

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Halsell v. Astrue

357 F. App'x 717 (7th Cir. 2009) · Decided December 18, 2009

SUMMARY

The Seventh Circuit affirmed the denial of Mary Halsell’s claim for Social Security disability benefits. Although the court identified several flaws in the Administrative Law Judge’s credibility analysis, it held that the decision was supported by substantial evidence, including medical findings, treatment outcomes, and the absence of supporting medical opinions. The court also rejected Halsell’s arguments concerning obesity, past relevant work, and the vocational expert’s hypothetical.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	Easterbrook; Rovner; Sykes
JURISDICTION	Federal
DECIDED	December 18, 2009
DISPOSITION	affirmed
PROCEDURAL POSTURE	Halsell sought judicial review of the Commissioner's denial of Social Security disability benefits. A magistrate judge presiding by consent upheld the agency's decision, and Halsell appealed to the Seventh Circuit.
STANDARD OF REVIEW	The court reviewed the Commissioner's final decision for substantial evidence without deferring to the district court.
PRECEDENTIAL VALUE	Published but nonprecedential federal appellate opinion
PARTIES	Mary Halsell v. Michael J. Astrue, Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- standard of review
- preservation of error
- appellate procedure

PRACTICE AREAS

- Social Security disability law
- administrative law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the ALJ's adverse credibility finding was supported by substantial evidence despite several errors in the reasoning.
2. Whether the ALJ adequately considered Halsell's obesity in combination with her other impairments.
3. Whether the ALJ properly determined at step four that Halsell could perform her past relevant work as generally performed in the national economy.
4. Whether the ALJ used a proper hypothetical question and properly relied on the vocational expert's testimony.

HOLDINGS

1. The ALJ's adverse credibility finding was supported by substantial evidence even though several of the ALJ's reasons were erroneous or inadequately explained, because other valid reasons adequately supported the finding.
2. The ALJ's failure to explicitly discuss Halsell's obesity did not require reversal because the ALJ implicitly considered her weight through reliance on Dr. Bilinsky's report, which expressly addressed obesity.
3. The ALJ properly found that Halsell could perform her past relevant work because the relevant comparison is to the job as generally performed in the national economy, not necessarily to the particular demands of Halsell's former position.
4. The ALJ did not err in posing the hypotheticals or relying on the vocational expert's responses because the ALJ was required to include only limitations supported by medical evidence and properly rejected the unsupported limitations concerning walking distance and colitis.

KEY QUOTATIONS

“Not all of the ALJ’s reasons must be valid as long as enough of them are” (723)

“Even if she could not perform her exact former job, she is not disabled if she “can perform the ... job duties as generally required by employers throughout the economy.”” (723)

FACTUAL BACKGROUND

Halsell, a former fast-food restaurant manager, applied for disability benefits based on arthritis, shoulder and back problems, headaches, and collagenous colitis. Medical examinations documented obesity, limited range of motion, degenerative knee and spinal changes, and a surgically treated shoulder condition, but also reflected functional abilities consistent with light work and improvement after shoulder surgery. The ALJ discounted Halsell's testimony about the severity of her symptoms, relied on medical and vocational evidence, and found that she could perform light work and her past occupation as generally performed in the national economy.

PROCEDURAL HISTORY

The Social Security Administration denied Halsell's disability-benefits claim initially and on reconsideration. After a hearing, the ALJ found that Halsell was not disabled because she could perform light work and return to

her past relevant work or perform other available work. The Appeals Council declined review, and a magistrate judge presiding by consent affirmed the Commissioner's decision. The Seventh Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- Getch v. Astrue, 539 F.3d 473, 480 (7th Cir. 2008)
- Richardson v. Perales, 402 U.S. 389, 401, 91 S. Ct. 1420, 28 L. Ed. 2d 842 (1971)
- Moss v. Astrue, 555 F.3d 556, 560 (7th Cir. 2009)
- Prochaska v. Barnhart, 454 F.3d 731, 736-738 (7th Cir. 2006)
- Terry v. Astrue, 580 F.3d 471, 475 (7th Cir. 2009)
- Clifford v. Apfel, 227 F.3d 863, 872-873 (7th Cir. 2000)
- Ribaud v. Barnhart, 458 F.3d 580, 585 (7th Cir. 2006)
- Blakes ex rel. Wolfe v. Barnhart, 331 F.3d 565, 570 (7th Cir. 2003)
- Schmidt v. Sullivan, 914 F.2d 117, 118 (7th Cir. 1990)
- Zurawski v. Halter, 245 F.3d 881, 887 (7th Cir. 2001)
- Bass v. McMahon, 499 F.3d 506, 511 (6th Cir. 2007)
- Simila v. Astrue, 573 F.3d 503, 517, 520-521 (7th Cir. 2009)
- Shramek v. Apfel, 226 F.3d 809, 811 (7th Cir. 2000)
- Glenn v. Secretary of Health & Human Services, 814 F.2d 387, 391 (7th Cir. 1987)
- Skarbek v. Barnhart, 390 F.3d 500, 504-505 (7th Cir. 2004)
- Smith v. Barnhart, 388 F.3d 251, 253 (7th Cir. 2004)
- Brewer v. Chater, 103 F.3d 1384, 1393 (7th Cir. 1997)
- Steele v. Barnhart, 290 F.3d 936, 942 (7th Cir. 2002)