



## Sullivan v. Zebley, 493 U.S. 521, 534 n.13 (1990)

The issue was whether the Secretary's method of determining child disability conformed to the statutory standard. The regulation required that a child's impairment must match or be equivalent to a listed impairment and denied benefits to those children whose impairments were severe and disabling if the impairments were not listed and could not meaningfully be compared with the listings. The Secretary conceded that his listings did not cover every impairment that could qualify a child for benefits under the statutory standard, but insisted that the listings, together with the equivalence determination, were sufficient to carry out the statutory mandate that children with impairments of "comparable severity" should be considered disabled. After review, the Supreme Court concluded that the Secretary's child-disability regulations could not be reconciled with the statute they purported to implement because the regulations were inconsistent with the statutory standard of "comparable severity."

### **The Court Cited the AMA's Brief Providing**

There are, as yet, no specific listings for many well-known childhood impairments, including spina bifida, Down syndrome, muscular dystrophy, autism, AIDS, infant drug dependency, and fetal alcohol syndrome. See Brief for American Medical Association et al. as *Amici Curiae* (AMA Brief) 22.