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Rejoinder: The Debunking Attempt is Bunkum with No "De"

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Let us begin with a couple of short definitions: Debunk: "to expose the false or exaggerated claims." Bunkum: "talk that is empty, insincere, or merely for effect; humbug." Crouse, Reyes, and Vega (2015) (CR&V) offer criticisms of Brookshire and Forlines (2014) (B&F), who discuss issues of employment and participation rates that both vocational rehabilitation experts and forensic economists face in determining a loss of earning capacity due to reductions in worklife expectancy caused by injury. However, in their attempt to "debunk" the article, CR&V fail to confront any of the major conclusions made by B&F. Instead, their criticisms are based upon apparent misunderstandings and straw man arguments. Their creation of straw men verbiage is most notable because it does not contain scientific criticisms relating to any of our conclusions.

To restate the main conclusions of B&F, statistical reductions in worklife expectancy of self-defined disabled persons are dominated by declines in the participation rate, as opposed to the employment rate. Declines in the participation rate make up 79 to 91 percent of statistical reductions in worklife. This has important implications for both vocational experts and forensic economists who apply these statistics to specific cases. Conclusions about worklife, based upon data sources such as the American Community Survey or Current Population Survey, cannot support a worklife loss analysis which does not emphasize a decline in the ability to try and find work. Further, vocational rehabilitation experts should be prepared to discuss voluntary versus involuntary declines in participation and how voluntary declines relate to the duty to mitigate damages. None of these conclusions; nor any problems discussed regarding ACS and CPS disability data; nor tables, charts, and calculations presented; nor the appendix are challenged by CR&V. In fact, we are in agreement with our "debunkers" in that both the participation rate and employment rate components of worklife are important factors in worklife reductions and further research is needed which decomposes reasons for nonparticipation, especially for persons with disabilities. Allow us to now address some of the CR&V verbiage that is unrelated to our analysis and conclusion.

CR&V cite five reasons why a person with a disability may not participate in the labor force. These include i) physical and/or cognitive limitations severely limiting the ability to work, ii) nonparticipation due to pain associated with a disability, iii) nonparticipation due to full-time education and re-training, iv) discouragement from previous unsuccessful efforts [in searching for a job], and v) simply not "trying" and malingering. CR&V assert that B&F ignore all but reason five and that malingering is the only possible reason for nonparticipation in the labor force that represents a "problem" as it relates to the plaintiff's duty to mitigate damages. It is unclear how CR&V reach this conclusion, but we believe much of the basis of this straw man argument stems from a misinterpretation, whether deliberate or not, of the "try" terminology used in B&F.

Although specific reasons for nonparticipation are not extensively discussed by B&F, the general terminology of "voluntary" and "involuntary" reasons for nonparticipation do not exclude any of the reasons mentioned by CR&V and are in fact perfectly consistent with all reasons listed. Reasons i) and ii), severe limitations and pain resulting in nonparticipation, are most consistent with the "total loss" hypothetical scenario presented by B&F where a catastrophic injury results in the inability of the plaintiff to earn and therefore no residual earning capacity exists. In this scenario, the vocational expert is not making a zero wage rate determination, but rather a 0 percent participation rate forces the residual earning capacity to zero. This is a perfectly legitimate determination of a vocational expert and is not challenged by B&F. This scenario does touch on a major issue discussed by B&F; vocational experts typically are more comfortable dealing with employment-related issues and lack a rigorous scale with which to evaluate an injury's effect on the participation rate, especially in cases where the injury is not severe enough to totally eliminate any residual earning capacity. The participation decision, at the individual level, is a "yes/no" decision, and a vocational rehabilitation expert must be ready to discuss employment versus participation reasons for a decline in worklife expectancy. Reason iii), schooling and re-training, represents a legitimate reduction in an individual's labor force participation if it is the opinion of the vocational expert that such training is necessary to mitigate damages. However, this represents only a temporary exit from the labor force, and an individual will likely return to the labor force with improved employment prospects. The focus of

B&F is the application of statistical reductions in worklife expectancy due to injury to individual plaintiffs, not specific opinions on education or re-training which only potentially remove the individual from the labor force temporarily. Reason iv), the "discouraged worker" effect, represents a scenario that is unclear in regards to whether the individual is fulfilling the duty to mitigate damages. CR&V take the stance that a discouraged worker who is able to participate in the labor force and search for a job, if unsuccessful, may discontinue looking for a job and this reduction in participation, from "yes" to "no," represents a loss. Notice that the individual in this case is still able to try and find a job (participate), but he or she voluntarily chooses to exit the labor force. We insist that it is unclear whether such a voluntary decision to exit the labor force fulfills the duty to mitigate damages. As an example, if one believes that a discouraged worker is exempt from the duty to mitigate, then, using ACS or CPS data, an individual who looks for work at all in a given year and subsequently gives up may have statistical worklife declines of an additional 20-30 years that are predominantly due to this voluntary reduction in participation (see Gamboa & Gibson, 2010). Although CR&V cite discouraged workers as an important demographic, statistically this group makes up a trivial proportion of the disabled and non-disabled populations. Discouraged workers represent only 1.0 percent of persons with disabilities who are out of the labor force (McMenamin, 2013). Finally, reason v), malingering, certainly represents a failure to mitigate damages, but this is not the only scenario where the "P problem" applies.

Continuing with the CR&V misunderstanding of our "try" terminology, B&F refer to participating in the labor force as "trying" to find a job. This definition is consistent with the Bureau of Labor Statistics' definitions and in no way does it make any judgement on an individual's effort. To be in the labor force, an individual may either be employed at a job or unemployed. An unemployed person is considered so only if he or she is available for work and has made specific efforts to find employment within the last four weeks (BLS). Therefore, an individual who is "trying" to find a job is participating, and an individual who is "not trying" to find a job is simply not making a specific effort to find a job and is not participating in the labor force. A synonymous way of stating the participation decision is as "search" for a job. CR&V attach a connotation of appropriate effort and malingering to the "try" language for no apparent reason. There are frequent allusions to "a lack of trying" or "substantial effort trying" which indicate to us a misapplication of our terminology. This may also be why our use of "voluntary" versus "involuntary" is also criticized—to malinger involuntarily hardly makes sense. Given our intended meaning of "trying" versus "not trying" to find a job, coupled with the "voluntary" and "involuntary" reasons for nonparticipation, our analysis may be applied to any one of the reasons for nonparticipation cited by CR&V.

Further misunderstandings are evident in a section titled "The P Problem Fallacy". CR&V misinterpret our analysis of participation versus employment rate declines in worklife. B&F claim that the majority of statistical worklife reductions due to disability are caused by reduction in participation rates, not employment rates, and so it is inappropriate for a vocational expert to invoke a dramatic decline in worklife and cite employment-related reasons. CR&V state that we reject any reduction in worklife caused by declines in participation rates, and this is simply untrue. We believe the authors misread a hypothetical scenario given in the article at the bottom of page 208 and ending on the top of page 209. We are uncertain what the numerical example in this section is attempting to accomplish. These severe misunderstandings indicate either a cursory reading of our article or a deliberate distraction from our main conclusions, which stand unscathed.

The authors make a bold claim regarding the nonparticipation of persons with disabilities which is not supported by the literature. CR&V claim that "strong economic incentives" encourage labor force participation, so much so that any persons with disabilities who are not participating in the labor force already are not doing so because they are unable to. This claim is at odds with much of the literature which analyzes the impact of transfer payments to individuals who are out of the labor force. Lindner and Burdick (2013) discuss previous literature and analyze the rise in SSDI applications during recessions, and they find that during a recession those who apply for SSDI typically are "less disabled" than applicants otherwise. Bound and Burkhauser (1999) review the literature on SSDI's impact on labor force participation and numerous studies find that increases in DI benefits decrease labor force participation. Hankins and Joy (2015) present numerous contributing reasons behind SSDI's growing number of beneficiaries including increasing real value of benefits compared to real wages and easing eligibility criteria. These studies indicate that transfer programs provide incentives which are at odds with the "strong economic incentives" of participating in the labor force and that these adverse incentives do matter for persons with disabilities. This is further evidenced in the existence of such programs as the cited Ticket to Work (TTW) program which lessens the disincentives provided by SSI and SSDI and attempts to encourage program participants back into the labor force.

CR&V cite TTW as "proof" that persons with disabilities are unsuccessful in the labor force and that the "P problem" does not exist. In order to be eligible for the TTW program, an individual must be receiving disability benefits from Social Security which requires that the individual prove that he or she is permanently disabled and unable to achieve any type of substantial gainful activity (SSA). These individuals clearly represent the most severely disabled of any population of persons with disabilities and they only make up a minority of those who are considered disabled in ACS or CPS data. The population of eligible participants in the TTW program represents a selected group that is vastly different than the population summarized by ACS and CPS data which are the focus of B&F. Therefore, any conclusions regarding the TTW program are irrelevant to our article. It is worth noting that at least two of the three authors who criticize B&F are employed by Vocational Economics Inc., which publishes the "New Worklife Expectancy Tables". This document does not make any attempt to use TTW program statistics in evaluating worklife reductions due to injury, but rather relies on ACS and CPS data (Gamboa & Gibson, 2010).

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