

Musculoskeletal Impairments

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The Musculoskeletal System Disorders Listing covers a wide variety of illnesses including:

- 1.00 Musculoskeletal System
- 1.01 Category of Impairments, Musculoskeletal
- 1.02 Major dysfunction of a joint(s) (due to any cause)
- 1.03 Reconstructive surgery or surgical arthrodesis of a major weight-bearing joint
- 1.04 Disorders of the spine
- 1.05 Amputation (due to any cause)
- 1.06 Fracture of the femur, tibia, pelvis, or one or more of the tarsal bones
- 1.07 Fracture of an upper extremity
- 1.08 Soft tissue injury

Subpart 1.00 contains background information including the following:

1.00(B)(2)(a) *Loss of Function* is defined as the inability to ambulate effectively on a sustained basis for any reason, including pain associated with the underlying musculoskeletal impairment, or the inability to perform fine and gross movements effectively on a sustained basis for any reason, including pain associated with the underlying musculoskeletal system. The loss of function must have lasted or be expected to last at least 12 months.

1.00(B)(2)(b) *What We Mean by Inability to Ambulate Effectively*. Inability to ambulate effectively means an extreme limitation of the ability to walk; i.e., an impairment(s) that interferes very seriously with the individual's ability to independently initiate, sustain, or complete activities. Ineffective ambulation is defined generally as having insufficient lower extremity functioning (see 1.00J) to permit independent ambulation without the use of a hand-held assistive device(s) that limits the functioning of both upper extremities. They must have the ability to travel without companion assistance to and from a place of employment or school. Therefore, examples of ineffective ambulation include, but are not limited to, the inability to walk without the use of a walker, two crutches or two canes, the inability to walk a block at a reasonable pace on rough or uneven surfaces, the inability to use standard public transportation, the inability to carry out routine ambulatory activities, such as shopping and banking, and the inability to climb a few steps at a reasonable pace with the use of a single hand rail. The ability to walk independently about one's home without the use of assistive devices does not, in and of itself, constitute effective ambulation.

1.00(B)(2)(c) *What We Mean by Inability to Perform Fine and Gross Movements Effectively*. Inability to perform fine and gross movements effectively means an extreme loss of function of both upper extremities. To use their upper extremities effectively, individuals must be capable of

sustaining such functions as reaching, pushing, pulling, grasping, and fingering to be able to carry out activities of daily living.

Subparts 1.02-1.08 address listings for specific types of musculoskeletal disorders. For example, Subpart 1.04 covers disorders of the spine and reads as follows:

1.04 *Disorders of the spine* (e.g., herniated nucleus pulposus, spinal arachnoiditis, spinal stenosis, osteoarthritis, degenerative disc disease, facet arthritis, vertebral fracture), resulting in compromise of a nerve root (including the cauda equina) or the spinal cord. With:

A. Evidence of nerve root compression characterized by neuro-anatomic distribution of pain, limitation of motion of the spine, motor loss (atrophy with associated muscle weakness or muscle weakness) accompanied by sensory or reflex loss and, if there is involvement of the lower back, positive straight-leg raising test (sitting and supine);

or

B. Spinal arachnoiditis, confirmed by an operative note or pathology report of tissue biopsy, or by appropriate medically acceptable imaging, manifested by severe burning or painful dysesthesia, resulting in the need for changes in position or posture more than once every 2 hours;

or

C. Lumbar spinal stenosis resulting in pseudoclaudication, established by findings on appropriate medically acceptable imaging, manifested by chronic nonradicular pain and weakness, and resulting in inability to ambulate effectively, as defined in 1.00B2b.

For the complete Listing of Impairments, including Musculoskeletal System Disorders, please visit:

http://www.ssa.gov/OP_Home/cfr20/404/404-ap10.htm

Remember, meeting or equaling a medical listing is one way to win your social security claim. You can win even if you do not meet a listing, and most people do not meet a listing.

If your application for social security disability benefits has been denied, you should obtain legal representation. You can contact the law firm of Andalman and Flynn at (301) 563-6685 for a free consultation.

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