

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Kory D.S. v. Commissioner, Social Security Administration

No. 6:23-cv-00484-MC (D. Or. Mar. 9, 2026) · No. 6:23-cv-00484-MC · Decided March 9, 2026

SUMMARY

The United States District Court for the District of Oregon reviewed the Commissioner of Social Security’s denial of the plaintiff’s applications for Disability Insurance Benefits and Supplemental Security Income. The court held that the Administrative Law Judge provided legally sufficient reasons for discounting the plaintiff’s subjective symptom testimony and that any error concerning an “understanding supervisor” limitation was harmless. The court affirmed the Commissioner’s decision.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Michael J. McShane
JURISDICTION	United States District Court for the District of Oregon
DECIDED	March 9, 2026
DOCKET	6:23-cv-00484-MC
DISPOSITION	affirmed
PROCEDURAL POSTURE	Judicial review of final decision of Commissioner of Social Security denying Disability Insurance Benefits and Supplemental Security Income.
STANDARD OF REVIEW	Substantial evidence review under 42 U.S.C. § 405(g).
PRECEDENTIAL VALUE	unpublished
PARTIES	Kory D.S. v. Commissioner, Social Security Administration

TOPICS

- ada / disability
- administrative law
- judicial review of agency action
- disability definition
- reasonable accommodation

PRACTICE AREAS

- Social Security
- Administrative Law

QUESTIONS PRESENTED

1. Whether the ALJ erred in rejecting Plaintiff's subjective symptom testimony.
2. Whether the ALJ erred at step five of the sequential evaluation by failing to account for all of Plaintiff's limitations in the hypothetical posed to the vocational expert and in the RFC.

HOLDINGS

1. The ALJ provided multiple clear and convincing reasons, supported by substantial evidence, for discounting Plaintiff's subjective symptom testimony, including evidence of improvement with treatment and conservative care.
2. Even assuming the ALJ erred by implicitly rejecting medical opinions calling for an 'understanding supervisor' without explanation, such error was harmless because this restriction is not a workable functional limitation appropriate for inclusion in an RFC or VE hypothetical.

KEY QUOTATIONS

"The need for an 'understanding supervisor' is not a proper functional assessment of a work limitation. It is simply too vague and unquantifiable to incorporate into the claimant's RFC or into a VE hypothetical." (at *4 (Patricia T.))

FACTUAL BACKGROUND

Plaintiff Kory D.S. has a limited education and past relevant work as a laborer/delivery driver, installer, and rip saw operator. He claims disability since June 25, 2018, based on severe impairments of shoulder degenerative joint disease, status-post clavicle fracture, osteoarthritis, and depressive disorder. The ALJ found Plaintiff had an RFC for light work with various physical and mental limitations, and that jobs existed in significant numbers in the national economy that Plaintiff could perform.

PROCEDURAL HISTORY

Plaintiff applied for DIB and SSI on October 9, 2019. Claims were initially denied and upon reconsideration. After a hearing before an ALJ on February 9, 2022, the ALJ denied claims on March 22, 2022. The Appeals Council denied review on January 31, 2023, making the ALJ's decision final. Plaintiff then sought judicial review in federal district court.

DISPOSITION

affirmed

CASES CITED

- Batson v. Comm'r of Soc. Sec. Admin., 359 F.3d 1190 (9th Cir. 2004)
- Ahearn v. Saul, 988 F.3d 1111 (9th Cir. 2021)
- Hill v. Astrue, 698 F.3d 1153 (9th Cir. 2012)
- Sandgathe v. Chater, 108 F.3d 978 (9th Cir. 1997)

- Davis v. Heckler, 868 F.2d 323 (9th Cir. 1989)
- Martinez v. Heckler, 807 F.2d 771 (9th Cir. 1986)
- Gutierrez v. Comm'r of Soc. Sec. Admin., 740 F.3d 519 (9th Cir. 2014)
- Reddick v. Chater, 157 F.3d 715 (9th Cir. 1997)
- Bustamante v. Massanari, 262 F.3d 949 (9th Cir. 2001)
- Tackett v. Apfel, 180 F.3d 1094 (9th Cir. 1999)
- Garrison v. Colvin, 759 F.3d 995 (9th Cir. 2014)
- Lambert v. Saul, 980 F.3d 1266 (9th Cir. 2020)
- Brown-Hunter v. Colvin, 806 F.3d 487 (9th Cir. 2015)
- Treichler v. Comm'r Soc. Sec. Admin., 775 F.3d 1090 (9th Cir. 2014)
- Robbins v. Soc. Sec. Admin., 466 F.3d 880 (9th Cir. 2006)
- Smartt v. Kijakazi, 53 F.4th 489 (9th Cir. 2022)
- Tommasetti v. Astrue, 533 F.3d 1035 (9th Cir. 2008)
- Molina v. Astrue, 674 F.3d 1104 (9th Cir. 2012)
- Lester v. Chater, 81 F.3d 821 (9th Cir. 1995)
- Stubbs-Danielson v. Astrue, 539 F.3d 1169 (9th Cir. 2008)
- Embrey v. Bowen, 849 F.2d 418 (9th Cir. 1988)
- Patricia T. v. Comm'r of Soc. Sec., 2018 WL 4610053 (D. Or. Sept. 25, 2018)
- Thomas v. Saul, 796 F. App'x 923 (9th Cir. 2019)
- Jackson v. Colvin, 2014 WL 5148438 (D. Or. Oct. 14, 2014)
- Garifalakis v. Berryhill, 2017 WL 2608542 (D. Or. June 15, 2017)
- Rachel H. v. Saul, 2020 WL 954969 (D. Or. Feb. 27, 2020)

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