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Vocational Evaluations

Life Care Planning

Labor Market Research

Job Analyses

Vocational Rehabilitation

PGAP (Progressive Goal  
Attainment Program)

Ergonomic Evaluations

Medical Management

ADA Consultation

Expert Testimony

## LEBOEUF EVALUATION PROCESS

We are often asked by attorneys and claims personnel to describe our vocational evaluation process for *LeBoeuf* cases. Listed below is the process that we typically follow, although it is sometimes modified according to the needs of a particular case.

### **A. Medical Records Review**

We first review any medical, psychiatric and psychological reports and deposition transcripts, if *available*. We look for permanent restrictions and opinions regarding the injured worker's ability to participate in the open labor market. We also review functional capacity assessment reports. Among other things, in the FCA reports, we are interested in information regarding demonstrated work tolerances.

### **B. Review of School, Work and Vocational Rehabilitation Records**

School and work records provide valuable information about the injured worker's employment skills that can be considered in relation to past, present and future employment opportunities in the open labor market.

On some occasions, the injured worker will have attempted vocational rehabilitation, either self-directed or with professional assistance. We assess the outcome of any vocational rehabilitation efforts.

### **C. Interview and Test the Injured Worker**

We interview the injured worker to gain *their perspective as to the impact of the industrial injury upon their functionality and the performance of their ADLs*. The interview provides a firsthand impression of his or her work and school history and employment skills. Vocational testing provides a more detailed and specific measure of the injured worker's academic and employment skills and potential for training. Should the injured worker not be available for the interview and testing, those skills levels will be established through a review of school, work and vocational rehabilitation records, as well as deposition transcripts.

### **D. Review Deposition Transcripts and Videotapes**

If unable to interview the injured worker, we will review his or her deposition transcript and view surveillance tapes, if available, to gain a better understanding of the injured worker's vocational strengths and weaknesses and his or her ability to perform physical activities.

**E. Evaluate Self-initiated Return to Work Efforts**

We thoroughly explore all self-initiated efforts by the injured worker to return to work through self-directed activities or with professional assistance, while using the training voucher or other resources. We are interested in the results of these efforts. What worked? What did not work? Why?

**F. Complete a Transferable Skills Analysis**

A comprehensive transferable skills analysis is completed and compared with other information available to that point. We typically use a combination of a computerized program, such as the *McCroskey Transferable Skills Program*, *OASYS*, *SkillTRAN*, or a manual process.

**G. Determine Vocational Feasibility**

Assess the injured worker's ability to benefit from vocational rehabilitation services to return to work in the open, competitive labor market. Determine whether the injured worker is amenable to rehabilitation. Consider all relevant medical and vocational factors.

**H. Analyze Employability**

The overall purpose of the employability analysis is to assess the injured worker's ability to obtain and maintain employment in the open, competitive labor market when considering medical and vocational factors.

1. Labor Market Access

The employability analysis begins with an analysis of the injured worker's labor market access, the percentage of his or her access to jobs in the open labor market.

a. Medical Labor Market Access

Medical labor market access addresses the availability of occupations in the open labor market that are compatible with the medical restrictions, functional limitations, and psychiatric impairments of evaluating and treating physicians. Various scenarios of medical opinions may be needed based on the opinions of different physicians.

Government, private, university and other sources of occupational, employment, and disability statistics are consulted to develop an empirically-based opinion regarding measurable medical labor market access for the injured worker being evaluated.

b. Vocational Labor Market Access and Placeability

Vocational labor market access and placeability consider both medical and vocational factors. They address an individual's ability to obtain and maintain employment. As such, vocational labor market access and placeability consider the opinions of the evaluating and treating physicians. In addition, vocational factors, such as the individual's work and school history, test scores, transferable skills, personal presentation, demonstrated ability to perform work-like activities, the effects of pain and medication, the effects of outward signs of disability, the results of vocational rehabilitation efforts, and the requirements of employers are also considered in assessing the individual's vocational labor market access and placeability. Vocational feasibility, one's ability to benefit from the provision of vocational rehabilitation services, is also considered in assessing an individual's vocational labor market access and placeability.

2. Labor Market Survey

A labor market survey is conducted to determine whether or not job openings exist in the open labor market that are compatible with the opinions of the evaluating and treating physicians and vocational factors affecting employability.

**I. Reporting**

A summary of the evaluation findings is then developed into a written report or file notes with the conclusion that the individual is employable or not. If employable, the report will show specific examples of job options through direct placement or following vocational training.

Occasionally, the referring attorney will request that a formal report not be prepared. In those instances we will testify from our notes at a deposition or trial.

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