

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Mark Hogue v. Commissioner of Social Security Administration

Hogue · No. CV-25-00102-PHX-DJH · Decided March 30, 2026

SUMMARY

The United States District Court for the District of Arizona reviewed the Commissioner of Social Security’s denial of Mark Hogue’s application for Title II disability benefits. The court upheld the ALJ’s evaluation of Hogue’s symptom testimony and the medical opinion of Dr. Gordon, concluding that the decision was supported by substantial evidence. The court affirmed the ALJ’s August 21, 2023 decision and directed the Clerk to enter judgment and terminate the action.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Diane J. Humetewa
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 30, 2026
DOCKET	CV-25-00102-PHX-DJH
DISPOSITION	affirmed
PROCEDURAL POSTURE	Judicial review under 42 U.S.C. § 405(g) and § 1383(c)(3) of the Commissioner's final decision denying Title II disability benefits.
STANDARD OF REVIEW	The district court reviews only issues raised by the claimant and upholds the ALJ's decision unless it contains legal error or is unsupported by substantial evidence. Substantial evidence is more than a mere scintilla but less than a preponderance and is evidence a reasonable person might accept as adequate. The court considers the record as a whole and may not affirm by isolating a specific quantum of supporting evidence.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Mark Hogue v. Commissioner of Social Security Administration

TOPICS

- judicial review of agency action
- agency adjudication
- administrative law
- disability definition

PRACTICE AREAS

Social Security disability

administrative law

QUESTIONS PRESENTED

1. Whether the ALJ gave legally sufficient, specific, clear, and convincing reasons for discounting Hogue's subjective symptom testimony.
2. Whether the ALJ properly evaluated the supportability and consistency of Dr. Gordon's medical opinion under 20 C.F.R. § 404.1520c.
3. Whether substantial evidence supported the ALJ's finding that Hogue was not disabled and could perform his past relevant work.

HOLDINGS

1. The ALJ sufficiently articulated specific, clear, and convincing reasons for finding that Hogue's statements concerning the intensity, persistence, and limiting effects of his symptoms were not entirely consistent with the medical and other evidence.
2. The ALJ properly evaluated the persuasiveness of Dr. Gordon's opinion by addressing the supportability and consistency factors and reasonably found portions of the opinion unpersuasive.
3. The ALJ's determination that Hogue was not disabled from January 27, 2021, through March 31, 2023, was supported by substantial evidence and was affirmed.

KEY QUOTATIONS

“An ALJ’s disability determination should be upheld unless it contains legal error or is not supported by substantial evidence.” (at 6)

“This is not an easy requirement to meet: ‘The clear and convincing standard is the most demanding required in Social Security cases.’” (at 8)

FACTUAL BACKGROUND

Mark Hogue alleged disability beginning April 3, 2020, based principally on glenohumeral osteoarthritis and degenerative joint disease of the right shoulder. He had previously worked as a warehouse worker and forklift operator. The ALJ found that Hogue had severe right-shoulder impairments but retained the residual functional capacity for medium work with specified right-arm and postural limitations, including frequent reaching and pushing or pulling with the right arm. The ALJ concluded that Hogue could perform his past relevant work and was not disabled through his date last insured, March 31, 2023.

PROCEDURAL HISTORY

Plaintiff applied for disability insurance benefits, and the application was denied initially and on reconsideration. After a hearing, the ALJ issued an unfavorable decision on August 21, 2023. The Appeals Council denied review, making the ALJ's decision the Commissioner's final decision. Plaintiff then filed this action, and the district court affirmed.

DISPOSITION

affirmed

CASES CITED

- Tackett v. Apfel, 180 F.3d 1094, 1098 (9th Cir. 1999)
- Kennedy v. Colvin, 738 F.3d 1172, 1175 (9th Cir. 2013)
- Lewis v. Apfel, 236 F.3d 503, 517 n.13 (9th Cir. 2001)
- Garrison v. Colvin, 759 F.3d 995, 1009, 1014-15 (9th Cir. 2014)
- Stout v. Commissioner, Social Security Administration, 454 F.3d 1050, 1052 (9th Cir. 2006)
- Orn v. Astrue, 495 F.3d 625, 630, 639 (9th Cir. 2007)
- Andrews v. Shalala, 53 F.3d 1035, 1039 (9th Cir. 1995)
- Magallanes v. Bowen, 881 F.2d 747, 750 (9th Cir. 1989)
- Brown-Hunter v. Colvin, 806 F.3d 487, 488-89, 492 (9th Cir. 2015)
- Bray v. Commissioner of Social Security Administration, 554 F.3d 1219, 1225 (9th Cir. 2009)
- Thomas v. Barnhart, 278 F.3d 947, 954 (9th Cir. 2002)
- Molina v. Astrue, 674 F.3d 1104, 1111, 1113, 1115 (9th Cir. 2012)
- Shinseki v. Sanders, 556 U.S. 396, 409 (2009)
- Lingenfelter v. Astrue, 504 F.3d 1028, 1035-36 (9th Cir. 2007)
- Smolen v. Chater, 80 F.3d 1273, 1282, 1284 (9th Cir. 1996)
- Ghanim v. Colvin, 763 F.3d 1154, 1163 (9th Cir. 2014)
- Burch v. Barnhart, 400 F.3d 676, 681 (9th Cir. 2005)
- Fair v. Bowen, 885 F.2d 597, 603 (9th Cir. 1989)
- Woods v. Kijakazi, 32 F.4th 785, 787, 791-92 (9th Cir. 2022)