

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, LAFAYETTE DIVISION

Kenereis George v. Commissioner of Social Security

George · No. 6:24-CV-00664 · Decided March 31, 2026

SUMMARY

The United States District Court for the Western District of Louisiana overruled Kenereis George’s objections to the Magistrate Judge’s report and recommendation in an appeal from the Commissioner of Social Security’s finding of non-disability. The court held that although the Magistrate Judge cited superseded Social Security Ruling 96-7p rather than SSR 16-3p, the difference was largely semantic and did not affect the outcome. The court adopted the report and recommendation and affirmed the Commissioner’s decision.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Lafayette Division
WRITING FOR THE COURT	Robert R. Summerhays
JURISDICTION	United States District Court for the Western District of Louisiana, Lafayette Division
DECIDED	March 31, 2026
DOCKET	6:24-CV-00664
DISPOSITION	affirmed
PROCEDURAL POSTURE	Review of the Commissioner's finding of non-disability following the claimant's objection to a magistrate judge's report and recommendation.
STANDARD OF REVIEW	The court conducted an independent review and consideration of the record in evaluating the objection to the report and recommendation.
PRECEDENTIAL VALUE	Nonprecedential district court ruling; the source identifies the precedential status as unknown.
PARTIES	Kenereis George v. Commissioner of Social Security

TOPICS

- judicial review of agency action
- agency adjudication
- administrative law
- ada / disability

PRACTICE AREAS

Social Security disability

administrative law

judicial review of agency action

QUESTIONS PRESENTED

1. Whether reliance on Social Security Ruling 96-7p rather than Social Security Ruling 16-3p required rejection of the magistrate judge's report and recommendation.
2. Whether the Commissioner's non-disability determination should be affirmed after independent review of the record.

HOLDINGS

1. Social Security Ruling 16-3p superseded Social Security Ruling 96-7p and eliminated the term "credibility," but the change was largely semantic and did not require a different result where the magistrate judge's reasoning and conclusions were correct under either standard.
2. The Commissioner's decision is affirmed because the magistrate judge's reasoning and conclusions were correct under either SSR 96-7p or SSR 16-3p, and the remaining objections did not warrant a different result.

KEY QUOTATIONS

"However, the fact that the Magistrate Judge cited a superseded ruling and standard does not change the result here because the change brought about by SSR 16-3p was largely semantic."

"Based on the Court's independent review and consideration of the record, the Magistrate Judge's reasoning and conclusions were correct under either standard."

FACTUAL BACKGROUND

Kenereis George sought review of the Commissioner's determination that he was not disabled. The magistrate judge recommended affirming that determination. George objected, principally arguing that the magistrate judge used the superseded credibility terminology and standard from Social Security Ruling 96-7p instead of Social Security Ruling 16-3p.

PROCEDURAL HISTORY

The matter came before the district court on George's timely objection to the magistrate judge's report and recommendation, which recommended affirming the Commissioner's non-disability decision. George argued that the magistrate judge improperly relied on superseded Social Security Ruling 96-7p rather than Social Security Ruling 16-3p. The district court independently reviewed the record, overruled the objections, and adopted the report and recommendation in its entirety.

DISPOSITION

affirmed

CASES CITED

- Bays v. Colvin, No. 1:15-cv-199, 2016 WL 7324705, at *7 n.6 (E.D. Cal. Dec. 14, 2016)
- Lockwood v. Colvin, No. 15-192, 2016 WL 2622325, at *3 n.1 (N.D. Ill. May 9, 2016)
- Burnstad v. Colvin, No. 6:15-cv-00921, 2016 WL 4134535, at *11 n.9 (D. Or. Aug. 2, 2016)
- Dooley v. Commissioner of Social Security, 665 F. App'x 113, 119 (6th Cir. 2016)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA LAFAYETTE DIVISION KENEREIS GEORGE CASE NO. 6:24-CV-00664 VERSUS JUDGE ROBERT R. SUMMERHAYS COMMISSIONER OF SOCIAL SECURITY MAGISTRATE JUDGE DAVID J. AYO RULING The present matter before the Court is an objection to the Magistrate Judge's report and recommendation ("R&R") filed on September 18, 2025.

[ECF No. 12]. This case is an appeal from the Commissioner's finding of non-disability. The R&R recommends that the Commissioner's decision be affirmed. The claimant, Kenereis George, filed a timely objection to the R&R.¹ The primary new argument raised by George is that the Magistrate Judge failed to apply the appropriate standard for judging the claimant's subjective symptomatic complaints.

Specifically, the Magistrate Judge cited Social Security Ruling ("SSR") 96-7P, which describes how the Commissioner is to evaluate subjective symptoms and determine the credibility of an individual's statements. That SSR provides in pertinent part: 4.

In determining the credibility of the individual's statements, the adjudicator must consider the entire case record, including the objective medical evidence, the individual's own statements about symptoms, statements and other information provided by treating or examining physicians or psychologists and other persons about the symptoms and how they affect the individual, and any other relevant evidence in the case record.² George contends that this SSR was superseded by SSR 16-3p.³ George is correct in this regard.

In March 2016, the Social Security Administration issued SSR 16-3p, which provided guidance 1 ECF No. 13. 2 Titles II & XVI: Evaluation of Symptoms in Disability Claims: Assessing the Credibility of an Individual's Statements, SSR 96-7P (July 2, 1996), 1996 WL 374186, *1. 3 Soc. Sec. Ruling 16-3p: Titles II & XVI: Evaluation of Symptoms in Disability Claims, SSR 16-3P (Mar.

16, 2016), 2016 WL 1119029. regarding how the Administration evaluates "statements regarding the intensity, persistence, and limiting effects of symptoms in disability claims."* This Ruling superseded SSR 96-7p, which for decades provided guidance on this topic. George is correct that Ruling 16-3p eliminated the use of the term "credibility" from the Administration's sub-regulatory policy, which merely brought the policy language in line with long-standing regulations that did

not employ the term.* However, the fact that the Magistrate Judge cited a superseded ruling and standard does not change the result here because the change brought about by SSR 16-3p was largely semantic.° Based on the Court’s independent review and consideration of the record, the Magistrate Judge’s reasoning and conclusions were correct under either standard.

George’s remaining objections merely repeat arguments made before the Magistrate Judge. Accordingly, the Court **OVERRULES** George’s objections and **ADOPTS** the R&R in its entirety. **THUS DONE** in Chambers on this 31st day of March, 2026. **ROBERT R. SUMMERHAYS** UNITED STATES DISTRICT JUDGE at *1. 6 See *Bays v. Colvin*, No. 1:15-cv-199, 2016 WL 7324705, at *7 n.6 (E.D.

Cal. Dec. 14, 2016) (“Ruling 16-3p implemented a change of diction rather than substance.”); *Lockwood v. Colvin*, No. 15-192, 2016 WL 2622325, at *3 n.1 (N.D. Ill. May 9, 2016) (noting substantial consistence between the old and the new ruling in terms of the two- step process to be followed and the factors to be considered in the evaluation); see, also, *Burnstad v. Colvin*, No. 6:15-cv-00921, 2016 WL 4134535, *11 n.9 (D.

Or. Aug. 2, 2016) (documenting differential treatment among district courts about whether SSR 16-3p should apply retroactively); *Dooley v. Comm’r of Soc. Sec.*, 665 Fed. Appx.113, 119 (6th Cir. 2016) (noting that because SSR 16-3p did not alter the existing portion of the rule at issue, the court “need not reach the issue” of whether SSR 16-3p applies retroactively).