

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Matthew C. v. Commissioner of Social Security

Matthew C. · No. 24cv322-JES (LR) · Decided February 21, 2025

SUMMARY

This Report and Recommendation addresses a Social Security disability claimant’s joint motion for judicial review under 42 U.S.C. § 405(g). The court recommends affirming the Commissioner’s denial of benefits, concluding that the administrative law judge met the step-five burden and that the residual functional capacity assessment was supported by substantial evidence.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Lupe Rodriguez, Jr.
JURISDICTION	United States District Court for the Southern District of California
DECIDED	February 21, 2025
DOCKET	24cv322-JES (LR)
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on the parties' joint motion for judicial review of the Commissioner's final decision denying Social Security disability benefits.
STANDARD OF REVIEW	The court reviews the Commissioner's decision under 42 U.S.C. § 405(g) and will not disturb the denial of benefits if it is supported by substantial evidence and free of legal error. The court must consider the entire record, may not reweigh the evidence or substitute its judgment for the ALJ's, and must uphold the decision when the evidence is susceptible to more than one rational interpretation.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Matthew C. v. Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

Social Security disability

administrative law

judicial review of agency action

QUESTIONS PRESENTED

1. Whether the ALJ satisfied the step-five burden to identify jobs existing in significant numbers in the national economy despite an apparent conflict between the vocational expert's testimony and the Dictionary of Occupational Titles.
2. Whether the ALJ's residual functional capacity assessment was supported by substantial evidence, including the assessment of Plaintiff's physical limitations and medical-opinion evidence.
3. Whether the alleged conflict between the use of cleaning compounds in the identified occupations and the RFC restriction against concentrated exposure to pulmonary irritants required remand.

HOLDINGS

1. The ALJ erred by failing to independently identify and resolve apparent conflicts between the vocational expert's testimony and the Dictionary of Occupational Titles, and by failing to elicit an adequate explanation for the identified conflict concerning the cleaner II occupation. The error was harmless because the hospital-cleaner and floor-waxer occupations required only frequent handling and existed in significant numbers nationally.
2. The ALJ did not err by failing to identify an apparent conflict between the cleaning occupations and the RFC restriction against concentrated exposure to pulmonary irritants.
3. The ALJ's RFC assessment was supported by substantial evidence and did not require reversal or remand.

KEY QUOTATIONS

"The ALJ's failure to ask about any potential conflict, however, does not automatically require remand, and is analyzed under the harmless error standard." (31)

"The existence of 34,000 hospital cleaner positions and 110,000 floor waxer positions, (see AR at 31), illustrates that the occupations exist in significant numbers in the national economy, even without taking the cleaner II position into account." (32)

FACTUAL BACKGROUND

Plaintiff alleged disability beginning May 14, 2021, based primarily on mental-health conditions, chronic pain, a left hip labral tear, lumbar degenerative disc disease, and left upper-extremity impairment. The ALJ found several severe impairments but determined that Plaintiff retained the residual functional capacity for medium work with postural, manipulative, environmental, and mental limitations. Relying on vocational-expert testimony, the ALJ found that Plaintiff could perform work as a hospital cleaner and floor waxer, among other occupations, existing in significant numbers in the national economy.

PROCEDURAL HISTORY

Plaintiff applied for Title II disability insurance benefits, and the application was denied initially and on reconsideration. After an administrative hearing, the ALJ determined that Plaintiff was not disabled. The Appeals Council denied review on December 19, 2023, making the ALJ's decision final. Plaintiff then filed this action under 42 U.S.C. § 405(g). The magistrate judge recommends affirming the Commissioner's decision.

DISPOSITION

other

CASES CITED

- Buck v. Berryhill, 869 F.3d 1040, 1048 (9th Cir. 2017)
- Revels v. Berryhill, 874 F.3d 648, 654 (9th Cir. 2017)
- Desrosiers v. Secretary of Health & Human Services, 846 F.2d 573, 576 (9th Cir. 1988)
- Ahearn v. Saul, 988 F.3d 1111, 1115-16 (9th Cir. 2021)
- Attmore v. Colvin, 827 F.3d 872, 875 (9th Cir. 2016)
- Zavalin v. Colvin, 778 F.3d 842, 845-46 (9th Cir. 2015)
- Johnson v. Shalala, 60 F.3d 1428, 1432, 1435 (9th Cir. 1995)
- Valentine v. Commissioner of Social Security Administration, 574 F.3d 685, 689 (9th Cir. 2009)
- Shaibi v. Berryhill, 883 F.3d 1102, 1109 (9th Cir. 2017)
- Massachi v. Astrue, 486 F.3d 1149, 1153-54 & n.19 (9th Cir. 2007)
- Gutierrez v. Colvin, 844 F.3d 804, 807-08 (9th Cir. 2016)
- Lamear v. Berryhill, 865 F.3d 1201, 1205 & n.3 (9th Cir. 2017)
- Garner v. Saul, 805 F. App'x 455, 459 (9th Cir. 2020)
- Gutierrez v. Commissioner of Social Security, 740 F.3d 519, 529 (9th Cir. 2014)
- Tommasetti v. Astrue, 533 F.3d 1035, 1041-42 (9th Cir. 2008)
- Treichler v. Commissioner of Social Security Administration, 775 F.3d 1090, 1103 (9th Cir. 2014)
- Brown-Hunter v. Colvin, 806 F.3d 487, 493 (9th Cir. 2015)
- Reddick v. Chater, 157 F.3d 715, 722 (9th Cir. 1998)
- Robbins v. Social Security Administration, 466 F.3d 880, 883 (9th Cir. 2006)
- Vertigan v. Halter, 260 F.3d 1044, 1049 (9th Cir. 2001)
- Benton ex rel. Benton v. Barnhart, 331 F.3d 1030, 1040 (9th Cir. 2003)
- Morgan v. Commissioner of Social Security Administration, 169 F.3d 595, 603 (9th Cir. 1999)
- Woods v. Kijakazi, 32 F.4th 785, 791-92 (9th Cir. 2022)
- Lambert v. Saul, 980 F.3d 1266, 1277 (9th Cir. 2020)
- Thomas v. Barnhart, 278 F.3d 947, 957 (9th Cir. 2002)
- Matthews v. Shalala, 10 F.3d 678, 680 (9th Cir. 1993)
- Shinseki v. Sanders, 556 U.S. 396, 409 (2009)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)

- *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991)
- *Heckler v. Ringer*, 466 U.S. 602, 605 (1984)

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