

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Joseph Michael Bova, Jr. v. Social Security Commissioner

Bova · No. 1:25-CV-00470 · Decided January 12, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania grants the Commissioner of Social Security’s converted motion for summary judgment and dismisses Joseph Michael Bova, Jr.’s complaint without prejudice. The court holds that Bova challenged an alleged Supplemental Security Income overpayment without exhausting the required administrative process, including review by an Administrative Law Judge and the Appeals Council.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Susan E. Schwab
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	January 12, 2026
DOCKET	1:25-CV-00470
DISPOSITION	dismissed
PROCEDURAL POSTURE	Bova sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's determination concerning an alleged Supplemental Security Income overpayment. The Commissioner moved to dismiss under Rule 12(b)(6); because materials outside the pleadings were submitted, the court converted the motion to one for summary judgment under Rules 12(d) and 56.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and that the movant is entitled to judgment as a matter of law. The court views the facts in the light most favorable to the nonmoving party and does not weigh evidence or determine credibility.
PRECEDENTIAL VALUE	unpublished
PARTIES	Joseph Michael Bova, Jr. v. Social Security Commissioner

TOPICS

exhaustion of remedies

judicial review of agency action

summary judgment

administrative law

civil procedure

PRACTICE AREAS

Social Security

administrative law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the court could review Bova's challenge to the alleged SSI overpayment and benefit withholding when he had not obtained an ALJ decision or Appeals Council review.
2. Whether the Commissioner's Rule 12(b)(6) motion should be converted to a motion for summary judgment because the Commissioner relied on materials outside the pleadings.
3. Whether the exhaustion requirement should be waived or judicially excused under the circumstances.

HOLDINGS

1. Because the Commissioner relied on a declaration and attached documents outside the pleadings that were integral to resolving the motion, the court properly exercised its discretion under Rule 12(d) to convert the motion to one for summary judgment after giving Bova a reasonable opportunity to present pertinent materials.
2. A claimant challenging an SSI overpayment determination must generally complete the administrative review process through an ALJ hearing and Appeals Council review before obtaining judicial review under 42 U.S.C. §§ 405(g) and 1383(c)(3). Because Bova had obtained neither an ALJ decision nor Appeals Council review, he failed to exhaust administrative remedies.
3. The exhaustion requirement was neither waived by the Social Security Administration nor subject to judicial excuse in this case.

KEY QUOTATIONS

“To exhaust administrative remedies, social security “claimants must generally proceed through a four-step process before they can obtain review from a federal court””

“Because Bova failed to exhaust administrative remedies, the Commissioner has not waived the exhaustion requirement, and there is no basis to excuse exhaustion in this case, we will grant the Commissioner’s motion for summary judgment and dismiss the complaint.”

FACTUAL BACKGROUND

Bova applied for SSI on September 22, 2022, and the state agency granted his claim. He was later notified of a \$3,287.08 overpayment and an additional \$530.00 overpayment, with amounts withheld from his benefits. Bova requested reconsideration on July 19, 2023, but no ALJ hearing or decision and no Appeals Council action had occurred when he filed suit.

PROCEDURAL HISTORY

Bova applied for SSI and was granted benefits. After being notified of overpayments, he requested reconsideration but had not received an ALJ decision or Appeals Council review when he filed this action. The parties consented to magistrate-judge jurisdiction. The court converted the Commissioner's motion to dismiss into a motion for summary judgment, granted it, and dismissed the complaint without prejudice for failure to exhaust administrative remedies.

DISPOSITION

dismissed

CASES CITED

- Yuratovich v. U.S. Dept. of Just., No. CV 13-5651 (NLH), 2015 WL 8328328, at *3 (D.N.J. Dec. 8, 2015)
- Goudy-Bachman v. U.S. Dept. of Health & Human Services, 811 F. Supp. 2d 1086, 1091 (M.D. Pa. 2011)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-25 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-50, 252 (1986)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986)
- N.A.A.C.P. v. N. Hudson Reg'l Fire & Rescue, 665 F.3d 464, 475 (3d Cir. 2011)
- Anderson v. Consol. Rail Corp., 297 F.3d 242, 247 (3d Cir. 2002)
- Berkeley Inv. Group, Ltd. v. Colkitt, 455 F.3d 195, 201 (3d Cir. 2006)
- Smith v. Berryhill, 587 U.S. 471, 475-78 (2019)
- Mathews v. Eldridge, 424 U.S. 319, 328, 330 (1976)
- Mathews v. Diaz, 426 U.S. 67, 75 (1976)
- Cope v. Soc. Sec. Admin., 532 F. App'x 58, 60 (3d Cir. 2013)
- English v. Soc. Sec. Admin., 705 F. App'x 116, 118 (3d Cir. 2017)
- Weinberger v. Salfi, 422 U.S. 749, 767 (1975)
- Bowen v. City of New York, 476 U.S. 467, 483-85 (1986)
- L.N.P. v. Kijakazi, 64 F.4th 577, 584 (4th Cir. 2023)
- Nellom v. Comm'r of Soc. Sec., No. 23-3215, 2024 WL 3219700, at *1 (3d Cir. June 28, 2024)
- Quigley v. O'Malley, No. 24-1824, 2024 WL 3889621, at *3 (E.D. Pa. Aug. 21, 2024)