

SSA interprets *Earley* to require that, where a final decision after a hearing on a prior disability claim contains a finding of a claimant's RFC or other finding required under the applicable sequential evaluation process for determining disability, SSA must consider such finding(s) as evidence when adjudicating a subsequent disability claim, arising under the same or a different title of the Act, involving an unadjudicated period.

#### Explanation of How We Will Apply The *Earley* Decision Within The Circuit

This Ruling applies only to disability findings in cases involving claimants who reside in Kentucky, Michigan, Ohio, or Tennessee at the time of the determination or decision on the subsequent claim at the initial, reconsideration, ALJ hearing, or AC level. Additionally, it applies only to a finding of a claimant's RFC or other finding that is required at a step in the sequential evaluation process for adjudicating disability (provided under 20 CFR 404.1520, 416.920, or 416.924, as appropriate), made in a final decision (favorable or unfavorable) by an ALJ or the AC on a prior disability claim.<sup>1</sup>

When a claimant seeks disability benefits for a new period in a subsequent claim, that subsequent claim is entitled to review following the applicable sequential evaluation process. However, such review does not exist in a vacuum. When adjudicating a subsequent claim (arising under the same or a different title of the Act as the prior claim), an adjudicator deciding whether a claimant is disabled during a previously unadjudicated period must consider findings from the decision on the prior claim. As the Court recognized in *Earley*, things change with the passage of time, such as age and physical condition. As a result, each claim covering a different period should be reviewed as a new claim. However, when a finding of a claimant's RFC or other finding required under the sequential evaluation process for determining disability differs from that in the prior decision, the adjudicator must make clear that they considered the prior finding as evidence in light of all relevant facts and circumstances.<sup>2</sup>

<sup>1</sup> In making a finding of a claimant's RFC or other finding that is required at a step in the sequential evaluation process for adjudicating disability, an ALJ or the AC may have made certain subsidiary findings, such as an assessment of the claimant's symptoms. A subsidiary finding does not constitute a finding that is required at a step in the sequential evaluation process for adjudicating disability, as provided under 20 CFR 404.1520, 416.920, or 416.924.

<sup>2</sup> For example, an adjudicator might consider such factors as: (1) whether the fact on which the

Where the prior finding was about a fact that is subject to change with the passage of time, such as a claimant's RFC or the severity of an impairment(s), the likelihood that the fact has changed generally increases as the time between the previously adjudicated period and the subsequent period increases. An adjudicator generally should pay particular attention to the lapse of time between the earlier claim and the later claim and the impact of the passage of time on the claim. In situations where minimal time has passed, and no or very little new evidence has been introduced, it is more likely that the prior finding will remain the same. But the adjudicator must consider all relevant facts and circumstances on a case-by-case basis. Additionally, a change in the law, regulations, or rulings affecting a relevant finding or the method for arriving at the finding may be a reason why the prior finding, considered as evidence, is properly departed from in the current determination or decision.

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## DEPARTMENT OF STATE

[Public Notice: 12594]

### Waiver of Missile Proliferation Sanctions

**ACTION:** Notice of determination.

**SUMMARY:** A determination has been made pursuant to the Arms Export Control Act and Export Administration Act.

**FOR FURTHER INFORMATION CONTACT:** Pam Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State (202–647–4930). On import ban issues, Lauren Sun, Assistant Director for Regulatory Affairs, Department of the Treasury (202–622–4855). On U.S. Government procurement ban issues, Eric Moore, Office of the Procurement Executive, Department of State (703–875–4079), email: [isn-mbc-sanctions@state.gov](mailto:isn-mbc-sanctions@state.gov).

prior finding was based is subject to change with the passage of time, such as a fact relating to the severity of the claimant's medical condition; (2) the likelihood of such a change, considering the amount of time between the period adjudicated in the prior claim and the unadjudicated period in the subsequent claim; and (3) the extent to which evidence that was not considered in the final decision on the prior claim provides a basis for making a different finding for the unadjudicated period in the subsequent claim. These are only examples and not intended to create specific requirements as part of the sequential evaluation.

**SUPPLEMENTARY INFORMATION:** Consistent with section 654(c) of the Foreign Assistance Act of 1961, as amended, notice is hereby given that the Secretary of State has made a determination pursuant to section 73 of the Arms Export Control Act (22 U.S.C. 2797b) and section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)), as carried out under Executive Order 13222 of August 17, 2001, and has concluded that publication of the determination would be harmful to the national security of the United States.

**Ann K. Ganzer,**

*Acting Assistant Secretary, International Security and Nonproliferation, Department of State.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No. FHWA–2024–0067]

### Emergency Temporary Closure of Eastbound Traffic on the National Network for the Lewis and Clark Viaduct Bridge in Kansas City, Kansas and Kansas City, Missouri

**AGENCY:** Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).  
**ACTION:** Notice; request for comments.

**SUMMARY:** The Kansas Department of Transportation (KDOT) closed for repairs the eastbound portion of Interstate 70 (I–70) on the Lewis and Clark Viaduct Bridge over the Kansas River on September 5, 2024. Closure of the bridge and detour routes extend from Kansas City, Kansas, into Kansas City, Missouri.

The FHWA is providing notice that KDOT is continuing the temporary closure of the Lewis and Clark Viaduct Bridge in the eastbound direction until the bridge can be repaired, which is estimated to be by the end of December 2024. The FHWA is requesting comments from the public on the alternate routes selected by KDOT and the Missouri Department of Transportation (MoDOT) due to the closure.

**DATES:** Comments must be received on or before December 26, 2024.

**ADDRESSES:** To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) and follow the