

Use of the Earning Capacity Assessment Form-2 (ECAF-2) in Young Adult Cases: An Overview and Case Study

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The only standardized, peer-reviewed instrument developed to facilitate vocational experts' assessments of claims of loss of earning capacity, the Earning Capacity Assessment Form-2 (ECAF-2), has documented its validity and reliability properties over three decades. Its application in claims of loss of earning capacity in cases involving pediatric and young adult evaluatees, according to the test developer, can be especially facilitative. Before presenting a case-application featuring a young adult, the authors describe the ECAF-2, summarize corresponding psychometric properties, and present peer reviews of the ECAF-2. An expanded analysis of the ECAF-2's application, performed by a vocational expert who is also a psychologist, follows. This analysis demonstrates the instrument's capacity to synthesize science and refined assessment to evaluate and quantify loss of earning capacity damages.

Keywords: Vocational Rehabilitation, Forensic Rehabilitation, Pediatric earning capacity, adult earning capacity, Earning Capacity Assessment Form

Evaluating earning capacity in cases involving children and young adults are among the most challenging cases vocational experts encounter. The facts that contribute to this challenge are (a) children have no vocational history, (b) young adults often present with little vocational history on which to make inferences about future vocational potential, and (c) because of their early phase of career development, young adults have not had an opportunity to demonstrate or realize their career potential. Shahnasarian (2010b; 2015) discussed the Earning Capacity Assessment Form's use in cases in which the assessment of latent or future loss of earning capacity is intuitively evident but difficult to quantify, including cases involving pediatric patients and young adults with permanent injuries. Introduced in 2001, the Earning Capacity Assessment Form (ECAF; Shahnasarian, 2001) became commercially available in 2004 (Shahnasarian, 2004a) when published by Elliott & Fitzpatrick. After the completion of further validation studies (Shahnasarian, 2008), Psychological Assessment Resources (PAR) published the instrument's second edition, the Earning Capacity Assessment Form-2 (ECAF-2), in 2010 (Shahnasarian, 2010a). Shahnasarian and Hill (2014) described the instrument's subsequent use in facilitating analyses of claims of loss of earning cases domestically and abroad.

This article describes the ECAF-2 and summarizes its theoretical foundations, development, applications, and psychometric properties. Empirical studies documenting the instrument's use and peer reviews follow. The article concludes with a case study and expanded analysis featuring a young person who acquired disabling problems unlike those vocational experts traditionally assess, and pursued a claim of loss of earning capacity.

The ECAF-2

The ECAF-2 is the only standardized, peer-reviewed instrument developed to objectify the valuation of claims of loss of earning capacity. Early efforts to develop the ECAF and ECAF-2 were grounded partly in findings that lawyers perceived approaches to assessing claims of loss of earning capacity were neither consistent nor objective (Shahnasarian & Lassiter, 2002). A brief description of the ECAF-2 follows.

ECAF-2 Description

The ECAF-2 Rating Form includes 14 factors a vocational evaluator rates with respect to a pending claim of loss of earning capacity. Four statements, arranged in a graduated, hierarchical sequence, accompany each factor.

Within a given cluster of statements, the first statement generally connotes either a high level of vocational functioning or an absence of an impediment to career development. Subsequent statements reflect progressively increasing levels of potential career-related problems that could affect future earning capacity. As an example, ratings from which an evaluator could choose on the cognition factor include:

- 0 Cognitively intact
- 1 Mild cognition problems, not anticipated to impact future career development
- 2 Cognitive deficits will adversely impact career development
- 3 Cognitive deficits preclude gainful work participation

The ECAF-2's graduated rating scheme allows for systematic analysis, assessment, and valuation of phenomena (i.e., factors influencing earning capacity) while also incorporating practitioners' clinical judgments. Shahnasarian and Leitten (2008a) emphasized the instrument is a resource to facilitate systematic analysis and appraisal rather than a stand-alone outcome measure. The ECAF-2's 14 factors and their definitions appear in Figure 1, and Figure 2 summarizes the 10 postulates undergirding the instrument's use.

Users complete the ECAF-2 in three steps. First, they rate an evaluatee with respect to 9 Inhibitor factors and 5 Driver factors (see Figure 2). Second, they interpret the evaluatee's ECAF-2 profile. Third, they apply interpretive guidelines to assign an overall impairment-to-earning-capacity rating. Figure 3 shows the Impairment to Earning Capacity Rating Scale – the ultimate point of reference toward which ECAF-2 users develop their analyses. (Figure 3).

Some ECAF-2 users complete their item ratings while examining an evaluatee and then clinically correlate case-specific data with their assessments. Others defer completing the instrument until the end of their evaluation, preferring to use it to culminate assessments of claims of loss of earning capacity.

Experienced users complete the ECAF-2 in 15 minutes or less. As users (a.) enhance their familiarity and confidence with the ECAF-2's 14 factors, (b.) gain skills and confidence in assigning factor ratings, and (c.) become adept at interpreting ECAF-2 profiles and applying interpretive standards, they become more competent and proficient instrument users.

A professional user's manual (Shahnasarian, 2010b) accompanies the ECAF-2. The manual includes instructions on its use, reports of validity and reliability studies, interpretive guidelines, and case study examples.

ECAF-2 Psychometric Properties

Shahnasarian (2004b) reported the ECAF's initial validation study, which involved 78 State of Florida vocational rehabilitation counselors. Subjects were randomly assigned to either a control group or one of two experimental groups that used the ECAF to help evaluate claims of loss of earning

Stability of Career Development: consists of longevity of employment with previous employers, consistency between types of jobs performed and industries within which subject has worked, eligibility for rehiring with prior employers, and continuity of employment.

Work Propensity: subject's historical level of work participation including proclivity to pursue over-time work and supplemental employment.

Demonstrated Earnings History: earnings levels a subject has demonstrated a capacity to attain.

Phase of Career Development: age, level of career maturity, and vocational accomplishments with respect to status within one of five progressive career development phases – growth, exploration, establishment, maintenance, and withdrawal.

Subject-Specific Issues: life and/or personal circumstances that may impact a subject's ability to pursue work-related activities.

Motivation: A personality trait affecting work tendencies and productivity. Indicators include record of career accomplishments and work participation, initiatives to enhance existing skill set, reasonableness of job search efforts, attempts to return to work after acquiring disabling problems, efforts to pursue rehabilitation services to overcome work-related obstacles, and subject's use of discretionary time to further career development.

Ability to Apply Prior Skills: based on transferability of skills – subject's ability to apply previously developed work skills and specialized knowledge to meet the requirements of jobs or occupations other than what subject has performed in the past. Factors such as vocational adjustment issues, physical and cognitive capacity for retraining, and available resources should be considered.

Future Career Development Prospects: a general awareness of what could impact subjects' future employability. Dependent on factors such as industry trends, marketplace changes, and modification of management philosophy.

Cognition: subject's thought processing and mental functioning abilities. Deficits may be congenital, due to medication, or stem from events such as a head injury, cerebrovascular accident, dementia, or a mental disorder.

Prognosis: Expectancy of how disabling problems and vocational handicaps will impact the subject over the remainder of his/her work life, including future earning capacity.

Need and Capacity for Retraining: necessity for subject to undergo retraining in order to realize earning capacity; may involve consideration of subject's capacity for retraining.

Preexisting Vocational Handicaps: includes subject's premorbid medical and psychological history, and level of functioning. Unrealized disabling problems may synergize to yield a compounded disabling outcome.

Acquired Vocational Handicaps: factors that can adversely affect present and future career development, including diminished access to work opportunities, need for workplace accommodations, employer bias in hiring and advancement, and diminished work-life expectancy.

Vocational Adjustment Issues: difficulties subject may realize when career transitioning due to vocationally related and subject-specific characteristics that may inhibit or facilitate positive vocational adjustment. A subject's capacity to make a positive vocational adjustment depends on ability to recover from setbacks posed by newly acquired disabling problems.

Figure 1. The 14 ECAF-2 Factors with Definitions

Postulate #1: When evaluating loss of earning capacity claims, there are premorbid and postincident factors that could be facilitative (drivers) as well as detrimental (inhibitors) to a claimant's vocational rehabilitation. These factors merit analysis

Postulate #2: ECAF-2 factors that are drivers include low scores on measures of the following:

- Stability of Career Development
- Work Propensity
- Demonstrated Earnings History
- Career Motivation
- Cognition

Postulate #3: ECAF-2 factors that are inhibitors include high scores on measures of the following:

- Phase of Career Development
- Subject Specific Issues
- Ability to Apply Prior Skills
- Future Career Development Prospects
- Prognosis
- Need and Capacity for Retraining
- Preexisting Vocational Handicaps
- Acquired Vocational Handicaps
- Vocational Adjustment Issues

Postulate #4: Drivers and inhibitors can be quantitatively and qualitatively evaluated by qualified vocational rehabilitation evaluators.

Postulate #5: Drivers and inhibitors have an interactive affect on vocational rehabilitation potential, presuming an individual is motivated to pursue vocational rehabilitation.

Postulate #6: Positive drivers can help mitigate earning capacity damages, presuming an individual is motivated for this.

Postulate #7: The ECAF-2 can be used to generate a quantitative index of drivers.

Postulate #8: The ECAF-2 can be used to generate a quantitative index of inhibitors.

Postulate #9: Driver and inhibitor indices can be used to assess claims of loss of earning capacity with corresponding degrees of loss.

Postulate #10: At times, drivers can take on inhibitor qualities and inhibitors can take on driver qualities.

Figure 2. ECAF-2 Postulates

capacity presented in three fact patterns. In all cases, variances within experimental group assessments were significantly less than variances among control group subjects. Further, subjects' ECAF use reduced within-group variance in loss of earning capacity estimates.

Several studies have since examined the ECAF-2's validity and reliability. Briefly, research investigating the ECAF-2's construct validity found vocational rehabilitation experts agreed or strongly agreed the instrument facilitated analyses of loss of earning capacity claims in 74.5% of 70 cases they evaluated (Shahnasarian & Leitten, 2008b). Two Driver factors – Career Motivation and Cognition – emerged most frequently as important in assessing potential loss of earning capacity; a longitudinal study involving claimants who were reevaluated from 5 to 7 years after having undergone an initial evaluation (Shahnasarian & Leitten, 2008b) supported this finding.

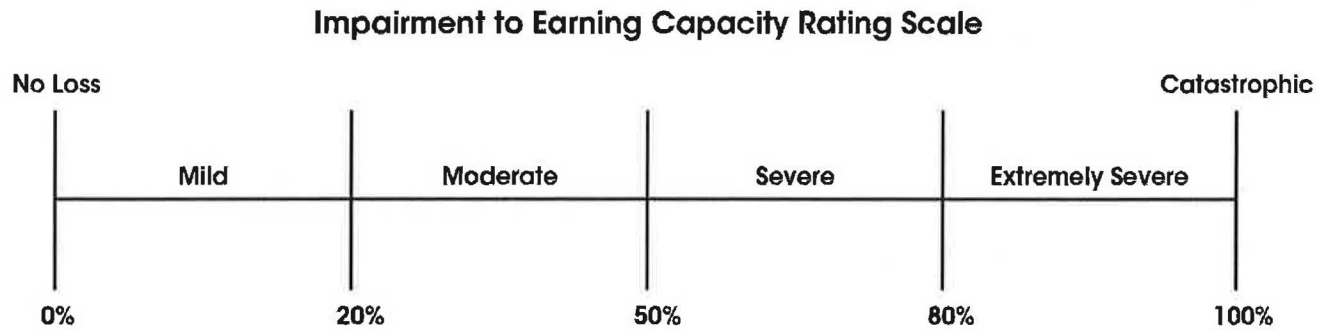


Figure 3. The Impairment to Earning Capacity Rating Scale, reprinted with permission from Psychological Assessment Resources, Inc.

Shahnasarian and Leitten (2008c) and Shahnasarian (2010b) reported studies of assessments of the ECAF-2's internal structure. Given the interdependence of Inhibitor factors and Driver factors, hypotheses that most items would be positively correlated have generally proven true. Inhibitor items tend to have stronger positive correlations with other Inhibitor items than with Driver items. Likewise, Driver items tend to have stronger positive correlations with other Driver items than with Inhibitor items (Shahnasarian & Leitten, 2008c).

Regarding the ECAF-2's internal consistency, data from a 2009 study found a coefficient alpha of .82 for the 14 items (Shahnasarian, 2009; 2010b), and interrater agreements among experienced evaluators ranged between 57% to 100%, with rater agreement on 10 items at or above 70%. Shahnasarian and Leitten (2008c) reported results of the ECAF-2's test-retest reliability. The study included 25 graduate students who rated case studies over a 2-week interval. Results revealed ECAF-2 Inhibitor items had test-reliabilities ranging from .74 to .96, Driver items had reliabilities ranging from .70 to .80, and Impairment to Earning Capacity Scale ratings had reliabilities ranging from .85 to .90.

Shahnasarian, Leitten, and Treppe (2010) reported a study investigating the ECAF-2's interrater reliability. Correlation coefficients significant at the .001 levels emerged in analyses of all 14 factors, ranging from .71 to .90. Analyses of Drivers and Inhibitors, and raters' estimates of loss of earning capacity yielded the following correlation coefficients: ECAF-2 Inhibitors, .91; ECAF-2 Drivers, .92; and loss of earning capacity assessments, .94. Subjects agreed or strongly agreed that the ECAF-2 facilitated their evaluations 78.6% of the time.

For more information about the ECAF-2's construction and psychometric properties, please refer to the *Earning Capacity Assessment Form 2nd Edition Professional Manual* (Shahnasarian, 2010a). Shahnasarian (2010c) elaborated about the ECAF-2's theoretical bases and research support, and Shahnasarian and Hill (2014) reported on the instrument's use – within the United States, abroad, and by practitioner setting – during the two and one-half years after its inception.

ECAF-2 Peer Reviews and Admissibility

Numerous publications have featured the ECAF-2 and its methodological bases, comparing it to other methodologies formulated to conduct assessments of claims of loss of earning capacity. Field (2008; 2012a) reviewed mainstream methodologies vocational experts have been applying during the past 50 years and described the ECAF-2 as a practical approach. He noted it helps vocational experts organize and synthesize information central to assessing earning capacity. Robinson, Young, and Pomeranz (2009) highlighted the 14 ECAF/ECAF-2 Inhibitor and Driver factors as a means to standardize vocational rehabilitation evaluations. Additionally, the California Chapter of the International Association for Rehabilitation Professionals (CA-IARP) Diminished Future Earnings Capacity

(DFEC) work group referenced the ECAF/ECAF-2 as a guide to recommend standards for vocational experts in California (Austin et al., 2009).

Reliance on scientifically derived, peer-reviewed methods facilitates vocational rehabilitation experts' efforts to stave off admissibility challenges. In his review of the ECAF-2, while commenting on the admissibility of expert testimony, Field (2012b) concluded the instrument meets the reliability and relevance requirements set forth in the Daubert trilogy (*Daubert v. Merrill Dow Pharmaceuticals*, 1993; *General Electric Co. v. Joiner*, 1997; and *Kumho Tire Co. v. Carmichael*, 1999) as well as challenges inherent to admissibility in federal and state courts. Field went on to cite empirical support for the instrument and noted it has been peer-reviewed in multiple forums since 2001.

Robinson and Pomeranz (2011) stated the focus of the ECAF-2 model "appears to be aimed at satisfying the evidentiary requirements set forth in the Federal Rules of Evidence, Rule 702" (U.S. House of Representatives, 2009). They characterized the model as robust in its focus on examinee-specific factors. Barros-Bailey and Robinson (2012) reviewed labor market information models propounded in earning capacity models during the past 30 or more years and concluded the ECAF-2 model incorporates labor-market search components.

In a review of *Assessment of Earning Capacity* (3rd ed.), including commentary on the ECAF-2, Neulicht's (2011) appraisals were similar to those Field (2012b) voiced. She concluded:

One of the jewels is Shahnasarian's ability to provide a complete review of his research and the earning capacity assessment form he developed, which has been discussed in prior editions of the book (Assessment of Earning Capacity) and presented / published in multiple peer-reviewed journal articles.

Van de Bittner, Wallace, Cottle, and Simon (2012) applied guidelines from the CA-IARP DFEC work group to evaluate peer-reviewed methodologies published in professional journals and texts during the past 15 years. They determined the ECAF-2 methodology addresses central components of an evaluation of employability and earning capacity comparable to other methodologies.

Shahnasarian (2010c; 2011; 2015) elaborated on theoretical bases underlying the ECAF-2. Like other models developed to assess claims of loss of earning capacity, the instrument and its underlying theoretical framework focus on evaluator methods and analytical evaluation processes.

Case Study and ECAF-2 Application: Synopsis of a Vocational Evaluator's Assessment

An experienced vocational expert/licensed psychologist applied the ECAF-2 in a case involving a ninth-grade student who became injured in a motorbike accident. Answers to Interrogatories asserted the following accident-related damages:

Permanent decreased breathing capacity, with paralyzed vocal chords rendering the plaintiff unable to speak above a whisper; scarring and disfigurement; loss of enjoyment of function; permanent loss of bodily function; physical and mental handicaps; emotional injuries; and pain, suffering, and mental anguish.

Since his accident, the now-19-year-old plaintiff completed high school and secured an oil change technician job with a car dealership. He did not identify any physician work contraindications, and none appeared in his records. The vocational expert/psychologist, however, discerned significant career-related impairments the plaintiff acquired through the interaction between his oral communication deficits and resultant effects on his psyche.

In evaluating the pending claim of loss of earning capacity, the vocational expert/psychologist applied the standards of practice espoused by the International Association of Rehabilitation Professionals (2007). His methodology included reviewing pertinent records, conducting a clinical interview of the plaintiff, administering standardized tests, and conducting labor market research. Additionally, the expert obtained collateral information from the plaintiff's parents. His analysis culminated with the

application of the ECAF-2 to evaluate Inhibitor and Driver factors, and to quantify the value of earning capacity damages.

The evaluator's summary and opinions follow. Additionally, an expanded discussion detailing the ECAF-2's case application is presented.

Evaluator's Summary and Opinions on Loss of Earning Capacity

1. Mr. Gaspar was 15 years old and in the ninth grade at the time of his May 15, 2013, motorbike accident. He returned to his charter school during the fall 2013 academic year, without accommodations, and his injuries did not delay his academic progress. Mr. Gaspar and his parents compared and contrasted Mr. Gaspar's preaccident and postaccident dispositions, noting he became considerably more reticent after his accident and related sequelae including his vocal projection deficits. Mr. Gaspar disclosed postaccident social inhibitions he developed because of his presenting problems, noting he became far less participatory in class discussions and sought to diminish drawing attention to himself. "I usually sat more toward the back [of my classes]," Mr. Gaspar stated, describing his postaccident behavior and socially reclusive tendencies. He went on to cite difficulties with his expressive language, making himself understood, and concerns about others' perception of him due to his presenting problems. Mr. Gaspar described how these factors interacted, contributing to adversely affecting his self-image and social behavior. Of note, his acquired disabling problems onset during the formative period of his adolescence, likely affecting his personality development. Mr. Gaspar had not yet formulated career plans before his 2013 accident, and he had no work experience. His only paid employment since his accident, which he has maintained to date, is work as an oil change technician with Bayside Buick – a job he secured after completing high school in spring 2016. Based on my understanding of his job responsibilities, Mr. Gaspar performs unskilled/semiskilled tasks that require medium/heavy exertion. Although he apprised me he is able to perform the full scope of his job responsibilities, he noted engaging in demanding exertional tasks causes his respiratory symptoms to onset. Additionally, he cited communication difficulties he experiences with customers. Mr. Gaspar was uncertain about his career plans, and he informed me he is "not right now" considering resuming his education. He was in the growth phase of his career development at the time of his May 2013 motorbike accident, and he remains in this phase. Within a reasonable degree of vocational rehabilitation probability, Mr. Gaspar's accident has delayed his career development progress. He disclosed concerns about his opportunities for career growth and advancement secondary to his acquired disabling problems. From a vocational rehabilitation perspective, Mr. Gaspar's concerns are valid. Unfortunately, he is at significant risk of lifelong underemployment and underachievement – ill effects of disabling problems that currently affect him and, by extension, would likely contribute further to the types of psychological and psychosocial sequelae he has already experienced, posing further damages as he ages.
2. Medical records document Mr. Gaspar's tracheal injuries after his May 15, 2013, motorbike accident. He has been diagnosed with bilateral vocal cord paralysis. During the acute period after his accident, Mr. Gaspar experienced a seizure. He has undergone multiple bronchoscopy and laryngoscopy procedures, and, apparently, procedures of these sorts will be required for him during the remainder of his life. The primary problems he associated with his 2013 accident are "the [impaired vocal] projection, because that affects the mental part, too." Mr. Gaspar spoke in a whisper during my clinical interview, and I had difficulty hearing him. In addition to expressive language difficulties, he cited breathing difficulties, exertional limitations, and significant psychological sequelae. Mr. Gaspar's self-esteem and self-concept have been adversely affected by his acquired disabling problems. This portends deleterious consequences on his career development and ability to realize his potential. Additionally, Mr. Gaspar's presenting problems have caused him to develop social anxiety issues. Social inhibition tendencies appear to be plaguing him in all spheres of his life, including his school, dating, family, personal, and vocational behaviors. He characterized himself as "more shy" postaccident – an attribution his parents corroborated. Mr. Gaspar's impaired ability to engage in oral communication will be quite limiting in his future career development. Coupled with the associated psychological consequences, including

his admitted tendencies to avoid oral communication, these qualities are damaging to his career development. Mr. Gaspar is at risk of lifelong career underachievement, which, within a reasonable degree of vocational rehabilitation probability, will compound his psychological distress.

3. On a positive note, Mr. Gaspar is a cognitively intact, younger individual (age 19). He scored in the average range on a test of mental functioning administered during my exam, and scored well on measures of attention to detail and general fund of information. Additionally, Mr. Gaspar demonstrated good performance on a test of manual speed and dexterity. His gait is normal, and he does not use adaptive aids. He has functional capacities as previously delineated. On a personal level, I found him pleasant and likable. Although Mr. Gaspar undoubtedly has significant limitations in his vocational functioning, he will be capable of ongoing employment the duration of his work-life expectancy. Of course, his acquired vocational handicaps – including employer bias, need for accommodations, compromised prospects for advancement, and increased vulnerability to reduction in force actions – will further erode his residual earning capacity.
4. It is reasonable to presume that, if not for Mr. Gaspar's presenting problems, he would realize levels of education comparable to or greater than what his parents attained. Conservatively, he had the potential, preaccident, to attend college and earn a bachelor's degree. Although I cannot rule out Mr. Gaspar's ability to pursue and attain these levels of education, his acquired disabling problems would make it quite challenging for him to convert knowledge he gained in his education while embarking on his career development. The vocational handicaps Mr. Gaspar acquired because of his May 15, 2013, motorbike accident, within a reasonable degree of vocational rehabilitation probability, have caused him a loss of earning capacity. By application of the Earning Capacity Assessment Form-2, I estimate this loss will be in the moderate range – namely, 30% to 40% – over the remainder of his work life.

Expanded Case Analysis for Instruction

Complex factors must be considered when evaluating this claim of loss of earning capacity. On one hand, the evaluatee is a cognitively intact, younger individual, who has no physical functioning limitations – all facilitative factors from a traditional perspective of evaluating earning capacity. Further, his academic progress while in school went uninterrupted, no accommodations were extended to him in school or in the workplace, and he entered the workplace devoid of a preinjury earnings record, thus obviating vocational evaluators' customary analyses of preinjury/postinjury differentials. A persuasive argument could be made that numerous work opportunities, comparable to preinjury options, remain viable for him, and, accordingly, his case merits no loss of earning capacity.

On the other hand, the evaluatee's impaired expressive language capacity and psychological sequelae – perhaps most importantly, his interconnected social inhibition tendencies and lack of self-esteem – diminish his accessibility to otherwise viable career options and threaten lifelong career underachievement. These factors firmly support the basis of the evaluator's assessment of a sizable loss of earning capacity.

A copy of the vocational evaluator's ratings of the evaluatee on the ECAF-2's 9 Inhibitor factors and 5 Driver factors appears as Figure 4. Beginning with the Driver factors, factors facilitative to one's vocational rehabilitation, the evaluator found no impairment on any item. That is, he determined these factors remain facilitative to the evaluatee's vocational rehabilitation, potentially aiding in mitigating career and loss of earning capacity damages. These points are noteworthy when anticipating a defense of the loss of earning capacity opinion during deposition and/or trial questioning: The evaluator can assert the loss of earning capacity determination would be far greater than what is being presented if not for the absence of impairments on the Driver factors.

In contrast to the evaluator's assessment of the evaluatee's Driver factors, the vocational evaluator determined the evaluatee had significant, adverse outcomes on several Inhibitor items. The Inhibitor item ratings are central to the evaluator's opinion that the evaluatee sustained a loss of earning capacity, and provide a basis for the evaluator to quantify an amount.

Inhibitor and Driver Profile						
Inhibitor Items						
1. Phase of Career Development	-	X	X	-	-	-
2. Subject-Specific Issues	-	X	X	-	-	-
3. Ability to Apply Prior Skills	-	-	-	-	-	X
4. Future Career Development Prospects	-	-	X	-	-	-
5. Prognosis	-	X	-	-	-	-
6. Need and Capacity for Retraining	-	X	-	-	-	-
7. Preexisting Vocational Handicaps	X	-	-	-	-	-
8. Acquired Vocational Handicaps	-	-	X	-	-	-
9. Vocational Adjustment Issues	-	X	X	-	-	-
Driver Items						
1. Stability of Career Development	X	-	-	-	-	-
2. Work Propensity	X	-	-	-	-	-
3. Demonstrated Earning History	X	-	-	-	-	-
4. Career Motivation	X	-	-	-	-	-
5. Cognition	X	-	-	-	-	-
	0	1	2	3	IA	NP

IA = Insufficient basis to assess, NP = Not pertinent.

Figure 4. The ECAF-2's 9 Inhibitor Factors and 5 Driver Factors, reprinted with permission from Psychological Assessment Resources, Inc.

The Inhibitor items most adversely affected were ratings of the evaluatee's future career development prospects (the evaluator anticipated substantial problems with career development) and acquired vocational handicaps (the evaluator anticipated these will adversely affect future career development). Additionally, the evaluator discerned mild-to-moderate impairments on the following items: phase of career development (the evaluator surmised the evaluatee will experience difficulties progressing in his career development) and subject-specific issues (namely, the psychological issues enumerated earlier).

Other items concerning the evaluator related to the evaluatee's prognosis (because of the scar tissue on the evaluatee's vocal chords and need for ongoing surgical intervention, portending further degenerative problems), and need and capacity for retraining (the evaluator determined the evaluatee would likely be impaired in training related to oral communication).

The *Professional Manual for the ECAF-2* (Shahnasarian, 2010b) specifies guidelines for interpreting evaluatee profiles, including individual items, interactions among items, and translating profile configurations to levels of earning capacity impairment. Relating to young evaluatees and those who have not had opportunities to realize their career potential, the *Professional Manual* notes evaluators can make inferences when relevant by scrutinizing established records and considering pertinent social information, such as performed in the case at hand.

With respect to the aforementioned case, the evaluator assigned ratings of 1 or 2 to seven Inhibitor items. According to the *Professional Manual's* interpretive guidelines, a rating of 1 or 2 on two or three of the following items can lead to assessments of mild to moderate loss of earning capacity: Subject Specific Issues, Future Career Development Prospects, Prognosis, Preexisting Vocational Handicaps, Acquired Vocational Handicaps, and Vocational Adjustment Issues. As Figure 4 indicates, the evaluatee's profile exceeded these minimum criteria, contributing to the evaluator's assessment that the evaluatee sustained an impairment to earning capacity in the mild-to-moderate range.

Figure 5 presents the ECAF-2's Impairment to Earning Capacity Rating Scale. This latter figure reflects the evaluator's assessment that the evaluatee sustained a 30% to 40% loss of earning capacity, corresponding to the moderate range on the continuum of earning capacity loss.

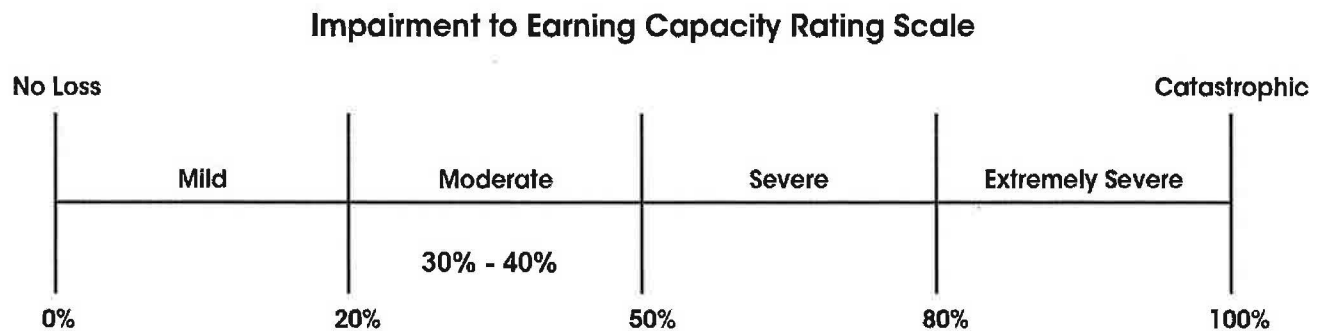


Figure 5. The Impairment to Earning Capacity Rating Scale, Scored, reprinted with permission from Psychological Assessment Resources, Inc.

As noted above, if not for the positive ratings on the Driver items, the evaluatee's capacity to mitigate his loss of earning capacity would likely be considerably diminished, and, by extension, the loss of earning capacity would have exceeded the moderate range. For example, if the evaluatee had mild cognitive difficulties and/or motivational problems, along with the already noted Inhibitor deficits, the loss of earning capacity assessment would be far greater than what the evaluator determined.

Readers are referred to the *ECAF-2 Professional Manual* (Shahnasarian, 2010a) for guidelines on assigning item ratings, and interpreting Inhibitor and Driver profiles. It also specifies guidelines for translating ECAF-2 profiles to the Impairment to Earning Capacity Scale.

Summary

The case study demonstrates how keen clinical assessment is vital to discern and quantify children and young adults' earning capacity damages after having acquired disabling problems, which are subject to being minimized and discounted in an adversarial litigation context. A superficial analysis, based solely on metrics on which vocational evaluators traditionally rely, without applying instruments such as the ECAF-2, could understate the value of the evaluatee's vocational damages.

By integrating how the evaluatee's presenting problems have widely affected him beyond his vocation, the evaluator builds an essential bridge to optimize earning capacity assessment parameters. This bridge is especially important considering the evaluatee's young age, nature of the nontraditional disabling problems that have manifested and portend to onset, and implications for his career development. This analysis, incorporating the ECAF-2 and its underlying science, demonstrates how a practitioner can incisively and empirically apply the instrument as a linchpin to evaluate one of the most complex assessments of earning capacity cases vocational experts encounter.

It is important to note that the case study's evaluator is an experienced vocational expert and psychologist. ECAF-2 users are cautioned to refrain from making assessments outside their areas of expertise, and to enlist the counsel of specialists as needed to render comprehensive opinions on earning capacity damages.

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