

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Cheryl C. v. Commissioner of Social Security

Cheryl C. · No. 23-CV-0683 · Decided March 3, 2026

SUMMARY

The United States District Court for the Western District of New York grants Plaintiff Cheryl C.'s motion for judgment on the pleadings and denies the Commissioner's motion in an action seeking review of the denial of Disability Insurance Benefits and Supplemental Security Income. The court holds that the Administrative Law Judge failed to explain why he did not incorporate a consultative examiner's opinion that Plaintiff should avoid pulmonary irritants and allergens into the residual functional capacity assessment. The case is remanded for further administrative proceedings.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                                |
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| COURT              | United States District Court for the Western District of New York                                                                                                                                                                                                                                                              |
| JURISDICTION       | United States District Court for the Western District of New York                                                                                                                                                                                                                                                              |
| DECIDED            | March 3, 2026                                                                                                                                                                                                                                                                                                                  |
| DOCKET             | 23-CV-0683                                                                                                                                                                                                                                                                                                                     |
| DISPOSITION        | remanded                                                                                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE | Plaintiff sought review under 42 U.S.C. §§ 405(g) and 1383(c)(3) of the Commissioner's final decision denying Disability Insurance Benefits and Supplemental Security Income. Both parties moved for judgment on the pleadings under Federal Rule of Civil Procedure 12(c).                                                    |
| STANDARD OF REVIEW | The court reviews the Commissioner's factual findings under the substantial-evidence standard and determines whether the correct legal standards were applied. A decision must be remanded or reversed if its factual conclusions lack substantial evidence or if the Commissioner failed to apply the correct legal standard. |
| PRECEDENTIAL VALUE | unpublished district court decision                                                                                                                                                                                                                                                                                            |
| PARTIES            | Cheryl C. v. Commissioner of Social Security                                                                                                                                                                                                                                                                                   |

TOPICS

judicial review of agency action

agency adjudication

administrative law

motion for judgment on the pleadings

civil procedure

## PRACTICE AREAS

Social Security disability

administrative law

civil procedure

## QUESTIONS PRESENTED

1. Whether the ALJ erred by adopting an RFC limitation that was narrower than a medical opinion the ALJ found persuasive without explaining the discrepancy.
2. Whether the vocational evidence supported the step-five finding when the hypothetical did not include the full environmental limitations described by the consultative examiner.
3. Whether the court could affirm based on post hoc explanations offered by Defendant's counsel.

## HOLDINGS

1. The ALJ erred by finding Dr. Magurno's opinion persuasive while omitting her limitation that Plaintiff should avoid pulmonary irritants and allergens from the RFC and failing to explain the omission.
2. The step-five determination was not supported because the hypothetical presented to the vocational expert did not include the full limitation to avoid pulmonary irritants and allergens or the specific triggers identified in the medical opinion.
3. The court could not accept post hoc rationalizations offered by Defendant's counsel to support the ALJ's decision.

## KEY QUOTATIONS

*“Where the ALJ’s ‘RFC assessment conflicts with an opinion from a medical source, the adjudicator must explain why the opinion was not adopted.’” (at 7)*

*“The lack of any qualifier in the phrase ‘avoid pulmonary irritants’ necessarily indicates that plaintiff should avoid any exposure to such irritants, and not just concentrated or excessive exposure.” (at 8)*

*“A hypothetical question that does not present the full extent of a claimant’s impairments cannot provide a sound basis for vocational expert testimony.” (at 8)*

*“However, a reviewing court may not accept ‘counsel’s post hoc rationalizations for agency action.’” (at 10)*

## FACTUAL BACKGROUND

Plaintiff alleged disability beginning October 1, 2020, based in part on reactive airway disease and allergies triggered by substances including newspaper, cardboard, pollen, and dust. Consultative examiner Dr. Justine Magurno opined that Plaintiff should avoid pulmonary irritants and allergens. Although the ALJ found that opinion persuasive, the RFC limited Plaintiff only to avoiding concentrated exposure to smoke, dust, and respiratory irritants, without explaining the narrower limitation or addressing the effect on the identified jobs.

## PROCEDURAL HISTORY

Plaintiff's applications for DIB and SSI were denied initially and on reconsideration. After two administrative hearings, the ALJ denied the claims, and the Appeals Council denied review, making the ALJ's decision the Commissioner's final decision. The district court granted Plaintiff's motion for judgment on the pleadings, denied Defendant's motion, and remanded for further administrative proceedings.

## DISPOSITION

remanded

## REMAND INSTRUCTIONS

The case was remanded for further administrative proceedings. The Commissioner was also directed to consider Plaintiff's argument concerning the ALJ's evaluation of medical opinions regarding Plaintiff's mental RFC.

## CASES CITED

- Richardson v. Perales, 402 U.S. 389, 401 (1971)
- Smith v. Colvin, 17 F. Supp. 3d 260, 264 (W.D.N.Y. 2014)
- Veino v. Barnhart, 312 F.3d 578, 586, 588 (2d Cir. 2002)
- Silvers v. Colvin, 67 F. Supp. 3d 570, 574 (W.D.N.Y. 2014)
- Sample v. Schweiker, 694 F.2d 639, 642 (9th Cir. 1982)
- Carroll v. Secretary of Health & Human Services, 705 F.2d 638, 642 (2d Cir. 1983)
- Kohler v. Astrue, 546 F.3d 260, 265 (2d Cir. 2008)
- Dumas v. Schweiker, 712 F.2d 1545, 1550 (2d Cir. 1983)
- Miles v. Harris, 645 F.2d 122, 124 (2d Cir. 1981)
- Ryan H. v. Commissioner of Social Security, No. 20-CV-6035-MWP, 2021 WL 4059327, at \*7 (W.D.N.Y. Sept. 7, 2021)
- Dioguardi v. Commissioner of Social Security, 445 F. Supp. 2d 288, 297 (W.D.N.Y. 2006)
- Michelle J. v. Commissioner of Social Security, 21-CV-306, 2023 U.S. Dist. LEXIS 50656, at \*8 (W.D.N.Y. Mar. 24, 2023)
- Renee v. Berryhill, No. 1:15-cv-00400 (MAT), 2017 WL 6618737, at \*3 (W.D.N.Y. Dec. 27, 2017)
- Riley-Tull v. Berryhill, No. 16-CV-151-FPG, 2017 WL 2821559, at \*4 (W.D.N.Y. June 30, 2017)
- Julianne E. v. Commissioner of Social Security, No. 21-cv-0538-FPG, 2023 WL 3316580, at \*3 (W.D.N.Y. May 9, 2023)
- Slattery v. Colvin, 111 F. Supp. 3d 360, 375 (W.D.N.Y. 2015)
- Snell v. Apfel, 177 F.3d 128, 134 (2d Cir. 1999)
- Warcholak v. Colvin, 16-CV-129, 2017 U.S. Dist. LEXIS 20806, at \*8 (W.D.N.Y. Feb. 14, 2017)
- Elder v. Commissioner of Social Security, 15-CV-7370, 2017 U.S. Dist. LEXIS 44418, at \*39 (E.D.N.Y. Mar. 24, 2017)

- **Petersen v. Astrue**, 2 F. Supp. 3d 223, 234 (N.D.N.Y. 2013)

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