



# **Empirische Analyse der Urteile in IV-Rentenfällen:**

### Evidenz vom Sozialversicherungsgericht des Kantons Zürich

### Dr. Szilvia Altwicker-Hámori / Prof. Dr. Tilmann Altwicker

### asim Fortbildungsveranstaltung, 13.07.2022

Interdisciplinary research







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Altwicker-Hámori S, Altwicker T, Gerber D 'Measuring outcomes in disability pension judgments: Evidence from the Social Security Court of the Canton of Zurich' (forthcoming in Journal of Social Security Law, Issue 2, 2022)

ZHAW-UZH

Medicine, empirical legal research, social security law. statistics and social security studies







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**Student Coders:** Zoé Gianocca, Gian Heimann, Petra Koller, Polina Pokrovskaya, Andrea Vuksic, Laura Whittlestone

External Experts: Thomas Gächter and Hans-Jakob Mosimann

Medical Expert: Eugen Altwicker

**Funding:** ZHAW 'Forschungsschwerpunkt Gesellschaftliche Integration' and 'Stiftung für wissenschaftliche Forschung an der UZH

### **Motivation**





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# Public spending on incapacity

- Spending due to sickness, disability and occupational injury
- Switzerland: In 2018 ninth highest among 38 OECD member countries (OECD, 2021)
- Just distribution of public spending on incapacity is high up on the political agenda
- Revisions to the Federal Act on Disability Insurance

### **Motivation**





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### Role of the judiciary

- Discretion in decision-making through the interpretation of legal norms
- Active part in the just distribution of public spending on incapacity

### Background







### Active role of cantonal social security courts

- Complaint within 30 days
- Decide cases regarding disability insurance benefit issues e.g. disability pension (DP)
- Ensure rule of law is respected by the Disability Insurance Office (DIO)
- Active role in the just distribution of public spending on incapacity







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Explore associations between court-related, case-related and individual characteristics and the final decision regarding DP claims of the Social Security Court of the Canton of Zurich (Court)







### **Court's online judgment database:**

- (1) Chamber judgments regarding complaints related to disability benefits
- (2) Single judge decisions related to disability benefits

**Sample selection** 







Retrieved the most recent DP judgments, covering the period between 5 January 2017 and 31 December 2019 (*N*=2,536)

Excluded DP claims:

- (i) No decision regarding a DP was handed down by the Court (*N*=26)
- (ii) The case was dismissed (N=12)
- (iii) The claimant died before or during the proceedings (N=9)
- (iv) The claimant was not a natural person (N=19).

Final sample: *N*=2,470



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### Data

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Urteil vom 9. März 2010		
in Sachen		
X		
Beschweizeftater		
vertreten durch Rechtsamvalt Dr. Kress Giavas		
Markusstrasse 10, 8006 Zürich		
802		
Sozialversicherungsanstalt des Kantons Zürich, IV-Stelle		
Råntgenstrasse 17, Postfach, 6087 Zürich		
Bexchrendegeguein		
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5	5	2006	CASE OF TOPRAIA AND OTHERS V. TURKEY	low	05dec2006	Turkey	
6	6	2006	CASE OF TOPRAIN AND OTHERS T. TURKEY	low	05dec2006	Turkey	
7	7	2006	CASE OF EMO-ELIA AVEE V. GREECE	case report	09mar2006	Greece	
8	8	2006	CASE OF PATRONO, CASCINI AND STEFAMELLI T. ITALY	low	20apr2006	Italy	
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17	17	2006	CASE OF VOLOVICH V. BUSSIA	low	05oct2006	Russian Federation	
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19	19	2006	CASE OF FRANCESCO MORETTI T. ITALI	low	24may2006	Italy	
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23	23	2006	CASE OF CHEENNISHOV AND 11 OFHERS Y. RUSSIA	low	28sep2006	Russian Federation	
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### 'Semi-automatic'

(1) Automated

(2) Manual coding by four purpose-trained law students

(3) Automated supplemented by manual coding





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**Data entry** 



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### **Variables**



### Table 1. Categories for variables and their method of retrieval

Variable	Categories	Retrieved
Dependent		
Decision	1 if pension claim rejected, 0 otherwise	М
Court-related		
Chamber*	Chamber 1 Chamber 2 Chamber 3 Chamber 4 Chamber 5 (base category=Chamber 2)	A
Judgment year	2017 2018 2019 (base category=2019)	A
Case-related		·
Legal representation	1 if legally represented, 0 otherwise	AM
Polydisciplinary expert report	1 if <u>polydisciplinary</u> expert report was commissioned, 0 otherwise	AM
DP assessment according to DIO**	1 if no, 0 if yes	AM
Combined method	1 if the combined method was applied, 0 otherwise	AM
Individual		J
Sex	1 if male, 0 if female	AM
Age at lodgement date**	24 or younger 25-54 55 or older (base category=25-54)	AM
Migration background	1 if migrant, 0 otherwise	AM
Work experience	1 if work experience, 0 otherwise	АМ
Medical diagnosis**	At least one mental (F00-F99) At least one nervous (G00-G99) At least one musculoskeletal (M00-M99) Any combination of mental, nervous, musculoskeletal Other (base category=At least one mental)	М

\* The Court is divided into five instead of four chambers as of July 2019; \*\*Category for missing values was included; M: manual, AM: first automated then manual control; A: automated; DP: Disability pension; DIO: Disability Insurance Office.

### Diagnosis







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### Extraction

- Most demanding, resource- and time-consuming step
- Three-step process:
  - (1) Coders identified the relevant medical report
  - (2) Coders entered the relevant ICD-10 codes or text
  - (3) If only text available: Medical expert assigned the ICD-10 codes to the respective text (*N*=637).

### **Analysis**



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# (1) Deskriptive statistische Analyse

- (2) Multiple probit models
- (3) Expert interviews (plausibility)





### **Sample description**

Table 2. Descriptive statistics (per cent)

Variables	
Decision regarding pension claim	
Rejected	52.91
Not rejected	47.09
Chamber:	
Chamber 1	20.24
Chamber 2	32.31
Chamber 3	20.69
Chamber 4	24.94
Chamber 5	1.82
Judgment year:	
2017	35.14
2018	33.36
2019	31.50
Legal representation:	
No	9.72
Yes	90.28
Polydisciplinary expert report	
No	61.42
Yes	38.58
DP assessment according to DIO:	
No	81.17
Yes	14.90
Missing	3.93
Combined method:	
No	89.68
Yes	10.32
Sex:	
Female	50.85
Male	49.15
Age at lodgement date:	
24 or younger	1.30
25-54	65.14
55 or older	32.51
Missing	1.05
Migration background:	
Ňo	81.46
Yes	18.54
Work experience:	
No	9.39
Yes	90.61
Medical diagnosis:	
At least one mental	26.52
At least one nervous	2.27
At least one musculoskeletal	16.15
Any combination of mental, nervous, musculoskeletal	6.68
Other	4.21
Missing	44.21
N	2.470

DP: Disability pension, DIO: Disability Insurance Office.

**Non-rejected cases** 



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Fully approved (22%)

Partially approved (17%)

Referred back to the DIO (56%)

Different decisions for different time periods (5%)







64% had multiple diagnoses

'Mental': 'Recurrent depressive disorder' (F33; 39%) and 'Depressive episode' (F32; 25%).

'Musculoskeletal': 'Dorsopathies' (M40-M54; 72%)







Confirmed plausibility

Surprising:

(1) Relevant medical diagnosis: High proportion of missing values (common practice to document 'health damage')

(2) Migration background: Underestimate?





### **Regression results**

### Table 3. Probit models

Chamber 1     -0.063     -0.052       Chamber 3     -0.0613     -0.052**       Chamber 3     -0.041     -0.041       (0.027)**     (0.027)*     (0.027)       Chamber 4     0.012     0.017     (0.026)**       Chamber 5     0.102     0.107     0.036       Judgment year: 2017     0.103     0.104     0.113       Judgment year: 2018     0.046     0.047)**     (0.024)***     (0.023)***       Judgment year: 2018     0.046     0.047     0.053     0.048     (0.022)***       No legal representation     0.033     0.043     (0.022)***     (0.022)***     (0.022)***     (0.022)***       Pension assessment by DIO: No DP     0.179     0.170     0.172       Combined method     0.087     0.087     0.028       Gouldgement date: 24 or younger     -0.031**     (0.021)***     (0.020)***       Age at lodgement date: 24 or younger     -0.028     -0.030     -0.239       Age at lodgement date: 24 or younger     -0.028     -0.030     -0.239       Diagnosis: At least one ment		Model 1	Model 2	Model 3
Chamber 3     -0.043     -0.044     -0.041       (0.027)     (0.027)     (0.026)     (0.027)     (0.027)     (0.027)     (0.027)     (0.027)     (0.027)     (0.027)     (0.027)     (0.027)     (0.027)     (0.027)     (0.027)     (0.027)     (0.027)     (0.027)     (0.027)     (0.027)     (0.027)     (0.02	Chamber 1	-0.063	-0.063	-0.052
Chamber 4     (0.027)     (0.027)     (0.026)       Chamber 4     (0.026)***     (0.026)***     (0.026)***     (0.026)***     (0.027)     (0.027)       Chamber 5     0.162     0.186     0.162     0.186     0.162       Judgment year: 2017     0.103     0.104     0.113     (0.024)***     (0.024)***     (0.023)***       Judgment year: 2018     0.046     0.047     0.056     (0.024)***     (0.023)***       No legal representation     0.093     0.093     0.123     (0.023)***       Polydisciplinary, expert report     0.129     0.123     0.065       Combined method     0.179     0.170     0.172       Combined method     0.087     0.087     0.028       female     -0.019     0.004     0.021)***     (0.026)***       Age at lodgement date: 24 or younger     -0.028     -0.030     -0.28       Age at lodgement date: 55 or older     -0.028     -0.030     0.020       More experience     0     0.021     (0.024)***     0.028)****       Diagnosis: At least one me		(0.027)**	(0.027)**	(0.026)**
Chamber 4     0.102     0.107     0.081       (D.026)***     (D.026)***     (D.026)***     (D.026)***     (D.026)***       Chamber 5     0.162     0.186     0.166     (D.075)**       Judgment year: 2017     0.103     0.104     0.113       Judgment year: 2018     0.046     0.047     0.024)***     (D.024)***     (D.026)****     (D.026)****     (D.026)****     <	Chamber 3	-0.043	-0.044	-0.041
(0.026)***     (0.026)***     (0.025)***       Chamber 5     0.162     0.186     0.166       (0.077)**     (0.078)***     (0.079)**       Judgment year: 2017     0.103     0.104     0.113       Judgment year: 2018     0.046     0.047     0.056       (0.024)***     (0.024)***     (0.023)***     (0.023)***       No legal representation     0.093     0.093     0.126       Bolydisciplinary, expert report     0.129     0.123     0.065       (0.020)***     (0.020)***     (0.020)***     (0.020)***       Pension assessment by DIO: No DP     0.179     0.170     0.172       Combined method     0.087     0.087     0.020       Female     -0.019     0.010     0.201       Age at lodgement date: 24 or younger     -0.021     (0.020)     0.0201       Age at lodgement date: 55 or older     -0.028     -0.031     0.202       Migration background     (0.021)     (0.022)     0.020       Jugnosis: At least one mervous     (0.024)*     (0.030)***     (0.030)***		(0.027)	(0.027)	(0.026)
Chamber 5     0.162     0.186     0.166       Judgment year: 2017     0.103     0.104     0.103       Judgment year: 2017     0.103     0.104     0.133       Judgment year: 2018     0.046     0.047     0.056       (0.024)***     (0.024)**     (0.023)**     (0.023)**       No legal representation     0.093     0.093     0.124       (0.033)***     (0.033)***     (0.033)***     (0.024)**       Pension assessment by DIO: No DP     0.172     (0.027)***     (0.020)***       Combined method     0.087     0.087     0.028       Female     0.019     0.019     0.023       Gloggment date: 24 or younger     -0.019     0.030       Age at lodgement date: 55 or older     -0.028     -0.030       Gloggment date: 55 or older     0.021     (0.021)       Work experience     0.010     0.0221       Diagnosis: At least one mervous     0.224     0.048       Diagnosis: At least one mental, nervous, musculoskeletal     0.049     0.049       Diagnosis: Other     0.084     0.084	Chamber 4	0.102	0.107	0.081
(0.077)**     (0.078)**     (0.073)**       Judgment year: 2017     0.103     0.104     0.113       Judgment year: 2018     0.046     0.047     0.058       Judgment year: 2018     0.046     0.047     0.058       No legal representation     0.093     0.093     0.123       Polydisciplinary expert report     0.129     0.123     0.065       (0.020)***     (0.032)***     (0.032)***     (0.032)***       Pension assessment by DIO: No DP     0.179     0.170     0.172       Combined method     0.087     0.087     0.028       Combined method     0.087     0.019     0.004       Second     0.087     0.020     (0.020)       Age at lodgement date: 24 or younger     -0.019     0.004     0.028       Age at lodgement date: 55 or older     -0.028     -0.030     -0.238       Vork experience     0.010     0.044     0.043       Diagnosis: At least one nervous     0.024     0.033)     0.204       Diagnosis: At least one mental, nervous, musculoskeletal     0.058     0.069 <		(0.026)***	(0.026)***	(0.025)***
Judgment year: 2017     0.103     0.104     0.113       Judgment year: 2018     0.046     0.047     0.056       Judgment year: 2018     0.046     0.047     0.056       No legal representation     0.093     0.093     0.123       No legal representation     0.129     0.123     0.065       Pension assessment by DIO: No DP     0.179     0.170     0.172       Combined method     0.087     0.087     0.021       Combined method     0.087     0.087     0.028       Female     -0.019     0.010     -0.28       Age at lodgement date: 24 or younger     -0.021     (0.021)***     (0.020)       Age at lodgement date: 55 or older     -0.028     -0.030     0.041       Work experience     (0.021)     (0.021)     (0.021)       Diagnosis: At least one mervous     0.204     (0.023)***     (0.033)       Diagnosis: At least one mental, nervous, musculoskeletal     (0.031)     0.024       Diagnosis: Other     0.084     (0.049)**     (0.049)**	Chamber 5	0.162	0.186	0.166
Index     Index <thindex< th="">     Index     <thi< th=""><th></th><th>(0.077)**</th><th>(0.078)**</th><th>(0.079)**</th></thi<></thindex<>		(0.077)**	(0.078)**	(0.079)**
Index     Index <thindex< th="">     Index     <thi< th=""><th>Judgment year: 2017</th><th>0.103</th><th>0.104</th><th>0.113</th></thi<></thindex<>	Judgment year: 2017	0.103	0.104	0.113
(0.024)*     (0.024)*     (0.023)**       No legal representation     0.093     0.093     0.126       (0.033)***     (0.033)***     (0.032)***     (0.032)***       Polydisciplinary expert report     0.129     0.123     0.065       (0.020)***     (0.020)***     (0.020)***     (0.020)***       Pension assessment by DIO: No DP     0.179     0.170     0.172       Combined method     0.087     0.087     0.028       (0.032)***     (0.032)***     (0.032)***     (0.033)       Female     -0.019     0.004     0.020     (0.020)       Age at lodgement date: 24 or younger     -0.301     -0.238     -0.030       Age at lodgement date: 55 or older     -0.028     -0.028     -0.030       Work experience     (0.021)     (0.021)     (0.021)       Diagnosis: At least one mervous     (0.042)**     (0.033)       Diagnosis: At least one mental, nervous, musculoskeletal     (0.043)**     0.064       Diagnosis: Other     (0.041)*     (0.041)*     0.064		(0.024)***	(0.024)***	(0.023)***
No legal representation     0.093     0.093     0.126       (0.033)***     (0.033)***     (0.032)***     (0.032)***       Polydisciplinary expert report     0.129     0.123     0.065       Pension assessment by DIO: No DP     0.179     0.170     0.172       Combined method     0.087     0.087     0.023       Female     (0.032)***     (0.034)**     (0.034)**       Combined method     0.087     0.087     0.023       Female     -0.019     0.004     (0.020)       Migration background     (0.020)     (0.020)     (0.020)       Migration background     0.021     (0.021)     (0.020)       Mork experience     (0.021)     (0.021)     (0.021)       Diagnosis: At least one mervous     0.204     (0.033)     0.204       Diagnosis: At least one mental, nervous, musculoskeletal     0.052     (0.032)       Diagnosis: Other     (0.043)     (0.043)     (0.043)	Judgment year: 2018	0.046	0.047	0.056
(0.033)***     (0.033)***     (0.032)***       Polydisciplinary expert report     0.129     0.123     0.065       Pension assessment by DIO: No DP     0.179     0.170     0.172       Combined method     0.087     0.087     0.021***     (0.026)***       Combined method     0.087     0.087     0.028     (0.021)***     (0.026)***       Female     -0.019     0.004     (0.020)     (0.020)     (0.020)       Age at lodgement date: 24 or younger     -0.019     0.0087     -0.028     -0.030       Age at lodgement date: 55 or older     -0.028     -0.0301     -0.239     -0.028       Migration background     0.046     0.021)     (0.020)     (0.020)       Mork experience     0.046     0.046     0.046     0.046       Uagnosis: At least one mervous     0.204     0.046     0.021     (0.033)       Diagnosis: At least one mental, nervous, musculoskeletal     0.152     0.032     0.032       Diagnosis: Other     0.0384     0.0384     0.0384     0.0384		(0.024)*	(0.024)*	(0.023)**
Bolydisciplinary     expert report     0.129     0.123     0.065       (0.020)***     (0.020)***     (0.020)***     (0.020)***     (0.020)***       Pension assessment by DIO: No DP     0.179     0.170     0.172       (0.027)***     (0.027)***     (0.027)***     (0.026)***       Combined method     0.087     0.087     0.023       Female     -0.019     0.004     (0.032)***     (0.034)**       Female     -0.019     0.004     -0.028     -0.239       Age at lodgement date: 24 or younger     -0.028     -0.0301     -0.239       Age at lodgement date: 55 or older     -0.028     -0.030     -0.028       Work experience     0.010     0.046     0.046     0.046       Uagnosis: At least one nervous     0.204     0.024     0.204       Diagnosis: At least one mental, nervous, musculoskeletal     0.059     0.059     0.054       Diagnosis: Other     0.068     0.0684     0.0684     0.0684	No legal representation	0.093	0.093	0.126
(0.020)***     (0.020)***     (0.020)***       Pension assessment by DIO: No DP     0.179     0.170     0.172       (0.027)***     (0.027)***     (0.027)***     (0.026)***       Combined method     0.087     0.087     0.028       (0.032)***     (0.032)***     (0.034)**     (0.033)       Female     -0.019     0.004     (0.020)       Age at lodgement date: 24 or younger     -0.0301     -0.239       Age at lodgement date: 55 or older     -0.028     -0.030       Migration background     (0.021)     (0.020)       Migration background     (0.021)     (0.020)       Work experience     (0.031)     (0.024)**       Diagnosis: At least one nervous     0.204     (0.033)       Diagnosis: At least one mental, nervous, musculoskeletal     (0.032)***     0.004**       Diagnosis: Other     (0.041)*     0.044*		(0.033)***	(0.033)***	(0.032)***
(0.020)***     (0.020)***     (0.020)***       Pension assessment by DIO: No DP     0.179     0.170     0.172       (0.027)***     (0.027)***     (0.027)***     (0.026)***       Combined method     0.087     0.087     0.028       (0.032)***     (0.032)***     (0.034)**     (0.033)       Female     -0.019     0.004     (0.020)       Age at lodgement date: 24 or younger     -0.0301     -0.239       Age at lodgement date: 55 or older     -0.028     -0.030       Migration background     (0.021)     (0.020)       Migration background     (0.021)     (0.020)       Work experience     (0.031)     (0.024)**       Diagnosis: At least one nervous     0.204     (0.033)       Diagnosis: At least one mental, nervous, musculoskeletal     (0.032)***     0.004**       Diagnosis: Other     (0.041)*     0.044*	Polydisciplinary expert report	0.129	0.123	0.065
(0.027)***     (0.027)***     (0.026)***       Combined method     0.087     0.087     0.087       Female     (0.032)***     (0.034)**     (0.033)       Female     -0.019     0.004     (0.020)       Age at lodgement date: 24 or younger     -0.301     -0.239     (0.085)***       Age at lodgement date: 55 or older     -0.0301     -0.239     (0.089)***       Age at lodgement date: 55 or older     -0.030     (0.021)     (0.020)       Migration background     (0.021)     (0.020)     (0.024)*       Work experience     (0.024)*     (0.033)     (0.024)*       Diagnosis: At least one nervous     (0.024)*     (0.069)***       Diagnosis: At least one mental, nervous, musculoskeletal     0.0669     (0.034)***       Diagnosis: At least one mental, nervous, musculoskeletal     0.084     (0.041)*       Diagnosis: Other     0.084     (0.044)*     (0.044)*		(0.020)***	(0.020)***	(0.020)***
(0.027)***     (0.027)***     (0.026)***       Combined method     0.087     0.087     0.087       Female     (0.032)***     (0.034)**     (0.033)       Female     -0.019     0.004     (0.020)       Age at lodgement date: 24 or younger     -0.301     -0.239     (0.085)***       Age at lodgement date: 55 or older     -0.0301     -0.239     (0.089)***       Age at lodgement date: 55 or older     -0.030     (0.021)     (0.020)       Migration background     (0.021)     (0.020)     (0.024)*       Work experience     (0.024)*     (0.033)     (0.024)*       Diagnosis: At least one nervous     (0.024)*     (0.069)***       Diagnosis: At least one mental, nervous, musculoskeletal     0.0669     (0.034)***       Diagnosis: At least one mental, nervous, musculoskeletal     0.084     (0.041)*       Diagnosis: Other     0.084     (0.044)*     (0.044)*	Pension assessment by DIO: No DP	0.179	0.170	0.172
(0.032)***     (0.034)**     (0.033)       Female     -0.019     0.004       Age at lodgement date: 24 or younger     -0.301     -0.239       Age at lodgement date: 55 or older     -0.028     -0.030       Migration background     (0.021)     (0.020)       Migration background     0.04     (0.021)       Work experience     0.019     0.046       Diagnosis: At least one nervous     0.204     (0.033)       Diagnosis: At least one mental, nervous, musculoskeletal     0.069     (0.034)***       Diagnosis: Other     0.084     0.069		(0.027)***	(0.027)***	(0.026)***
Female     -0.019     0.004       Age at lodgement date: 24 or younger     -0.301     -0.239       Age at lodgement date: 55 or older     -0.028     -0.030       Migration background     0.021)     (0.020)       Migration background     0.044     0.026       Work experience     0.019     0.046       Diagnosis: At least one nervous     0.204     (0.033)       Diagnosis: At least one musculoskeletal     0.152     (0.030)***       Diagnosis: At least one mental, nervous, musculoskeletal     0.0669     (0.041)*       Diagnosis: Other     0.084     0.084	Combined method	0.087	0.087	0.028
(0.020)     (0.020)       Age at lodgement date: 24 or younger     -0.301     -0.239       (0.095)***     (0.089)***     (0.089)***       Age at lodgement date: 55 or older     -0.028     -0.030       (0.021)     (0.020)     (0.021)     (0.020)       Migration background     0.046     (0.024)*       Work experience     0.010     (0.033)       Diagnosis: At least one nervous     0.204     (0.069)***       Diagnosis: At least one musculoskeletal     0.152     (0.030)***       Diagnosis: At least one mental, nervous, musculoskeletal     0.0669     (0.041)*       Diagnosis: Other     0.084     (0.041)*		(0.032)***	( <u>0.034)*</u> *	(0.033)
Age at lodgement date: 24 or younger     -0.301     -0.239       Age at lodgement date: 55 or older     -0.028     -0.030       Age at lodgement date: 55 or older     -0.028     -0.030       (0.021)     (0.020)     (0.021)     (0.020)       Migration background     0.046     (0.024)*       Work experience     0.010     (0.033)       Diagnosis: At least one nervous     0.204     (0.069)***       Diagnosis: At least one musculoskeletal     0.152     (0.030)***       Diagnosis: At least one mental, nervous, musculoskeletal     0.069     (0.041)*       Diagnosis: Other     0.084     (0.041)*     (0.049)*	Female		-0.019	0.004
(10.095)***     (10.085)***       Age at lodgement date: 55 or older     -0.028     -0.030       (0.021)     (0.020)     (0.021)     (0.020)       Migration background     0.046     (0.024)*     (0.024)*       Work experience     0.010     (0.033)     0.204       Diagnosis: At least one nervous     0.204     (1.069)***       Diagnosis: At least one musculoskeletal     0.152     (1.030)***       Diagnosis: At least one mental, nervous, musculoskeletal     0.069     (1.030)***       Diagnosis: Other     0.084     (1.041)*		1	(0.020)	(0.020)
Age at lodgement date: 55 or older     -0.028     -0.030       (0.021)     (0.020)     (0.021)     (0.020)       Migration background     0.046     (0.024)*     (0.024)*       Work experience     0.010     (0.033)     (0.033)       Diagnosis: At least one nervous     0.204     (0.069)***     0.152       Diagnosis: At least one musculoskeletal     0.152     (0.030)***       Diagnosis: At least one mental, nervous, musculoskeletal     0.069     (0.041)*       Diagnosis: Other     0.084     (0.041)*	Age at lodgement date: 24 or younger		-0.301	
(0.021)     (0.020)       Migration background     0.046       Work experience     0.010       Diagnosis: At least one nervous     0.204       Diagnosis: At least one musculoskeletal     0.152       Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: Other     0.084       (0.041)*     0.084			(0.095)***	(0.089)***
(0.021)     (0.020)       Migration background     0.046       Work experience     0.010       Diagnosis: At least one nervous     0.204       Diagnosis: At least one musculoskeletal     0.152       Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: Other     0.084       (0.041)*     0.084	Age at lodgement date: 55 or older		-0.028	-0.030
Work experience     0.010       Diagnosis: At least one nervous     0.204       Diagnosis: At least one musculoskeletal     0.152       Diagnosis: At least one mental, nervous, musculoskeletal     0.069)***       Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: Other     0.084       Diagnosis: Other     0.084	······································		(0.021)	(0.020)
Work experience     0.010       Diagnosis: At least one nervous     0.204       Diagnosis: At least one musculoskeletal     0.152       Diagnosis: At least one mental, nervous, musculoskeletal     0.069)***       Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: Other     0.084       Diagnosis: Other     0.084	Migration background			0.046
Diagnosis: At least one nervous     (0.033)       Diagnosis: At least one musculoskeletal     (0.069)***       Diagnosis: At least one musculoskeletal     0.152       Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: Other     0.084       Diagnosis: Other     0.084		· •		( <u>0.024)*</u>
Diagnosis: At least one nervous     0.204       Diagnosis: At least one musculoskeletal     0.152       Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: Other     0.084       (0.041)*     0.084	Work experience			0.010
Diagnosis: At least one musculoskeletal     0.152       Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: Other     0.084       (0.041)*     0.049	· · · · · · · · · · · · · · · · · · ·			(0.033)
Diagnosis: At least one musculoskeletal     0.152       Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: Other     0.084       (0.041)*     0.049	Diagnosis: At least one nervous			0.204
Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: Other     0.084       Diagnosis: Other     0.084				(0.069)***
Diagnosis: At least one mental, nervous, musculoskeletal     0.069       Diagnosis: Other     0.084       Diagnosis: Other     0.084	Diagnosis: At least one musculoskeletal			
Diagnosis: At least one mental, nervous, musculoskeletal     0.069       (0.041)*     0.084       Diagnosis: Other     0.084		· · · · · · · · · · · · · · · · · · ·		(0.030)***
(0.041)* Diagnosis: Other 0.084 (0.049)*	Diagnosis: At least one mental, nervous, musculoskeletal	• • = = = = = = = = = = = = = = = = = =		
Diagnosis: Other 0.084 (0.049)*	<i>-</i>			(0.041)*
( <u>0.049)*</u>	Diagnosis: Other	1		
				(0.049)*
	Ν	2,470	2,470	2,470

\* p<0.1, \*\* p<0.05, \*\*\* p<0.01; DP: Disability pension, DIO: Disability Insurance Office; Standard errors in parentheses







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**Chambers**: Practice within chambers is uniform, differences across chambers in decision-making process (likelihood to refer a case back to the DIO)

**Years**: Change in the DIO Zurich's strategy regarding reviews of current DPs







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### Chamberlain et al. 2018. Social Security Disability: Variation in Disability Awards at the Appeals Level

- Legal representation: 'Similar' result
- Age: 'Opposite' result
- Medical diagnosis: Association between impairment and disability benefit award









Chambers: More interaction for consistency

Legal representation: Crucial for a 'positive' outcome for the claimant

**DIO's assessment:** Importance of quality standards regarding initial assessment

### Outlook





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# **Polydisciplinary expert reports**

- Analyze content interdisciplinary research
- SNFS-Innosuisse: 'Quality indicators of polydisciplinary medical expert reports (PMERs) from the perspective of social security studies/law and empirical legal studies'
- E.g., RQ1: How often and under what circumstances are PMERs considered inconclusive by the Court?
- E.g., RQ2: If PMERs are found to be inconclusive, is there a justification given by the Court?





# Thank you!