

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK**

Brian Scott Roberts v. Commissioner of Social Security

Roberts v. Commissioner of Social Security · No. 5:25-CV-00208 (ML) · Decided March 26, 2026

OPINION

Roberts

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

BRIAN R.,

Plaintiff, v. 5:25-CV-00208 (ML)

COMMISSIONER OF SOCIAL
SECURITY,

Defendant. _____ APPEARANCES: OF COUNSEL:

OLINSKY LAW GROUP EDWARD A. WICKLUND, ESQ. Counsel for the Plaintiff 250 South Clinton Street - Suite 210 Syracuse, New York 13202 SOCIAL SECURITY ADMINISTRATION KRISTINA D. COHN, ESQ. Counsel for the Defendant Special Assistant U.S. Attorney 6401 Security Boulevard Baltimore, Maryland 21235 MIROSLAV LOVRIC, United States Magistrate Judge

ORDER

Currently pending before the Court in this action, in which Plaintiff seeks judicial review of an adverse administrative determination by the Commissioner of Social Security, pursuant to 42 U.S.C. § 405(g), are cross-motions for judgment on the pleadings.¹ Oral argument was heard 1 This matter, which is before me on consent of the parties pursuant to 28 U.S.C. § 636(c), has been treated in accordance with the procedures set forth in General Order No. 18. Under that General Order once issue has been joined, an action such as this is considered procedurally, as if cross-motions for judgment on the pleadings had been filed pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. in connection with those motions on March 20, 2026, during a telephone conference conducted on the record. At the close of argument, I issued a bench decision in which, after applying the requisite deferential review standard, I found that the Commissioner's determination was supported by substantial evidence, providing further detail regarding my reasoning and addressing the specific issues raised by Plaintiff in this appeal. After due deliberation, and based upon the Court's oral bench decision, which has been transcribed, is attached to this order, and is incorporated herein by reference, it is ORDERED as follows: 1)

Plaintiff's motion for judgment on the pleadings (Dkt. No. 13) is DENIED. 2) Defendant's motion for judgment on the pleadings (Dkt. No. 15) is GRANTED. 3) The Commissioner's decision denying Plaintiff Social Security benefits is AFFIRMED. 4) Plaintiff's Complaint (Dkt. No. 1) is DISMISSED. 5) The Clerk of Court is respectfully directed to enter judgment, based upon this determination, DISMISSING Plaintiff's Complaint in its entirety and closing this case. Dated: March 26, 2026 Binghamton, New York Nrealer Ew Miroslav Lovric United States Magistrate Judge Northern District of New York

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRIAN SCOTT ROBERTS,

Plaintiff, -v- 25-cv-208

COMMISSIONER OF SOCIAL SECURITY,

Defendant. *****

EXCERPT OF TEAMS PROCEEDINGS

BEFORE THE HONORABLE MIROSLAV LOVRIC

March 20, 2026 PRESENT FOR PLAINTIFF:

OLINSKY LAW GROUP

BY: Edward A. Wicklund, Esq. 250 South Clinton Street Syracuse, New York 13202 FOR THE DEFENDANT:

SOCIAL SECURITY ADMINISTRATION

BY: Kristina D. Cohn, Esq. 6401 Security Boulevard Baltimore, Maryland 21235

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1 THE COURT: All right. Well, the Court is 2 going to commence its reasoning, analysis and decision 3 as follows: 4 Plaintiff has commenced this proceeding 5 pursuant to Title 42, U.S. Code, Section 405(g) to 6 challenge the adverse determination by the Commissioner 7 of Social Security finding that he was not disabled at 8 the relevant times and therefore ineligible for the 9 benefits that he sought. 10 By way of background, the Court notes as 11 follows: Plaintiff was born in 1970. Plaintiff is 12 currently approximately 55 years of age. Plaintiff was 13 approximately 51 years of age on the date of his 14 application for benefits. At the time of his 15 administrative hearing, Plaintiff lived alone. 16 The Court notes that while in school, 17 Plaintiff received special education assistance until he 18 left prior to completion of the 10th grade. Plaintiff's 19 work history includes positions as a janitor at a hotel, 20 packer at a manufacturing facility and, most recently, 21 dishwasher at a restaurant. Plaintiff left this 22 position following a dispute with a coworker. Plaintiff 23 has not worked since 2020. 24 Plaintiff's disability claim is premised 25 entirely on his mental health impairments. Plaintiff Lisa L. Tennyson, CSR, RMR, FCRR

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1 described having nightmares, flashbacks, and distressing 2 memories stemming from his childhood trauma, as well as 3 difficulty trusting and interacting others due to his 4 post-traumatic stress disorder symptoms. 5 Plaintiff described himself as depressed, 6 unmotivated and lethargic, and reported difficulties 7 with attention and concentration and a tendency to 8 isolate himself. 9 Procedurally, the Court notes as follows: 10 Plaintiff applied for Title XVI benefits on October 26th 11 of 2021, alleging an onset date of November 11th, 2017. 12 In support of his application for benefits, Plaintiff 13 claims disability based on a number of mental health and 14 health impairments, including PTSD and depression. 15 Plaintiff has not alleged any disabling physical 16 impairments. 17 Administrative Law Judge John Ramos conducted 18 a hearing on May 14th of 2024 to address Plaintiff's 19 application for benefits. ALJ Ramos issued an 20 unfavorable decision on May 22nd of 2024. That decision 21 became the final determination of the agency on 22 January 27th of 2025 when the Appeals Council denied 23 Plaintiff's request for review. 24 This civil action was commenced on 25 January 13th of 2025, and it is timely.

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1 In his May 22nd of 2024 decision at issue in 2 this case, the ALJ conducted the familiar five-step test 3 for determining disability. 4 At Step 1, the ALJ concluded that Plaintiff 5 had not engaged in substantial gainful activity since 6 his application date of October 26th of 2021. 7 At Step 2, the ALJ concluded that Plaintiff 8 had the following severe impairments, that being 9 depressive disorder, anxiety disorder, and PTSD. 10 At Step 3, the ALJ concluded that Plaintiff 11 did not have an impairment or combination of impairments 12 that met or medically equaled the severity of any listed 13 impairments. 14 In making this determination, the ALJ 15 expressly considered the following listings:

16 Listing 12.04, dealing with depressive bipolar

17 and related disorders. Listing 12.06, dealing with 18 anxiety and obsessive-compulsive disorders. Listing 19 12.15, dealing with trauma and stressor-related 20 disorders. 21 Next, the ALJ determined that Plaintiff has 22 the residual functional capacity, also known as RFC, to 23 perform work and all exertional levels but with certain 24 nonexertional limitations. 25 Specifically, the ALJ found that Plaintiff can

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1 understand and follow simple instructions and directions 2 and regularly attend to a routine and maintain a 3 schedule. 4 The ALJ also found Plaintiff can relate to and 5 interact with coworkers and supervisors frequently 6 throughout the day and engage in frequent, brief 7 interaction with the public. And the ALJ also 8 determined -- give me one second to make sure my 9 computer

doesn't decide right now to do a update of all 10 my software. 11 Continuing with my decision, the ALJ found 12 that Plaintiff can make decisions directly related to 13 the performance of simple work and handle usual 14 workplace changes and interactions associated with 15 simple work. 16 In addition, the ALJ also found that Plaintiff 17 should work in a position where he is not responsible 18 for the work of others or require to supervise others. 19 And the ALJ also noted that Plaintiff should work in a 20 position with occasional changes in daily work process 21 or routine. 22 At Step 4, the ALJ found Plaintiff had no past 23 relevant work. At Step 5, the ALJ relied on the 24 vocational expert testimony to find that considering 25 Plaintiff's age, education, work experience and RFC that Lisa L. Tennyson, CSR, RMR, FCRR

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1 there are jobs existing in significant numbers in the 2 national economy that Plaintiff can perform. 3 Accordingly, the ALJ found that Plaintiff was 4 not disabled from the application date of October 26th, 5 2021, through the date of the ALJ's decision. 6 Turning now to Plaintiff's arguments in this 7 matter, first, the Court notes that this Court's 8 functional role in this case is limited and extremely 9 deferential. A Court must determine whether the correct 10 legal principles were applied and whether the 11 determination is supported by substantial evidence, 12 which is defined as such relevant evidence as a 13 reasonable mind would find sufficient to support a 14 conclusion. 15 As the Second Circuit noted in the case of 16 Brault v Social Security Administration Commissioner at 17 683 F.3d 443, a 2012 Second Circuit case, and the 18 Circuit therein indicated that the standard is demanding 19 more so than the clearly erroneous standard. 20 Second Circuit also noted in Brault that once 21 there is a finding of fact, that fact can be rejected 22 only if a reasonable factfinder would have to conclude 23 otherwise. 24 In this appeal, Plaintiff raises two primary 25 contentions in the proceedings. First, Plaintiff argues Lisa L. Tennyson, CSR, RMR, FCRR

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1 that the ALJ failed to properly evaluate the medical 2 opinion evidence. In particular, Plaintiff contends 3 that the ALJ failed to explain why he did not fully 4 incorporate all the limitations identified in the 5 persuasive opinion from Dr. David Schaich. That being 6 Dr. David Schaich's July 2023 consultive opinion. 7 Second, the Plaintiff argues and contends that 8 the ALJ failed to properly evaluate Plaintiff's 9 subjective testimony regarding his difficulty with 10 others. 11 The Court will now turn to its reasoning, 12 analysis, and decision. 13 This Court finds that substantial evidence 14 supports the ALJ's evaluation of the evidence addressing 15 Plaintiff's mental health impairments, including the 16 opinion and testimonial evidence for the reasons set 17 forth in Defendant's brief, and the Court adds the 18 following analysis: 19 Dr. Schaich performed a consultative 20 psychiatric evaluation of Plaintiff on July 14th of 21 2023. While Dr. Schaich found no evidence of 22 limitations in many functional areas, he assessed 23 moderate limitations

caused by Plaintiff's anxiety and 24 depression in, one, Plaintiff's ability to interact 25 adequately with supervisors, coworkers, and the public Lisa L. Tennyson, CSR, RMR, FCRR

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1 and, two, Plaintiff's ability to regulate emotions, 2 control behavior, and maintain well-being. 3 The ALJ deemed Dr. Schaich's opinion to be 4 persuasive because it was supported by the consultative 5 psychiatric examination results, and it was consistent 6 with the broader medical record documenting Plaintiff's 7 improvement with treatment. 8 Plaintiff contends that the RFC allowance of 9 frequent social interaction with supervisors and 10 coworkers and frequent, brief social interaction with 11 the general public fails to properly account for 12 Dr. Schaich's opinion that Plaintiff had moderate 13 limitations and social interaction. 14 Plaintiff further contends and argues that the 15 ALJ did not address the opined moderate limitations in 16 emotional regulation at all. 17 This Court disagrees with Plaintiff's 18 contentions. To begin with, the RFC determination need 19 not mirror a particular medical opinion, even one deemed 20 persuasive. Rather, an ALJ should base its RFC 21 determination on the longitudinal record. The ALJ did 22 so here, citing treatment notes from the relevant 23 period, multiple medical opinions, and Plaintiff's own 24 assessments of his functioning and daily activities as 25 part of his RFC analysis. Lisa L. Tennyson, CSR, RMR, FCRR

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1 Second, Courts within the Northern District 2 have regularly found an RFC that allows for frequent 3 social interaction to be consistent with moderate 4 limitations like those assessed by Dr. Schaich; see case 5 of Melanie L. versus Commissioner of Social Security. 6 That's found at 5:22-cv-87, and that is a Magistrate 7 Judge Andrew T. Baxter case. The cite is 2022 Westlaw 8 17992220 at page 8. That's a Northern District of 9 New York, December 29, 2022, case, and therein, 10 Magistrate Judge Baxter also collected a variety of 11 cases for this proposition. 12 Likewise, courts have regularly found moderate 13 limitations in the ability to regulate emotions, control 14 behavior, and maintain well-being adequately addressed 15 by an RFC of simple tasks with only occasional changes 16 in daily routine and no supervisory responsibilities; 17 see case of Jeff S. versus Commissioner of Social 18 Security. That's found at 8:23-cv-1576, and that is a 19 Senior District Court Judge Frederick J. Scullin 20 decision, also with Magistrate Judge Hummel. That's 21 found at 2024 Westlaw 5345046 at page 6, a Northern 22 District of New York decision of December 11th, 2024, by 23 Judge Scullin, and a report-recommendation adopted, and 24 that is found at 2025 Westlaw 254898 and that's a 25 Judge Hummel report, Northern District of New York, Lisa L. Tennyson, CSR, RMR, FCRR

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1 January 21st of 2025.

2 The ALJ's RFC includes such limitations and, 3 thus, adequately addresses the moderate limitations 4 addressed by Dr. Schaich. 5 Finally, Plaintiff challenges the ALJ's 6 evaluation of this testimony, again raising concerns 7 about the ALJ's evaluation of Plaintiff's limitations in 8 social interaction and emotional regulation. 9 In particular, Plaintiff contends that the ALJ 10 ignored his description of difficulties with 11 concentration and conflict avoidance when working around 12 others. Plaintiff also contends that the ALJ ignored 13 his testimony that his medication makes him feel tired. 14 Recognizing that a claimant's subjective 15 description of his symptoms cannot establish disability 16 by itself and that a reviewing court must give great 17 deference to the ALJ's assessment of hearing testimony, 18 this Court finds that the ALJ marshaled substantial 19 evidence to support his conclusions in these areas and 20 reasonably credited or discounted Plaintiff's subjective 21 complaints against the broader medical record. 22 The ALJ's decision summarizes Plaintiff's 23 testimony regarding interpersonal conflicts and 24 concentration problems but balances those against 25 treatment notes reflecting Plaintiff's self-assessments Lisa L. Tennyson, CSR, RMR, FCRR

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1 and those of his medical providers indicating that his 2 overall functioning improved over the course of his 3 mental health treatment, including better focus and an 4 increased ability to use coping skills when conflicts 5 arise. 6 The ALJ also cited daily activities, including 7 shopping, using public transportation, coaching 8 basketball, and socializing with friends. While these 9 activities are not dispositive on their own, they are a 10 relevant consideration when evaluating Plaintiff's 11 claimed symptoms and limitations. 12 An ALJ's decision is not required to discuss 13 every shred of medical evidence. Although he did not 14 specifically mention Plaintiff's testimony that a 15 particular medication made him feel tired, the ALJ's 16 decision does not cite Plaintiff's statements reflected 17 in multiple treatment. Let me back up. Sorry about 18 that. I just misread that. 19 Starting over with that sentence. Although he 20 did not specifically mention Plaintiff's testimony that 21 a particular medication made him feel tired, the ALJ's 22 decision does cite Plaintiff's statements reflected in 23 multiple treatment notes that he was not experiencing 24 any major negative side effects and that his sleep had 25 improved over the course of treatment. Lisa L. Tennyson, CSR, RMR, FCRR

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1 In large measure, Plaintiff's challenges to 2 the ALJ's evaluation of the medical opinion and 3 testimonial evidence and the resulting RFC determination 4 are premised on a disagreement over how the ALJ resolved 5 arguably conflicting evidence about Plaintiff's 6 functional limitations. 7 It is not sufficient that reasonable parties 8 could interpret the evidence differently, and it is not 9 the function of this reviewing Court to reweigh the 10 evidence. 11 Therefore, this Court finds no justification 12 for remand in this case. 13 As a result, Plaintiff's motion for judgment 14 of the

pleadings is denied. Defendant's motion for judgment of the pleadings is granted. Plaintiff's complaint is dismissed and the Commissioner's decision denying Plaintiff's benefits is hereby affirmed. As the Court indicated, I will ask that the court reporter transcribe my decision as set forth on the record. I will then attach that to a summary order and file that in the docket and that way, the parties will have my decision in writing. All right, everyone. That will conclude our proceedings for today. I hope you have a good rest of the day and have a nice upcoming weekend, and court Lisa L. Tennyson, CSR, RMR, FCRR

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1 stands adjourned. Thank you, all. 2 (Proceeding concluded.) 3 * * * * * 4 5 6

C E R T I F I C A T I O N

8 9 10 I, Lisa L. Tennyson, RMR, CSR, FCRR, Official Court Reporter, in and for the United States District Court for the Northern District of New York, do hereby certify that pursuant to Section 753, Title 28, United States Code, that the foregoing is a true and correct excerpt of the transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States. 20 21 /s/ Lisa L. Tennyson 22 Lisa L. Tennyson, RMR, RPR, FCRR 23 24 25 Lisa L. Tennyson, CSR, RMR, FCRR

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