

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Grisham v. Astrue

320 F. App'x 535 (9th Cir. 2009) · Decided March 20, 2009

SUMMARY

The Ninth Circuit affirmed the judgment upholding the denial of Tina Grisham’s application for Social Security disability benefits. The court held that the Administrative Law Judge provided clear and specific reasons for discounting Grisham’s disabling-pain testimony and properly relied on state physicians’ assessments, which were consistent with the treating physician’s opinion and the record.

CASE DETAILS

COURT	United States Court of Appeals for the Ninth Circuit
WRITING FOR THE COURT	Ikuta; McKeown; Walter
JURISDICTION	Federal
DECIDED	March 20, 2009
DISPOSITION	affirmed
PROCEDURAL POSTURE	Grisham appealed the district court's order affirming the Administrative Law Judge's denial of Social Security disability benefits.
STANDARD OF REVIEW	The court reviewed de novo the district court's order affirming the ALJ's disability-benefits decision. The ALJ's decision could be reversed only if it was unsupported by substantial evidence or based on legal error.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Tina Grisham v. Astrue

TOPICS

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

PRACTICE AREAS

- Social Security disability benefits
- administrative law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the ALJ gave legally sufficient reasons for discrediting Grisham's testimony concerning disabling pain.
2. Whether the ALJ properly relied on the opinions of non-treating or non-examining state physicians in determining Grisham's residual functional capacity.
3. Whether the district court properly affirmed the ALJ's decision under the substantial-evidence and legal-error standards.

HOLDINGS

1. When an ALJ disbelieves a disabling-pain allegation based on a demonstrated impairment, the ALJ must make specific findings justifying that decision; the ALJ satisfied that requirement here by identifying clear and specific reasons supported by the record.
2. Opinions of non-treating or non-examining physicians may constitute substantial evidence when consistent with independent clinical findings or other record evidence; the ALJ properly relied on the state physicians' assessments because they were consistent with the treating physician's opinion and the record as a whole.
3. The district court's order affirming the ALJ's decision was properly affirmed because the ALJ's decision was supported by substantial evidence and was not based on legal error.

KEY QUOTATIONS

“The ALJ’s decision “may be reversed only if it is not supported by substantial evidence or if it is based on legal error.”” (536)

“If an ALJ disbelieves a disabling pain allegation that is based on a demonstrated impairment, the “ALJ must make specific findings justifying that decision.”” (536)

“The opinions of non-treating or non-examining physicians may also serve as substantial evidence when the opinions are consistent with independent clinical findings or other evidence in the record.” (536)

FACTUAL BACKGROUND

Grisham claimed that pain associated with multiple ventral hernias and related stomach surgeries prevented her from working. The ALJ found her disabling-pain allegations not credible based on inconsistencies between her testimony and her reported daily activities, her use of Tylenol, and medical evidence concerning her condition and prognosis. The ALJ determined that Grisham retained the capacity for light and sedentary work with restrictions and could perform her past work, relying in part on state physicians' assessments that were consistent with the treating physician's findings.

PROCEDURAL HISTORY

The ALJ determined that Grisham was not disabled, found her disabling-pain testimony not credible, and determined that her residual functional capacity permitted her to perform past relevant work as a telemarketer or cashier. The district court affirmed the ALJ's decision. The Ninth Circuit affirmed the district court after reviewing the order de novo.

DISPOSITION

affirmed

CASES CITED

- Edlund v. Massanari, 253 F.3d 1152, 1156 (9th Cir. 2001)
- Magallanes v. Bowen, 881 F.2d 747, 750 (9th Cir. 1989)
- Fair v. Bowen, 885 F.2d 597, 602 (9th Cir. 1989)
- Stubbs-Danielson v. Astrue, 539 F.3d 1169, 1175 (9th Cir. 2008)
- Moncada v. Chater, 60 F.3d 521, 524 (9th Cir. 1995)
- Thomas v. Barnhart, 278 F.3d 947, 957 (9th Cir. 2002)