

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

S. T. v. Commissioner of Social Security

Case No. 24-cv-07721-SVK · No. 24-cv-07721-SVK · Decided July 14, 2025

OPINION

Taylor v. SSA Commissioner

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 S. T., Case No. 24-cv-07721-SVK 8 Plaintiff, ORDER REVERSING-IN-PART AND
AFFIRMING-IN-PART THE

9 v. COMMISSIONER’S DECISION;

REMANDING CASE

10 COMMISSIONER OF SOCIAL

SECURTY, Re: Dkt. Nos. 15, 17 11 Defendant. 12 Plaintiff appeals from the final decision of the
Defendant Commissioner of Social Security, 13 which denied her application for disability
insurance benefits. The Parties have consented to the 14 jurisdiction of a magistrate judge. Dkts.
9-10. For the reasons discussed below, the Court 15 REVERSES-IN-PART and AFFIRMS-IN-
PART the decision of the Commissioner and 16 REMANDS the case for further proceedings. 17

I. BACKGROUND

18 On or about March 7, 2022, Plaintiff completed an application for a period of disability 19 and
disability insurance benefits. See Dkts. 14–14-8 (Administrative Record (“AR”)) 190-191. 20
Plaintiff’s claim was denied initially on July 15, 2022 (AR 67) and denied on reconsideration on
21 December 1, 2022 (AR 88). On November 2, 2023, an Administrative Law Judge (“ALJ”) held
a 22 telephonic hearing. AR 27-58. On December 15, 2023, the ALJ issued an unfavorable
decision 23 finding Plaintiff was not disabled. AR 7-22 (the “ALJ Decision”). 24 In applying the
sequential evaluation process for determining disability, as relevant to this 25 case, at step two, the
ALJ found that Plaintiff has the following severe impairments: lumbar 26 degenerative disc
disease, degenerative joint disease, obesity and depression. AR 13.1 At step 27 1 four, discounting
some of the medical source opinions and Plaintiff’s pain-and-symptom 2 testimony, the ALJ found
that Plaintiff had the residual functional capacity (“RFC”) to perform 3 light work with certain
limitations – including that she “must alternate position between sitting 4 and standing at 30-
minute intervals while remaining on task.” AR 15-20. The ALJ also found 5 that Plaintiff could
not perform any of her relevant past work, (AR 21), but that, considering 6 Plaintiff’s age,

education, work experience and RFC, Plaintiff could perform other jobs that exist in significant numbers in the national economy such as mail clerk, office helper and routing clerk, 8 (AR 21). The ALJ thus found that Plaintiff was not under a disability, as defined by the Social Security Act, from December 9, 2020 through the date of the ALJ Decision. AR 21-22. 10 The Appeals Council subsequently denied review of the ALJ Decision. AR 1-6. Plaintiff 11 timely filed an action in this District seeking review of the ALJ Decision. Dkt. 1. In accordance 12 with the Federal Rules of Civil Procedure Supplemental Rules for Social Security Actions, the 13 Parties have presented the action for decision on the briefs. Dkt. 15 (“Pl. Br.”); Dkt. 17 14 (“Comm’r. Br.”); Dkt. 18 (“Reply”); see Fed. R. Civ. P. Supp. SS Rule 5. The action is now 15 ready for decision without oral argument.

16 II. ISSUES FOR REVIEW

17 1. Did the ALJ properly address Plaintiff’s allegations of pain and dysfunction? 18 2. Did the ALJ properly address the medical opinion evidence of: 19 a. The consultive psychologist Lauri Stenbeck, Psy.D.? 20 b. The consulting internal medicine doctor Satish Sharma, M.D.? 21 c. Plaintiff’s physician, Timothy Ong, M.D.? 22 3. Did the ALJ properly resolve inconsistencies, if any, between the vocational expert’s 23 (“VE”) testimony and the Dictionary of Occupational Titles (“DOT”) in determining 24 that Plaintiff was able to perform a significant number of jobs in the national economy? 25 /// 26 /// 27

1 III. STANDARD OF REVIEW

2 This Court is authorized to review the Commissioner’s decision to deny disability benefits, 3 but “a federal court’s review of Social Security determinations is quite limited.” *Brown-Hunter v. 4 Colvin*, 806 F.3d 487, 492 (9th Cir. 2015); see also 42 U.S.C. § 405(g). Federal courts “leave it 5 to the ALJ to determine credibility, resolve conflicts in the testimony, and resolve ambiguities in 6 the record.” *Brown-Hunter*, 806 F.3d at 492. 7 The Commissioner’s decision will be disturbed only if it is not supported by substantial 8 evidence or if it is based on the application of improper legal standards. *Id.* at 492. “Under the 9 substantial-evidence standard, a court looks to an existing administrative record and asks whether 10 it contains sufficient evidence to support the agency’s factual determinations,” and this threshold 11 is “not high.” *Biestek v. Berryhill*, 587 U.S. 97, 102-03 (2019) (cleaned up and citations omitted); 12 see also *Rounds v. Comm’r of Soc. Sec. Admin.*, 807 F.3d 996, 1002 (9th Cir. 2015) (“Substantial 13 evidence” means “more than a mere scintilla” but “less than a preponderance;” it is “such relevant 14 evidence as a reasonable mind might accept as adequate to support a conclusion,” (internal 15 quotation marks and citations omitted)). The Court “must consider the evidence as a whole, 16 weighing both the evidence that supports and the evidence that detracts from the Commissioner’s 17 conclusion.” *Rounds*, 807 F.3d at 1002. Where the evidence is susceptible to more than one 18 rational interpretation, the Court must uphold the ALJ’s findings if supported by inferences 19 reasonably drawn from the record. *Id.* 20 However, in cases where “a claimant’s symptom testimony is discredited,” the Ninth 21 Circuit has “established a two-step analysis” that the ALJ must engage in. *Trevizo v. Berryhill*, 22

871 F.3d 664, 678 (9th Cir. 2017). “First, the ALJ must determine whether the claimant has 23 presented objective medical evidence of an underlying impairment which could reasonably be 24 expected to produce the pain or other symptoms alleged.” Id. Second, if “the claimant satisfies 25 the first step of this analysis, and there is no evidence of malingering, the ALJ can reject the 26 claimant’s testimony about the severity of her symptoms only by offering specific, clear and 27 convincing reasons for doing so.” Id. “This is not an easy requirement to meet: The clear and 1 at 678. At the same time, “[t]he standard isn’t whether [this Court] is convinced, but instead 2 whether the ALJ’s rationale is clear enough that it has the power to convince.” *Smartt v. Kijakazi*, 3 53 F.4th 489, 499 (9th Cir. 2022). This standard thus “requires an ALJ to show his work.” Id. 4 Even if the ALJ commits legal error, the ALJ’s decision will be upheld if the error is 5 harmless. *Brown-Hunter*, 806 F.3d at 492. “An error is harmless ... if despite the legal error, the 6 agency’s path may reasonably be discerned.” Id. at 494 (internal citations and quotations 7 omitted).

8 IV. DISCUSSION

9 A. Issue One: Whether the ALJ Properly Discounted Plaintiff’s Allegations of Pain and Dysfunction 10 11 Plaintiff argues that the ALJ failed to provide specific, clear and convincing reasons for 12 discounting Plaintiff’s allegations of pain and dysfunction. Pl. Br. at 3. At issue here, 2 Plaintiff 13 testified regarding her chronic pain in her lower back, which especially limited her ability to walk, 14 stand or sit up for long periods of time, reach and lift more than 5 pounds. Id.; see also AR 39- 15 42, 48-51 (e.g., testifying that she could only “do dishes for a few minutes at a time,” that when 16 folding laundry she would “alternate standing and sitting[,] ... like five to ten minutes,” and that 17 “she “can stand for about ... 15 to 20 minutes” at a time.”). The Commissioner counters that the 18 ALJ properly discounted Plaintiff’s testimony as being “inconsistent with the objective medical 19 evidence and evidence that Plaintiff improved with treatment.” Comm’r. Br. at 2. 20 1. The ALJ Committed Legal Error 21 In following the “two-step analysis” for evaluating a claimant’s subjective testimony, the 22 ALJ determined at step one that “claimant’s medically determinable impairments could reasonable 23 be expected to cause the alleged symptoms.” AR 16. However, the ALJ rejected the “intensity, 24 persistence and limiting effects of th[e] symptoms” at step two as “not entirely consistent with the 25 26 2 As the Commissioner points out, although Plaintiff testified as to neck, knee and foot pain, as well as mental impairments, Plaintiff has only challenged the ALJ’s discounting of her “chronic 27 lower back pain, which limited her ability to walk, stand, lift, reach, and concentrate.” See 1 medical evidence and other evidence in the record.” Id. In explaining how the testimony was “not 2 entirely consistent,” Plaintiff argues that “the ALJ relied exclusively on objective medical 3 findings” contrary to law. Pl. Br. at 4-5 (citing, among other authorities, *Burch v. Barnhart*, 400 4 F.3d 676, 680 (9th Cir. 2005)); Reply at 2 (same). The Commissioner responds that the ALJ 5 properly relied on objective medical evidence and that “the ALJ in fact also cited to improvement 6 with treatment.” Comm’r. Br. at 2. 7 The law is more nuanced than Plaintiff argues. As the Ninth Circuit explains: 8 Claimants ... sometimes mischaracterize *Burch* as completely forbidding an

ALJ from using inconsistent objective medical evidence in the record to discount subjective symptom testimony. That is a misreading of *Burch*. When objective medical evidence in the record is inconsistent with the claimant's subjective testimony, the ALJ may indeed weigh it as undercutting such testimony. *Smartt v. Kijakazi*, 53 F.4th 489, 498 (9th Cir. 2022) (emphasis in original). *Burch* holds that an ALJ "cannot effectively render a claimant's subjective symptom testimony superfluous by demanding positive objective medical evidence" fully corroborating Plaintiff's testimony. *Id.* (explaining *Burch*, 400 F. 3d at 681). However, the Commissioner is also incorrect in his reading of the ALJ Decision, which improperly demands positive objective medical evidence fully corroborating Plaintiff's testimony. The ALJ Decision uses the boilerplate phrase "not entirely consistent" to describe Plaintiff's testimony as to intensity. AR 16. But while "ALJs routinely use the phrase 'not entirely consistent' the same way the ALJ did here, [] that usage does not always mean 'inconsistent.'" *Vidal N. v. O'Malley*, No. 8:22-CV-01878-SK, 2024 WL 3529051, at *3 (C.D. 22 Cal. June 4, 2024) (citing *Smartt*, 53 F.4th at 499 n.2). This "generalized reference to an inconsistency is not enough to identify an actual inconsistency between objective medical evidence and [Plaintiff's] testimony, which the ALJ did not do." *Sukach v. O'Malley*, No. 24-cv- 25 00026-MWJS (WRP), 2024 WL 4565916, at *5 (D. Haw. Oct. 24, 2024) (citing same). Here, examining the actual "inconsistency" pointed to by the ALJ, the ALJ merely characterizes Plaintiff's testimony as "inconsistent because evidence tends to indicate less 1 "less significant objective findings" are inconsistent with Plaintiff's testimony. AR 16-17. That 2 is, despite citing to a variety of objective medical evidence, including inferred3 evidence of some 3 improvement in Plaintiff's condition, none of the evidence cited by the ALJ is inconsistent with 4 Plaintiff's testimony as to the reported severity of her symptoms. See AR 16-17. Rather, the 5 ALJ's rationale appears to be that these "less significant objective findings" of medical conditions 6 were insufficient to support Plaintiff's testimony. AR 16-17.4 In a striking example, the ALJ 7 apparently credited Plaintiff's testimony that she needed to "alternate standing and sitting" when 8 doing tasks such as folding laundry or cleaning dishes—ultimately including a requirement that 9 Plaintiff "must alternate position between sitting and standing at 30-minute intervals while 10 remaining on task" in her RFC—yet discounted Plaintiff's testimony that she could only stand for 11 "five to ten minutes" or "15 to 20 minutes" before needing to sit or lie down. Compare AR 15-17 12 with 40-41, 49. The ALJ failed to explain why the "less significant" 2022 objective medical 13 evidence of, e.g., "multilevel degenerative disc disease" was consistent with a 30-minute 14 alternation requirement but not a 20-minute alternation requirement. AR 16-17. 15 Accordingly, the ALJ's explanation that the objective findings were "less significant" than 16 Plaintiff's testimony, without any explanation as to how Plaintiff's testimony was inconsistent 17 with these findings, "is not an appropriate basis for rejecting symptom testimony. As the Ninth 18 Circuit explains, 'it is the very nature of excess pain to be out of proportion to the medical 19 evidence.'" *Sukach*, 2024 WL 4565916, at *5. "When, as here, the ALJ identifies no 20 21 3 In her reply, Plaintiff explains persuasively why

“the ALJ’s finding of improvement was not based upon Plaintiff’s reported improvement with treatment[,] ... [but was based on] infer[enc] 22 solely based on the objective medical evidence.” Reply at 1-2 (emphasis added). 4 As explained by other courts in this Circuit, this boilerplate language results in “awkward and 23 imprecise phrasing [that] creates two recurring problems in Social Security cases. For one, claimants ‘commonly confuse this phrasing with the ALJ improperly concluding that a claimant’s 24 symptom testimony was not “fully corroborated” by the objective medical evidence,’ when the ALJ meant—and the record showed—that the testimony was in fact ‘inconsistent’ with that 25 evidence. On the other hand, this phrasing can lead to reversible error, as it does here, by confounding a reviewing court’s ability to tell the difference between impermissible and 26 permissible reasons.” Vidal N., 2024 WL 3529051, at *3 (quoting Smartt, 53 F.4th at 499 n.2). As in Vidal, the Court here is unable to discern the precise rationale of the ALJ given the 27 boilerplate language. “So, it merits repeating that ‘ALJs might consider replacing the phrase “not 1 inconsistency between the objective medical data and a claimant’s subjective symptom testimony, 2 it is not appropriate for the ALJ to reject the testimony solely because the objective medical data 3 do not support the claimant’s testimony.” Id. (internal citations omitted). Thus, the ALJ erred. 4 Burch, 400 F.3d at 680-81. 5 2. The Error Was Not Harmless 6 Even if the ALJ commits legal error, the ALJ’s decision will be upheld if the error is 7 harmless. Brown-Hunter, 806 F.3d at 492. “An error is harmless only if it is inconsequential to 8 the ultimate nondisability determination ... or if despite the legal error, the agency’s path may 9 reasonably be discerned.” Id. at 494 (internal citations and quotations omitted). Here, the ALJ’s 10 error was not harmless. In particular, discounting Plaintiff’s pain and dysfunction testimony as to 11 her lower back pain resulted in the ALJ determining that Plaintiff could “alternate position 12 between sitting and standing at 30-minute intervals while remaining on task,” rather than the 13 roughly 10 or 20 minutes testified to by Plaintiff, (compare AR 15 with AR 41, 48).5 14 The ALJ then applied this erroneous RFC, relying on VE testimony, to determine that jobs 15 existed in significant numbers in the national economy that Plaintiff could perform. AR 21-22, 16 54-55 (VE testifying that, “at 30 minute intervals,” the jobs of Mail Clerk, General Office Helper 17 and Routing Clerk were available). Critically, when the ALJ asked, “does that mean that if it was 18 20 minutes, that the jobs would not be available?” the VE responded: “That’s correct, Your 19 Honor.” Id. Accordingly, if the RFC included a requirement that Plaintiff be allowed to alternate 20 position between standing and sitting at 20 minute or more frequent intervals, the jobs ultimately 21 relied upon by the ALJ would not have been available. See AR 20-21. 22 Thus, the ALJ’s discounting of Plaintiff’s testimony was not “inconsequential to the 23 ultimate nondisability determination.” Brown-Hunter, 806 F.3d at 492. However, neither the ALJ 24 nor Plaintiff’s attorney elicited any testimony about whether other jobs would be available for 25 26 5 The ALJ also determined, in relevant part, that Plaintiff can “stand or walk up to four hours total, and sit for up to six hours total.” AR 15. While such a limitation is arguably related to Plaintiff’s 27 chronic lower back pain, the record and Plaintiff’s argument make clear that the more stringent

2- 1 someone who, otherwise having Plaintiff's RFC, needed to alternate position every 20 minutes. 2 The Court must thus REVERSE the decision of the ALJ on this ground and REMAND for 3 further fact finding with an RFC consistent with Plaintiff's subjective testimony. 4 B. Issue Two: Did the ALJ Properly Address the Medical Opinion Evidence 5 Next, Plaintiff argues that the ALJ failed to properly evaluate the medical source opinions 6 of three doctors: psychological consultive examiner, Lauri Stenbeck, Psy.D., consulting internal 7 medicine doctor Satish Sharma, M.D. and plaintiff's physician, Timothy Ong, M.D. Pl. Br. at 6- 8 14. Under current regulations, "an ALJ cannot reject an examining or treating doctor's opinion as 9 unsupported or inconsistent without providing an explanation supported by substantial evidence." 10 Woods v. Kijakazi, 32 F.4th 785, 792 (9th Cir. 2022). The ALJ must "'articulate ... how 11 persuasive' [he or she] finds 'all of the medical opinions' from each doctor or other source, and 12 'explain how [he or she] considered the supportability and consistency factors' in reaching these 13 findings." Id. (quoting 20 C.F.R. § 404.1520c(b)).). "Supportability means the extent to which 14 a medical source supports the medical opinion by explaining the relevant ... objective medical 15 evidence." Id. at 792-93 (internal quotations and citations omitted). "Consistency means the 16 extent to which a medical opinion is consistent ... with the evidence from other medical sources 17 and nonmedical sources in the claim." Id. (same). The Court addresses each doctor, in turn. 18 1. The ALJ Did Not Properly Account for the Opinions of Dr. Stenbeck 19 With regard to Dr. Stenbeck, neither Plaintiff nor the Commissioner take issue with the 20 ALJ's account of the persuasiveness opinion. See Pl. Br. at 7; Comm'r. Br. at 4. Rather, 21 Plaintiff's contention is that, "despite apparently crediting Dr. Stenbeck's assessment of moderate 22 mental limitations, the ALJ formulated a [RFC] that omitted many of the limitations identified 23 by the examining psychologist." Pl. Br. at 7-9. Specifically, Plaintiff contends that two 24 limitations should have been included in the RFC: (a) Plaintiff's "moderate limitations interacting 25 with coworkers and the public[] and ... accepting instructions [and criticism] from supervisors," 26 (Pl. Br. at 7 (citing AR 469) (emphasis omitted)); and (b) "any restrictions in Plaintiff's [ability] 27 in maintaining attendance or ... completing a normal workday/workweek without interruptions 1 only that Plaintiff could "understand, remember, and maintain attention, concentration, and pace 2 for simple tasks; can have occasional contact with the public and coworkers; can make simple 3 decisions; and can adapt to occasional changes consistent with simple tasks." AR 15. 4 Plaintiff argues (1) that limitations to "occasional contact with the public and coworkers" 5 and to "simple" tasks, decisions, and occasional changes do not adequately address the "moderate" 6 severity of Plaintiff's impairments and (2) that, even if they properly addressed severity, they do 7 not adequately address Plaintiff's difficulty in interacting with supervisors nor Plaintiff's 8 difficulties in completing a normal workday or workweek without interruptions. Pl. Br. at 7-9. 9 The Commissioner responds that Dr. Stenbeck's use of the term "moderate" was without "any 10 specifics about Plaintiff's ability to maintain attendance, complete a workday, accept instructions 11 from supervisors" and the limitations included by the ALJ were appropriate. Comm'r. Br. at 4-

5. 12 As to Plaintiff's first argument, the Court by the Commissioner that, absent an indication 13 that Dr. Stenbeck was using the word "moderate" in some specialized way, it should be presumed 14 that she "used the word consistent with the SSA's definition, which describes an individual with a 15 'moderate limitation' in an area as someone whose 'functioning in th[at] area independently, 16 appropriately, effectively, and on a sustained basis is fair.'" Comm'r. Br. at 4-5 (citing various 17 cases and quoting 20 C.F.R. pt. 404, subpt. P, app. 1 § 12.00(F)(2)(c)). Thus, the ALJ's 18 limitations fairly account for the substance of the "moderate" severity of Dr. Stenbeck's opinions. 19 Compare, e.g., AR 15 with AR 469 (e.g., limiting Plaintiff to "occasional" interaction with 20 coworkers fairly accounts for Dr. Stenbeck's finding that Plaintiff, due to her depression, may 21 "isolate and avoid others.")). 22 As to Plaintiff's second argument, however, the Commissioner is incorrect. Even if it is 23 not clear, as Commissioner argues, "how the 'moderate' limitations should be translated," 24 (Comm'r. Br. at 4), no amount of "translation" can fill the gaps in the ALJ's RFC determination. 25 The ALJ failed to include any restrictions on Plaintiff's interactions with supervisors, such as 26 restrictions on the duration or frequency of such interactions or on the sort of criticism Plaintiff 27 could receive, and the ALJ failed to include any restrictions accounting for Plaintiff's limitations 1 by permitting additional breaks. Compare AR 15 with AR 468-69, Points 3, 6, 7 (limitations on 2 workweek attendance, workday/workweek interruptions and interactions with supervisors, 3 respectively); see also *Palleschi v. Colvin*, No. 15-cv-4204 JC, 2016 WL 7261400, at *5 (C.D. 4 Cal. Dec. 15, 2016) (concluding that an RFC accounting for limitations on interactions with 5 coworkers did not "properly account[] for plaintiff's moderate limitation in her ability to interact 6 with supervisors," and explaining that "Social Security regulations treat the ability[y] to respond 7 appropriately to 'supervision'" as separate from the ability "to get along with 'coworkers.'"); *G.F. 8 v. Dudek*, No. 24-cv-06077-SVK, 2025 WL 1303956, at *4 (N.D. Cal. May 6, 2025) (explaining 9 that a plaintiff's "moderate limitation on his ability to complete a normal workday/workweek 10 without interruption ... [is] distinct from [a] finding[] that he 'can carry out simple instructions 11 and can deal with occasional changes in a routine work setting.'"). Thus, the ALJ erred in failing 12 to account for the "supervisor" and "workday/workweek" limitations identified by Dr. Stenbeck. 13 Additionally, this error was not harmless. After failing to account for these limitations in 14 determining Plaintiff's RFC, the ALJ proceeded to apply this erroneous RFC relying on VE 15 testimony, to determine that jobs existed in significant numbers in the national economy that 16 Plaintiff could perform. AR 21-22, 54-56. In particular, as Plaintiff argues, the VE was asked 17 whether a hypothetical claimant who "would need to take a minimum of two additional breaks in a 18 work day ... for 20 minutes each" would have any jobs available to them, and the VE answered: 19 "there would be no jobs available in the national economy." AR 55-56. However, because neither 20 the ALJ nor Plaintiff's attorney elicited any testimony about whether jobs would remain available 21 if Plaintiff had to take shorter breaks or fewer breaks,⁶ nor was the VE asked about the effect of 22 supervisor-based restrictions on the availability of jobs, it is again

“not clear from the record that 23 the ALJ would be required to find the claimant disabled if all the evidence were properly 24 evaluated.” *Luther v. Berryhill*, 891 F.3d 872, 877 (9th Cir. 2018). Accordingly, the Court 25 REVERSES and REMANDS the decision of the ALJ on this ground. 26 27 6 Dr. Stenbeck’s opinion may or may not require Plaintiff to have the opportunity for additional 1 2. The ALJ Properly Addressed the Opinions of Dr. Sharma 2 As for the medical opinions of consulting internal medicine doctor, Dr. Sharma, Plaintiff 3 challenges the ALJ’s finding that Dr. Sharma’s “standing and waking limitations” were not 4 persuasive. Pl. Br. at 10; see AR 17-18. The Commissioner disagrees. Comm’r. Br. at 5-6. 5 The Parties’ disagreement here comes down to Dr. Sharma’s October, 2022 examination of 6 Plaintiff. As Plaintiff argues, and as the ALJ acknowledged, Dr. Sharma observed in October, 7 2022 that Plaintiff had “a limping gait.” AR 17. This “arguably supported” Dr. Sharma’s opinion. 8 Id. But the ALJ nonetheless found the opinion unpersuasive, because (a) as to supportability, “this 9 was an isolated observation” and (b) as to consistency, other “physical examinations generally 10 noted normal gait” and that Plaintiff did not use an assistive device. AR 17-18; see also AR 453 11 (January 14, 2020, normal gait); AR 443 (March 10, 2020, same); AR 357 (May 2, 2022, same). 12 The ALJ did not err in discounting this opinion of Dr. Sharma. As to consistency, while 13 Plaintiff may argue that developing a limp in October 2022 is consistent with normal gait in 2020 14 and in May, 2022, the ALJ’s finding of inconsistency—particularly in light of the May, 2022 15 examination—is supported by substantial evidence. Similarly, as to supportability, the ALJ’s 16 finding that Dr. Sharma’s opinion was only “arguably supported” by her own examination is just 17 that: arguable. It is possible to view Dr. Sharma’s opinion either as sufficiently supported or not. 18 But if “the evidence is susceptible to more than one rational interpretation,” this Court “must 19 uphold the ALJ’s findings if they are supported by inferences reasonably drawn from the record.” 20 *Rounds*, 807 F.3d at 1002. Here, the ALJ assessed the available medical evidence in considering 21 the supportability and consistency of Dr. Lewis’ opinion and came to the rational interpretation 22 that Dr. Sharma’s opinion was ultimately unsupported. On such a record, the Court finds there 23 was substantial evidence from which the ALJ adequately explained his discounting of Dr. 24 Sharma’s opinion as to the standing and walking limitations. Thus, the ALJ did not err. 25 3. The ALJ Failed to Address All of the Opinions of Dr. Ong 26 Finally, with regard to the opinions of Plaintiff’s physician, Dr. Ong, Plaintiff argues that 27 “the ALJ did not evaluate or provide any rationale for discounting [many of the] mental work 1 Pl. Br. at 13. The Commissioner responds only that “the ALJ was not required to incorporate 2 these moderate limitations into the RFC or explain why she found them unpersuasive.” Comm’r.

3 Br. at 7. The Commissioner is incorrect.

4 It is well-established that the ALJ “must articulate how persuasive it finds all of the 5 medical opinions from each doctor or other source.” *Woods*, 32 F.4th at 792 (9th Cir. 2022) 6 (citing 20 C.F.R. § 404.1520c(b)) (cleaned up) (emphasis added). The Commissioner cites no 7 authority to the contrary. Comm’r. Br. at 7. Accordingly, by failing to address twelve of Dr. 8 Ong’s opinions,

the ALJ has committed legal error. 9 However, even in such a case, this Court must evaluate whether this error was harmless. 10 *Brown-Hunter*, 806 F.3d at 492. “An error is harmless ... if despite the legal error, the agency’s 11 path may reasonably be discerned.” *Id.* at 494 (internal citations and quotations omitted). For 12 example, if the moderate mental limitations identified by Dr. Ong overlapped with those identified 13 by Dr. Stenbeck and were ultimately accounted for in the RFC, the Court could discern the 14 agency’s path and the error would be harmless. In evaluating the twelve opinions of Dr. Ong that 15 went unaddressed, the Court finds that, in some cases, it can reasonably discern the ALJ’s path:

16 Point 2: This opinion does not clearly overlap with Dr. Stenbeck’s opinions and is not
17 clearly accounted for in the RFC.

18 Point 3: This opinion overlaps with point 2 of Dr. Stenbeck’s opinions and is accounted
19 for in the RFC by the ALJ’s limitation regarding simple tasks.

20 Point 4: This opinion does not clearly overlap with Dr. Stenbeck’s opinions but is
21 nonetheless accounted for in the RFC by the ALJ’s limitation to “simple decisions.”

22 Point 6: This opinion overlaps with point 4 of Dr. Stenbeck’s opinions and is accounted
23 for in the RFC by the ALJ’s limitation regarding simple tasks.

24 Point 11: This opinion partially overlaps with points 7 and 9 of Dr. Stenbeck’s opinions
25 and is accounted for in the RFC by the ALJ’s limitation to only occasional changes.

26 Point 13: This opinion partially overlaps with points 6-8 of Dr. Stenbeck’s opinions and is
27 accounted for in the RFC by the ALJ’s limitation regarding simple decisions and only

1 Point 14: This opinion does not clearly overlap with Dr. Stenbeck’s opinions and is not
2 clearly accounted for in the RFC.

3 Point 15: This opinion partially overlaps with point 5 of Dr. Stenbeck’s opinions and is
4 accounted for in the RFC by the ALJ’s limitation to simple tasks and decisions.

5 Point 17: This opinion does not clearly overlap with Dr. Stenbeck’s opinions but is
6 nonetheless accounted for in the RFC by the ALJ’s limitation that Plaintiff “must avoid 7
exposure to hazards such as operation of heavy machinery with fast moving parts or 8 work at
unprotected heights.”

9 Point 18: This opinion overlaps with points 2, 5 and 8 of Dr. Stenbeck’s opinions and is
10 accounted for in the RFC by the ALJ’s limitation regarding simple tasks, simple 11 decisions
and only occasional interaction with coworkers and the public.

12 Point 20: This opinion overlaps with point 8 of Dr. Stenbeck’s opinions and is accounted
13 for in the RFC by the ALJ’s limitation to only occasional interaction with coworkers 14 and the
public.

15 Point 22: Same as point 20, above.

16 Compare AR 479-80 (Dr. Ong) with AR 468-69 (Dr. Stenbeck) and AR 15 (RFC). Indeed, in
17 some of these cases, where a limitation appears in Dr. Ong’s opinions but not in Dr. Stenbeck’s
18 opinions and yet appears accounted for in the RFC (for example, Point 17, above), the ALJ

may 19 have implicitly found Dr. Ong's opinions persuasive. 20 Accordingly, the Court REVERSES the decision of the ALJ on this ground but, finding 21 some of the errors to be harmless, REMANDS only for consideration of Dr. Ong's limitations on

22 Points 2 ("the ability to recognize a mistake and correct it or identify and solve problems") and 14

23 ("the ability to set realistic goals"), above. 24 C. Issue Three: Plaintiff's Challenge to the ALJ's Reliance on VE Testimony Without Proper Explanation of Purported Conflicts with the DOT is Moot 25 Finally, separately from any errors arising out of issues 1-2 and the resulting RFC 26 determinations, Plaintiff challenges the ALJ's reliance on the VE's testimony for failing to resolve 27 perceived inconsistencies between the testimony and the DOT. Pl. Br. at 14-17. Plaintiff argues] that the VE's testimony conflicted with the DOT for all three occupations at issue: (1) mail clerk, 2 } (DOT 209.687-026, 1991 WL 671813); (2) office helper, (DOT 239-567-010, 1991 WL 672232); 3 and (3) routing clerk (DOT 222.687-022, 1991 WL 672133). However, because the Court has 4 || found determined that new VE testimony will be required, (see, supra, §§ IV.A.2, IV.B.1), these 5 challenges are thus moot. So, the Court DENIES as moot Plaintiff's challenge on this ground.

6 || Vv. CONCLUSION

7 For the forgoing reasons, the Court REVERSES IN PART the ALJ's Decision. The 8 Court REVERSES: (a) the ALJ's decision to discount Plaintiff's pain and dysfunction testimony 9 || regarding her chronic pain in her lower back as it relates to her ability to walk, stand or sit up 10 || for long periods of time, reach and lift more than 5 pounds, including how often she must alternate 11 between standing and sitting; (b) the ALJ's failure to account for the limitations identified by Dr. 12 Stenbeck in Plaintiff's (4) interactions with supervisors and (11) ability to complete a normal 13 || workday/workweek without interruption; and (c) the ALJ's failure to address or account for the 14 || limitations identified by Dr. Ong in Plaintiff's abilities to (1) recognize and correct mistakes and 3 15 solve problems and (ii) set realistic goals. See, supra, §§ IV.A., IV.B.1., IV.B.2. Accordingly, the a 16 || Court REVERSES the resulting RFC determinations and REMANDS for further proceedings in 2 17 || accordance with this order. 18 19 SO ORDERED. 20 || Dated: July 14, 2025 21 22 Syesm veYyl—

SUSAN VAN KEULEN

23 United States Magistrate Judge 24 25 26 27 28