

Understanding Unsuccessful Work Attempts (UWA)

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Policy Statement

For SGA determination purposes, your substantial work may, under certain conditions, be disregarded if it is discontinued or reduced to the non-SGA level after a short time because of your impairment, or the removal of special conditions related to your impairment that were essential to your further performance of the work. The UWA criteria differ depending on whether your work effort was for "3 months or less" or for "between 3 and 6 months." If your work attempt was "unsuccessful," we will not be precluded from finding that you are under a disability during the time that you performed that work.

When the UWA is Applicable

The UWA policy explained in this SSR is to be used in initial disability cases. It is also to be used in continuing disability cases in determining whether, because of work activity, your disability continues or ceases. However, the UWA criteria do not apply in determining whether payments should be made to you for a particular month during the re-entitlement period after disability has been ceased because you did SGA, or during the initial reinstatement period after you have been reinstated through the expedited reinstatement provision.

Event That Must Precede a UWA

There must be a significant break in the continuity of your work before you can be considered to have begun a work attempt that later proved unsuccessful. Such an interruption would occur when, because of your impairment or the removal of special conditions related to your impairment that are essential to your further performance of the work, the work was discontinued or reduced (or limited) to the non-SGA level. Such an interruption could also occur when, before the onset of your impairment, you discontinued (or limited) your work for other reasons, such as retirement, or never engaged in work activity. We will consider your work to be "discontinued" if you were 1.) out of work for at least 30 consecutive days, or 2.) forced to change to another type of work or another employer. On rare occasions a break lasting a few days less than 30 may satisfy this requirement if your subsequent work episode was brief and clearly not successful because of your impairment.

Events That Must Follow a UWA

After the first significant break in continuity of your work, your next period of work is regarded as continuous until another significant break occurs; that is, until your impairment, or the removal of special conditions related to your impairment that are essential to your further performance of work, causes your work to be "discontinued", as de-fined above, or to be reduced to the non-SGA level. Each continuous period, separated by significant breaks as described, may be a UWA so long as criteria as to duration and conditions of work are met, as set out below.

1. **Work Effort of 3 Months or Less:** Your work must have ended or have been reduced to the non-SGA level within 3 months due to your impairment or to the removal of special conditions related to your impairment that are essential to your further performance of work. (Examples of "special conditions" are given below.)
2. **Work Effort of Between 3 and 6 Months:** If your work lasted more than 3 months, it must have ended or have been reduced to the non-SGA level within 6 months due to your impairment or to the removal of special conditions (see below) related to your impairment that are essential to your further performance of work and:
 - a. You must have had frequent absences from your work due to your impairment; or
 - b. Your work must have been unsatisfactory due to your impairment; or
 - c. Your work must have been done during a period of temporary remission of your impairment; or
 - d. Your work must have been done under special conditions.

To illustrate how UWA time periods are figured, work from Nov. 5, 2003, through a date no later than Feb. 4, 2004, is for "3 months or less." Work from November 5, 2003, through at least February 5, 2004, but through a date no later than May 4, 2004, is for "between 3 and 6 months."

3. **Work Effort of Over 6 Months:** Your SGA-level work lasting more than 6 months cannot be an UWA regardless of why it ended or was reduced to the non-SGA level.
4. **Performance of Work Under Special Conditions:** One situation under which your SGA-level work may have ended, or may have been reduced to the non-SGA level, as set out above, is "the removal of special conditions related to your impairment that are essential to your further performance of work." That is, you may have worked under conditions especially arranged to accommodate your impairment or you may have worked through an unusual job opportunity, such as in a sheltered workshop. Special or unusual conditions may be evidenced in many ways. For example, you:
 - a. May have required and received special assistance from other employees in performing the job; or
 - b. Were allowed to work irregular hours or take frequent rest periods; or
 - c. Were provided special equipment or were assigned work especially suited to your impairment; or
 - d. Were able to work only within a framework of especially arranged circumstances, such as where other persons helped you prepare for or get to and from work; or
 - e. Were permitted to perform at a lower standard of productivity or efficiency than other employees; or
 - f. Were granted the opportunity to work, despite your medical condition, because of family relationship, past association with the firm, or other altruistic reason.

Development of Reasons for Work Discontinuance or Reduction

When we consider why your work effort ended or was reduced to the non-SGA level, we do not rely solely on information from you. Therefore, if we do not already have impartial supporting evidence, we will seek confirmation from your employer. If the information from your employer is inconclusive or is not available, we may seek confirmation of the reason you discontinued or reduced your work with a physician or other medical source. After being apprised of the circumstances, the physician or other medical source could state whether, in his or her opinion or according to the records, your work discontinuance or reduction was due to your impairment. Answers to questions such as the following will help to verify the nature and duration of your work and the reason it ended or was reduced:

- a. When and why was the SGA-level work interrupted, reduced or stopped?
- b. If special working conditions (as described in the preceding section) were removed, what were those conditions or concessions? When, how and why were they changed?

- c. Were there frequent absences from work? Were days and hours of work irregular and, if so, why?
- d. Was job performance unsatisfactory because of the impairment?
- e. Did the employer reduce your duties, responsibilities or earnings because of your impairment?
- f. When your work effort ended, was the continuity of employment broken? Did the employer grant sick leave or hold the position open for your return?
- g. If you were self-employed, what has happened to the business since the discontinuance or reduction of your work? If the business continued in operation, who managed and worked in it and what income will you receive from it?

Conducting Independent Research

DI 11010.145 -- Unsuccessful Work Attempt (UWA) Criteria

DI 24005.001 -- Unsuccessful Work Attempt (UWA)

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