

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Zackary A. v. Commissioner of Social Security

No. 3:24-CV-1208 (N.D.N.Y. Mar. 3, 2026) · No. 3:24-CV-1208 · Decided March 3, 2026

SUMMARY

The United States District Court for the Northern District of New York reviewed the Commissioner of Social Security’s denial of Zackary A.’s applications for disability and supplemental security income benefits. The court granted the plaintiff’s motion, denied the Commissioner’s cross-motion, reversed the decision, and remanded for further proceedings because the ALJ did not determine whether the plaintiff’s gender dysphoria was a severe impairment.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Paul J. Evangelista
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	March 3, 2026
DOCKET	3:24-CV-1208
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Action under 42 U.S.C. §§ 405(g) and 1383(c)(3) seeking judicial review of the Commissioner's denial of Social Security disability and supplemental security income benefits. The parties' cross-motions were treated as motions for judgment on the pleadings under Federal Rule of Civil Procedure 12(c).
STANDARD OF REVIEW	The district court reviews the Commissioner's final decision to determine whether the correct legal standards were applied and whether the decision is supported by substantial evidence. The court may not determine de novo whether the claimant is disabled and must sustain factual findings supported by substantial evidence when the correct legal standards were applied.
PRECEDENTIAL VALUE	unpublished
PARTIES	Zackary A. v. Commissioner of Social Security

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the ALJ's failure to address plaintiff's diagnosed gender dysphoria and determine whether it was a severe impairment frustrated judicial review.
2. Whether the Commissioner's decision should be affirmed under the substantial-evidence and correct-legal-standard standards of review.

HOLDINGS

1. The ALJ was required to address plaintiff's gender dysphoria and determine in the first instance whether it constituted a severe impairment. Because the ALJ's decision did not discuss or reference the condition, judicial review was frustrated and remand was necessary.
2. The court declined to reach plaintiff's remaining arguments because the ALJ's adjudication of gender dysphoria could affect the remainder of the five-step disability analysis.

KEY QUOTATIONS

"Therefore, as the ALJ did not determine whether this condition constitutes a severe impairment, judicial review is frustrated, and remand is necessary for the ALJ to render a determination in the first instance." (10)

"It is the ALJ's responsibility to make factual findings in the first instance, not this Court's." (10)

FACTUAL BACKGROUND

Plaintiff applied for Social Security disability and supplemental security income benefits, alleging disability beginning January 20, 2022. The record reflected diagnoses of depressive disorder, anxiety disorder, post-traumatic stress disorder, and gender dysphoria, along with symptoms including depression, anxiety, panic attacks, suicidal ideation, difficulty concentrating, lethargy, and difficulty completing tasks. The ALJ found the depressive, anxiety, and post-traumatic stress disorders severe, assessed an RFC for work at all exertional levels with mental and social limitations, and concluded that plaintiff could perform jobs existing in significant numbers in the national economy. The court determined that the ALJ failed to address whether gender dysphoria was a severe impairment despite evidence that plaintiff's symptoms affected the ability to work.

PROCEDURAL HISTORY

Plaintiff filed Title II and Title XVI disability applications alleging disability beginning January 20, 2022. The SSA denied the applications initially and on reconsideration; following a hearing, the ALJ issued an unfavorable decision on December 14, 2023, and the Appeals Council affirmed on August 8, 2024. Plaintiff commenced this action, moved to reverse and remand, and the Commissioner moved to affirm. The court granted plaintiff's motion, denied the Commissioner's motion, reversed the decision, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Commissioner must remand the matter to the ALJ to determine in the first instance whether plaintiff's gender dysphoria constitutes a severe impairment and to conduct any potentially affected portions of the five-step disability analysis. The ALJ may also consider plaintiff's remaining arguments on remand.

CASES CITED

- Joseph J. B. v. Comm'r of Soc. Sec., No. 1:23-CV-652 (BKS/CFH), 2024 WL 4217371, at *1 (N.D.N.Y. Aug. 29, 2024), report and recommendation adopted, No. 1:23-CV-652 (BKS/CFH), 2024 WL 4216048 (N.D.N.Y. Sept. 17, 2024)
- Wagner v. Sec'y of Health & Human Servs., 906 F.2d 856, 860 (2d Cir. 1990)
- Johnson v. Bowen, 817 F.2d 983, 985-86 (2d Cir. 1987)
- Berry v. Schweiker, 675 F.2d 464, 467 (2d Cir. 1982)
- Halloran v. Barnhart, 362 F.3d 28, 31 (2d Cir. 2004) (per curiam)
- Richardson v. Perales, 402 U.S. 389, 401 (1971)
- Brault v. Soc. Sec. Admin., Comm'r, 683 F.3d 443, 448 (2d Cir. 2012) (per curiam)
- Martone v. Apfel, 70 F. Supp. 2d 145, 148 (N.D.N.Y. 1999)
- Rosado v. Sullivan, 805 F. Supp. 147, 153 (S.D.N.Y. 1992)
- Ventura v. Barnhart, No. 04-CV-9018 (NRB), 2006 WL 399458, at *3 (S.D.N.Y. Feb. 21, 2006)
- Mongeur v. Heckler, 722 F.2d 1033, 1037 (2d Cir. 1983)
- Barnhart v. Thomas, 540 U.S. 20, 24 (2003)
- DeChirico v. Callahan, 134 F.3d 1177, 1180 (2d Cir. 1998)
- Richard H. v. Comm'r of Soc. Sec., No. 5:17-CV-0515 (DNH/TWD), 2018 WL 4627118, at *4 (N.D.N.Y. Aug. 15, 2018), report and recommendation adopted, No. 5:17-CV-0515 (DNH/TWD), 2018 WL 4625402 (N.D.N.Y. Sept. 26, 2018)
- Kaliegh O. v. Comm'r of Soc. Sec., No. 5:19-CV-940 (TWD), 2020 WL 15751171, at *5 (N.D.N.Y. Sept. 25, 2020)
- Bartrum v. Astrue, 32 F. Supp. 3d 320, 331 (N.D.N.Y. 2012)
- Rodgers v. Saul, No. 3:19-CV-653 (JCH), 2020 WL 13551952, at *4 (D. Conn. May 28, 2020)
- Williams v. Astrue, No. 10-CV-5521 (CBA), 2012 WL 3096694, at *1 (E.D.N.Y. July 30, 2012)
- Devra B. B. v. Comm'r of Soc. Sec., No. 6:20-CV-643 (BKS), 2021 WL 4168529, at *8 (N.D.N.Y. Sept. 14, 2021)
- Shields v. Astrue, No. 11-CV-2088 (FB), 2012 WL 1865505, at *3 (E.D.N.Y. May 22, 2012)
- Mary S. v. Kijakazi, No. 3:21-CV-1095 (RMS), 2022 WL 4074536, at *17 (D. Conn. Aug. 26, 2022)
- Lockwood v. Comm'r of Soc. Sec. Admin., 914 F.3d 87, 94 (2d Cir. 2019)

- Annunziato v. Berryhill, No. 3:17-CV-606 (JAM), 2019 WL 156934, at *4 (D. Conn. Jan. 10, 2019)
- Rucker v. Kijakazi, 48 F.4th 86, 92 (2d Cir. 2022)

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