UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Ashley Corryn Chamberlin v. Commissioner of Social Security

Chamberlin · No. 2:24-cv-01382-CSK · Decided May 29, 2025

OPINION

(SS) Chamberlin v. Commissioner of Social Security
PER CURIAM.
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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10 11 ASHLEY CORRYN CHAMBERLIN, Case No. 2:24-cv-01382-CSK 12 Plaintiff, ORDER ON PARTIES' CROSS MOTIONS
FOR SUMMARY JUDGMENT
13 v. (ECF Nos. 11, 13)
14 COMMISSIONER OF SOCIAL
SECURITY,
15 Defendant. 16
17 Plaintiff Ashley Corryn Chamberlin seeks judicial review of a final decision by 18 Defendant Commissioner of Social Security denying an application for supplemental 19 security income.1 In the summary judgment motion, Plaintiff contends the final decision 20 of the Commissioner contains legal error and is not supported by substantial evidence. 21 Plaintiff seeks a remand for further proceedings. The Commissioner opposes Plaintiff's 22 motion, filed a cross-motion for summary judgment, and seeks affirmance. 23 For the reasons below, Plaintiff's motion is GRANTED, the Commissioner's cross- 24 motion is DENIED, and the final decision of the Commissioner is VACATED and the 25 case REMANDED to the ALJ for further proceedings consistent with this order. 26 / / / 27 1 This action was referred to the magistrate judge under Local Rule 302(c)(15) and 28 proceeds on the consent of all parties. (ECF Nos. 6, 8, 9.)
1 I. SOCIAL SECURITY CASES: FRAMEWORK & FIVE-STEP ANALYSIS
2 The Social Security Act provides benefits for qualifying individuals unable to 3 "engage in any substantial gainful activity by reason of any medically determinable 4 physical or mental impairment[.]" 42 U.S.C. § 423(d)(1)(a). When an individual (the 5 "claimant") seeks Social Security disability benefits, the process for administratively 6 reviewing the request can consist of several stages, including: (1) an initial determination 7 by the Social Security Administration; (2) reconsideration; (3) a hearing before an 8 Administrative Law Judge ("ALJ"); and (4) review of the ALJ's determination by the 9 Social Security Appeals Council. 20 C.F.R. § 416.1400(a). 10 At

the hearing stage, the ALJ is to hear testimony from the claimant and other 11 witnesses, accept into evidence relevant documents, and issue a written decision based 12 on a preponderance of the evidence in the record. 20 C.F.R. § 416.1429. In evaluating a 13 claimant's eligibility, the ALJ is to apply the following five-step analysis: 14 Step One: Is the claimant engaged in substantial gainful activity? If yes, the claimant is not disabled. If no, proceed to step two. 15 Step Two: Does the claimant have a "severe" impairment? If no, the claimant is not disabled. If yes, proceed to step three. 16 Step Three: Does the claimant's combination of impairments meet or 17 equal those listed in 20 C.F.R., Pt. 404, Subpt. P, App. 1 (the "Listings")? If yes, the claimant is disabled. If no, proceed to step four. 18 Step Four: Is the claimant capable of performing past relevant work? If 19 yes, the claimant is not disabled. If no, proceed to step five. 20 Step Five: Does the claimant have the residual functional capacity to perform any other work? If yes, the claimant is not disabled. If no, the 21 claimant is disabled. 22 Lester v. Chater, 81 F.3d 821, 828 n.5 (9th Cir. 1995); 20 C.F.R. § 416.920(a)(4). The 23 burden of proof rests with the claimant through step four, and with the Commissioner at 24 step five. Ford v. Saul, 950 F.3d 1141, 1148 (9th Cir. 2020). If the ALJ finds a claimant 25 not disabled, and the Social Security Appeals Council declines review, the ALJ's 26 decision becomes the final decision of the Commissioner. Brewes v. Comm'r., 682 F.3d 27 1157, 1161-62 (9th Cir. 2012) (noting the Appeals Council's denial of review is a non- 28 final agency action). At that point, the claimant may seek judicial review of the 1 Commissioner's final decision by a federal district court. 42 U.S.C. § 405(g). 2 The district court may enter a judgment affirming, modifying, or reversing the final 3 decision of the Commissioner. Id. ("Sentence Four" of § 405(g)). In seeking judicial 4 review, the plaintiff is responsible for raising points of error, and the Ninth Circuit has 5 repeatedly admonished that the court cannot manufacture arguments for the plaintiff. 6 See Mata v. Colvin, 2014 WL 5472784, at *4 (E.D. Cal, Oct. 28, 2014) (citing Indep. 7 Towers of Wash. v. Washington, 350 F.3d 925, 929 (9th Cir. 2003) (stating that the court 8 should "review only issues which are argued specifically and distinctly," and noting a 9 party who fails to raise and explain a claim of error waives it). 10 A district court may reverse the Commissioner's denial of benefits only if the ALJ's 11 decision contains legal error or is unsupported by substantial evidence. Ford, 950 F.3d. 12 at 1154. Substantial evidence is "more than a mere scintilla" but "less than a 13 preponderance," i.e., "such relevant evidence as a reasonable mind might accept as 14 adequate to support a conclusion." Id. (citations omitted). The court reviews evidence in 15 the record that both supports and detracts from the ALJ's conclusion, but may not affirm 16 on a ground upon which the ALJ did not rely. Luther v. Berryhill, 891 F.3d 872, 875 (9th
17 Cir. 2018). The ALJ is responsible for resolving issues of credibility, conflicts in
18 testimony, and ambiguities in the record. Ford, 950 F.3d at 1154. The ALJ's decision 19 must be upheld where the evidence is susceptible to more than one rational 20 interpretation, or where any error is harmless. Id.
21 II. FACTUAL BACKGROUND AND ALJ'S FIVE-STEP ANALYSIS

22 On October 13, 2017, Plaintiff applied for supplemental security income under 23 Title XVI of the Social Security Act, alleging she has been disabled since April 2, 2011. 24 Administrative Transcript ("AT") 361 (available at ECF No. 10). Plaintiff claimed disability 25 due to ulcerative colitis, chronic fatigue syndrome, post-traumatic stress disorder 26 ("PTSD"), major depression, and autoimmune hepatitis Type 2. AT 399. Plaintiff's 27 applications were denied initially and upon reconsideration; she sought review before an 28 ALJ. AT 163, 181, 203. Plaintiff appeared with a representative at a January 13, 2020 1 hearing before an ALJ, where Plaintiff testified about her impairments. AT 121-45. 2 Plaintiff appeared at a second hearing on August 3, 2022 with a representative, where 3 she testified about her impairments, Plaintiff's grandmother testified, and a vocational 4 expert testified about hypothetical available jobs in the national economy. AT 76-120. 5 Plaintiff appeared with a representative at a third hearing on March 9, 2023, where 6 Plaintiff testified about her impairments, and Plaintiff's grandmother and friend also 7 testified. AT 38-75. 8 On July 20, 2023, the ALJ issued a decision finding Plaintiff was not disabled. AT 9 14-27. At step one, the ALJ found Plaintiff had not engaged in substantial gainful activity 10 since September 30, 2017. AT 19. At step two, the ALJ determined Plaintiff had the 11 following severe impairments: ulcerative colitis, chronic fatigue syndrome, autoimmune 12 hepatitis, hypothyroidism, cognitive changes, posttraumatic stress disorder, anxiety, and 13 depression. Id. At step three, the ALJ found Plaintiff's combination of impairments did not 14 meet or medically equal any Listing. AT 20. (citing 20 C.F.R Part 404, Subpart P,
15 Appendix 1). Relevant here, the ALJ considered Listing 5.05 (chronic liver disease), 5.06
16 (inflammatory bowel disease), 5.05, and 14.07 (immune deficiency disorders, excluding 17 HIV infection) for Plaintiff's physical impairments, and Listings 12.04 (depression), 12.06 18 (anxiety), 12.15 (trauma- and sensor-related disorders) for Plaintiff's mental impairments, 19 examining the "Paragraph B" and "Paragraph C" criteria for the mental impairments.2 20 The ALJ found Plaintiff mildly limited in understanding, remembering, or applying 21 information; she also found Plaintiff moderately limited interacting with others, in 22 23 2 "Paragraph B" lists four categories for evaluating how a claimant's mental disorders limit their functioning: understanding, remembering, or applying information; interacting 24 with others; concentrating, persisting, or maintaining pace; and adapting or managing oneself. To be found disabled under the Paragraph B categories, the mental disorder 25 must result in an "extreme" limitation of one, or "marked" limitation of two, of the four 26 areas of mental functioning. See 20 C.F.R. § Pt. 404, Subpt. P, App. 1, 12.00 Mental Disorders, sub. A.2.b. "Paragraph C" of listings including 12.04 and 12.06, provides 27 criteria used to evaluate "serious and persistent mental disorders." To be "serious and persistent" there must be a medically documented history of the existence of the mental 28 disorder over a period of at least 2 years. Id., sub. A.2.c. 1 concentrating, persisting or maintaining pace, and in adapting or managing oneself. AT 2 21. 3 The ALJ then found Plaintiff had the residual functional capacity to perform light 4 work (20 C.F.R. § 416.967(b)), except that Plaintiff: 5 [C]an occasionally climb ramps and stairs and occasionally climb ladders and scaffolds; can

have no more than frequent 6 exposure to hazards such as unprotected heights and operating heavy machinery; cannot operate a motor vehicle; 7 requires ready access to a bathroom facility; and is limited to simple tasks with occasional superficial public contact and 8 few changes in a routine work setting. 9 AT 22. In crafting this residual functional capacity, the ALJ stated she considered all 10 symptoms and the extent to which these symptoms can reasonably be accepted as 11 consistent with the objective medical evidence and other evidence. AT 22. The ALJ 12 considered the medical opinions and prior administrative medical findings. Id. 13 Based on the residual functional capacity, the ALJ determined at step four that 14 Plaintiff was unable to perform any past relevant work. AT 27. However, at step five, the 15 ALJ found Plaintiff capable of performing other jobs in the national economy, including: 16 (i) marker, light, SVP 2, 131,000 jobs nationally; (ii) office helper, light, SVP 2, with 17 10,000 jobs nationally; and (iii) router, light, SVP 2, with 31,000 jobs nationally.3 AT 28. 18 Thus, the ALJ found Plaintiff not disabled during the relevant period. Id. 19 On March 29, 2024, the Appeals Council rejected Plaintiff's appeal. AT 1-3. 20 Plaintiff filed this action requesting judicial review of the Commissioner's final decision, 21 and the parties filed cross-motions for summary judgment. (ECF Nos. 1, 11, 13.) 22

III. ISSUES PRESENTED FOR REVIEW

23 Plaintiff contends the ALJ erred by failing to properly consider the medical source 24 25 3 "Light" in the ALJ's step-five determination references light work, as defined by 26 20 C.F.R. §§ 404.1567(b) and 416.967(b). "SVP" is "specific vocational preparation," defined as "the amount of lapsed time 27 required by a typical worker to learn the techniques, acquire the information, and develop the facility needed for average performance in a specific job-worker situation." 28 See DOT, App. C, § II, available at 1991 WL 688702. 1 opinions of Jazmine Toailoa, Psy.D., psychological consultative examiner, and Kim 2 Morris, Psy.D. and B. Rudnick, M.D., State agency psychological consultants, when 3 determining the residual functional capacity. Plaintiff also contends that the ALJ failed to 4 properly evaluate the medical source opinions of Heather Hall, M.D., Plaintiff's 5 psychiatrist, and treating medical providers Michael F. McClanahan, P.A.-C.,4 Nick 6 Young, N.D., Joshua Pruitt, P.A. Plaintiff seeks a remand for further proceedings. (ECF

7 Nos. 11, 14.)

8 The Commissioner argues that substantial evidence supported the ALJ's 9 assessment of the medical opinions, prior administrative medical findings, and step five 10 findings by properly analyzing the medical opinions. (See ECF No. 13.) Thus, the 11 Commissioner contends the decision as a whole is supported by substantial evidence 12 and should be affirmed. (Id.)

13 IV. DISCUSSION

14 The Court focuses its analysis on Plaintiff's argument that the ALJ failed to 15 properly evaluate the opinions of Dr. Toailoa, Dr. Morris, and Dr. Rudnick, whose 16 opinions the ALJ found to be persuasive, when considering the residual functional 17 capacity. Because the Court finds that remand is warranted on this ground, the Court 18 declines to address Plaintiff's

remaining arguments. See Hiler v. Astrue, 687 F.3d 1208, 19 1212 (9th Cir. 2012); Millsap v. Kijakazi, 2023 WL 4534341, at *7 (E.D. Cal. July 13, 20 2023). 21 A. Medical Opinion Evidence 22 For applications filed on or after March 27, 2017, an ALJ need "not defer or give 23 any specific evidentiary weight, including controlling weight, to any medical opinion(s) or 24 prior administrative medical findings, including those from [a plaintiff's] medical sources." 25 26 4 The opinion cited by the ALJ is addressed to Katherine Bisharat, M.D. but signed by Mr. McClanahan. See AT 1227. The ALJ characterized this opinion as Dr. Bisharat's 27 opinion. AT 26. Both Plaintiff and Defendant refer to this opinion as the opinion of Mr. McClanahan. Pl. MSJ at 18 n.1; Def. MSJ at 11 n.6. For consistency, the Court also 28 refers to this opinion as the opinion of Mr. McClanahan. 1 20 C.F.R. §§ 404.1520c(a) and 416.920c(a). Instead, the ALJ is to evaluate medical 2 opinions and prior administrative medical findings by considering their "persuasiveness." 3 Id. 4 In determining how "persuasive" the opinions of medical sources and prior 5 administrative medical findings are, an ALJ must consider the following factors: 6 "supportability, consistency, treatment relationship, specialization, and 'other factors.'" 7 20 C.F.R. §§ 404.1520c and 416.920c at sub. (b) and (c)(1)-(5). Despite a requirement 8 to "consider" all factors, the ALJ only need articulate a rationale on how the supportability 9 and consistency factors were considered, as they are "the most important factors." Id. at 10 sub. (b)(2). A medical opinion is supported if the medical source explains the relevant 11 objective medical evidence. Woods v. Kijakazi, 32 F.4th 785, 791-92 (9th Cir. 2022). A 12 medical opinion's consistency concerns its alignment with other medical and nonmedical 13 sources in the record. Id. at 792. The regulations grant the ALJ flexibility to weigh the 14 supportability and consistency factors based on all evidence in the record. 20 C.F.R. 15 §§ 404.1520c(c)(1)-(2) and 416.920c(c)(1)-(2). The ALJ is not required to articulate 16 findings on the remaining factors (relationship with plaintiff, specialization, and "other") 17 unless "two or more medical opinions or prior administrative medical findings about the 18 same issue" are "not exactly the same," and both are "equally well-supported [and] 19 consistent with the record." Id. at sub. (b)(2)-(3). An ALJ may address multiple opinions 20 from a single medical source in one analysis. 20 C.F.R. §§ 404.920c(b)(1) and 21 416.920c(b)(1) ("source-level articulation"). Generally speaking, the ALJ does not need 22 to discuss every piece of evidence when interpreting the evidence and developing the 23 record. Howard ex rel. Wolff v. Barnhart, 341 F.3d 1006, 1012 (9th Cir. 2003). 24 B. Residual Functional Capacity Formation 25 1. Legal Standards 26 A claimant's residual functional capacity assessment is a determination of what 27 the claimant can still do despite his or her physical, mental and other limitations. 28 20 C.F.R. § 404.1545(a). The residual functional capacity is the "maximum degree to 1 which the individual retains the capacity for sustained performance of the physical- 2 mental requirements of jobs." 20 C.F.R. Part 404, Subpt. P, App. 2, § 200.00(c). In 3 determining a claimant's residual functional capacity, an ALJ must assess all the 4 evidence (including the descriptions of limitation, and medical reports) to determine what 5 capacity the claimant has for work despite the impairment(s). 20 C.F.R. § 404.1545(a); 6 Valentine

v. Comm'r Soc. Sec. Admin., 574 F.3d 685, 690 (9th Cir. 2009) (a residual 7 functional capacity that "fails to take into account a claimant's limitations is defective"). 8 Therefore, an ALJ errs when she provides an incomplete residual functional capacity 9 ignoring "significant and probative evidence." Hill v. Astrue, 698 F.3d 1153, 1161-62 (9th
10 Cir. 2012).
11 The residual functional capacity does not need to directly correspond to a specific 12 medical opinion; rather, "the ALJ is responsible for translating and incorporating clinical 13 findings into a succinct [residual functional capacity]." Rounds v. Comm'r of Soc. Sec. 14 Admin., 807 F.3d 996, 1006 (9th Cir. 2015). ALJs are capable of independently 15 reviewing and forming conclusions about medical evidence to determine whether a 16 claimant is disabled and cannot work, as required by statute. Farlow v. Kijakazi, 53 F.4th 17 485, 488 (9th Cir. 2022). The ALJ's residual functional capacity assessment should be 18 affirmed if the ALJ has applied the proper legal standard and the decision is supported 19 by substantial evidence in the record. Bayliss v. Barnhart, 427 F.3d 1211, 1217 (9th Cir. 20 2005). 21 2. Analysis 22 a. Jazmine Toailoa, Psy.D 23 Plaintiff argues that the residual functional capacity did not take into account 24 numerous limitations assessed by Dr. Toailoa even though the ALJ found Dr. Toailoa's 25 opinion persuasive. Pl. MSJ at 6, 8-9 (ECF No. 11). The ALJ addressed the medical 26 opinion of Dr. Toailoa. AT 25-26. Dr. Toailoa found that Plaintiff was mildly limited in her 27 ability to understand, remember, and perform complex written and oral instructions. AT 28 879. She found Plaintiff moderately limited in her ability to maintain regular attendance in 1 the workplace due to mental health symptoms, and likely to have periodic attendance 2 difficulties maintaining a 40-hour workweek but is likely to show adequate attendance in 3 an 8-hour workday. Id. Dr. Toailoa found Plaintiff moderately limited in her ability to 4 interact with coworkers and with the public due to her mental health symptoms. AT 880. 5 Dr. Toailoa further found that Plaintiff was moderately limited in her ability to maintain a 6 normal workday or workweek without interruptions resulting from the claimant's 7 psychiatric condition. Id. Dr. Toailoa also found Plaintiff moderately limited in her ability 8 to deal with the usual stresses encountered in a competitive work environment. Id. 9 The ALJ found this opinion persuasive. AT 25-26. The ALJ found the opinion 10 supported by exam findings of intact intelligence, adequate attention and concentration, 11 adequate fund of knowledge and memory, and intact insight and judgment, but anxious 12 mood and affect. Id. The ALJ also found the opinion consistent with the evaluation of 13 Christina Bourne, M.D. who found Plaintiff was able to engage in activities of daily living 14 and required social functions without any serious issue. AT 26; see AT 1239-40. 15 Plaintiff argues that the residual functional capacity did not take into account Dr. 16 Toailoa's opinion that Plaintiff had moderate limitations in her ability to maintain regular 17 attendance in the workplace, and moderate limitations in her ability to complete a normal 18 workday or workweek without interruptions resulting from her psychiatric condition. Id. at 19 8-9. Plaintiff also argues that the ALJ did not take into account Dr. Toailoa's opinion 20 about Plaintiff's limitations in her

ability to interact with her coworkers when the residual 21 functional capacity only limits Plaintiff's interactions with the public. Id. at 9. Lastly, 22 Plaintiff argues that the residual functional capacity did not contain limitations addressing 23 Dr. Toailoa's opinion that Plaintiff had moderate limitations in her ability to deal with 24 usual stresses found in a competitive work environment. Id. 25 Defendant asserts that the residual functional capacity takes these limitations into 26 account by limiting Plaintiff to simple tasks. Def. MSJ at 5 (ECF No. 13). Defendant also 27 argues that State agency consultants Dr. Morris and Dr. Rudnick found Plaintiff 28 moderately limited in her ability to maintain a regular schedule and complete a normal 1 workday and workweek without interruptions, but found that even with these moderate 2 limitations, Plaintiff had the ability to "maintain adequate attention, concentration, 3 persistence and pace as needed to complete a full workday/work week." Def. MSJ at 5. 4 Because the ALJ found Dr. Toailoa's opinion persuasive, the ALJ was required to 5 account for the moderate limitations in the residual functional capacity or provide an 6 explanation why she did not accept them. See Macquarrie v. Comm'r of Soc. Sec., 2023 7 WL 8242069, at *5 (E.D. Cal. Nov. 28, 2023). The Court finds the ALJ erred in failing to 8 set forth the moderate limitations identified by Dr. Toailoa in the residual functional 9 capacity. Here, the residual functional capacity limits Plaintiff "to simple tasks with 10 occasional superficial public contact and few changes in a routine work setting." AT 22. 11 This limitation fails to account for Plaintiff's moderate limitations in maintaining regular 12 attendance, completing a normal workday or workweek without interruptions from 13 psychiatric condition, interacting with coworkers and the public, and dealing with the 14 usual stresses encountered in a competitive work. See AT 25. Recent cases in this 15 district take the approach that a restriction to a simple or routine task does not account 16 for all moderate limitations. See Macquarrie, 2023 WL 8242069, at *6; see also Slover v. 17 Kijakazi, 2023 WL 5488416, at *4 (E.D. Cal. Aug. 24, 2023); Harrell v. Kijakazi, 2021 WL 18 4429416, at *6 (E.D. Cal. Sept. 27, 2021) (collecting cases); Ramirez v. Kijakazi, 2023 19 WL 4409853, at *5 (E.D. Cal. Jul. 7, 2023). Following this approach, the Court concludes 20 that given that the ALJ found Dr. Toailoa's opinion persuasive, the ALJ's decision to limit 21 Plaintiff to work consisting of simple tasks did not adequately address or account for Dr. 22 Toailoa's moderate limitations. 23 b. Kim Morris, Psy.D. and B. Rudnick, M.D. 24 The ALJ analyzed the medical opinions of the State agency consultants generally 25 but does not list them by name. AT 26. Plaintiff specifically addresses the opinions of 26 Kim Morris, Psy.D. and B. Rudnick, M.D. in her brief. Pl. MSJ at 11. Dr. Morris found 27 Plaintiff to be alert, fully oriented, with a normal memory, appropriate mood and affect. 28 AT 154. She found that Plaintiff is capable of simple and detailed tasks that involved 1 limited public contact and social demands. AT 154. Dr. Morris and Dr. Rudnick found 2 Plaintiff to be moderately limited in her ability to perform activities within a schedule, 3 maintain regular attendance, and be punctual; and moderately limited in her ability to 4 complete a normal workday and workweek without interruptions from psychologically 5 based symptoms and to perform at a consistent pace without an unreasonable number 6 and length of rest periods. AT

159, 176, 177. Both doctors also found Plaintiff 7 moderately limited in her ability to maintain socially appropriate behavior and to adhere 8 to basic standards of neatness and cleanliness, and get along with coworkers or peers. 9 AT 159-60, 177. Both doctors found Plaintiff had a sufficient ability to complete simple 10 and detailed instructions, and maintain adequate attention, concentration, persistence 11 and pace to complete a full work day/work week. AT 160, 178. 12 The ALJ found the findings by the State agency consultants persuasive. AT 26. 13 The ALJ considered that the State agency consultants' findings that Plaintiff was capable 14 of simple and detailed instructions and simple decision, and capable of maintaining 15 appropriate behavior in setting of limited social demands and public contact, supported 16 by explanations. AT 26. Further, the ALJ found the opinions consistent with Plaintiff's 17 good response to ulcerative colitis treatment and the assessment of Dr. Toailoa. Id. 18 Plaintiff argues that the ALJ failed to adopt the opinions that Plaintiff needed 19 limited social demands and had moderate limitations in her ability to get along with 20 coworkers and peers, even though the ALJ found the medical opinions persuasive. Pl. 21 MSJ at 12. Defendants acknowledge that the residual functional capacity did not include 22 Drs. Morris and Rudnick's finding that Plaintiff was restricted to limited social demands. 23 Def. MSJ at 8. However, Defendant argues that this error was harmless because the 24 jobs of marker and router do not involve any social demands. Id. at 8-9. 25 The ALJ found Plaintiff was capable of performing a significant number of other 26 jobs in the national economy including marker, office helper, and router. AT 28. Although 27 the unskilled jobs at issue here and their corresponding Dictionary of Occupational Titles 28 descriptions suggest they may not necessarily require significant social interaction (see 1 Def. MSJ at 9), the hypotheticals to the vocational expert needed to reflect the correct 2 social interaction limitations for the vocational expert's testimony to serve as substantial 3 evidence supporting the ALJ's step five finding. See Alexander v. Saul, 817 F. App'x 4 401, 404 (9th Cir. 2020). 5 Here, the vocational expert was not provided a hypothetical that was consistent 6 with the restrictions included in Drs. Morris and Rudnick's opinions. See AT 115-19. 7 Thus, the error was not harmless as it is not clear from the record whether the inclusion 8 of the social interaction limitation opined by Drs. Morris and Rudnick would have 9 eliminated the available jobs. See Tommasetti v. Astrue, 533 F.3d 1035, 1038 (9th Cir. 10 2008) 11 Moderate limitations are not per se disabling, but they may translate into more 12 concrete work restrictions. See Macquarrie, 2023 WL 8242069, at *7. Considered in 13 connection with Plaintiff's other restrictions, these moderate limitations could render 14 Plaintiff disabled. See Corrales v. Kijakazi, 2022 WL 2292065, at *6 (E.D. Cal. Jun. 24, 15 2022). Because the ALJ did not adequately address Drs. Morris and Rudnick's moderate 16 limitations in the residual functional capacity, and the vocational expert was not provided 17 a hypothetical consistent with these the restrictions, these limitations could impact the 18 ultimate disability determination. See Stout v. Comm'r Soc. Sec. Admin., 454 F.3d 1050, 19 1055 (9th Cir. 2006). The ALJ also did not adequately address Dr. Toailoa's moderate 20 limitations in the residual functional capacity, and these limitations could further impact 21 the

ultimate disability determination. See id. 22 C. Remand 23 The decision whether to remand for further proceedings or order an immediate 24 award of benefits is within the Court's discretion. See Harman v. Apfel, 211 F.3d 1172, 25 1175-78 (9th Cir. 2000). Unless “the record has been fully developed and further 26 administrative proceedings would serve no useful purpose,” remand for further 27 proceedings is warranted. Garrison v. Colvin, 759 F.3d 995, 1020 (9th Cir. 2014). As it is 28 not clear that further administrative proceedings would serve no useful purpose, remand 1 | for further proceedings is appropriate here. See id.; see also Dominguez v. Colvin, 808 2 | F.3d 403, 407 (9th Cir. 2015). 3 On remand, the ALJ shall reassess Plaintiff's residual functional capacity, taking 4 || into account the moderate limitations in the opinions of Dr. Toailoa and the State agency 5 || physicians, Drs. Morris and Rudnick, which the ALJ found to be persuasive. The ALJ 6 | shall then proceed through steps four and five to determine what work, if any, Plaintiff 7 || can perform. 8 Having found that remand is warranted, the Court declines to address Plaintiff's 9 || remaining arguments. See Hiler, 687 F.3d at 1212; Millsap, 2023 WL 4534341 at *7.

10 | V. CONCLUSION

11 Based on the foregoing, the Court finds that the ALJ’s decision is not supported 12 | by substantial evidence.

13 ORDER

14 Accordingly, the Court ORDERS: 15 1. Plaintiffs motion for summary judgment (ECF No. 11) is GRANTED; 16 2. The Commissioner’s cross-motion (ECF No. 13) is DENIED; 17 3. The final decision of the Commissioner is VACATED; 18 4. The case is REMANDED to the ALJ for further proceedings consistent with 19 this Order; and 20 5. The Clerk of the Court is directed to CLOSE this case. 21 22 | Dated: May 28, 2025 C i s

23 CHI SOO KIM

24 UNITED STATES MAGISTRATE JUDGE

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