

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

Franklin J. Wickert v. Frank J. Bisignano, Commissioner of Social
Security

Wickert · No. CV-25-75-JTJ · Decided January 20, 2026

SUMMARY

The United States District Court for the District of Montana denied Franklin J. Wickert’s motion under Federal Rule of Civil Procedure 59(e) to alter or amend the judgment. The court held that remand for further administrative proceedings remained appropriate because the record contained factual ambiguities and uncertainties regarding Wickert’s oxygen-tank needs, migraines, and the medical opinions. The prior judgment remanding the Social Security claim to the Commissioner remained in effect.

CASE DETAILS

COURT	United States District Court for the District of Montana, Butte Division
JURISDICTION	United States District Court for the District of Montana, Butte Division
DECIDED	January 20, 2026
DOCKET	CV-25-75-JTJ
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 59(e) to alter or amend the court's prior judgment remanding his Social Security claim to the Commissioner for further administrative proceedings.
STANDARD OF REVIEW	A Rule 59(e) motion may be granted when the movant presents newly discovered evidence, demonstrates clear error, or identifies an intervening change in controlling law.
PRECEDENTIAL VALUE	unpublished
PARTIES	Franklin J. Wickert v. Frank J. Bisignano, Commissioner of Social Security

TOPICS

motion for reconsideration

judicial review of agency action

administrative law

remedies

civil procedure

PRACTICE AREAS

Social Security

Administrative Law

Civil Procedure

QUESTIONS PRESENTED

1. Whether the court should alter or amend its prior remand judgment under Federal Rule of Civil Procedure 59(e).
2. Whether Treichler required remand for an award of benefits because Wickert asserted that the credit-as-true factors were satisfied.
3. Whether factual ambiguities and uncertainty in the administrative record justified remand for further proceedings rather than an immediate award of benefits.

HOLDINGS

1. The motion to alter or amend the judgment was denied because Wickert did not establish newly discovered evidence, clear error, or an intervening change in controlling law.
2. Treichler did not require an immediate award of benefits because the administrative record was uncertain and ambiguous; remand for further administrative proceedings remained the proper approach.

KEY QUOTATIONS

“A court may alter or amend a judgment in three circumstances: (1) where a moving party presents “newly discovered evidence;” (2) where a moving party demonstrates that the court “committed clear error;” or (3) where a moving party identifies an “intervening change in the controlling law.”” (at 1)

“The court further ruled that remand remains “the proper approach” in cases where “an ALJ makes a legal error, but the record is uncertain and ambiguous.”” (at 1)

FACTUAL BACKGROUND

Wickert sought supplemental security income based on impairments including a need for supplemental oxygen and migraines. His testimony was unclear as to whether his current oxygen tanks were the largest available, and several medical opinions did not mention a need for a long-term oxygen tank. His testimony concerning migraines also conflicted with medical opinions and prior administrative findings indicating that he could perform work despite his impairments.

PROCEDURAL HISTORY

Wickert sought judicial review under 42 U.S.C. §§ 405(g) and 1383(c) of the Commissioner's unfavorable decision denying Title XVI supplemental security income benefits. On December 29, 2025, the court remanded the matter to the Commissioner for further administrative proceedings. Wickert then moved to alter or amend that judgment, arguing that Treichler required remand for an award of benefits under the credit-as-true rule. The court denied the motion and left the prior remand judgment in effect.

DISPOSITION

other

REMAND INSTRUCTIONS

The prior judgment remanding the Commissioner's final decision for further administrative proceedings remains in effect. The clerk's December 29, 2025 judgment is not altered.

CASES CITED

- Kaufman v. Kijakazi, 32 F.4th 843, 850 (9th Cir. 2022)
- Treichler v. Comm'r of Soc. Sec. Admin., 775 F.3d 1090, 1105, 1108 (9th Cir. 2014)
- Garrison v. Colvin, 759 F.3d 995, 1020, 1023 (9th Cir. 2014)
- Trevizo v. Berryhill, 871 F.3d 664, 683 (9th Cir. 2017)

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