

C. Nonfinancial Requirements

The adult and family must meet all of the nonfinancial requirements for the TANF program to be considered eligible for the SFPSS program. These requirements include those related to:

- Age;
- Residence;
- Citizen/Alien Status;
- Social Security Number;
- School Attendance;
- Pursuing Assets;
- Pursuing Substance Abuse and Mental Health Treatment;
- Cooperating with Division of Child Support (DCS);
- Living with a Caretaker Relative.

1. Specific program requirements

The participant must:

- Complete the application process for SSI, cooperate with the department in applying to the Social Security Administration for SSI, if eligible, and attend all appointments designated by the department and relating to obtaining SSI.

A participant found by the SSA not to meet SSI disability criteria may continue receiving SFPSS cash benefits without Program Review Team review while appealing the SSA finding, until a decision is rendered by an Administrative Law Judge (ALJ) for the Social Security Administration's Office of Hearings and Appeals. A participant who unsuccessfully appeals to the ALJ is no longer eligible for SFPSS program unless they are determined by the Program Review Team to continue program eligibility.

A participant whose impairments no longer meet the criteria in OAR [461-125-0260](#) is no longer eligible for the SFPSS program.

The decision by the ALJ is binding on the department unless the participant has a new or significantly worsened impairment as determined by the Program Review Team or unless ruling or legal errors were made on the case by the ALJ.

2. Legal costs

If an SFPSS participant has been denied by the Social Security Administration (SSA) at the initial and reconsideration level, they will be encouraged to obtain legal counsel. The department will provide a list of attorneys specializing in SSI litigation. The SFPSS participant may choose an attorney on their own. The legal fees will be paid by SSA based on their regulations.

3. Disability determination; overview

The disability determination is a process that determines if the individual:

- (a) Meets the listing of impairments found in [20 C.F.R. Part 404, Subpart P, Appendix 1](#); or
- (b) Meets the medical vocational guidelines found in [20 C.F.R. Part 404, Subpart P, Appendix 2](#) for SSI; or
- (c) Meets the definition of disability in [20 C.F.R §§404.1505](#) or [416.905](#).

4. Impairments

The participant must have a physical or mental impairment or a combination of both that can be expected to last for a continuous period of no less than 12 months from the filing date. The medical condition must meet or equal the Listing of Impairments as found in Social Security Regulations contained in [20 CFR Part 404, Subpart P, Appendix 1](#).



FOR ADDITIONAL INFORMATION SEE [SSR 82-53](#) (BASIC DISABILITY GUIDES) OR [SSR 86-08](#) (THE SEQUENTIAL EVALUATION PROCESS).

Listing of impairments:

The adult listing of impairments contains a list of over 300 medical conditions (or impairments) appearing in 14 major body systems. These listed impairments are considered severe enough to prevent a person from doing basic work activity. The listing of impairments is the basis for determining whether an individual may be allowed SFPSS benefits when considering the medical evidence alone.



SEE [20 CFR 404.1520 \(D\)](#).

Most of the listed impairments are permanent or expected to result in death. For all others, the evidence must show that the impairment is expected to last for a continuous period of 12 months from the date of request. Diagnosis of a listed impairment is not enough in making a determination for SFPSS.

The 14 Listings of Impairments Contained in [20 CFR Subpart P Appendix 1](#):

100.00	Growth Impairments
1.00	Musculoskeletal System
2.00	Special Senses and Speech
3.00	Respiratory System
4.00	Cardiovascular System
5.00	Digestive System
6.00	Genito-Urinary System
7.00	Hemic and Lymphatic System
8.00	Skin Disorders
9.00	Endocrine System
10.00	Multiple Body Systems
11.00	Neurological
12.00	Mental Disorders
13.00	Malignant Neoplastic Diseases
14.00	Immune System

Meeting a listed impairment:

If the participant’s medical evidence contains a set of signs, symptoms, and laboratory findings which are exactly the same as the criteria included under a listing of impairment category, the participant’s impairment meets or equals the level of severity described in the listing and the participant is medically eligible for the SFPSS program.

Equaling a listing:

The medical findings are at least equal in severity and duration to the listed findings. If the participant’s impairment is not listed, the department considers the listed impairment most like the participant’s impairment to decide whether the participant’s impairment is medically equal to the listed impairment. If the participant has more than one impairment, and none of them meets or equals a listed impairment, the department reviews the symptoms, signs, and laboratory findings about the participant’s impairments to determine whether the combination of those impairments is medically equal to a listed impairment.

5. Individual does not meet or equal a listed impairment

The participant will be eligible for the SFPSS program if they do not **meet or equal** a listed impairment or have a medical condition that is expected to be terminal within 12 months, provided the participant:

Meets the medical vocational guidelines found in [20 C.F.R. Part 404, Subpart P, Appendix 2](#) for SSI.

Basic work activity means any kind of work activity that averages at least eight hours a day for which income is received, regardless of the adequacy to meet the participant's needs. Work performed against medical advice or at an activity center or sheltered workshop is not basic work activity.

Light work means work that requires lifting no more than 20 pounds at a time with frequent lifting or carrying objects weighing up to 10 pounds, and requires occasional stooping. It also requires standing or walking for a total of approximately six hours of an eight-hour workday.

Past relevant work means work that the individual has performed in the last 15 years and that constitutes substantial gainful activity as defined in [20 CFR 404.1574](#) and [404.1575](#), in effect November 1, 2003. Also, the past relevant work must have lasted long enough for the participant to learn the techniques, acquire the necessary information, and develop the facilities needed for average performance of the job situation.

Sedentary work means work that requires lifting no more than 10 pounds at a time and occasionally lifting or carrying articles such as docket files, ledgers, and small tools. Although sitting is involved, a certain amount of walking and standing is often necessary in carrying out job duties. Periods of walking and standing should total no more than two hours of an eight-hour workday and sitting should total approximately six hours of an eight-hour workday. Most unskilled sedentary jobs require good use of the hands and fingers for repetitive hand/finger actions.

Severe physical impairment means an impairment that significantly limits the participant's physical ability to do basic work activity.

Unskilled work is work that requires little or no judgment to do simple duties that can be learned on the job within 30 days.

Participants are not eligible if the department determines that drug addiction or alcoholism is material to their disability. These participants cannot be considered impaired on that diagnosis of drug addiction or alcoholism alone. On the other hand, a diagnosis of drug addiction or alcoholism should not have an effect on a disability evaluation that is adverse to the participant. Drug addiction and alcoholism are

diagnostic terms; they do not denote impairment value or severity. It is necessary to evaluate the severity of the impairment which may be associated with, manifested by, resulting from, or coexisting with these diagnoses. In making the decision, the key issue is whether the participant would continue to meet the definition of disability even if drug or alcohol use were to stop.

Impairment Criteria; SFPSS Rule

[461-125-0260](#) — Impairment Criteria; SFPSS

Specific Requirements; SFPSS Eligibility Rule

[461-135-1195](#) — Specific Requirements; SFPSS Eligibility

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