

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Garrett Scott Vail v. Commissioner of Social Security

Case No. 1:25-cv-1203 (N.D. Ohio Dec. 29, 2025) (report and recommendation) · No. 1:25-cv-1203 · Decided
December 29, 2025

SUMMARY

This Report and Recommendation concerns Garrett Scott Vail’s action seeking judicial review of the Commissioner of Social Security’s denial of disability insurance benefits. The Magistrate Judge recommends that the District Court vacate and remand the Commissioner’s decision, addressing whether the ALJ properly evaluated the claimant’s residual functional capacity and supporting evidence, including VA disability records and compensation-and-pension opinions.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	James E. Grimes Jr.
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	December 29, 2025
DOCKET	1:25-cv-1203
DISPOSITION	vacated
PROCEDURAL POSTURE	Report and recommendation on a Social Security claimant's action seeking judicial review of the Commissioner's denial of disability insurance benefits.
STANDARD OF REVIEW	The court must affirm the Commissioner's decision unless the ALJ failed to apply the correct legal standards or the findings are unsupported by substantial evidence. The court may not try the case de novo, resolve conflicts in the evidence, or decide credibility questions.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Garrett Scott Vail v. Commissioner of Social Security

TOPICS

judicial review of agency action

administrative law

civil procedure

PRACTICE AREAS

Social Security disability

administrative law

judicial review of agency action

civil procedure

QUESTIONS PRESENTED

1. Whether the ALJ erred by failing to consider and evaluate supporting evidence underlying the VA's disability rating, including relevant VA compensation-and-pension examination evidence.
2. Whether the ALJ erred by failing to evaluate Dr. Peters's statement describing Vail's occupational and social impairment as a medical opinion under 20 C.F.R. § 404.1520c.
3. Whether the ALJ inadequately evaluated Vail's subjective symptom allegations by finding his statements about daily activities inconsistent with the medical evidence without identifying the activities relied upon.

HOLDINGS

1. Although the ALJ was not required to analyze the VA's disability rating itself, the ALJ was required to consider all supporting evidence underlying that rating. The failure to discuss relevant pre-2016 records and the 2018 compensation-and-pension examination constituted error.
2. Dr. Peters's statement that Vail had occasional decreases in work efficiency and intermittent periods of inability to perform occupational tasks described functional limitations and met the regulatory definition of a medical opinion. The ALJ was therefore required to evaluate its persuasiveness or explain why it was insufficient and not worthy of evaluation.
3. The ALJ's evaluation of Vail's symptom allegations was inadequate because the ALJ found his statements about daily activities inconsistent with the medical evidence without identifying or describing those activities. The Commissioner's post-hoc explanation could not cure the deficiency.

KEY QUOTATIONS

“Occupational and social impairment with occasional decrease in work efficiency and intermittent periods of inability to perform occupational tasks, although generally functioning satisfactorily, with normal routine behavior, self-care and conversation.” (Tr. 1026)

“The ALJ’s failure to evaluate Dr. Peters’s opinion runs afoul of the regulations and therefore constitutes reversible error.” (Discussion)

FACTUAL BACKGROUND

Vail alleged disability from fibromyalgia, sleep apnea, insomnia, fatigue, musculoskeletal conditions, and mental-health conditions, with an amended onset date of July 1, 2016, and a date last insured of December 31, 2018. The record included VA treatment records and compensation-and-pension examinations from before and during the relevant period, including a 2013 psychological examination describing occupational impairment and a 2018 examination addressing fibromyalgia. The ALJ found that Vail retained the residual functional capacity

for a restricted range of light work and could perform jobs existing in significant numbers in the national economy.

PROCEDURAL HISTORY

Vail applied for disability insurance benefits in May 2024. The Social Security Administration denied the application and reconsideration request; after a February 2025 administrative hearing, the ALJ found that Vail was not disabled, and the Appeals Council denied review on April 9, 2025. Vail filed this action on June 6, 2025, and the matter was referred to the magistrate judge for a report and recommendation. The magistrate judge recommended vacating and remanding the Commissioner's decision.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate and remand the Commissioner's decision for the ALJ to reevaluate Vail's allegations of symptoms and all evidence of record, including the supporting evidence underlying the VA disability rating and Dr. Peters's medical opinion.

CASES CITED

- *McClanahan v. Comm'r of Soc. Sec.*, 193 F. App'x 422, 425 (6th Cir. 2006)
- *Higgs v. Bowen*, 880 F.2d 860, 862 (6th Cir. 1989)
- *Howard v. Comm'r of Soc. Sec.*, 276 F.3d 235, 239 (6th Cir. 2002)
- *Webb v. Comm'r of Soc. Sec.*, 368 F.3d 629, 631 (6th Cir. 2004)
- *Jordan v. Comm'r of Soc. Sec.*, 548 F.3d 417, 422-23 (6th Cir. 2008)
- *Walters Comm'r of Soc. Sec.*, 127 F.3d 525, 529 (6th Cir. 1997)
- *Biestek v. Berryhill*, 587 U.S. 97, 99, 102-03 (2019)
- *Bass v. McMahon*, 499 F.3d 506, 509 (6th Cir. 2007)
- *Jones v. Comm'r of Soc. Sec.*, 336 F.3d 469, 477 (6th Cir. 2003)
- *Lindsley v. Comm'r of Soc. Sec.*, 560 F.3d 601, 605 (6th Cir. 2009)
- *Felisky v. Bowen*, 35 F.3d 1027, 1035 (6th Cir. 1994)
- *Thacker v. Comm'r of Soc. Sec.*, 99 F. App'x 661, 665 (6th Cir. 2004)
- *Kornecky v. Comm'r of Soc. Sec.*, 167 F. App'x 496, 508 (6th Cir. 2006)
- *Francis v. Comm'r Soc. Sec. Admin.*, 414 F. App'x 802, 804 (6th Cir. 2011)
- *Harden v. Comm'r of Soc. Sec.*, No. 16-12394, 2017 WL 4946580, at *8 (E.D. Mich. Aug. 24, 2017)
- *Deamer v. Comm'r of Soc. Sec. Admin.*, No. 1:23-cv-2212, 2024 WL 2390286, at *11 (N.D. Ohio May 23, 2024)
- *Hardy v. Comm'r of Soc. Sec.*, 554 F. Supp. 3d 900, 905 (E.D. Mich. 2021)
- *Hicks v. Comm'r of Soc. Sec.*, 909 F.3d 786, 808 (6th Cir. 2018)

- Shane H. v. Kijakazi, No. 2:22-cv-593, 2023 WL 5724942, at *4 (D. Utah Sept. 1, 2023)
- Hammad v. Kijakazi, No. 4:20-cv-568, 2021 WL 3190808, at *9-10 (M.D. Pa. July 27, 2021)
- Berkshire v. Beauvais, 928 F.3d 520, 530-31 (6th Cir. 2019)

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