

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

Melissa H. v. Frank Bisignano, Commissioner of Social Security

Melissa H. · No. No. 1:25-CV-03040-JAG · Decided March 23, 2026

OPINION

Hudson

PER CURIAM.

Mar 23, 2026 1

SEAN F. MCAVOY, CLERK

2 3 4

UNITED STATES DISTRICT COURT

5 EASTERN DISTRICT OF WASHINGTON

6

MELISSA H., No. 1:25-CV-03040-JAG

7 8 Plaintiff, ORDER AFFIRMING

v. THE DECISION OF

9

THE ADMINISTRATIVE

10 FRANK BISIGNANO, LAW JUDGE

Commissioner of Social Security, 11 12 Defendant. 13 14 BEFORE THE COURT is Plaintiff's Opening Brief, the Commissioner's 15 Brief in response and Plaintiff's Reply Brief. ECF Nos. 10, 15, 16. Attorney Amy 16 Gilbrough represents Melissa H. (Plaintiff); Special Assistant United States 17 Attorney Benjamin Groebner represents the Commissioner of Social Security 18 (Defendant). The parties have consented to proceed before the undersigned by 19 operation of Local Magistrate Judge Rule (LMJR) 2(b)(2), as no party returned a 20 Declination of Consent Form to the Clerk's Office by the established deadline. 21 ECF No. 3. After reviewing the administrative record and briefs filed by the 22 parties, the Court affirms the Administrative Law Judge's (ALJ) decision. 23

I. JURISDICTION

24 Plaintiff filed applications for Disability Insurance Benefits and 25 26 Supplemental Security Income on October 11, 2021, alleging disability since July 27 6, 2019, due to osteoarthritis (all joints), uncontrolled hypertension, depression, 28 anxiety, partial hearing loss in right ear, bilateral carpal tunnel, acid reflux, possible Huntington's disease, sleep apnea, and pain in the lower back, knees, 1 2 neck, and shoulder. Tr. 231, 285. Plaintiff's claim was denied initially and on 3 reconsideration, and she requested a hearing before an administrative law judge 4 (ALJ). Tr. 138.

A hearing was held on February 22, 2024, at which vocational 5 expert Diana Kizer, and Plaintiff, who was represented by counsel, testified.

6 Tr. 44. ALJ James Bentley presided. Tr. 44. At the hearing Plaintiff amended the
7 onset date to June 1, 2021. Tr. 17. The ALJ denied benefits on March 20, 2024.

8 Tr. 14-36. The Appeals Council denied review. Tr. 1. The ALJ's decision

9 became the final decision of the Commissioner, which is appealable to the district 10 court
pursuant to 42 U.S.C. § 405(g). Plaintiff filed this action for judicial review 11 on March 26,
2026. ECF No. 1. 12

II. STATEMENT OF FACTS

13 The facts of the case are set forth in detail in the transcript of proceedings 14 and the ALJ's
decision and are only briefly summarized here. Plaintiff was born in 15 1974 and was 45 years old
on the alleged onset date. Tr. 34. Plaintiff's past jobs 16 included working at a convenience store.
Tr. 66. 17

III. STANDARD OF REVIEW

18 The ALJ is responsible for determining credibility, resolving conflicts in 19 medical testimony,
and resolving ambiguities. *Andrews v. Shalala*, 53 F.3d 1035, 20 1039 (9th Cir. 1995). The ALJ's
determinations of law are reviewed de novo, with 21 deference to a reasonable interpretation of
the applicable statutes. *McNatt v. Apfel*, 22 23 201 F.3d 1084, 1087 (9th Cir. 2000). The decision
of the ALJ may be reversed 24 only if it is not supported by substantial evidence or if it is based
on legal error. 25 *Tackett v. Apfel*, 180 F.3d 1094, 1097 (9th Cir. 1999). Substantial evidence is 26
defined as being more than a mere scintilla, but less than a preponderance. *Id.* at 27 1098. Put
another way, substantial evidence is such relevant evidence as a 28 reasonable mind might accept
as adequate to support a conclusion. *Richardson v. Perales*, 402 U.S. 389, 401 (1971). If the
evidence is susceptible to more than one 1 2 rational interpretation, the Court may not substitute
its judgment for that of the 3 ALJ. *Tackett*, 180 F.3d at 1097; *Morgan v. Commissioner of Social*
Sec. Admin., 4 169 F.3d 595, 599 (9th Cir. 1999). If substantial evidence supports the 5
administrative findings, or if conflicting evidence supports a finding of either 6 disability or non-
disability, the ALJ's determination is conclusive. *Sprague v. 7 Bowen*, 812 F.2d 1226, 1229-1230
(9th Cir. 1987). Nevertheless, a decision 8 supported by substantial evidence will be set aside if
the proper legal standards 9 were not applied in weighing the evidence and making the decision.
Browner v. 10 Secretary of Health and Human Services, 839 F.2d 432, 433 (9th Cir. 1988). 11

IV. SEQUENTIAL EVALUATION PROCESS

12 The Commissioner established a five-step sequential evaluation process for 13 determining
whether a person is disabled. 20 C.F.R. §§ 404.1520(a), 416.920(a); 14 see *Bowen v. Yuckert*, 482
U.S. 137, 140-42 (1987). In steps one through four, the 15 burden of proof rests upon the claimant
to establish a prima facie case of 16 entitlement to disability benefits. *Tackett*, 180 F.3d at 1098-
99. This burden is 17 met once a claimant establishes that a physical or mental impairment
prevents him 18 from engaging in past relevant work. 20 C.F.R. §§ 404.1520(a)(4), 416.920(a)(4).

19 If a claimant cannot do her past relevant work, the ALJ proceeds to step five, and 20 the burden shifts to the Commissioner to show that (1) the claimant can make an 21 adjustment to other work; and (2) the claimant can perform specific jobs that exist 22 23 in the national economy. *Batson v. Comm’r of Soc. Sec. Admin.*, 359 F.3d 1190, 24 1193-94 (9th Cir. 2004). If a claimant cannot make an adjustment to other work in 25 the national economy, the claimant will be found disabled. 20 C.F.R. §§ 26 404.1520(a)(4)(v), 416.920(a)(4)(v). 27 28 1

V. ADMINISTRATIVE FINDINGS

2 On March 20, 2024, the ALJ issued a decision finding Plaintiff was not 3 disabled as defined in the Social Security Act. Tr. 14-36. 4 At step one, the ALJ found that Plaintiff had not engaged in substantial 5 gainful activity since June 1, 2021. Tr. 19. 6 At step two, the ALJ found Plaintiff had the severe impairments of lumbar 7 spine degenerative disc disease, bilateral carpal tunnel syndrome, status post right 8 carpal tunnel release, right ear hearing loss, obesity, major depressive disorder, and 9 generalized anxiety disorder. Tr. 20. 10 At step three, the ALJ determined that Plaintiff does not have an impairment 11 or combination of impairments that meets or medically equal one of the listed 12 impairments in 20 C.F.R., Subpart P, Appendix 1 (20 C.F.R. §§ 404.1520(d), 13 404.1525, 404.1526, 416.920(d), 416.925 and 416.926). Tr. 20. 14 The ALJ also found that Plaintiff has the residual functional capacity 15 (“RFC”) to perform light work, with the following limitations: 16 occasional climbing of ramps and stairs; no climbing of ladders or 17 scaffolding; occasional stooping, kneeling, crouching, and crawling; 18 frequent handling and fingering bilaterally; avoidance of concentrated exposure to loud noise; avoidance of unprotected heights and 19 dangerous moving machinery. She can understand, remember, and 20 apply simple instructions, make simple work-related decisions, and concentrate and persist for extended periods in order to complete simple 21 work tasks with routine supervision. She can interact with and respond 22 appropriately to others in a routine work setting on an occasional basis 23 and incidental to the work being performed. However, she would need to avoid work-related interactions with the general public. She can 24 adapt to a routine work setting where changes are infrequent, well- 25 explained, and introduced gradually.

26 Tr 24.

27 At step four, the ALJ found that Plaintiff could not perform past relevant 28 work as a convenience store clerk. Tr. 34. At step five, the ALJ found that, based on the testimony of the vocational 1 2 expert, and considering Plaintiff’s age, education, work experience, and RFC, 3 Plaintiff was capable of performing jobs that existed in significant numbers in the 4 national economy, including the jobs of routing clerk, marker, and collator 5 operator. Tr. 35. 6 The ALJ thus concluded Plaintiff was not under a disability within the 7 meaning of the Social Security Act at any time from the alleged onset date through 8 the date of the decision. Tr. 36.

9 VI. ISSUES

10 The question presented is whether substantial evidence exists to support the 11 ALJ’s decision denying benefits and, if so, whether that decision is based on proper 12 legal standards. 13

Plaintiff contends that the ALJ erred by improperly assessing Plaintiff's 14 residual functional capacity alleging that the residual functional capacity should 15 have included limitations to Plaintiff's testimony regarding her ability to stand and 16 walk, her need to lie down to control pain, and her inability to lift more than ten 17 pounds. ECF No. 10. 18

VII. DISCUSSION

19 A. Plaintiff's Subjective Statements. 20 Plaintiff contends the ALJ erred by improperly rejecting her subjective 21 complaints. ECF No. 10. It is the province of the ALJ to make determinations 22 23 regarding a claimant's subjective statements. *Andrews*, 53 F.3d at 1039. However, 24 the ALJ's findings must be supported by specific, cogent reasons. *Rashad v. 25 Sullivan*, 903 F.2d 1229, 1231 (9th Cir. 1990). Once the claimant produces 26 medical evidence of an underlying medical impairment, the ALJ may not discredit 27 testimony as to the severity of an impairment merely because it is unsupported by 28 medical evidence. *Reddick v. Chater*, 157 F.3d 715, 722 (9th Cir. 1998). Absent affirmative evidence of malingering, the ALJ's reasons for rejecting the claimant's 1 2 testimony must be "specific, clear and convincing." *Smolen*, 80 F.3d at 1281; 3 *Lester*, 81 F.3d at 834. "General findings are insufficient: rather the ALJ must 4 identify what testimony is not credible and what evidence undermines the 5 claimant's complaints." *Lester* at 834; *Dodrill v. Shalala*, 12 F.3d 915, 918 (9th 6 Cir. 1993).

7 The ALJ found that Plaintiff's impairments could reasonably be expected to 8 cause some of the symptoms she complained of, but her statements concerning 9 "intensity, persistence and limiting effects of these symptoms not entirely 10 consistent with the medical evidence and other evidence in the record," including 11 "inconsistencies between diagnostic studies, objective examination findings, and 12 other statements she has made." Tr. 25. The ALJ supported these conclusions 13 with detailed citations to Plaintiff's medical history, statements Plaintiff made to 14 providers, results of consultative examinations, and Plaintiff's extensive daily 15 activities. Tr. 25-29. Although it cannot serve as the sole ground for rejecting a 16 claimant's symptom statements, objective medical evidence is a "relevant factor in 17 determining the severity of the claimant's pain and its disabling effects." *Rollins v. 18 Massanari*, 261 F.3d 853, 857 (9th Cir. 2001). When, as in this case, the ALJ 19 relies upon objective medical evidence in conjunction with Plaintiff's own 20 statements to providers as well as her daily activities, the ALJ's rejection of 21 aspects of Plaintiff's testimony is supported by clear and convincing reasons. 22 23 B. Residual Functional Capacity. 24 Plaintiff argues that the ALJ erred by failing to include limitations supported 25 by Plaintiff's testimony. However, where the ALJ reasonably rejected symptom 26 testimony, the RFC need not conform accommodate those symptoms. *Valentine v. 27 Comm'r Soc. Sec. Admin.*, 574 F.3d 685, 691-92 (9th Cir. 2009). 28

1 VII. CONCLUSION

2 Having reviewed the record and the ALJ's findings, the Court concludes the 3|| ALJ's decision is supported by substantial evidence and is not based on legal error. 4|| Accordingly, IT IS

ORDERED: 5 1. Defendant's request to affirm the decision of the ALJ, ECF No. 15, is 6||
GRANTED. 7 2. Plaintiff's request for remand, ECF No. 10, is DENIED. 8 The District Court
Executive is directed to file this Order and provide a copy 9|| to counsel. Judgment shall be
entered for Defendant and the file shall be 101! CLOSED. DATED March 23, 2026. 13 LTR "GP |
be (4

14 JAMES A. GOEKE

15 a UNITED STATES MAGISTRATE JUDGE

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