

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Jennifer S. v. Commissioner of Social Security

No. 24-CV-334-LJV (W.D.N.Y. Jan. 14, 2026) · No. 24-CV-334-LJV · Decided January 14, 2026

SUMMARY

The United States District Court for the Western District of New York affirmed the Commissioner of Social Security’s denial of Disability Insurance Benefits to Jennifer S. The court held that any procedural error in evaluating the treating physician’s opinion was harmless, that the ALJ’s residual functional capacity findings were supported by the record, and that the vocational expert’s testimony provided substantial evidence for the step-five determination. The plaintiff’s motion for judgment on the pleadings was denied, the Commissioner’s cross-motion was granted, and the complaint was dismissed.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Lawrence J. Vilardo
JURISDICTION	United States District Court for the Western District of New York
DECIDED	January 14, 2026
DOCKET	24-CV-334-LJV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Action under 42 U.S.C. § 405(g) seeking review of the Commissioner's denial of Disability Insurance Benefits. Plaintiff moved for judgment on the pleadings, and the Commissioner cross-moved for judgment on the pleadings.
STANDARD OF REVIEW	The court reviews whether the Commissioner applied the correct legal principles and whether the decision is supported by substantial evidence. Substantial evidence is more than a mere scintilla and is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The court may reject facts found by the ALJ only if a reasonable factfinder would have to conclude otherwise.
PRECEDENTIAL VALUE	Unknown; district court decision with no precedential-status designation in the supplied metadata

PARTIES

Jennifer S. v. Commissioner of Social Security

TOPICS

judicial review of agency action

administrative law

agency adjudication

PRACTICE AREAS

Social Security

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disability benefits

judicial review of agency action

QUESTIONS PRESENTED

1. Whether the ALJ properly evaluated the persuasiveness of treating physician David Hallasey-Roberts's medical opinion under the post-March 27, 2017 Social Security regulations.
2. Whether the ALJ's specific RFC requirement that Jennifer alternate sitting and standing every 30 minutes with no more than 5% off-task time was supported by substantial evidence.
3. Whether the vocational expert's testimony concerning the number of jobs available in the national economy was based on a sufficiently reliable methodology to support the ALJ's step-five finding.

HOLDINGS

1. The ALJ committed procedural error by failing to expressly discuss the consistency factor, but the error was harmless because a searching review of the record showed good reasons for finding Dr. Hallasey-Roberts's opinion unpersuasive, including its inconsistency with other medical opinions, Jennifer's reported daily activities, and the treatment records.
2. The ALJ's finding that Jennifer needed to alternate sitting and standing every 30 minutes, with no more than 5% off-task time, was supported by substantial evidence and was not impermissibly fashioned from whole cloth.
3. The vocational expert's testimony identifying approximately 20,000 lens-inserter jobs, 16,000 ink-printer jobs, and 13,000 order-clerk jobs was sufficient substantial evidence to support the ALJ's step-five determination.

KEY QUOTATIONS

“The Court’s inquiry does not end there, however. An ALJ’s procedural error is harmless if “a searching review of the record assures [the Court] that the substance of the [regulation] was not traversed.”” (Docket Item 5 at 29-30)

“To be sure, the vocational expert’s testimony would not amount to substantial evidence if it were “conjured out of whole cloth.”” (Docket Item 5 at 31)

FACTUAL BACKGROUND

Jennifer S. applied for Disability Insurance Benefits, alleging disability beginning August 5, 2021, based principally on degenerative disc disease of the cervical and lumbar spine with radiculopathy, obesity, and a

meniscus tear. The ALJ found those impairments severe but determined that they did not meet or medically equal a listed impairment. The ALJ assigned an RFC for sedentary work with postural, hazard, sit-stand, off-task, and simple-task limitations, and concluded at step five that Jennifer could perform work as a lens inserter, ink printer, or order clerk.

PROCEDURAL HISTORY

The ALJ found that Jennifer S. was not disabled from August 5, 2021, through June 29, 2023, applying the five-step sequential evaluation process. After the Commissioner denied review, Jennifer brought this action in federal district court. The court denied plaintiff's motion, granted the Commissioner's cross-motion, dismissed the complaint, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Arnone v. Bowen*, 882 F.2d 34, 37-38 (2d Cir. 1989)
- *Johnson v. Bowen*, 817 F.2d 983, 985-86 (2d Cir. 1987)
- *Moran v. Astrue*, 569 F.3d 108, 112 (2d Cir. 2009)
- *Cruz v. Sullivan*, 912 F.2d 8, 11 (2d Cir. 1990)
- *Richardson v. Perales*, 402 U.S. 389, 401 (1971)
- *Consolidated Edison Co. v. NLRB*, 305 U.S. 197, 229 (1938)
- *Brault v. Social Security Administration, Commissioner*, 683 F.3d 443, 448, 450-51 (2d Cir. 2012)
- *McIntyre v. Colvin*, 758 F.3d 146, 149, 151 (2d Cir. 2014)
- *Angela H.-M. v. Commissioner of Social Security*, 631 F. Supp. 3d 1, 7 (W.D.N.Y. 2022)
- *Spottswood v. Kijakazi*, 2024 WL 89635, at *1 (2d Cir. Jan. 9, 2024)
- *Loucks v. Kijakazi*, 2022 WL 2189293, at *2 (2d Cir. June 17, 2022)
- *Estrella v. Berryhill*, 925 F.3d 90, 95 (2d Cir. 2019)
- *Halloran v. Barnhart*, 362 F.3d 28, 32 (2d Cir. 2004)
- *Matta v. Astrue*, 508 F. App'x 53, 56 (2d Cir. 2013)
- *Balsamo v. Chater*, 242 F.3d 75, 81 (2d Cir. 2001)
- *Drake v. Saul*, 839 F. App'x 584, 586 (2d Cir. 2020)
- *Mongeur v. Heckler*, 722 F.2d 1033, 1040 (2d Cir. 1983)
- *Tomicki v. Berryhill*, 2018 WL 703118, at *5 (W.D.N.Y. Jan. 11, 2018)
- *Johnson v. Colvin*, 669 F. App'x 44, 47 (2d Cir. 2016)
- *Michelle D. v. Commissioner of Social Security*, 2024 WL 108685, at *5 (W.D.N.Y. Jan. 10, 2024)
- *Mariani v. Colvin*, 567 F. App'x 8, 10 (2d Cir. 2014)
- *Ramsey v. Commissioner of Social Security*, 830 F. App'x 37, 39 (2d Cir. 2020)

- Shauna N.B. v. Commissioner of Social Security, 2025 WL 961466, at *5 (W.D.N.Y. Mar. 31, 2025)
- Butts v. Barnhart, 388 F.3d 377, 383 (2d Cir. 2004)
- Biestek v. Berryhill, 587 U.S. 97, 102-03, 107 (2019)
- Galiotti v. Astrue, 266 F. App'x 66, 68 (2d Cir. 2008)
- Donahue v. Barnhart, 427 F.3d 441, 446 (7th Cir. 2005)
- Jones-Reid v. Astrue, 934 F. Supp. 2d 381, 407 (D. Conn. 2013), aff'd, 515 F. App'x 32 (2d Cir. 2013)

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