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Employability Assessments for Disabled Veterans - TDIU

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VOCATIONAL ASSESSMENT

Veteran: *****
Date Last Worked: *****
Date of Birth: *****
Age: *****
Date of Assessment: *****

Introduction

This assessment has been prepared at the request of the legal firm that represents Mxx, *****, who also supplied the information reviewed. He is a disabled veteran who is applying for total disability due to individual unemployability (TDIU). His entire VA claim file was reviewed which consisted of *** pages. The following documents were among those examined: the *****

Mxx, a veteran, has the following service-connected disabilities; *** – *%, *** – *%, and **** – *%. He has physical limitations as a result of these service connected disabilities. He is also service connected for the following conditions at 0% - ***.

Interview

Mxx participated in a telephone interview on *****, 2016. He seemed to be forthright during this interview and discussed his situation openly. His educational and vocational histories were among the topics discussed.

Mxx suffers from **** low back pain that is controlled to some extent with the use of medication. He worked from *** until ***. In *** he stopped working because of the limitations stemming from his condition, primarily pain. *****

Mxx has both good and bad days. On good days, which occur on an average of about *** days a month, he is in less pain. On these days he feels better. On another *** days per month, on the average, he is not physically able to do anything much because of the restrictions provided by his *****. On these days he does not stray far from his bed. These days represent his bad days.

Mxx's inability to do anything on a regular and consistent basis would be a problem in performing a

simple job. Even if his only requirement was to have consistent attendance it is unlikely that he would be able to attend any job on a consistent enough basis to be able to maintain the position. Mxx reported that his emotional disability would cause him to be absent from any job more often than would be tolerated by an employer.

Mxx makes plans involving one activity or another but subsequently is forced to cancel the plans that have been made due to his physical condition. This happens often.

Education

Mxx graduated from high school in ***.

Work History

From **** until ****, Mxx worked as a ****. In this position he was responsible for **. This **skilled job was performed at the *** level of physical demand.

Medical Assessments

In his ***

Vocational Potential Analysis

Reliability and productivity are the most important factors in performing any level of work activity. The level of reduced ability that ****'s service-connected disability provides him compromises his ability in this regard such that he is precluded from securing a substantially gainful occupation.

Therefore, in the opinion of this vocational expert, it is at least as likely as not that Mxx is precluded from securing and following a substantially gainful occupation, and has been unable to do so since he last worked in **. That is, there are no jobs in the local or national economies that he is able to perform. This conclusion was reached considering his education, work history, and the limitations that he has as a result of his service-connected conditions.

This opinion is rendered despite Dr. **** saying that Mxx's ability to work is ****. This would seem to possibly provide him with an ability to perform full-time sustained work activity. I disagree with Dr. **'s statement that Mxx's ability to work is ***.

**** like Dr. *** are qualified to define the limitations and symptoms extending from a condition, but have limited expertise in translating this information into opining on whether or not this degree of limitation prevents one from working or if they can work despite the limitation. A better expert to comment on whether or not specific limitations allow for the performance of work activity is a vocational expert who has been certified by Federal and State court jurisdictions and by the United States Secretary of Health and Human Resources as having this expertise.

I have my Master's Degree in vocational rehabilitation which consisted of sixty semester hours and an internship in vocational rehabilitation assisting individuals with disabilities obtain or return to

employment. I am also certified as a Diplomat with the American Board of Vocational Experts (ABVE). Earning this certification requires passing an examination, having a work product reviewed and approved by a committee of peers, holding a position of leadership in professional associations in the field, and maintaining certification through continuing education. I have been actively working in the vocational field, assisting those with disabilities to return to active employment for over thirty years.

If working, Mxx would likely be restricted to working on a full-time basis to sedentary work because of his service-connected **** for which he has a *** percent disability. Mxx has no experience in or skills that transfer to sedentary work. Therefore, only unskilled sedentary work would be appropriate for him. There are approximately 138 million jobs in Mxx's region. About e**** of those jobs are sedentary. Of the **** sedentary jobs, or about *** percent, are unskilled jobs. These are precluded by the reasons stated above.

With the combined effects of his ****, again, in the opinion of this vocational expert, who has been certified as a vocational expert by multiple court jurisdictions, ***** is precluded from securing and following a substantially gainful occupation. That is, there are no jobs in the local or national economies that he is able to perform. This conclusion was reached considering his education, work history, and the limitations that he has as a result of his service-connected condition of ****.

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