

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE

Shawn L. v. Frank Bisignano, Commissioner of Social Security

Shawn L. · No. 2:25-cv-00084-KFW · Decided March 24, 2026

SUMMARY

The United States District Court for the District of Maine vacated and remanded the Commissioner of Social Security’s unfavorable decision in a disability benefits appeal. The court held that the ALJ inadequately explained the supportability and consistency of the medical opinions and prior administrative medical findings, preventing meaningful judicial review.

CASE DETAILS

COURT	United States District Court for the District of Maine
WRITING FOR THE COURT	Karen Frink Wolf
JURISDICTION	United States District Court for the District of Maine
DECIDED	March 24, 2026
DOCKET	2:25-cv-00084-KFW
DISPOSITION	vacated
PROCEDURAL POSTURE	Judicial review of the Commissioner's final decision denying Social Security Disability and Supplemental Security Income benefits.
STANDARD OF REVIEW	The court reviews the Commissioner's final decision for compliance with the correct legal standards and support by substantial evidence. Substantial evidence is evidence that a reasonable mind would accept as adequate to support the ALJ's findings; supported findings are conclusive even if the record could support a different outcome.
PRECEDENTIAL VALUE	Unknown
PARTIES	Shawn L. v. Frank Bisignano, Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- standard of review
- harmless error
- appellate procedure

PRACTICE AREAS

- Social Security
- Administrative Law
- Judicial Review

QUESTIONS PRESENTED

1. Whether the ALJ adequately explained the supportability and consistency factors when evaluating medical opinions and prior administrative medical findings.
2. Whether the Commissioner's arguments and evidence presented in briefing could supply post hoc rationalizations for deficiencies in the ALJ's written decision.
3. Whether the ALJ's failure to explain the supportability and consistency analysis was harmless.

HOLDINGS

1. An ALJ must adequately explain how the supportability and consistency factors were considered for medical opinions and prior administrative medical findings. A conclusory statement that opinions are supported by and consistent with the treatment record is insufficient when it does not permit meaningful judicial review.
2. A reviewing court may not affirm an administrative decision based on post hoc rationalizations or reasons supplied by the Commissioner that the ALJ did not state.
3. The ALJ's failure to explain the supportability and consistency analysis was not harmless merely because the record might contain substantial evidence supporting the decision.
4. The court could not rely on the vacated 2022 ALJ decision because the appeal concerned only the ALJ's later final decision, and the ALJ did not incorporate the earlier analysis into the decision under review.

KEY QUOTATIONS

“An ALJ must “explain how [she] considered the supportability and consistency factors for a medical source’s medical opinions.”” (Discussion)

“The ALJ’s explanation in her March 2024 decision is insufficient to permit meaningful judicial review of her reasoning.” (Discussion)

“The Commissioner invites a post hoc rationalization of the ALJ’s consistency and supportability findings, an action reviewing courts cannot take.” (Discussion)

FACTUAL BACKGROUND

The Plaintiff applied for Social Security Disability and Supplemental Security Income benefits in December 2019. After the Appeals Council vacated an initial unfavorable ALJ decision because the Plaintiff had not been granted a supplemental hearing regarding a post-hearing psychological evaluation, the ALJ held a second hearing and issued another unfavorable decision. In the second decision, the ALJ found the opinions of state agency medical psychology consultants and Dr. Donna Gates persuasive based on their consistency with and support by the objective treatment record, but did not provide a more detailed explanation of those findings.

PROCEDURAL HISTORY

The Plaintiff applied for benefits and received denials at the initial and reconsideration levels. After a 2021 administrative hearing, the ALJ issued an unfavorable decision, which the Appeals Council vacated and remanded because the Plaintiff should have received a supplemental hearing concerning a post-hearing

psychological evaluation. Following a second hearing, the ALJ again denied benefits on March 27, 2024, and the Appeals Council denied review. The district court vacated the Commissioner's decision and remanded for further proceedings because the ALJ did not adequately explain the supportability and consistency findings concerning medical opinions and prior administrative medical findings.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate the Commissioner's decision and remand for further proceedings consistent with the opinion, including a decision that adequately explains the evaluation of the supportability and consistency of the medical opinions and prior administrative medical findings.

CASES CITED

- Seavey v. Barnhart, 276 F.3d 1, 9 (1st Cir. 2002)
- Biestek v. Berryhill, 587 U.S. 97, 102-03 (2019)
- Irlanda Ortiz v. Secretary of Health & Human Services, 955 F.2d 765, 770 (1st Cir. 1991)
- Evon F. v. Colvin, No. 2:23-cv-00383-LEW, 2025 WL 289184, at *3 (D. Me. Jan. 24, 2025)
- Ortiz v. Dudek, No. 24-cv-11704-ADB, 2025 WL 1400356, at *13 (D. Mass. May 14, 2025)
- Reedom v. Social Security Administration Commissioner, No. 2:13-cv-00308-JAW, 2013 WL 5960861, at *1 (D. Me. Nov. 7, 2013)
- Smith v. Berryhill, No. 1:16-cv-00567-JHR, 2018 WL 1474528, at *3 (D. Me. Mar. 26, 2018)
- Deblois v. Secretary of Health & Human Services, 686 F.2d 76, 79 (1st Cir. 1982)
- Boyer v. Colvin, No. 15-cv-148-LM, 2016 WL 184394, at *7 (D.N.H. Jan. 15, 2016)
- SEC v. Chenery Corp., 332 U.S. 194, 196 (1947)
- Craig G. C. v. Saul, No. 2:20-cv-00217-JDL, 2021 WL 2012307, at *5 (D. Me. May 20, 2021)
- Ward v. Commissioner of Social Security, 211 F.3d 652, 656 (1st Cir. 2000)
- High v. Astrue, No. 10-cv-69-JD, 2011 WL 941572, at *6 (D.N.H. Mar. 17, 2011)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MAINE SHAWN L.,)) Plaintiff)) v.)
No. 2:25-cv-00084-KFW) FRANK BISIGNANO,) Commissioner of) Social Security,))
Defendant) MEMORANDUM OF DECISION1 The Plaintiff in this Social Security Disability
and Supplemental Security Income appeal argues that the Administrative Law Judge (ALJ) erred
by inadequately explaining how she evaluated the supportability and consistency of medical
opinions and prior administrative medical findings.

See Plaintiff’s Brief (ECF No. 12). I agree and vacate the Commissioner’s decision and remand
the matter for further proceedings consistent with this decision. I. Background The Plaintiff

applied for benefits in December 2019. Record at 144, 437-43.

After denials at the initial and reconsideration levels, the Plaintiff filed a written request for a hearing before an ALJ. Id. at 39, 144, 189-90. The hearing occurred in September 2021. Id. at 36-73, 144. After the hearing, the Plaintiff was scheduled for 1 The parties have consented to my presiding over all proceedings in this action, including the entry of judgment.

See ECF No. 9. a psychological evaluation with Donna Gates, Ph.D., to address insufficient evidence in the file. Id. at 144, 1109. The Plaintiff then received Dr. Gates's report, accompanied by a proffer notice stating that, if requested, the ALJ would grant a supplemental hearing unless there was a fully favorable decision. Id. at 584, 1109-1112.

The Plaintiff's requests for a supplemental hearing and proposed interrogatories were denied after the ALJ determined that the proposed questions had either been sufficiently answered in Dr. Gates's report or were irrelevant. Id. at 146.

The ALJ issued an unfavorable decision in August 2022. Id. at 141-163. The Plaintiff sought review by the Appeals Council, which determined that a supplemental hearing should have been granted because the language in the proffer notice for Dr. Gates's report indicated that, under these circumstances, a hearing would be granted. Id. at 166, 584.

The Appeals Council vacated the decision and remanded the case to the ALJ, who held a second hearing in February 2024 before issuing an unfavorable decision on March 27, 2024. Id. at 14-28, 74-104. The Appeals Council denied the Plaintiff's request for review, see id. at 1-6, rendering the ALJ's decision the final determination of the Commissioner, see 20 C.F.R. §§ 404.981, 416.1481.

II. Standard of Review A final decision of the Commissioner is subject to judicial review to determine whether it complies with correct legal standards and is supported by substantial evidence. See 42 U.S.C. §§ 405(g), 1383(c)(3); *Seavey v. Barnhart*, 276 F.3d 1, 9 (1st Cir. 2001). Substantial evidence refers to evidence in the administrative record that a reasonable mind would accept as adequate to support an ALJ's findings.

See *Biestek v. Berryhill*, 587 U.S. 97, 102-03 (2019). If supported by substantial evidence, an ALJ's findings are conclusive even if the record could support a different outcome. See *Irlanda Ortiz v. Sec'y of Health & Hum. Servs.*, 955 F.2d 765, 770 (1st Cir. 1991). III. Discussion The Plaintiff's primary argument is that the ALJ inadequately addressed the supportability and consistency of medical opinion evidence.

Plaintiff's Brief at 12-16. Following the Appeals Council's vacatur of the August 2022 decision, the ALJ held the second hearing. During this hearing, she discussed the procedural status of the case, stating that the Appeals Council "returned it to the hearing level. When they do that,

essentially what they are saying is start over and hold a new hearing. That's what we're going to do." Record at 77.

The ALJ then issued the second unfavorable decision. *Id.* at 14-28. In doing so, she did not incorporate any portion of the vacated 2022 decision in either the hearing or in the subsequent written decision now on appeal.

In the final decision, the ALJ found the opinions of the state agency medical psychology consultants and Dr. Gates to be "persuasive, as they are consistent with and supported by the objective treatment record, including the most recent treatment notes at Exhibit 19F." *Id.* at 25. This statement is the full extent of the ALJ's supportability and consistency analysis.² I looked to the decision as a whole to determine whether the ALJ's consistency and supportability findings are supported by the record.

See *Evon F. v. Colvin*, No. 2:23-cv-00383-LEW, 2025 WL 289184, at *3 (D. Me. Jan. 24, 2025) (rec. dec.), *aff'd*, 2025 WL 722858 (D. Me. Mar. 6, 2025). But the ALJ failed to meaningfully engage with the evidence, and I cannot search the record as a fact finder; rather, An ALJ must "explain how [she] considered the supportability and consistency factors for a medical source's medical opinions." 20 C.F.R. § 404.1520c(b)(2), see also Revisions to Rules Regarding the Evaluation of Medical Evidence, 82 Fed.

Reg. 5844-01, 5858 (Jan. 18, 2017) (saying that the purpose of the so-called articulation requirement is to allow "a reviewing court to trace the path of [the ALJ's] reasoning"). Here, the ALJ's explanation in her March 2024 decision is insufficient to permit meaningful judicial review of her reasoning.

The ALJ's first 2022 decision contained a more extensive analysis of the evidence and the medical opinions' supportability and consistency. See Record at 155-156. But that vacated decision is not before me on appeal. See *Ortiz v. Dudek*, No. 24-cv-11704-ADB, 2025 WL 1400356, at *13 (D. Mass. May 14, 2025) ("The Court cannot revive the ALJ's original decision, itself vacated by the Appeals Council....

The current appeal before the Court is of the ALJ's second... decision—not the Appeals Council's remand order. As such, the ultimate issue before this Court is whether the [ALJ's] final... decision is supported by substantial evidence and whether the correct legal standard was used." (cleaned up)); *Reedom v. Soc. Sec. Admin. Com'r*, No. 2:13-cv-00308-JAW, 2013 WL 5960861, at *1 (D.

Me. Nov. 7, 2013) (rec. dec.) ("Only those decisions of the Commissioner that are 'final' are subject to judicial review."), *aff'd*, 2013 WL 5960861 (Apr. 8, 2014). An ALJ may incorporate a previous decision by referencing it in the final decision on appeal. See *Smith v. Berryhill*, No. 1:16-cv-00567-JHR, 2018 WL 1474528, at *3 (D. Me. Mar. 26, 2018). But that did not happen here, and my "review is limited to a determination of whether the findings of the [Commissioner]

were supported by substantial evidence.” *Deblois v. Sec’y of Health & Human Servs.*, 686 F.2d 76, 79 (1st Cir.

1982). the consistency and supportability analysis in the March 2024 decision is insufficient to permit meaningful review. In the briefing, the Commissioner conducted a lengthy recitation and analysis of evidence that is nowhere found in the March 2024 decision. Commissioner’s Brief at 3-12, 13-18. “Regardless of the validity of [the Commissioner’s] argument, it is not for [the Commissioner] to make arguments in support of the ALJ’s decision that the ALJ did not make.” *Boyer v. Colvin*, No. 15-cv-148-LM, 2016 WL 184394, at *7 (D.N.H.

Jan. 15, 2016) (cleaned up); see also *Sec. & Exch. Comm’n v. Chenery Corp.*, 332 U.S. 194, 196 (1947) (Discussing the “simple but fundamental rule of administrative law” requiring “a reviewing court, in dealing with a determination or judgment which an administrative agency alone is authorized to make, [to] judge the propriety of such action solely by the grounds invoked by the agency”).

Thus, the fact that there may be substantial evidence in the record to support the ALJ’s decision does not render the ALJ’s failure to explain her decision harmless because even read as a whole, the decision does not engage with the evidence in a way that permits meaningful review. See *Craig G. C. v. Saul*, No. 2:20-cv-00217-JDL, 2021 WL 2012307, at *5 (D. Me.

May 20, 2021) (rec. dec.) (“[R]eversal and remand are warranted when failures to explicate and/or even address material issues prevent a reviewing court from concluding that the ALJ reached a supportable result via an acceptable analytical pathway.” (cleaned up)), *aff’d*, 2021 WL 2416963 (D. Me. June 14, 2021). Then, at oral argument, the Commissioner contended that a remand would be an empty exercise because the Plaintiff’s treating providers gave no explanation for their opinions.

However, a remand will be an empty exercise only if “there was an independent ground on which affirmance must be entered as a matter of law.” *Ward v. Commissioner of Soc. Sec.*, 211 F.3d 652, 656 (1st Cir. 2000). The Commissioner did not identify such a ground in briefing or argument. Instead, the Commissioner invites a post hoc rationalization of the ALJ’s consistency and supportability findings, an action reviewing courts cannot take.

See *High v. Astrue*, No. 10-cv-69-JD, 2011 WL 941572, at *6 (D.N.H. Mar. 17, 2011) (“[T]he court cannot consider or provide post hoc rationalizations for the ALJ’s decision and instead is limited to evaluating the decision based solely on the reasons stated in the decision...” (cleaned up)). IV. Conclusion For the foregoing reasons, the Commissioner’s decision is VACATED and REMANDED for further proceedings consistent with this opinion.³ Dated: March 24, 2026 /s/ Karen Frink Wolf United States Magistrate Judge 3 The Plaintiff made other arguments that I do not address because a remand is warranted on this issue.

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