

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA,
BILLINGS DIVISION

Kuckler v. Bisignano

Kuckler · No. CV 24-171-BLG-TJC · Decided March 20, 2026

SUMMARY

The court reviewed the denial of James R. Kuckler’s applications for Social Security disability insurance and supplemental security income benefits. It held that the administrative law judge failed to provide specific, clear, and convincing reasons for discounting Kuckler’s subjective symptom testimony, which affected the residual functional capacity assessment and vocational-expert hypothetical. The court reversed the Commissioner’s decision and remanded for further proceedings under sentence four of 42 U.S.C. § 405(g).

CASE DETAILS

COURT	United States District Court for the District of Montana, Billings Division
WRITING FOR THE COURT	Timothy J. Cavan
JURISDICTION	United States District Court for the District of Montana, Billings Division
DECIDED	March 20, 2026
DOCKET	CV 24-171-BLG-TJC
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying disability insurance benefits and supplemental security income. Plaintiff moved for summary judgment seeking reversal and an award of benefits or, alternatively, remand for further administrative proceedings.
STANDARD OF REVIEW	The court must affirm the Commissioner's decision unless it is unsupported by substantial evidence or based on legal error. Substantial evidence is more than a mere scintilla but less than a preponderance and is relevant evidence that a reasonable person might accept as adequate. The court must consider evidence supporting and detracting from the ALJ's conclusions, but must uphold a decision susceptible to more than one rational interpretation if one

	interpretation supports the ALJ. The court must nevertheless set aside a decision based on failure to apply proper legal standards.
PRECEDENTIAL VALUE	Unknown
PARTIES	James R. Kuckler v. Frank J. Bisignano, Commissioner of Social Security Administration

TOPICS

judicial review of agency action administrative law summary judgment remedies civil procedure

PRACTICE AREAS

Social Security disability administrative law federal civil procedure

QUESTIONS PRESENTED

1. Whether the ALJ provided specific, clear, and convincing reasons for discounting Plaintiff's subjective symptom testimony.
2. Whether the ALJ determined Plaintiff's residual functional capacity from all relevant evidence as required by SSR 96-8p.
3. Whether the ALJ's vocational-expert hypothetical included all of Plaintiff's supported impairments and limitations.
4. Whether the case should be remanded for an award of benefits or for further administrative proceedings.

HOLDINGS

1. When there is no affirmative evidence of malingering, an ALJ may reject a claimant's subjective symptom testimony only by providing specific, clear, and convincing reasons identifying the testimony being rejected and the evidence undermining it. The ALJ failed to meet that standard here.
2. An ALJ must assess residual functional capacity based on all relevant evidence in the case record and may not selectively rely on evidence favorable to a denial while disregarding contrary evidence. The ALJ erred in determining Plaintiff's RFC.
3. A vocational-expert hypothetical must include all of the claimant's supported limitations and restrictions. Because the ALJ improperly evaluated Plaintiff's testimony and RFC, the hypothetical and resulting step-five determination lacked substantial evidentiary support.
4. Remand for further administrative proceedings, rather than an immediate award of benefits, was appropriate because Plaintiff's testimony could be properly evaluated on remand and additional proceedings could remedy the identified defects.

KEY QUOTATIONS

"In order for the ALJ to find [the claimant's] testimony unreliable, the ALJ must make 'a credibility determination with findings sufficiently specific to permit the court to conclude that the ALJ did not

arbitrarily discredit claimant's testimony.” (Discussion § IV.A)

“General findings are insufficient; rather, the ALJ must identify what testimony is not credible and what evidence undermines the claimant's complaints.” (Discussion § IV.A)

“The ALJ is not permitted to “cherry pick” from the record to determine the RFC.” (Discussion § IV.B)

“If additional proceedings can remedy defects in the original administrative proceedings, a social security case should be remanded.” (Discussion § IV.D)

FACTUAL BACKGROUND

Plaintiff alleged disability beginning May 22, 2022, based on impairments including obesity, type II diabetes, lumbar degenerative disc disease and spondylotic narrowing, and lymphedema. The administrative record included evidence of lower-extremity swelling and neuropathy, difficulty standing and ambulating, and use of a wheelchair for much of the time by July 2023. The ALJ found Plaintiff capable of light work and concluded that jobs existed in significant numbers that Plaintiff could perform.

PROCEDURAL HISTORY

Plaintiff applied for disability insurance benefits and supplemental security income, amended his alleged onset date, and received an unfavorable decision from the administrative law judge. The Appeals Council denied review. Plaintiff then filed this action, and the parties briefed Plaintiff's motion for summary judgment. The district court reversed the Commissioner's decision and remanded for further proceedings under sentence four of 42 U.S.C. § 405(g).

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the opinion, including proper evaluation of Plaintiff's subjective symptom testimony, reassessment of the RFC, and reconsideration of the vocational-expert analysis.

CASES CITED

- Tidwell v. Apfel, 161 F.3d 599, 601 (9th Cir. 1998)
- Jamerson v. Chater, 112 F.3d 1064, 1066 (9th Cir. 1997)
- Flaten v. Secretary of Health & Human Services, 44 F.3d 1453, 1457 (9th Cir. 1995)
- Jones v. Heckler, 760 F.2d 993, 995 (9th Cir. 1985)
- Day v. Weinberger, 522 F.2d 1154, 1156 (9th Cir. 1975)
- Burch v. Barnhart, 400 F.3d 676, 679 (9th Cir. 2005)
- Benitez v. Califano, 573 F.2d 653, 655 (9th Cir. 1978)
- Flake v. Gardner, 399 F.2d 532, 540 (9th Cir. 1968)

- *Ukolov v. Barnhart*, 420 F.3d 1002, 1003 (9th Cir. 2005)
- *Schneider v. Commissioner of the Social Security Administration*, 223 F.3d 968, 974 (9th Cir. 2000)
- *Bustamante v. Massanari*, 262 F.3d 949, 954 (9th Cir. 2001)
- *Tackett v. Apfel*, 180 F.3d 1094, 1098 n.3, 1100 (9th Cir. 1999)
- *Vasquez v. Astrue*, 572 F.3d 586, 591 (9th Cir. 2009)
- *Turner v. Commissioner of Social Security*, 613 F.3d 1217, 1224 n.3 (9th Cir. 2010)
- *Thomas v. Barnhart*, 278 F.3d 947, 958 (9th Cir. 2002)
- *Reddick v. Chater*, 157 F.3d 715, 722, 728 (9th Cir. 1998)
- *Lester v. Chater*, 81 F.3d 821, 834 (9th Cir. 1995)
- *Garrison v. Colvin*, 759 F.3d 995, 1015, 1017 n.23 (9th Cir. 2014)
- *Moore v. Commissioner of Social Security Administration*, 278 F.3d 920, 925 (9th Cir. 2002)
- *Carmickle v. Commissioner, Social Security Administration*, 533 F.3d 1155, 1165 (9th Cir. 2008)
- *Robbins v. Social Security Administration*, 466 F.3d 880, 883 (9th Cir. 2006)
- *Yanes v. Berryhill*, 2017 WL 4181086, at *3 (E.D. Cal. Sept. 20, 2017)
- *Smolen v. Chater*, 80 F.3d 1273, 1284 (9th Cir. 1996)
- *Fair v. Bowen*, 885 F.2d 597, 603-04 (9th Cir. 1989)
- *Batson v. Commissioner of Social Security Administration*, 359 F.3d 1190, 1196-97 (9th Cir. 2004)
- *Smartt v. Kijakazi*, 53 F.4th 489, 495 (9th Cir. 2022)
- *Hoffschneider v. Kijakazi*, 2022 WL 3229989, at *1 (9th Cir. Aug. 10, 2022)
- *Embrey v. Bowen*, 849 F.2d 418, 422 (9th Cir. 1988)
- *Magallanes v. Bowen*, 881 F.2d 747, 756 (9th Cir. 1989)
- *Sample v. Schweiker*, 694 F.2d 639, 644 (9th Cir. 1982)
- *Hill v. Astrue*, 698 F.3d 1153, 1162 (9th Cir. 2012)
- *Benecke v. Barnhart*, 379 F.3d 587, 595 (9th Cir. 2004)
- *Lewin v. Schweiker*, 654 F.2d 631, 635 (9th Cir. 1981)