

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION

M.J. v. Frank Bisignano, Commissioner of Social Security

M.J. v. Frank Bisignano, Commissioner of Social Security · No. 4:25-CV-04080-VLD · Decided February 11,
2026

SUMMARY

This memorandum opinion and order concerns judicial review of the Social Security Administration’s denial of M.J.’s applications for Title II and Title XVI disability benefits. The principal issue identified is whether the ALJ’s residual functional capacity assessment adequately accounted for the limiting effects of the claimant’s migraine headaches, including possible off-task limitations.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Veronica L. Duffy
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	February 11, 2026
DOCKET	4:25-CV-04080-VLD
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner of Social Security's final decision denying Title II and Title XVI disability benefits. The parties consented to magistrate-judge jurisdiction under 28 U.S.C. § 636(c).
STANDARD OF REVIEW	The court reviews the Commissioner's final decision under 42 U.S.C. § 405(g), upholding factual findings supported by substantial evidence in the record as a whole and reversing legal errors. The court must consider evidence detracting from the Commissioner's decision and may not rubber-stamp the agency's action.
PRECEDENTIAL VALUE	Unknown
PARTIES	M.J. v. Frank Bisignano, Commissioner of Social Security

TOPICS

judicial review of agency action

administrative law

disability definition

PRACTICE AREAS

Social Security disability

administrative law

judicial review of agency action

disability benefits

migraine and primary headache disorders

QUESTIONS PRESENTED

1. Whether the ALJ adequately evaluated and explained the reasons for discounting M.J.'s subjective complaints concerning the frequency, severity, and functional effects of her migraines.
2. Whether the ALJ's residual functional capacity determination adequately accounted for the limiting effects of M.J.'s migraines, including potential off-task limitations.
3. Whether the ALJ was required at step three to evaluate M.J.'s primary headache disorder under Listing 11.02 pursuant to SSR 19-4p.
4. Whether the ALJ was required to consider M.J.'s inability to afford Botox when evaluating the effectiveness of treatment and the severity of her migraines.
5. Whether the case should be remanded for further administrative proceedings or an award of benefits.

HOLDINGS

1. The ALJ did not provide a legally sufficient explanation under Polaski and SSR 16-3p for discounting M.J.'s subjective complaints about her migraines.
2. The ALJ must reevaluate and adequately explain M.J.'s RFC in light of all relevant evidence concerning her migraines, including whether they require additional off-task or other functional limitations.
3. On remand, the ALJ must evaluate M.J.'s migraines at step three under Listing 11.02 in accordance with SSR 19-4p.
4. The ALJ must consider M.J.'s inability to afford or obtain Botox when evaluating the severity of her migraines and the effectiveness of treatment.
5. Sentence-four reversal and remand for further administrative proceedings, rather than an immediate award of benefits, is appropriate.

KEY QUOTATIONS

“Residual functional capacity is “defined as what the claimant can still do despite his or her physical or mental limitations.”” (Discussion D.1)

“The ALJ must consider the evidence in the record as a whole when evaluating a claimant’s subjective pain/impairment complaints including the claimant’s daily activities; the duration, frequency, and intensity of the pain; precipitating and aggravating factors; the effectiveness of medication; and functional restrictions.” (Discussion D.2.c)

“Consistency and supportability between reported symptoms and objective medical evidence is key in assessing the RFC.” (Discussion D.3)

FACTUAL BACKGROUND

M.J. had a longstanding history of migraines, including frequent or daily headaches accompanied by symptoms such as nausea, photophobia, phonophobia, vomiting, and blurred vision. After alleging disability beginning in April 2022, she continued to report frequent and severe migraines despite medications, pain treatment, and an occipital trigger-point injection; Botox had previously provided substantial relief but was not covered by South Dakota Medicaid. At the administrative hearing, M.J. testified that she experienced three to four migraines weekly, lasting up to three days, requiring her to lie down in a dark room.

PROCEDURAL HISTORY

M.J. applied for disability benefits alleging disability beginning April 27, 2022. The application was denied initially and on reconsideration; after a telephonic hearing, the ALJ found M.J. not disabled, and the Appeals Council denied review. The district court reversed and remanded under sentence four of 42 U.S.C. § 405(g) for further administrative proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The ALJ must evaluate M.J.'s migraines at step three under Listing 11.02 in accordance with SSR 19-4p; reevaluate and further explain the evidence relied upon to discount M.J.'s subjective complaints concerning migraine pain and impairment; reassess the RFC and the total limiting effects of the migraines; and consider the affordability and insurance-related unavailability of Botox.

CASES CITED

- *Minor v. Astrue*, 574 F.3d 625, 627 (8th Cir. 2009)
- *Johnson v. Chater*, 108 F.3d 178, 179 (8th Cir. 1997)
- *Klug v. Weinberger*, 514 F.2d 423, 425 (8th Cir. 1975)
- *Richardson v. Perales*, 402 U.S. 389, 401 (1971)
- *Scott ex rel. Scott v. Astrue*, 529 F.3d 818, 821 (8th Cir. 2008)
- *Chismarich v. Berryhill*, 888 F.3d 978, 980 (8th Cir. 2018)
- *Woolf v. Shalala*, 3 F.3d 1210, 1213 (8th Cir. 1993)
- *Locher v. Sullivan*, 968 F.2d 725, 727 (8th Cir. 1992)
- *Oberst v. Shalala*, 2 F.3d 249, 250 (8th Cir. 1993)
- *Robinson v. Sullivan*, 956 F.2d 836, 838 (8th Cir. 1992)
- *Mittlestedt v. Apfel*, 204 F.3d 847, 851-52 (8th Cir. 2000)
- *Smith v. Sullivan*, 982 F.2d 308, 311 (8th Cir. 1992)
- *Walker v. Apfel*, 141 F.3d 852, 853 (8th Cir. 1998)
- *Smith v. Shalala*, 987 F.2d 1371, 1373 (8th Cir. 1993)

- *Browning v. Sullivan*, 958 F.2d 817, 821 (8th Cir. 1992)
- *Bartlett v. Heckler*, 777 F.2d 1318, 1320 n.2 (8th Cir. 1985)
- *Heckler v. Campbell*, 461 U.S. 458, 460 (1983)
- *Barrett v. Shalala*, 38 F.3d 1019, 1024 (8th Cir. 1994)
- *Nevland v. Apfel*, 204 F.3d 853, 857 (8th Cir. 2000)
- *Clark v. Shalala*, 28 F.3d 828, 830 (8th Cir. 1994)
- *Brown v. Apfel*, 192 F.3d 492, 498 (5th Cir. 1999)
- *Walker v. Bowen*, 834 F.2d 635, 640 n.3 (7th Cir. 1987)
- *Stormo v. Barnhart*, 377 F.3d 801, 806 (8th Cir. 2004)
- *Lauer v. Apfel*, 245 F.3d 700, 703 (8th Cir. 2001)
- *Cooks v. Colvin*, 2013 WL 5728547, at *6 (D.S.D. Oct. 22, 2013)
- *McCoy v. Schweiker*, 683 F.2d 1138, 1147 (8th Cir. 1982)
- *Higgins v. Apfel*, 222 F.3d 504 (8th Cir. 2000)
- *Reed v. Barnhart*, 399 F.3d 917, 920, 923 (8th Cir. 2005)
- *Polaski v. Heckler*, 739 F.2d 1320, 1322 (8th Cir. 1984)
- *Tang v. Apfel*, 205 F.3d 1084, 1086 (8th Cir. 2000)
- *Alverio v. Chater*, 902 F. Supp. 909, 927 (N.D. Iowa 1995)
- *Efinchuk v. Astrue*, 480 F.3d 846, 848 (8th Cir. 2007)
- *Mason v. Barnhart*, 406 F.3d 962, 964 (8th Cir. 2005)
- *Buckner v. Apfel*, 213 F.3d 1006, 1010-11 (8th Cir. 2000)
- *Melkonyan v. Sullivan*, 501 U.S. 89, 98-99 (1991)
- *Thompson v. Sullivan*, 957 F.2d 611, 614 (8th Cir. 1992)
- *Cox v. Apfel*, 160 F.3d 1203, 1210 (8th Cir. 1998)
- *Briscoe ex rel. Taylor v. Barnhart*, 425 F.3d 345, 356 (7th Cir. 2005)