether an individual can perform their PRW as it is generally performed in the national economy?*

When we determine whether an individual can perform their PRW as it is generally performed in the national economy, we consider whether the individual retains the capacity to perform the occupation's functional demands as ordinarily required throughout the national economy.

We may rely on descriptions of occupations from reliable sources of job information to determine how occupations are generally performed. A vocational specialist or vocational expert may also provide information about how an occupation is generally performed in the national economy.

As actually performed, an individual's job may have involved functional demands that are different from those generally required for the occupation throughout the national economy. If the individual cannot meet the functional demands actually required in the former job but can meet the functional demands as generally required throughout the economy, we will find the individual able to perform PRW and not disabled.

8. *How do we obtain evidence concerning an individual's work history?*

An individual is the primary source for information concerning their work history, but we consider all available

evidence and information. Statements by the individual about their past work are generally sufficient for determining the skill level and physical and mental demands of such work. If the individual cannot give us all the information we need, we may try, with the individual's permission, to get it from their employer or another person who knows about the individual's work, such as a family member or a co-worker.¹⁵

We will ask the individual to tell us about all of the work they did in the last 5 years (unless the job started and stopped in fewer than 30 calendar days). The individual must tell us the dates they worked, the duties they performed, and any tools, machinery, and equipment they used. We will need to know the amount of walking, standing, sitting, lifting, and carrying the individual did during the workday, as well as any other physical or mental demands of their work.

9. *What information do we require when determining whether work is PRW that an individual can perform?*

To determine whether an individual can perform PRW, we need information about the physical and mental demands of PRW, particularly as relevant to the individual's RFC. This may include detailed information about strength, manipulative ability, mental demands, and other job requirements. Other information, such as information concerning dates work was performed, tools and machines used, the extent of supervision required, and a description of tasks and responsibilities, may be needed to determine whether the work is PRW that the individual can perform. If more than one job was performed during the 5-year period, we will request separate descriptions of each job the individual performed during the relevant period.

Determination of the individual's ability to do PRW requires careful consideration of:

- the individual's statements as to which past work requirements can no longer be met and the reason(s) for their inability to meet those requirements;
- the individual's RFC;¹⁶ and
- in some cases, supplementary or corroborative information from other sources on the requirements of the work as actually performed by the individual or as generally performed in the economy.

10. *What findings and rationale must our determination or decision include*

¹⁵ See 20 CFR 404.1565(b) and 416.965(b).

¹⁶ 20 CFR 404.1545 and 416.945 and SSR 96-8p Policy Interpretation Ruling Titles II and XVI: Assessing Residual Functional Capacity in Initial Claims.

when we find that an individual is able to perform PRW?

A determination or decision that an individual is not disabled, based on their ability to perform at least one job or occupation that is PRW at step four of the sequential evaluation process, must contain adequate rationale and findings.

In finding that an individual has the capacity to perform PRW, the determination or decision must:

- establish the individual's RFC;
- identify the PRW the individual can do;
- consider the physical and mental demands of the PRW either as the individual actually performed the job or as the occupation is generally performed in the national economy; and
- find that the individual's RFC establishes capacity to perform the PRW either as the individual actually performed the job or as the occupation is generally performed in the national economy.

[FR Doc. 2024-12414 Filed 6-5-24; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2023-0130 (Notice No. 2024-06)]

Hazardous Materials: Request for Feedback on Tare Weight Marking Policy for Cylinders

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice; request for information.

SUMMARY: The Pipeline and Hazardous Materials Safety Administration (PHMSA) is publishing this notice to solicit information pertaining to the current tare weight, mass weight, and water capacity marking requirements for compressed gas cylinders.

DATES: Interested parties are invited to submit comments on or before September 4, 2024. Comments received after that date will be considered to the extent possible.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA-2023-0130 by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management System; U.S. Department of Transportation,

West Building, Ground Floor, Room W12-140, Routing Symbol M-30, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Docket Management System; Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

Instructions: All submissions must include the agency name and Docket Number (PHMSA-2023-0130) for this notice. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to the Federal Docket Management System (FDMS) and will include any personal information you provide.

Docket: For access to the dockets to read background documents or comments received, go to <http://www.regulations.gov> or the Department of Transportation's (DOT) Docket Operations Office (see **ADDRESSES**).

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

Confidential Business Information (CBI): CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as "CBI." Please mark each page of your submission containing CBI as "PROPIN." Submissions containing CBI should be sent to Steven Andrews, Standards and Rulemaking Division, 202-366-8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590-0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this notice.

FOR FURTHER INFORMATION CONTACT: Noah Jacobson by email at noah.jacobson@dot.gov, or Steven Andrews by email at steven.andrews@dot.gov or by phone at 202-366-8553.

SUPPLEMENTARY INFORMATION:

I. Purpose

PHMSA is publishing this notice to solicit input pertaining to the current tare weight marking requirements in the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180)—specifically, § 178.35(f)(8)—regarding DOT specification 4B, 4BA, 4BW, and 4E cylinders used in liquefied compressed gas service to determine what, if any, effect they may have on the safe transportation of hazardous materials.

II. Background

On May 1, 2009, the Compressed Gas Association (CGA) petitioned (P-1540¹) PHMSA to revise § 178.35(f) to require DOT 4B, 4BA, 4BW, and 4E cylinders be marked with the tare weight or mass weight, and water capacity. Tare weight is the weight of the fully assembled cylinder, including the valve(s) and other permanently affixed appurtenances; mass weight is the weight of the fully assembled cylinder, excluding valve(s) and removable protective cap(s) or cover(s); and water capacity is the total volume of water the cylinder is capable of holding. The purpose of marking these measurements on the cylinder is to ensure that cylinders filled by weight, a method primarily used for liquefied gases like propane, are filled with the correct amount of material. The HMR requires that, for liquefied gases, the content of the cylinder be checked after filling by an "accurate scale"—see § 173.304a(c)—to avoid overfilling cylinders, which can cause cylinder rupture.

The CGA's petition requested that the markings be permitted to vary from the actual tare weight, mass weight, and water capacity of the cylinder to account for the accuracy of the stamped weight during manufacture. Specifically, the CGA's petition requested that for cylinders up to and including 25 pounds, the tare weight/mass weight marking be allowed a lower tolerance of three (3) percent and an upper tolerance of one (1) percent, while the tare weight/mass weight marking for cylinders larger than 25 pounds be allowed a lower tolerance of two (2) percent and an upper tolerance of one (1) percent. Similarly, the CGA's petition requested that water capacity tolerances for cylinders up to and including 25 pounds of -1 percent with no requirement for an upper tolerance, and for cylinders larger than 25 pounds of minus -0.5 percent with no requirement for an upper tolerance. In

¹ P-1540—CGA (PHMSA-2009-0146), <https://www.regulations.gov/document/PHMSA-2009-0146>.

SBIC Fund name	Date of licensure	Leverage tiers ¹
Eagle Fund VI-A, L.P.	7/8/2024	2.00x

¹ Maximum amount of Leverage expressed as a multiple of Leverageable Capital pursuant to 13 CFR 107.1150. For all SBIC Licensees that submitted a Management Assessment Questionnaire after August 17, 2023, the Notice of SBIC Licenses will include the Total Intended Leverage Commitment at the time of Licensure.

Bailey DeVries,

Associate Administrator, Office of Investment and Innovation, U.S. Small Business Administration.

[FR Doc. 2024-24812 Filed 10-24-24; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20716 and #20717; NEBRASKA Disaster Number NE-20007]

Administrative Disaster Declaration of a Rural Area for the State of Nebraska

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative disaster declaration of a rural area for the State of Nebraska dated 10/21/2024.

Incident: Severe Storms, Straight-line Winds, Tornadoes and Flooding.

Incident Period: 05/20/2024 through 06/03/2024.

DATES: Issued on 10/21/2024.

Physical Loan Application Deadline Date: 12/20/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 07/21/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT:

Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration of a rural area, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Howard

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	5.375
Homeowners without Credit Available Elsewhere	2.688
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 20716B and for economic injury is 207170.

The State which received an EIDL Declaration is Nebraska.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,
Administrator.

[FR Doc. 2024-24846 Filed 10-24-24; 8:45 am]

BILLING CODE 8026-09-P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2024-0030]

Cost-of-Living Increase and Other Determinations for 2025

AGENCY: Social Security Administration.

ACTION: Notice.

SUMMARY: Under title II of the Social Security Act (Act), there will be a 2.5 percent cost-of-living increase in Social Security benefits effective December 2024. In addition, the national average wage index for 2023 is \$66,621.80. The cost-of-living increase and national average wage index affect other program parameters as described below.

FOR FURTHER INFORMATION CONTACT:

Kathleen K. Sutton, Office of the Chief Actuary, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-3000. Information relating to this

announcement is available at www.ssa.gov/oact/cola/index.html. For information on eligibility or claiming benefits, call 1-800-772-1213 (TTY 1-800-325-0778) or visit www.ssa.gov.

SUPPLEMENTARY INFORMATION: Because of the 2.5 percent cost-of-living increase, the following items will increase for 2025:

(1) The maximum Federal Supplemental Security Income (SSI) monthly payment amounts for 2025 under title XVI of the Act will be \$967 for an eligible individual; \$1,450 for an eligible individual with an eligible spouse; and \$484 for an essential person.

(2) The special benefit amount under title VIII of the Act for certain World War II (WWII) veterans will be \$725.25 for 2025.

(3) The student earned income exclusion under title XVI of the Act will be \$2,350 per month in 2025, but not more than \$9,460 for all of 2025.

(4) The dollar fee limit for services performed as a representative payee will be \$55 per month (\$103 per month in the case of a beneficiary who is determined to be disabled, has an alcoholism or drug addiction condition, and is incapable of managing benefits) in 2025.

(5) The assessment (or "user fee") dollar limit on the administrative cost charged when the agency pays authorized representative fees directly out of a claimant's past due benefits will be \$120, beginning in December 2024.

The national average wage index for 2023 is \$66,621.80. This index affects the following amounts:

(1) The Old-Age, Survivors, and Disability Insurance (OASDI) contribution and benefit base will be \$176,100 for remuneration paid in 2025 and self-employment income earned in tax years beginning in 2025.

(2) The monthly exempt amounts under the OASDI retirement earnings test for tax years ending in calendar year 2025 will be \$1,950 for beneficiaries who will attain their Normal Retirement Age (NRA) (defined in the *Retirement Earnings Test Exempt Amounts* section below) after 2025 and \$5,180 for those who attain NRA in 2025.

(3) The dollar amounts (bend points) used in the primary insurance amount (PIA) formula for workers who become

eligible for benefits or who die before becoming eligible, in 2025, will be \$1,226 and \$7,391.

(4) The bend points used in the formula for computing maximum family benefits for workers who become eligible for retirement benefits, or who die before becoming eligible, in 2025, will be \$1,567, \$2,262, and \$2,950.

(5) The taxable earnings a person must have in 2025 to be credited with a quarter of coverage will be \$1,810.

(6) The “old-law” contribution and benefit base under title II of the Act will be \$130,800 for 2025.

(7) The monthly amount of earnings deemed to constitute substantial gainful activity (SGA) for statutorily blind people in 2025 will be \$2,700. The corresponding amount of earnings for non-blind people with a determined disability will be \$1,620.

(8) The earnings threshold establishing a month as a part of a trial work period will be \$1,160 for 2025.

(9) Coverage thresholds for 2025 will be \$2,800 for domestic workers and \$2,400 for election officials and election workers.

According to section 215(i)(2)(D) of the Act, we must publish the benefit increase percentage and the revised table of “special minimum” benefits within 45 days after the close of the third calendar quarter of 2024.

We must also publish the following by November 1: the national average wage index for 2023 (215(a)(1)(D)), the OASDI fund ratio for 2024 (section 215(i)(2)(C)(ii)), the OASDI contribution and benefit base for 2025 (section 230(a)), the earnings required to be credited with a quarter of coverage in 2025 (section 213(d)(2)), the monthly exempt amounts under the Social Security retirement earnings test for 2025 (section 203(f)(8)(A)), the formula for computing a PIA for workers who first become eligible for benefits or die in 2025 (section 215(a)(1)(D)), and the formula for computing the maximum benefits payable to the family of a worker who first becomes eligible for old-age benefits or dies in 2025 (section 203(a)(2)(C)).

Cost-of-Living Increases

General

The cost-of-living increase is 2.5 percent for monthly benefits under title II and for monthly payments under title XVI of the Act. Under title II, OASDI monthly benefits will increase by 2.5 percent for individuals eligible for December 2024 benefits, payable in January 2025 and thereafter. We base this increase on the authority contained in section 215(i) of the Act.

Pursuant to section 1617 of the Act, Federal SSI benefit rates will also increase by 2.5 percent effective for payments made for January 2025 but paid on December 31, 2024.

Computation

Computation of the cost-of-living increase is based on an increase in a Consumer Price Index (CPI) produced by the Bureau of Labor Statistics. At the time the Act was amended to provide automatic cost-of-living increases starting in 1975, only one CPI existed, namely the index now referred to as CPI for Urban Wage Earners and Clerical Workers (CPI-W). Although the Bureau of Labor Statistics has since developed other CPIs, we follow precedent by continuing to use the CPI-W. We refer to this index in the following paragraphs as the CPI.

Section 215(i)(1)(B) of the Act defines a “computation quarter” to be a third calendar quarter in which the average CPI exceeded the average CPI in the previous computation quarter. The last cost-of-living increase, effective for those eligible to receive title II benefits for December 2023, was based on the CPI increase from the third quarter of 2022 to the third quarter of 2023. Therefore, the last computation quarter is the third quarter of 2023. The law states that a cost-of-living increase for benefits is determined based on the percentage increase, if any, in the CPI from the last computation quarter to the third quarter of the current year. Therefore, we compute the increase in the CPI from the third quarter of 2023 to the third quarter of 2024.

Section 215(i)(1) of the Act states that the CPI for a cost-of-living computation quarter is the arithmetic mean of this index for the 3 months in that quarter. In accordance with 20 CFR 404.275, we round the arithmetic mean, if necessary, to the nearest 0.001. The CPI for each month in the quarter ending September 30, 2023, the last computation quarter, is: for July 2023, 299.899; for August 2023, 301.551; and for September 2023, 302.257. The arithmetic mean for the calendar quarter ending September 30, 2023, is 301.236. The CPI for each month in the quarter ending September 30, 2024, is: for July 2024, 308.501; for August 2024, 308.640; and for September 2024, 309.046. The arithmetic mean for the calendar quarter ending September 30, 2024, is 308.729. The CPI for the calendar quarter ending September 30, 2024, exceeds that for the calendar quarter ending September 30, 2023, by 2.5 percent (rounded to the nearest 0.1). Therefore, beginning December 2024, a cost-of-living benefit

increase of 2.5 percent is effective for benefits under title II of the Act.

Section 215(i) also specifies that a benefit increase under title II, effective for December of any year, will be limited to the increase in the national average wage index for the prior year if the OASDI fund ratio for that year is below 20.0 percent. The OASDI fund ratio for a year is the ratio of the combined asset reserves of the OASI and DI Trust Funds at the beginning of that year to the combined cost of the programs during that year. For 2024, the OASDI fund ratio is reserves of \$2,788,463 million divided by estimated cost of \$1,483,116 million, or 188.0 percent. Because the 188.0 percent OASDI fund ratio exceeds 20.0 percent, the benefit increase for December 2024 is not limited to the increase in the national average wage index.

Program Amounts That Change Based on the Cost-of-Living Increase

The following program amounts change based on the cost-of-living increase: (1) title II benefits; (2) title XVI payments; (3) title VIII benefits; (4) the student earned income exclusion; (5) the fee for services performed by a representative payee; and (6) the appointed representative fee assessment.

Title II Benefit Amounts

In accordance with section 215(i) of the Act, for workers and family members for whom eligibility for benefits (that is, the worker’s attainment of age 62, or disability or death before age 62) occurred before 2025, benefits will increase by 2.5 percent beginning with benefits for December 2024, which are payable in January 2025. For those first eligible after 2024, the 2.5 percent increase will not apply.

For eligibility after 1978, we determine benefits using a formula provided by the Social Security Amendments of 1977 (Pub. L. 95–216), as described later in this notice.

For eligibility before 1979, we determine benefits by using a benefit table. The table is available at www.ssa.gov/oact/ProgData/tableForm.html or by writing to: Social Security Administration, Office of Public Inquiries and Communications Support, 1100 West High Rise, 6401 Security Boulevard, Baltimore, MD 21235.

Section 215(i)(2)(D) of the Act requires that, when we determine an increase in Social Security benefits, we will publish in the **Federal Register** a revision of the range of the PIAs and maximum family benefits based on the dollar amount and other provisions

described in section 215(a)(1)(C)(i). We refer to these benefits as “special minimum” benefits. These benefits are payable to certain individuals with long periods of low earnings. To qualify for these benefits, an individual must have at least 11 years of coverage. To earn a year of coverage for purposes of the special minimum benefit, a person must earn at least a certain proportion of the old-law contribution and benefit base (described later in this notice). For years before 1991, the proportion is 25 percent; for years after 1990, it is 15 percent. In accordance with section 215(a)(1)(C)(i), the table below shows the revised range of PIAs and maximum family benefit amounts after the 2.5 percent benefit increase.

SPECIAL MINIMUM PIAS AND MAXIMUM FAMILY BENEFITS PAYABLE FOR DECEMBER 2024

Number of years of coverage	PIA	Maximum family benefit
11	\$52.10	\$79.70
12	106.90	162.10
13	161.80	244.60
14	216.30	326.40
15	270.70	408.10
16	325.90	490.60
17	380.70	573.30
18	435.40	655.10
19	490.10	737.50
20	545.10	818.90
21	600.00	902.10
22	654.30	983.70
23	710.10	1,067.40
24	764.70	1,148.80
25	818.90	1,230.50
26	874.70	1,313.80
27	928.70	1,395.90
28	983.50	1,477.70
29	1,038.50	1,560.50
30	1,093.10	1,641.70

Title XVI Payment Amounts

In accordance with section 1617 of the Act, the Federal benefit rates used in computing Federal SSI payments for the aged, blind, and disabled will increase by 2.5 percent effective January 2025. For 2024, we determined the monthly payment amounts to be—\$943 for an eligible individual, \$1,415 for an eligible individual with an eligible spouse, and \$472 for an essential person. These amounts were derived from yearly, unrounded Federal SSI payment amounts of \$11,321.49, \$16,980.36, and \$5,673.73, respectively. For 2025, these yearly unrounded amounts increase by 2.5 percent to \$11,604.53, \$17,404.87, and \$5,815.57, respectively. We must round each of these resulting amounts, when not a multiple of \$12, to the next lower multiple of \$12. Therefore, the annual

amounts, effective for 2025, are \$11,604, \$17,400, and \$5,808. Dividing the yearly amounts by 12 gives the respective monthly amounts for 2025—\$967, \$1,450, and \$484. For an eligible individual with an eligible spouse, we equally divide the amount payable between the two spouses.

Title VIII Benefit Amount

Title VIII of the Act provides for special benefits to certain WWII veterans who reside outside the United States. Section 805 of the Act provides that “[t]he benefit under this title payable to a qualified individual for any month shall be in an amount equal to 75 percent of the Federal benefit rate [the maximum amount for an eligible individual] under title XVI for the month, reduced by the amount of the qualified individual’s benefit income for the month.” Therefore, the maximum monthly benefit for 2025 under this provision is 75 percent of \$967, or \$725.25.

Student Earned Income Exclusion

Children who are blind or have a determined disability can have limited earnings that do not count against their SSI payments if they are students regularly attending school, college, university, or a course of vocational or technical training. The maximum amount of such income that we may exclude in 2024 is \$2,290 per month, but not more than \$9,230 in all of 2024. These amounts increase based on a formula set forth in regulation 20 CFR 416.1112.

To compute each of the monthly and yearly maximum amounts for 2025, we increase the unrounded amount for 2024 by the latest cost-of-living increase. If the calculated amount is not a multiple of \$10, we round it to the nearest multiple of \$10. The unrounded monthly amount for 2024 is \$2,290.63. We increase this amount by 2.5 percent to \$2,347.90, which we then round to \$2,350. Similarly, we increase the unrounded yearly amount for 2024, \$9,233.49, by 2.5 percent to \$9,464.33 and round this to \$9,460. Therefore, the maximum amount of the income exclusion applicable to a student in 2025 is \$2,350 per month, but not more than \$9,460 in all of 2025.

Fee for Services Performed as a Representative Payee

Sections 205(j)(4)(A)(i) and 1631(a)(2)(D)(i) of the Act permit a qualified organization to collect a monthly fee from a beneficiary for expenses incurred in providing services as the beneficiary’s representative payee. In 2024, the fee is limited to the

lesser of: (1) 10 percent of the monthly benefit involved; or (2) \$54 each month (\$100 each month when the beneficiary is entitled to disability benefits, has an alcoholism or drug addiction condition, and is incapable of managing such benefits). The dollar fee limits are subject to increase by the cost-of-living increase, with the resulting amounts rounded to the nearest whole dollar amount. Therefore, we increase the current amounts by 2.5 percent to \$55 and \$103 for 2025.

Appointed Representative Fee Assessment

Under sections 206(d) and 1631(d) of the Act, whenever the agency pays authorized representative fees directly out of a claimant’s past due benefits, we must impose an assessment (or “user fee”) to cover administrative costs. The user fee applied is the lower amount of 6.3 percent of the representative’s authorized fee or a dollar amount that is subject to the cost-of-living increase. We derive the dollar limit for December 2024, by increasing the unrounded limit for December 2023, \$117.26, by 2.5 percent, which is \$120.19. We then round \$120.19 to the next lower multiple of \$1. The dollar limit effective for December 2024 is, therefore, \$120.

National Average Wage Index for 2023

Computation

We determined the national average wage index for calendar year 2023. It is based on the 2022 national average wage index of \$63,795.13, which was published in the **Federal Register** on October 23, 2023 (88 FR 72803), and on the percentage increase in average wages from 2022 to 2023, as measured by annual wage data. We tabulate the annual wage data, including contributions to deferred compensation plans, as required by section 209(k) of the Act. The average amounts of wages calculated from these data were \$61,220.07 for 2022 and \$63,932.64 for 2023. To determine the national average wage index for 2023 at a level consistent with the national average wage indexing series for 1951 through 1977 (published December 29, 1978, at 43 FR 61016), we multiply the 2022 national average wage index of \$63,795.13 by the percentage increase in average wages from 2022 to 2023 (based on SSA-tabulated wage data) as follows. We round the result to the nearest cent.

National Average Wage Index Amount

Multiplying the national average wage index for 2022 (\$63,795.13) by the ratio of the average wage for 2023 (\$63,932.64) to that for 2022

(\$61,220.07) produces the 2023 index, \$66,621.80. The national average wage index for calendar year 2023 is about 4.43 percent higher than the 2022 index.

Program Amounts That Change Based on the National Average Wage Index

Under the Act, the following amounts change with annual changes in the national average wage index: (1) the OASDI contribution and benefit base; (2) the exempt amounts under the retirement earnings test; (3) the dollar amounts, or bend points, in the PIA formula; (4) the bend points in the maximum family benefit formula; (5) the earnings required to credit a worker with a quarter of coverage; (6) the old-law contribution and benefit base (as determined under section 230 of the Act as in effect before the 1977 amendments); (7) the substantial gainful activity (SGA) amount applicable to statutorily blind individuals; and (8) the coverage threshold for election officials and election workers. Additionally, under section 3121(x) of the Internal Revenue Code, the domestic employee coverage threshold is based on changes in the national average wage index.

Two amounts also increase under regulatory requirements—the SGA amount applicable to non-blind individuals with a determined disability, and the monthly earnings threshold that establishes a month as part of a trial work period for beneficiaries with a determined disability.

OASDI Contribution and Benefit Base

General

The OASDI contribution and benefit base is \$176,100 for remuneration paid in 2025 and self-employment income earned in tax years beginning in 2025. The OASDI contribution and benefit base serves as the maximum annual earnings on which OASDI taxes are paid. It is also the maximum annual earnings used in determining a person's OASDI benefits.

Computation

Section 230(b) of the Act provides the formula used to determine the OASDI contribution and benefit base. Under the formula, the base for 2025 is the larger of: (1) the 1994 base of \$60,600 multiplied by the ratio of the national average wage index for 2023 to that for 1992; or (2) the current base (\$168,600). If the resulting amount is not a multiple of \$300, we round it to the nearest multiple of \$300.

OASDI Contribution and Benefit Base Amount

Multiplying the 1994 OASDI contribution and benefit base (\$60,600) by the ratio of the national average wage index for 2023 (\$66,621.80 as determined above) to that for 1992 (\$22,935.42) produces \$176,028.22. We round this amount to \$176,100. Because \$176,100 exceeds the current base amount of \$168,600, the OASDI contribution and benefit base is \$176,100 for 2025.

Retirement Earnings Test Exempt Amounts

General

We withhold Social Security benefits when a beneficiary under the NRA has earnings more than the applicable retirement earnings test exempt amount. The NRA is the age when retirement benefits (before rounding) are equal to the PIA. The NRA is age 66 for those born in 1943–54. It gradually increases to age 67 for those born in 1960 or later. A higher exempt amount applies in the year in which a person attains NRA, but only for earnings in months before such attainment. A lower exempt amount applies at all other ages below NRA. Section 203(f)(8)(B) of the Act provides formulas for determining the monthly exempt amounts. The annual exempt amounts are exactly 12 times the monthly amounts.

For beneficiaries who attain NRA in the year, we withhold \$1 in benefits for every \$3 of earnings over the annual exempt amount for months before NRA. For all other beneficiaries under NRA, we withhold \$1 in benefits for every \$2 of earnings over the annual exempt amount.

Computation

Under the formula that applies to beneficiaries attaining NRA after 2025, the lower monthly exempt amount for 2025 is the larger of: (1) the 1994 monthly exempt amount multiplied by the ratio of the national average wage index for 2023 to that for 1992; or (2) the 2024 monthly exempt amount (\$1,860). If the resulting amount is not a multiple of \$10, we round it to the nearest multiple of \$10.

Under the formula that applies to beneficiaries attaining NRA in 2025, the higher monthly exempt amount for 2025 is the larger of: (1) the 2002 monthly exempt amount multiplied by the ratio of the national average wage index for 2023 to that for 2000; or (2) the 2024 monthly exempt amount (\$4,960). If the resulting amount is not a multiple of \$10, we round it to the nearest multiple of \$10.

Lower Exempt Amount

Multiplying the 1994 retirement earnings test monthly exempt amount of \$670 by the ratio of the national average wage index for 2023 (\$66,621.80) to that for 1992 (\$22,935.42) produces \$1,946.19. We round this to \$1,950. Because \$1,950 exceeds the current exempt amount of \$1,860, the lower retirement earnings test monthly exempt amount is \$1,950 for 2025. The lower annual exempt amount is \$23,400 under the retirement earnings test.

Higher Exempt Amount

Multiplying the 2002 retirement earnings test monthly exempt amount of \$2,500 by the ratio of the national average wage index for 2023 (\$66,621.80) to that for 2000 (\$32,154.82) produces \$5,179.77. We round this to \$5,180. Because \$5,180 exceeds the current exempt amount of \$4,960, the higher retirement earnings test monthly exempt amount is \$5,180 for 2025. The higher annual exempt amount is \$62,160 under the retirement earnings test.

Primary Insurance Amount Formula

General

The Social Security Amendments of 1977 provided a method for computing benefits that generally applies when a worker first becomes eligible for benefits after 1978. This method uses the worker's average indexed monthly earnings (AIME) to compute the PIA. We adjust the formula each year to reflect changes in general wage levels, as measured by the national average wage index.

We also adjust, or index, a worker's earnings to reflect the change in the general wage levels that occurred during the worker's years of employment. Such indexing ensures that a worker's future benefit level will reflect the general rise in the standard of living that will occur during their working lifetime. To compute the AIME, we first determine the required number of years of earnings. We then select the number of years with the highest indexed earnings, add the indexed earnings for those years, and divide the total amount by the total number of months in those years. We then round the resulting average amount down to the next lower dollar amount. The result is the AIME.

Computing the PIA

The PIA is the sum of three separate percentages of portions of the AIME. In 1979 (the first year the formula was in effect), these portions were the first \$180, the amount between \$180 and \$1,085, and the amount above \$1,085.

We call the dollar amounts in the formula governing the portions of the AIME the bend points of the formula. Therefore, the bend points for 1979 were \$180 and \$1,085.

To obtain the bend points for 2025, we multiply each of the 1979 bend-point amounts by the ratio of the national average wage index for 2023 to that average for 1977. We then round these results to the nearest dollar. Multiplying the 1979 amounts of \$180 and \$1,085 by the ratio of the national average wage index for 2023 (\$66,621.80) to that for 1977 (\$9,779.44) produces the amounts of \$1,226.24 and \$7,391.49. We round these to \$1,226 and \$7,391. Therefore, the portions of the AIME to be used in 2025 are the first \$1,226, the amount between \$1,226 and \$7,391, and the amount above \$7,391.

Therefore, for individuals who first become eligible for old-age insurance benefits or disability insurance benefits in 2025, or who die in 2025 before becoming eligible for benefits, their PIA will be the sum of:

- (a) 90 percent of the first \$1,226 of their AIME, plus
- (b) 32 percent of their AIME between \$1,226 and \$7,391, plus
- (c) 15 percent of their AIME above \$7,391.

We round this amount to the next lower multiple of \$0.10 if it is not already a multiple of \$0.10. This formula and the rounding adjustment are stated in section 215(a) of the Act.

Maximum Benefits Payable to a Family

General

The 1977 amendments continued the policy of limiting the total monthly benefits that a worker's family may receive based on the worker's PIA. Those amendments also continued the relationship between maximum family benefits and PIAs but changed the method of computing the maximum benefits that may be paid to a worker's family. The Social Security Disability Amendments of 1980 (Pub. L. 96-265) established a formula for computing the maximum benefits payable to the family of a worker with a determined disability. This formula applies to the family benefits of workers who first become entitled to disability insurance benefits after June 30, 1980, and who first become eligible for these benefits after 1978. For workers with determined disabilities who are initially entitled to disability benefits before July 1980 or whose disability began before 1979, we compute the family maximum payable the same as the old-age and survivor family maximum.

Computing the Old-Age and Survivor Family Maximum

The formula used to compute the family maximum is similar to that used to compute the PIA. It involves computing the sum of four separate percentages of portions of the worker's PIA. In 1979, these portions were the first \$230, the amount between \$230 and \$332, the amount between \$332 and \$433, and the amount above \$433. We refer to such dollar amounts in the formula as the bend points of the family-maximum formula.

To obtain the bend points for 2025, we multiply each of the 1979 bend-point amounts by the ratio of the national average wage index for 2023 to that average for 1977. Then we round this amount to the nearest dollar. Multiplying the amounts of \$230, \$332, and \$433 by the ratio of the national average wage index for 2023 (\$66,621.80) to that for 1977 (\$9,779.44) produces the amounts of \$1,566.86, \$2,261.73, and \$2,949.78. We round these amounts to \$1,567, \$2,262, and \$2,950. Therefore, the portions of the PIAs to be used in 2025 are the first \$1,567, the amount between \$1,567 and \$2,262, the amount between \$2,262 and \$2,950, and the amount above \$2,950.

So, for the family of a worker who becomes age 62 or dies in 2025 before age 62, we compute the total benefits payable to them so that it does not exceed:

- (a) 150 percent of the first \$1,567 of the worker's PIA, plus
- (b) 272 percent of the worker's PIA between \$1,567 and \$2,262, plus
- (c) 134 percent of the worker's PIA between \$2,262 and \$2,950, plus
- (d) 175 percent of the worker's PIA above \$2,950.

We then round this amount to the next lower multiple of \$0.10 if it is not already a multiple of \$0.10. This formula and the rounding adjustment are stated in section 203(a) of the Act.

Quarter of Coverage Amount

General

The earnings required for a quarter of coverage in 2025 is \$1,810. A quarter of coverage is the basic unit for determining if a worker is insured under the Social Security program. For years before 1978, we generally credited an individual with (1) a quarter of coverage for each quarter in which they were paid wages of \$50 or more or (2) four quarters of coverage for every tax year in which they earned \$400 or more of self-employment income. Beginning in 1978, employers generally report wages annually instead of quarterly. With the change to yearly reporting, section

352(b) of the Social Security Amendments of 1977 amended section 213(d) of the Act to provide that a quarter of coverage would be credited for each \$250 of an individual's total wages and self-employment income for calendar year 1978 up to a maximum of four quarters of coverage for the year. The amendment also provided a formula for years after 1978.

Computation

Under the prescribed formula, the quarter of coverage amount for 2025 is the larger of: (1) the 1978 amount of \$250 multiplied by the ratio of the national average wage index for 2023 to that for 1976; or (2) the current amount (\$1,730). Section 213(d) provides that if the resulting amount is not a multiple of \$10, we round it to the nearest multiple of \$10.

Quarter of Coverage Amount

Multiplying the 1978 quarter of coverage amount (\$250) by the ratio of the national average wage index for 2023 (\$66,621.80) to that for 1976 (\$9,226.48) produces \$1,805.18. We then round this amount to \$1,810. Because \$1,810 exceeds the current amount of \$1,730, the quarter of coverage amount is \$1,810 for 2025.

Old-Law Contribution and Benefit Base

General

The old-law contribution and benefit base for 2025 is \$130,800. This base would have been effective under the Act without the enactment of the 1977 amendments.

The old-law contribution and benefit base is used by:

(a) the Railroad Retirement program to determine certain tax liabilities and tier II benefits payable under that program to supplement the tier I payments that correspond to basic Social Security benefits,

(b) the Pension Benefit Guaranty Corporation to determine the maximum amount of pension guaranteed under the Employee Retirement Income Security Act (section 230(d) of the Act),

(c) Social Security to determine a year of coverage in computing the special minimum benefit, as described earlier, and

(d) Social Security to compute benefits for people who are also eligible and receiving pensions based on employment not covered under section 210 of the Act. We credit a year of coverage, for this purpose only, for each year in which earnings equal or exceed 25 percent of the old-law base.

Computation

The old-law contribution and benefit base is the larger of: (1) the 1994 old-law base (\$45,000) multiplied by the ratio of the national average wage index for 2023 to that for 1992; or (2) the current old-law base (\$125,100). If the resulting amount is not a multiple of \$300, we round it to the nearest multiple of \$300.

Old-Law Contribution and Benefit Base Amount

Multiplying the 1994 old-law contribution and benefit base (\$45,000) by the ratio of the national average wage index for 2023 (\$66,621.80) to that for 1992 (\$22,935.42) produces \$130,714.02. We round this amount to \$130,800. Because \$130,800 exceeds the current amount of \$125,100, the old-law contribution and benefit base is \$130,800 for 2025.

Substantial Gainful Activity Amounts

General

A finding of disability under titles II and XVI of the Act requires that a person, except for a child with a disability determined under title XVI, be unable to engage in SGA. A person who is earning more than a certain monthly amount is ordinarily considered to be engaging in SGA. The monthly earnings considered as SGA depends on the nature of a person's disability. Section 223(d)(4)(A) of the Act specifies the formula for determining the SGA amount for statutorily blind individuals under title II while our regulations (20 CFR 404.1574 and 416.974) specify the formula for determining the SGA amount for non-blind individuals with a determined disability.

Computation

The monthly SGA amount for statutorily blind individuals under title II for 2025 is the larger of: (1) the amount for 1994 multiplied by the ratio of the national average wage index for 2023 to that for 1992; or (2) the amount for 2024. The monthly SGA amount for non-blind individuals with a determined disability for 2025 is the larger of: (1) the amount for 2000 multiplied by the ratio of the national average wage index for 2023 to that for 1998; or (2) the amount for 2024. In either case, if the resulting amount is not a multiple of \$10, we round it to the nearest multiple of \$10.

SGA Amount for Statutorily Blind Individuals

Multiplying the 1994 monthly SGA amount for statutorily blind individuals (\$930) by the ratio of the national average wage index for 2023

(\$66,621.80) to that for 1992 (\$22,935.42) produces \$2,701.42. We then round this amount to \$2,700. Because \$2,700 exceeds the current amount of \$2,590, the monthly SGA amount for statutorily blind individuals is \$2,700 for 2025.

SGA Amount for Non-Blind Individuals Who Have a Determined Disability

Multiplying the 2000 monthly SGA amount for non-blind individuals with a determined disability (\$700) by the ratio of the national average wage index for 2023 (\$66,621.80) to that for 1998 (\$28,861.44) produces \$1,615.83. We then round this amount to \$1,620. Because \$1,620 exceeds the current amount of \$1,550, the monthly SGA amount for non-blind individuals with a determined disability is \$1,620 for 2025.

Trial Work Period Earnings Threshold

General

During a trial work period of 9 months in a rolling 60-month period, a beneficiary receiving Social Security disability benefits may test their ability to work and still receive monthly benefit payments. To be considered a trial work period month, earnings must be over a certain level. In 2025, any month in which earnings exceed \$1,160 is considered a month of services for an individual's trial work period.

Computation

The method used to determine the new amount is set forth in our regulations at 20 CFR 404.1592(b). Monthly earnings in 2025, used to determine whether a month is part of a trial work period, is the larger of: (1) the amount for 2001 (\$530) multiplied by the ratio of the national average wage index for 2023 to that for 1999; or (2) the amount for 2024. If the resulting amount is not a multiple of \$10, we round it to the nearest multiple of \$10.

Trial Work Period Earnings Threshold Amount

Multiplying the 2001 monthly earnings threshold (\$530) by the ratio of the national average wage index for 2023 (\$66,621.80) to that for 1999 (\$30,469.84) produces \$1,158.84. We then round this amount to \$1,160. Because \$1,160 exceeds the current amount of \$1,110, the monthly earnings threshold is \$1,160 for 2025.

Domestic Employee Coverage Threshold

General

The minimum amount a domestic worker must earn so that such earnings

are covered under Social Security or Medicare is the domestic employee coverage threshold. For 2025, this threshold is \$2,800. Section 3121(x) of the Internal Revenue Code provides the formula for increasing the threshold.

Computation

Under the formula, the domestic employee coverage threshold for 2025 is equal to the 1995 amount of \$1,000 multiplied by the ratio of the national average wage index for 2023 to that for 1993. If the resulting amount is not a multiple of \$100, we round it to the next lower multiple of \$100.

Domestic Employee Coverage Threshold Amount

Multiplying the 1995 domestic employee coverage threshold (\$1,000) by the ratio of the national average wage index for 2023 (\$66,621.80) to that for 1993 (\$23,132.67) produces \$2,879.99. We then round this amount to \$2,800. Therefore, the domestic employee coverage threshold amount is \$2,800 for 2025.

Election Official and Election Worker Coverage Threshold

General

The minimum amount an election official and election worker must earn so the earnings are covered under Social Security or Medicare is the election official and election worker coverage threshold. For 2025, this threshold is \$2,400. Section 218(c)(8)(B) of the Act provides the formula for increasing the threshold.

Computation

Under the formula, the election official and election worker coverage threshold for 2025 is equal to the 1999 amount of \$1,000 multiplied by the ratio of the national average wage index for 2023 to that for 1997. If the amount we determine is not a multiple of \$100, we round it to the nearest multiple of \$100.

Election Official and Election Worker Coverage Threshold Amount

Multiplying the 1999 coverage threshold amount (\$1,000) by the ratio of the national average wage index for 2023 (\$66,621.80) to that for 1997 (\$27,426.00) produces \$2,429.15. We then round this amount to \$2,400. Therefore, the election official and election worker coverage threshold amount is \$2,400 for 2025.

(Catalog of Federal Domestic Assistance: Program Nos. 96.001 Social Security-Disability Insurance; 96.002 Social Security-Retirement Insurance; 96.004 Social Security-Survivors Insurance; 96.006 Supplemental Security Income)

The Commissioner of the Social Security Administration, Martin O'Malley, having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is a Federal Register Liaison for SSA, for purposes of publication in the **Federal Register**.

Faye I. Lipsky,

Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.

[FR Doc. 2024-24871 Filed 10-24-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA-2024-0071]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under Supplementary Information. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by December 24, 2024.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 0071 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>.

Follow the online instructions for submitting comments.

Fax: 1-202-493-2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Derek Constable, (202) 366-4606, Office of Bridges and Structures, Federal

Highway Administration, Department of Transportation, 1200 New Jersey Avenue Southeast, Washington, DC 20590. Office hours are from 7 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: FY24 Competitive Highway Bridge Program (CHBP).

Background: The Consolidated Appropriations Act, 2024, Public Law 118-42, section 126, March 9, 2024, provides \$250 million to be awarded by the Federal Highway Administration (FHWA) for a Competitive Highway Bridge Program.

Eligible applicants are States that have a population density of less than 115 individuals per square mile and less than 26% of total bridges classified as in good condition; or greater than or equal to 5.2% of total bridges classified in poor condition. States meeting the population criteria and that have greater than 14% of total bridges classified as in poor condition are eligible to receive no less than \$32,500,000. The funds shall be used for highway bridge replacement or rehabilitation projects on public roads that demonstrate cost savings by bundling multiple highway bridge projects. Population density is calculated based on the latest available data from the decennial census conducted under section 14(a) of title 13, United States Code. Percentages of bridge counts are based on the National Bridge Inventory as of June 2023. (Consolidated Appropriations Act, 2024, Pub. L. 118-42, sec. 126, March 9, 2024.)

Population density is calculated based on the latest available data on March 9, 2024, the date which the Consolidated Appropriations Act, 2024, became law. Resident population density is used. The percentages are based on number of bridges. Funds shall be obligated by September 30, 2027.

Based on these requirements, eligible applicants are the State Departments of Transportation (State DOTs) of Alaska, Arkansas, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Utah, West Virginia, Wisconsin, and Wyoming. State DOTs that are eligible to receive no less than \$32,500,000 include Iowa, Maine, South Dakota, and West Virginia.

Awards will be made only to a State DOT. Applications by non-State DOT entities must be submitted by the State DOT in which they are located.

Each application will require the following project narrative:

- A discussion and supporting information that describes the project

description, location, and project parties,

- a discussion and supporting information on proposed project funding including the sources and availability of funds to supplement a grant award and to supplement the Federal share,

- a discussion and supporting information on how the project meets the CHBP merit criteria,

- a discussion and supporting information on project readiness and environmental status to include discussion and supporting information on technical feasibility, project schedule, status of required approvals including environmental permits and reviews, status of State, metropolitan, and local planning document approvals, and an assessment of project risks and mitigation strategies.

Each applicant selected for CHBP grant funding will be required to execute a project agreement which is a type of grant agreement for administration of funds to a State DOT in FHWA's Fiscal Management System. In the agreement, the recipient must describe the project that FHWA agreed to fund, which is the project that was described in the application or a reduced-scope version of that project. The agreement also includes project schedule milestones, a budget, and project-related goals.

Each applicant selected for CHBP grant funding (awardee) will be required to collect and report project monitoring information. This will include information on the project's performance using performance indicators supplied by FHWA that relate to CHBP goals. Performance reporting continues for several years after project construction is completed. Each awardee will submit progress and monitoring reports on a quarterly basis until completion of the project as determined by FHWA. This information will be used to monitor awardees' use of Federal funds, ensuring accountability and financial transparency.

These requirements will be further detailed in the Notice of Funding Opportunity.

This notice seeks comments on the proposed information collection, which will collect information necessary to support the evaluation of applications and selection of project awards, the funding agreement negotiation stage for awards, and project monitoring.

Respondents: Any eligible State DOT can submit as many as three applications. A limit of three applications will be specified in the