

TO: Honorable Judge [REDACTED] (U.S. Administrative Law Judge, Office of Disability Adjudication and Review – Social Security Administration)

FROM: Sephura [REDACTED] on behalf of [REDACTED]

RE: Prehearing Memorandum on behalf of [REDACTED] SSN# [REDACTED]

INTRODUCTION

This is a pre-hearing memorandum for Mr. [REDACTED], who has scheduled hearing on Friday, December [REDACTED], at 9:00 am in [REDACTED]. Mr. [REDACTED] was born on [REDACTED]. Mr. [REDACTED] had a terrible accident at his employment [REDACTED] on [REDACTED], and since then, he has been struggling with his injuries.

STATEMENT OF FACTS

Mr. [REDACTED] was born on [REDACTED], in [REDACTED], and is a naturalized U.S. Citizen. He worked for over [REDACTED] years as a [REDACTED] at [REDACTED] e. On [REDACTED], Mr. [REDACTED], was presenting at work, and while in the lunch line at the conference, a freak accident caused the chafing dish to catch fire that burned (3rd-degree burn) Mr. [REDACTED] hands and damaged his retina.

Mr. [REDACTED] submitted his application for Social Security Disability Insurance (SSDI) disability benefits on [REDACTED]. He was denied at the initial level on July 16, [REDACTED] and at the reconsideration level on August [REDACTED].

QUESTIONS PRESENTED

1. Whether Mr. [REDACTED] injuries qualify as severe impairments.
2. Whether Mr. [REDACTED] is eligible and entitled to Social Security Disability benefits.

ANSWERS

1. Yes, Mr. [REDACTED] injuries qualify as severe impairments.
2. Yes, Mr. [REDACTED] is eligible and entitled to Social Security Disability benefits.

SUMMARY OF THE ARGUMENT

Mr. [REDACTED] has been struggling with his injuries since the day he was injured at his employment. He suffered third-degree burns on his hands, and his retina was damaged by the fire. He worked loyally at [REDACTED] for over [REDACTED] years, but as a direct result of the injuries sustained from the fire, Mr. [REDACTED] hand was amputated, he lost his perfect vision, and he now has stage IV kidney failure. Mr. [REDACTED] is now unable to work or do normal activities, and his injuries are expected to be lifelong.

I. Mr. [REDACTED] injuries qualify as severe impairments.

"severe" impairment, as defined in §§ 404.1520(c) and 416.920(c). [W]e will assess the degree of functional limitation the additional impairment imposes to determine if it significantly limits an individual's physical or mental ability to do basic work activities; "i.e., is a 'severe' impairment(s), *Cargill v. Colvin*, 2013 U.S. Dist. LEXIS 140864.

II. Mr. [REDACTED] is eligible and is entitled to Social Security Disability benefits.

Under the Social Security Regulations, if the claimant has an impairment that meets one of a list of medical conditions, commonly referred to as the listings, and is expected to or has suffered from the condition for a certain amount of time, that person is considered disabled for purposes of obtaining social security benefits. 20 C.F.R. § 416.920(a)(4)(iii).

ARGUMENT

I. MR. [REDACTED] INJURIES QUALIFY AS SEVERE IMPAIRMENTS

[REDACTED] [REDACTED] has been struggling with his injuries since the day of the accident. The skin on his hands degenerated and required grafts. The skin graft on his dominant hand got a staph infection. After eight (8) months of multiple surgeries and IV antibiotics, that hand was amputated. Additionally, the antibiotic that he was given (vancomycin) caused permanent kidney damage, and he now has stage IV kidney failure.

The fire damaged his retinas, and his vision became impaired. In fact, his “good eye” is measured at 20/200 with the use of glasses (please see enclosed *Exhibit A page 1-7 - Ophthalmology Records*). A post-surgical assessment was completed by ophthalmology on October 10, 2022, and ophthalmology discussed restrictions on his daily activities and that [REDACTED] [REDACTED] needs more corrective measures and treatment in the near future.

The combination of injuries he has received from burns impacted his ability to work, and since been out of work since January [REDACTED]. Mr. [REDACTED] vision has also been affected; he can no longer read and watch his favorite shows without relying on his eyeglasses. Overall, he has limited physical and mental ability to do work and do normal activities.

II. MR. [REDACTED] IS ELIGIBLE AND IS ENTITLED TO SOCIAL SECURITY DISABILITY BENEFITS

An individual seeking Social Security disability benefits bears the burden of proving that he is disabled. The applicable regulations provide a five-step, sequential evaluation process to determine whether a claimant is disabled. As part of this process, the administrative law judge (ALJ) must analyze whether the claimant: (1) is currently engaged in substantial gainful activity; (2) has a severe, medically determinable impairment or combination of impairments; (3) has an

impairment, or combination thereof, that meets or equals the severity of a specified impairment in the Listing of Impairments; (4) can perform any of her past relevant work, in view of her residual functional capacity; and (5) can make an adjustment to other work, in view of her residual functional capacity, age, education, and work experience. 20 C.F.R. § 404.1520(a)(4). In determining the claimant's residual functional capacity, the ALJ must consider all of the alleged impairments, both severe and non-severe. 20 C.F.R. § 404.1545(e).

Mr. [REDACTED] met and satisfied the criteria of **Listing 2.02, Loss of Central Visual Acuity**. *Remaining vision in the better eye after best correction is 20/200 or less*. To meet a listing, the claimant "must satisfy all of the [listing's] criteria." *Nash v. Comm'r of Soc. Sec.*, No. 19-6321, 2020 WL 6882255, (6th Cir. Aug. 10, 2020) *Walker v. Comm'r of Soc. Sec.*, 2022 U.S. Dist. LEXIS 122292. (*Exhibit A, pages 8-15, ophthalmology records*). Mr. Wang's "good eye" is measured at 20/200 with the use of glasses.

Next, Mr. [REDACTED] satisfied **Listing 8.08, Burns**. The skin on his hands degenerated and required skin grafts. The skin graft on his dominant hand got a staph infection, despite treatment that had been prescribed, the duration of the treatment lasted more than three months, but adverse response to the treatment resulted in his hand being amputated (*Exhibit A, page 25, prognosis, treatment prescribed, dosage, medication, and Metacarpal/trans metacarpal amputation record*).

Additionally, he also satisfied the criteria of **Listing 5.05, Chronic liver disease**. Mr. [REDACTED] has been diagnosed with Stage IV Kidney failure from antibiotic treatment medication called vancomycin, which caused permanent damage to his kidneys (*Exhibit C, eGFR blood test, urine test results, Imaging test results, kidney biopsy, and medical doctor statement/opinion*).

Mr. [REDACTED] was denied at both the initial and reconsideration level. The Disability Determination Services (DDS) failed to adequately consider his impairments in combination and erroneously found that [REDACTED] was not disabled and asserted that his condition would not continue to worsen. Furthermore, the agency erred by using conclusory statements regarding the claimant's failure to meet the listed criteria and by rejecting the treating physicians' opinions in favor of a strictly technical reliance on the regulations (Geil v. Chater, 1997 U.S. App. LEXIS 1609). [REDACTED] impairments equaled those listed for chronic liver disease and he is entitled to a conclusive disability.

CONCLUSION

Mr. [REDACTED] met and satisfied criteria for *Listing 2.02, Loss of Central Visual Acuity*; *Listing 8.08, Burns*; and *Listing 5.05, Chronic liver disease*. [REDACTED] had worked over ten (10) years and that his impairments prevent him from performing his past work which supported by substantial evidence attached thereof that established his severe impairments and disability. Therefore, [REDACTED] is entitled to Social Security Disability Benefits.

Respectfully submitted,

/s/Sephura Young

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Email: [REDACTED]

[REDACTED] Paralegal Representative

DATED: [REDACTED]