GUIDANCE FOR DETERMINATION OF MOST SIGNIFICANT DISABILITY

(Note: At the time of the original publication of this section BRS was not making a distinction between "significant disability" and "most significant disability").

The following guidelines are designed to assist counselors in making determinations whether individuals meet the criteria for Most Significantly Disabled; this information is also helpful in determining Significant Disability:

The analysis must be done in sequence, as follows:

1. Is the individual **eligible**?

   Assuming the individual has an impairment that is an impediment to employment the primary question becomes whether or not the individual **requires** vocational rehabilitation services in order to enter or retain employment.

   Obviously if an individual does not require services, regardless of how severely disabled he or she may be, the issue of determining significant disability becomes moot.

2. Does the individual have a **Significant Disability**?

   In order for an individual to qualify for a **Most Significant Disability** he or she must first meet the definition of having a **Significant Disability**. To meet the federal definition, the individual must have serious limitations in one or more functional areas and require multiple services over an extended period of time.

   One or more vocational rehabilitation services (*in addition to guidance and counseling*) that are required to achieve an employment outcome, will meet the multiple services requirement.

   A period of six months or more, either for the duration of the provision of a required service, or for the duration of the use of a provided good, will meet the extended period of time requirement.

3. Does the individual have a **Most Significant Disability**?

   To meet this criteria the individual must have serious limitations in a total of **three or more** functional areas.

   Or

   The individual must be expected to need **significant on-the-job** supports for the duration of employment (after closure from BRS services).
EXAMPLE #1

DISABILITY:  Learning Disability
FUNCTIONAL LIMITATIONS:  Behavior problems (has lost several jobs due to arguments with employers); poor academic and work skills; has not been able to successfully live away from parents (has tried and failed)
PRESENT CIRCUMSTANCES:  Unemployed
SERVICES NEEDED:  Job placement, counseling, job coaching (6 months)

ELIGIBILITY  This individual requires VR services and is eligible.
SD:  Meets SD requirements
MSD:  This individual has limitations in the skills and interpersonal areas. The inability to live independently may be an indication of limitations with self-direction in work. More investigation is needed. Problems with the boss may be an indication of his/her inability to understand communication. There is the likelihood that this individual meets the requirements for MSD.

EXAMPLE #2

DISABILITY:  Learning Disability
FUNCTIONAL LIMITATIONS:  Individual lives independently but has very poor memory and needs frequent prompting and refreshing of skills. No significant behavioral problems.
PRESENT CIRCUMSTANCES:  Unemployed.
SERVICES NEEDED:  Job coaching (possibly on-going), counseling, placement.

ELIGIBILITY:  S/he requires services and is eligible.
SD:  Meets SD requirements if services needed for at least 6 months.
MSD:  If s/he needs ongoing job coaching, then s/he is MSD.  If this is not the case, three functional areas probably not present so the individual would not be considered MSD.
EXAMPLE #3

DISABILITY:
   Learning Disability
FUNCTIONAL LIMITATIONS:
   Academic deficits, but able to retain job skills once learned. No behavioral problems.
PRESENT CIRCUMSTANCES:
   Unemployed.
SERVICES NEEDED:
   Training, counseling.

ELIGIBILITY:
   This individual requires VR services and is eligible.
SD:   SD if the services needed for over 6 months.
MSD:  Not MSD, as described. S/he only has limitations in one functional area (i.e., skills)

EXAMPLE #4

DISABILITY:
   Controlled seizure disorder; learning disability
FUNCTIONAL LIMITATIONS:
   Long history of working with family business. After business closed, s/he tried multiple jobs and was fired. Lacks awareness of impact of behaviors on others and has difficulty working with others. During a recent job interview, was disruptive and was asked to leave. He did not respond until employer resorted to yelling and grabbing the individual by the lapels. Some academic/skill problems.
PRESENT CIRCUMSTANCES:
   Unemployed
SERVICES NEEDED:
   Counseling, job placement, job coaching (6 months).

ELIGIBILITY:
   This individual requires services and is eligible.
SD:   Meets SD requirements.
MSD:  Has functional limitations in the skill and interpersonal areas. The recent incident with the employer during the job interview may be an indication of problems with receptive communication as a result of the learning disability. Therefore, possibly MSD.
EXAMPLE #5

Same as Example #4, but services expected to be needed for 3 months.

SD: In this case, not SD, since s/he does not need services over an extended period of time.

MSD: Not MSD since does not meet SD requirements.

EXAMPLE #6

Same as Example #4, except s/he is now successfully working in a job, but he feels this position is not the equivalent of the previous employment in the family business and wishes to seek another position.

ELIGIBILITY:
If the present employment is commensurate with his/her abilities, s/he does not require services to gain or maintain employment and therefore is not eligible. No determination of SD or MSD needed if ineligible.

EXAMPLE #7

DISABILITY:
Drug abuse; oppositional defiant disorder.

FUNCTIONAL LIMITATIONS:
Poor academic skills (due to having been moved many times between institutions).
Engages in dangerous activities without consideration of consequences. Problems working with others.

PRESENT CIRCUMSTANCES:
Unemployed.

SERVICES NEEDED:
Counseling, psychotherapy (1 year).

ELIGIBILITY:
This individual requires services and is eligible.

SD: Meets SD requirements.

MSD: Shows deficits in skills, self-direction and interpersonal areas and would probably meet MSD.
EXAMPLE #8

DISABILITY
   Hearing loss (profound)
FUNCTIONAL LIMITATIONS:
   Uses sign language for communication. Lipreading ability is poor. Uses hearing aids, primarily for warning signals. Aids help to a very limited degree with lipreading.
PRESIDENT CIRCUMSTANCES:
   Recently graduated from ASD. Presently seeking employment.
SERVICES NEEDED:
   Counseling, job placement, interpreter services.

ELIGIBILITY:
   This individual requires services and is eligible.
   SD: Because of the level of her hearing loss, interpreter services will probably be needed for over six months (on an intermittent basis). Meets SD requirements.
   MSD: Even though s/he probably does not have deficits in three areas, s/he will probably need some interpreter services on an ongoing basis (albeit intermittent). Therefore, s/he probably meets the requirements for MSD.

EXAMPLE #9

DISABILITY
   Hearing loss (severe)
FUNCTIONAL LIMITATIONS:
   Uses hearing aids. Binaural speech discrimination in the sound field at 45db is 50% in quiet, 15% in noise, unaided. Speech is impaired, but intelligible. Cannot use telephone with ease, but does well with in-person communication when s/he uses hearing aids. Hearing aids are 6 years old and cannot be repaired to work at specifications of the manufacturer.
PRESIDENT CIRCUMSTANCES:
   Employed as a teacher in a public school, but needs hearing aids in order to perform the job.
SERVICES NEEDED:
   Binaural hearing aids, counseling.

ELIGIBILITY:
   S/he requires services to maintain employment and therefore is eligible.
   SD: Meets requirements for SD. The ongoing need for the hearing aids meets the “services over an extended period of time” requirement for SD.
   MSD: Probably not MSD. The only functional limitation is with communication and this individual probably does not have ongoing on-the-job service needs. The ongoing need
for goods on the job does not make someone eligible for MSD under “significant ongoing services on the job.”

EXAMPLE #10

DISABILITY
Paraplegia due to multiple sclerosis

FUNCTIONAL LIMITATIONS:
Employed full-time as an engineer.

SERVICES NEEDED:
Van modification for transportation to work, counseling.

ELIGIBILITY:
This individual services to maintain employment and therefore is eligible.

SD: Meets requirements for SD. The ongoing need for the van modification would meet the “services over an extended period of time” requirement for SD.

MSD: Probably not MSD. The only functional limitation is with mobility and this individual probably does not have ongoing on-the-job service needs. The ongoing need for goods does not make someone eligible for MSD under “significant ongoing services on the job.”

EXAMPLE #11

DISABILITY:
Paraplegia due to multiple sclerosis

FUNCTIONAL LIMITATIONS:
Uses a wheelchair. Lives independently, but needs devices to assist with self-care. The employer had to install grab bars in the bathroom for the individual. S/he is increasingly having problems with fatigue due to the disability.

PRESENT CIRCUMSTANCES:
Employed full time as an engineer, but requires a flexible work schedule due to the problems with fatigue.

SERVICES NEEDED:
Van modification for transportation to work, counseling.

ELIGIBILITY:
This individual requires services to maintain employment and therefore is eligible.

SD: Meets requirements for SD. The ongoing need for the van modification would meet the “services over an extended period of time” requirement for SD.

MSD: This individual has functional limitations in the areas of mobility, self-care and work tolerance. Therefore, the requirements for MSD are met. The limitations associated with self-care and work tolerance have been addressed through ADA with the employer, but this does not affect the MSD determination.