

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Loveless v. Colvin

810 F.3d 502 (7th Cir. 2016) · Decided January 13, 2016

SUMMARY

The Seventh Circuit affirmed the denial of Kevin Loveless’s application for Social Security Disability Insurance benefits. The court held that the administrative law judge reasonably discounted the treating physician’s restrictive opinion and assessed Loveless’s testimony in light of the medical evidence, daily activities, and conservative treatment. The court concluded that substantial evidence supported the residual functional capacity assessment and denial of benefits.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	Judge Kanne; Judge Manion; Judge Williams
JURISDICTION	Federal
DECIDED	January 13, 2016
DISPOSITION	affirmed
PROCEDURAL POSTURE	Loveless sought judicial review of the Commissioner of Social Security's denial of his application for Disability Insurance Benefits. The district court upheld the Administrative Law Judge's decision, and Loveless appealed.
STANDARD OF REVIEW	The court reviewed whether the Commissioner's decision was supported by substantial evidence and whether the ALJ applied the proper legal standards.
PRECEDENTIAL VALUE	Published precedential opinion of the United States Court of Appeals for the Seventh Circuit
PARTIES	Kevin Loveless v. Carolyn W. Colvin, Commissioner of Social Security

TOPICS

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QUESTIONS PRESENTED

1. Whether the ALJ properly discounted the treating physician's January 2013 opinion because it was unsupported by objective medical evidence, inconsistent with the record, and based largely on Loveless's subjective complaints.
2. Whether the ALJ was required to adopt or separately discuss the treating physician's conclusory October 2012 statement that Loveless could not work.
3. Whether the ALJ's use of boilerplate language in evaluating Loveless's credibility required remand.
4. Whether the ALJ improperly relied on Loveless's daily activities and failed to account for his work history when evaluating his testimony.
5. Whether the ALJ failed to include additional limitations arising from Loveless's diabetes and hand impairments in the residual functional capacity assessment.

HOLDINGS

1. The ALJ properly declined to give controlling or greater weight to Dr. Cusack's January 2013 opinion because it was contradicted by objective medical evidence, inconsistent with other evidence, and rested substantially on Loveless's subjective complaints.
2. The ALJ was not required to accept Dr. Cusack's conclusory October 2012 statement that Loveless could not work because the ultimate question of ability to work is reserved to the Commissioner.
3. The ALJ's use of routinely criticized boilerplate language did not require remand because the ALJ supported the credibility assessment with specific evidence.
4. The ALJ properly considered Loveless's daily activities and work history as factors bearing on the credibility and severity of his symptom allegations; neither factor was dispositive.
5. The ALJ did not err by declining to impose additional residual-functional-capacity restrictions for Loveless's diabetes and hand impairments because the record did not contain medical evidence justifying further limitations.

KEY QUOTATIONS

“But the use of boilerplate is not a ground to remand if the ALJ justified his credibility assessment based on the evidence.” (508)

“But work history is just one factor among many, and it is not dispositive.” (508)

FACTUAL BACKGROUND

Loveless alleged disability based primarily on right-shoulder impairment, diabetes, and pancreatitis. After shoulder surgery and treatment, medical evidence documented improving range of motion and strength, and physicians concluded that he could perform light work subject to lifting and reaching restrictions. Although his

treating physician later described substantially greater limitations, the ALJ found that opinion inconsistent with objective findings and Loveless's activities and testimony.

PROCEDURAL HISTORY

The Social Security Administration denied Loveless's application initially and on reconsideration. Following a hearing, the ALJ found that Loveless was not disabled because he could perform light work with restrictions and other jobs existed in the national economy. The Appeals Council denied review, making the ALJ's decision the Commissioner's final decision. The district court affirmed, and the Seventh Circuit affirmed the district court's judgment.

DISPOSITION

affirmed

CASES CITED

- Varga v. Colvin, 794 F.3d 809, 813 (7th Cir. 2015)
- Scott v. Astrue, 647 F.3d 734, 739 (7th Cir. 2011)
- Campbell v. Astrue, 627 F.3d 299, 306 (7th Cir. 2010)
- Bates v. Colvin, 736 F.3d 1093, 1100 (7th Cir. 2013)
- Filus v. Astrue, 694 F.3d 863, 868 (7th Cir. 2012)
- Gayheart v. Commissioner of Social Security, 710 F.3d 365, 375 (6th Cir. 2013)
- Johansen v. Barnhart, 314 F.3d 283, 287-88 (7th Cir. 2002)
- McKinzey v. Astrue, 641 F.3d 884, 891 (7th Cir. 2011)
- Craft v. Astrue, 539 F.3d 668, 673 (7th Cir. 2008)
- Parker v. Astrue, 597 F.3d 920, 922 (7th Cir. 2010)
- Bjornson v. Astrue, 671 F.3d 640, 644-47 (7th Cir. 2012)
- Martinez v. Astrue, 630 F.3d 693, 696 (7th Cir. 2011)
- Murphy v. Colvin, 759 F.3d 811, 816 (7th Cir. 2014)
- Pepper v. Colvin, 712 F.3d 351, 367-69 (7th Cir. 2013)
- Spiva v. Astrue, 628 F.3d 346, 352 (7th Cir. 2010)
- Hill v. Colvin, 807 F.3d 862, 868 (7th Cir. 2015)
- Rivera v. Schweiker, 717 F.2d 719, 725 (2d Cir. 1983)
- Singletary v. Secretary of Health, Education and Welfare, 623 F.2d 217, 219 (2d Cir. 1980)
- Allen v. Califano, 613 F.2d 139, 147 (6th Cir. 1980)
- Schaal v. Apfel, 134 F.3d 496, 502 (2d Cir. 1998)