

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

Susan C. v. Frank Bisignano, Commissioner of Social Security

Susan C. v. Bisignano, No. 2:25-cv-00306-EFS (E.D. Wash. Mar. 6, 2026) · No. 2:25-cv-00306-EFS · Decided
March 6, 2026

SUMMARY

The United States District Court for the Eastern District of Washington affirmed the Administrative Law Judge’s denial of Susan C.’s applications for disability insurance benefits and supplemental security income. The court held that the ALJ adequately evaluated her subjective symptom complaints concerning her knee impairments, migraines, and mental impairments, and entered judgment for the Commissioner.

CASE DETAILS

COURT	United States District Court for the Eastern District of Washington
WRITING FOR THE COURT	Edward F. Shea
JURISDICTION	United States District Court for the Eastern District of Washington
DECIDED	March 6, 2026
DOCKET	2:25-cv-00306-EFS
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of an administrative law judge's denial of Title II disability and Title XVI supplemental security income benefits.
STANDARD OF REVIEW	The court may reverse the ALJ's decision only if it is unsupported by substantial evidence or based on legal error that affected the nondisability determination. Substantial evidence is more than a mere scintilla but less than a preponderance and is such relevant evidence as a reasonable mind might accept as adequate.
PRECEDENTIAL VALUE	unpublished
PARTIES	Susan C. v. Frank Bisignano, Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law

PRACTICE AREAS

Social Security disability

administrative law

federal judicial review

QUESTIONS PRESENTED

1. Whether the ALJ provided legally sufficient, specific, clear, and convincing reasons supported by substantial evidence for discounting Plaintiff's subjective symptom reports concerning her knee impairments, migraines, and mental impairments.
2. Whether Plaintiff's challenge to the ALJ's step-five finding warranted relief.

HOLDINGS

1. The ALJ properly evaluated Plaintiff's subjective complaints because the ALJ identified specific evidence inconsistent with the alleged severity of her limitations, including her public-facing jewelry business, relatively manageable knee findings, and improvement in migraines with Botox and Nurtec. The ALJ's reasons were supported by substantial evidence and any claimed error was not consequential.
2. Plaintiff's challenge to the ALJ's step-five finding was moot because the ALJ independently found at step four that Plaintiff could perform her past relevant work.

KEY QUOTATIONS

"The ALJ's decision is reversed "only if it is not supported by substantial evidence or is based on legal error,"" (at 3)

"Second, "[i]f the claimant meets the first test and there is no evidence of malingering, the ALJ can only reject the claimant's testimony about the severity of the symptoms if [the ALJ] gives 'specific, clear and convincing reasons' for the rejection." (at 12)

"The ALJ's nondisability decision is AFFIRMED." (at 27)

FACTUAL BACKGROUND

Susan C. applied for disability and supplemental security income benefits based on major depressive disorder, opioid dependence, generalized anxiety disorder, PTSD, migraines, sleep apnea, obesity, and knee impairments. She alleged that migraines, mental-health symptoms, and knee pain prevented full-time work, while the record showed activities including making and selling jewelry at craft fairs and medical evidence of generally manageable knee symptoms. Treatment with Botox and Nurtec reduced her migraines to approximately four per month that were treated quickly, and the ALJ found that she retained the residual functional capacity for a restricted range of light work.

PROCEDURAL HISTORY

Plaintiff's applications for disability and supplemental security income benefits were denied initially and on reconsideration. After a June 2024 telephone hearing, the ALJ denied benefits, finding that Plaintiff could perform past relevant work and, alternatively, other work existing in significant numbers in the national

economy. The Appeals Council denied review, and Plaintiff filed this action challenging the evaluation of her subjective symptoms and the ALJ's step-five finding.

DISPOSITION

affirmed

CASES CITED

- Hill v. Astrue, 698 F.3d 1153, 1158-59 (9th Cir. 2012)
- Molina v. Astrue, 674 F.3d 1104, 1112-15 (9th Cir. 2012)
- Sandgathe v. Chater, 108 F.3d 978, 980 (9th Cir. 1997)
- Lingenfelter v. Astrue, 504 F.3d 1028, 1035-36 (9th Cir. 2007)
- Black v. Apfel, 143 F.3d 383, 386 (8th Cir. 1998)
- Ghanim v. Colvin, 763 F.3d 1154, 1163 (9th Cir. 2014)
- Lester v. Chater, 81 F.3d 821, 833-34 (9th Cir. 1995)
- Thomas v. Barnhart, 278 F.3d 947, 958 (9th Cir. 2002)
- Garrison v. Colvin, 759 F.3d 995, 1015 (9th Cir. 2014)
- Moore v. Commissioner of Social Security Administration, 278 F.3d 920, 924 (9th Cir. 2002)
- Reddick v. Chater, 157 F.3d 715, 722 (9th Cir. 1998)
- Smolen v. Chater, 80 F.3d 1273, 1284, 1287 n.7 (9th Cir. 1996)
- Vertigan v. Halter, 260 F.3d 1044, 1050 (9th Cir. 2001)
- Warre v. Commissioner of Social Security Administration, 439 F.3d 1001, 1006 (9th Cir. 2006)
- Holohan v. Massanari, 246 F.3d 1195, 1205 (9th Cir. 2001)
- Tackett v. Apfel, 180 F.3d 1094, 1102 (9th Cir. 1999)

OPINION

Cleverly

PER CURIAM.

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FILED IN THE

U.S. DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

2 Mar 06, 2026

3

SEAN F. MCAVOY, CLERK

4

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

5 6 SUSAN C.,1 No. 2:25-cv-00306-EFS 7 Plaintiff, 8

ORDER AFFIRMING THE

9 v. ALJ'S DENIAL OF BENEFITS

10 FRANK BISIGNANO,

Commissioner of Social Security, 11 Defendant. 12 13 14 Due to major depressive disorder, opioid
dependance, generalized 15 16 anxiety disorder, post-traumatic stress disorder (PTSD), migraine
17 headaches, sleep apnea, and knee issues, Plaintiff Susan C. claims that 18 she is unable to work
fulltime and applied for disability benefits and 19 20 21 1 For privacy reasons, Plaintiff is referred
to by first name and last 22 initial or as "Plaintiff." See LCivR 5.2(c). 23 1 supplemental security
income benefits. She appeals the denial of 2 benefits by the Administrative Law Judge (ALJ) on
the grounds that 3 the ALJ improperly assessed Plaintiff's credibility as to her knee 4 impairments,
migraine headaches, and mental impairments. As is 5 explained below, Plaintiff has not
established any consequential error. 6 The ALJ's denial of benefits is affirmed. 7 8 I. Background
9 In November 2022, Plaintiff filed an application for benefits 10 under Title 2 and an application
for benefits under Title 16, claiming 11 disability beginning November 1, 2022, based on the
physical and 12 mental impairments noted above.2 Plaintiff's Title 2 and Title 16 claims 13 were
denied at the initial and reconsideration levels.3 14 15 After the agency denied Plaintiff benefits,
ALJ Shane McGovern 16 held a telephone hearing in June 2024, at which Plaintiff appeared 17 18
19 20 21 2 AR 227-228, 229-235, 282-284. 22 3 AR 122-127, 130-133, 134-137. 23 1 with her
representative.4 Plaintiff, a medical expert, and a vocational 2 expert testified.5 3 After the
hearing, the ALJ issued a decision denying benefits.6 4 The ALJ found Plaintiff's alleged
symptoms were not entirely 5 consistent with the medical evidence and the other evidence.7 As to
6 medical opinions, the ALJ found: 7 8 • The opinions of state agency evaluators Michael Brown8
9 and Leslie P., PhD, that Plaintiff had mild to moderate 10 limitations due to her mental
impairments to be generally 11 persuasive. 12 13 14 4 AR 36-69. 15 5 Id. 16 6 AR 14-35. Per 20
C.F.R. §§ 404.1520(a)-(g); 416.920(a)-(g), a five-step 17 evaluation determines whether a
claimant is disabled. 18 7 AR 22-27. 19 20 8 AR 75. The file does not contain a professional
designation for Mr. 21 Brown but the designation code 38 indicates that his medical specialty 22 is
psychology. 23 1 • The opinions of state agency evaluators Wayne Hurley, MD, 2 and Phillip
Matar, MD, that Plaintiff could perform light 3 work with certain postural and environmental
limitations to 4 be generally persuasive.9 5 As to the sequential disability analysis, the ALJ found:
6 • Step one: Plaintiff meets the insured status requirements 7 8 through December 31, 2027, and
had not engaged in 9 substantial gainful activity since November 1, 2022, the 10 alleged onset
date. 11 • Step two: Plaintiff had the following medically determinable 12 severe impairments:
obesity, major depression, opioid 13 dependence with other opioid induced disorder, acute 14 15
recurrent frontal sinusitis, bilateral eustachian tube 16 dysfunction, migraine, generalized anxiety
disorder, PTSD, 17 obstructive sleep apnea, and bilateral knee degeneration. 18 • Step three:
Plaintiff did not have an impairment or 19 combination of impairments that met or medically

equaled 20 21 22 9 AR 27-28. 23 1 the severity of one of the listed impairments, and the ALJ 2 specifically considered Listings 1.18, 11.02, 12.04, 12.06, 3 and 12.15. 4 • RFC: Plaintiff had the RFC to perform light work with the 5 following exceptions: 6 no more than occasional ramps and stairs, stoop, 7 crouch, kneel, and crawl; no exposure to extreme 8 cold or excessive vibration; no more than occasional concentrated exposure to atmospheric conditions as 9 defined in the Selected Characteristics of Occupations; no exposure to moving mechanical parts and 10 unprotected heights; no more than a moderate noise 11 intensity level as defined in the Selected Characteristics of Occupations; no more than normal 12 indoor ambient lighting; no work requiring specific production rate such as assembly line work or work 13 requiring hourly quotas; no more than occasional changes in a routine work setting; and frequent 14 interaction with supervisors and coworkers and 15 occasional interaction with the general public. 16 • Step four: Plaintiff can perform her past relevant work as 17 an administrative assistant (DOT 169.167-010) both as she 18 performed it and as it is generally performed. 19 • Step five: in the alternative, considering Plaintiff's RFC, 20 age, education, and work history, Plaintiff can perform work 21 22 that existed in significant numbers in the national economy, 23 1 such as a sub assembler (DOT 729.684-054), marker (DOT 2 209.587-034), and routine clerk (DOT 222.687.022).10 3 The Appeals Council denied Plaintiff's timely request for review, 4 and Plaintiff timely filed suit in this Court.11 5 II. Standard of Review 6 The ALJ's decision is reversed "only if it is not supported by 7 8 substantial evidence or is based on legal error,"12 and such error 9 impacted the nondisability determination.13 Substantial evidence is 10 "more than a mere scintilla but less than a preponderance; it is such 11 12 13 14 10 AR 19-30. 15 11 AR 1-6, ECF No. 1. 16 12 Hill v. Astrue, 698 F.3d 1153, 1158 (9th Cir. 2012). See 42 U.S.C. § 17 405(g). 18 13 Molina v. Astrue, 674 F.3d 1104, 1115 (9th Cir. 2012), superseded on 19 20 other grounds by 20 C.F.R. § 416.920(a) (recognizing that the court may 21 not reverse an ALJ decision due to a harmless error—one that "is 22 inconsequential to the ultimate nondisability determination"). 23 1 relevant evidence as a reasonable mind might accept as adequate to 2 support a conclusion."14 3 III. Analysis 4 Plaintiff seeks relief from the denial of disability on two grounds. 5 She argues the ALJ erred when evaluating Plaintiff's subjective 6 complaints and erred in his step-five finding.15 Initially, the Court 7 8 notes that Plaintiff's argument that the ALJ erred at step five is moot, 9 10 14 Hill, 698 F.3d at 1159 (quoting Sandgate v. Chater, 108 F.3d 978, 11 980 (9th Cir. 1997)). See also Lingenfelter v. Astrue, 504 F.3d 1028, 12 13 1035 (9th Cir. 2007) (The court "must consider the entire record as a 14 whole, weighing both the evidence that supports and the evidence that 15 detracts from the Commissioner's conclusion," not simply the evidence 16 cited by the ALJ or the parties.) (cleaned up); Black v. Apfel, 143 F.3d 17 383, 386 (8th Cir. 1998) ("An ALJ's failure to cite specific evidence does 18 not indicate that such evidence was not considered[.]"). 19 20 15 ECF No. 14, pg. 2. In her brief, Plaintiff incorrectly highlights her main 21 argument as being the ALJ's consideration of the medical opinions of 22 treating sources. 23 1 both because it is dependent on establishing error in the ALJ's 2 consideration of Plaintiff's subjective claims and

because the ALJ made 3 a finding at step four that Plaintiff was capable of performing past 4 relevant work. As is explained below, the Court concludes that Plaintiff 5 fails to establish the ALJ erred in his evaluation of Plaintiff's symptom 6 reports. 7 8 A. Symptom Reports: Plaintiff fails to establish 9 consequential error 10 Plaintiff argues the ALJ failed to properly assess her subjective 11 complaints regarding her right knee, her migraine headaches, and her 12 mental impairments. She argues that the ALJ erred in finding that 13 her subjective complaints were not consistent with the medical 14 15 evidence and her reported activities of daily living.¹⁶ The Commissioner 16 asserts that the ALJ's reasoning regarding his consideration of 17 Plaintiff's subjective complaints was reasonably articulated and is 18 supported by substantial evidence.¹⁷ 19 20 21 16 ECF No. 14. 22 17 ECF No. 16. 23 1 1. Standard 2 When examining a claimant's symptoms, the ALJ utilizes a two- 3 step inquiry. "First, the ALJ must determine whether there is objective 4 medical evidence of an underlying impairment which could reasonably 5 be expected to produce the pain or other symptoms alleged."¹⁸ Second, 6 "[i]f the claimant meets the first test and there is no evidence of 7 8 malingering, the ALJ can only reject the claimant's testimony about 9 the severity of the symptoms if [the ALJ] gives 'specific, clear and 10 convincing reasons' for the rejection."¹⁹ General findings are 11 insufficient; rather, the ALJ must identify what symptom claims are 12 being discounted and what evidence undermines these claims.²⁰ "The 13 14 15 18 Molina, 674 F.3d at 1112. 16 19 Ghanim v. Colvin, 763 F.3d 1154, 1163 (9th Cir. 2014) (quoting 17 Lingenfelter, 504 F.3d at 1036). 18 20 Id. (quoting Lester v. Chater, 81 F.3d 821, 834 (9th Cir. 1995), and 19 20 Thomas v. Barnhart, 278 F.3d 947, 958 (9th Cir. 2002) (requiring the 21 ALJ to sufficiently explain why he discounted claimant's symptom 22 claims)). 23 1 clear and convincing standard is the most demanding required in 2 Social Security cases."²¹ Therefore, if an ALJ does not articulate 3 specific, clear, and convincing reasons to reject a claimant's symptoms, 4 the corresponding limitations must be included in the RFC.²² 5

2. Plaintiff's Testimony

6 7 At her hearing in June 2024, Plaintiff testified that she is 5'6" 8 and weighs 258 pounds, is divorced, and lives alone in a house with her 9 two daughters who are aged 7 and 18 years old.²³ She said that her 18- 10 year-old daughter "runs the house," does the chores, goes to college and 11 has a job, and that she also picks up her younger sister at school when 12 13 14 15 21 Garrison v. Colvin, 759 F.3d 995, 1015 (9th Cir. 2014) (quoting Moore 16 v. Comm'r of Soc. Sec. Admin., 278 F.3d 920, 924 (9th Cir. 2002)). 17 22 Lingenfelter, 504 F.3d at 1035 ("[T]he ALJ failed to provide clear and 18 convincing reasons for finding Lingenfelter's alleged pain 19 20 and symptoms not credible, and therefore was required to include these 21 limitations in his assessment of Lingenfelter's RFC."). 22 23 AR 45. 23 1 Plaintiff cannot.²⁴ Plaintiff said that she cannot cook because her back 2 hurts too much if she stands still so her daughter does that.²⁵ Plaintiff 3 said that she only drives to pick up her daughter at school and her 4 older daughter drives all other times.²⁶ 5 Plaintiff testified that she has migraines 2 or 3 times a week and 6 they typically last for 3 days.²⁷ She said she may have one day per 7 8 week that she does not have a

migraine.²⁸ She said that when she feels a migraine coming on she will put an ice pack on her eyes and take a Nurtec.²⁹ She said she had been using Botox for 18 months and it was helping “a little.”³⁰ She said that it helped with the severity of the 2 migraines but not with the frequency.³¹ Plaintiff testified that she had an associate’s degree in medical assisting and phlebotomy, and that she last worked as a self-employed vendor creating and selling handmade jewelry.³² She testified that she will go to farmer’s markets one day a week and will sell her bracelets for 4 to 6 hours.³³ She said that her daughter carries all of the supplies and does all the heavy lifting but that she is still exhausted and in pain after the day.³⁴ She said the most she made in a month was \$1000 and it was working more than one day a week at fairs and festivals but she does not do festivals anymore.³⁵ Plaintiff said she last worked full time at Biotech for 9 years as a compliance controller and left the job due to downsizing.³⁶ She tracked all billing and made sure that medical records were documented correctly.³⁷ There was no lifting required and she was working from home at a desk.³⁸ Before that job she worked for 2 years as a phlebotomist.³⁹ She said that when working for Biotech she was able to set her own schedule and she did not work for 3 days a week because of migraines.⁴⁰ She said that she had missed 2 farmer’s markets due to headaches or depression.⁴¹ She works 10 hours a week making jewelry and her daughters do not help.⁴² When she has a migraine she is sensitive to light and sound and is nauseated.⁴³ She only drives to pick up her daughter at school.⁴⁴ Plaintiff testified that her depression and her pain affects her ability to put things away and clean her home and said her older daughter does that the cleaning.⁴⁵ She said she goes shopping with her daughters and only when necessary, about once a month, and that she cannot leave the house because she feels people are judging her.⁴⁶ She said that twice a week her migraines are so bad that she cannot pick up her younger daughter at school.⁴⁷ She said she is exhausted by dressing and showering and does not associate with family or friends because she is too tired.⁴⁸ 3. The ALJ’s Findings 2 The ALJ found Plaintiff’s statements concerning the intensity, persistence, and limiting effects of the symptoms of her medically determinable mental and physical impairments not entirely consistent with the medical evidence and other evidence in the record.⁴⁹ The ALJ recited the medical record in detail, both regarding Plaintiff’s physical and mental impairments. a. Mental Health 10 Plaintiff argues that the ALJ erred in concluding that her ability to conduct a bead bracelet business showed a greater functional capacity than she alleged. Plaintiff argues that she does not conduct the business full-time and that she testified that her daughter provides significant assistance to her. 16 The ALJ did acknowledge Plaintiff’s assertion that her older daughter does all the heavy lifting and sets up the canopy for sales of bracelets at farmers

markets.⁵⁰ Even so, the ALJ reasoned: 19 20 21 49 AR 23-29. 22 50 AR 23. 23 1 First, though the claimant alleged that she is unable to work, she nevertheless has been able to engage in work 2 after the alleged onset date. During the hearing, she testified that she works making and selling jewelry. This 3 work activity shows that the claimant is less limited than 4 she has alleged. Even more, this work activity further supports that the claimant has the capacity for the range of 5 work as set forth in above residual functional capacity.⁵¹ 6 With regard to Plaintiff's work making and selling jewelry, the 7 ALJ noted further: 8 In the beginning of January 2023 the claimant reported 9 that she recently participated in the holiday craft bazaar, locally selling bracelets and jewelry that she made. She 10 had a good sales event, where she was accepted for selling 11 at a retail location. She was going to also have a table set up at a nail salon for selling bracelets.⁵² 12 Plaintiff's reported activity of attending craft fairs every weekend 13 and dealing with the general public, as well as her activities in 14 15 applying for retail space in nail salons is inconsistent with her 16 testimony that she rarely leaves home and is unable to go shopping 17 18 19 20 21 51 AR 24. 22 52 AR 25. 23 1 more than once a month, and then accompanied, because she has 2 problems appearing in public due to feeling people are judging her.⁵³ 3 The ALJ may discount a claimant's reported disabling symptoms 4 if she can spend a substantial part of the day engaged in pursuits 5 inconsistent with the reported disabling symptoms.⁵⁴ But "disability 6 claimants should not be penalized for attempting to lead normal lives 7 8 in the face of their limitations."⁵⁵ "The Social Security Act does not 9 require that claimants be utterly incapacitated to be eligible for 10 benefits, and many home activities may not be easily transferable to a 11 work environment where it might be impossible to rest periodically or 12 take medication."⁵⁶ For these reasons, activities of daily living bear on 13 14 15 16 17 18 19 53 AR 58-59. 20 54 Molina, 674 F.3d at 1113. 21 55 Reddick v. Chater, 157 F.3d 715, 722 (9th Cir. 1998) (cleaned up)). 22 56 Smolen, 80 F.3d at 1287 n.7. 23 1 a claimant's symptom reports only if the level of activity is inconsistent 2 with the individual's claimed limitations.⁵⁷ 3 In this instance, the Court concludes that the ALJ properly 4 considered that Plaintiff's reported activities were not consistent with 5 her allegations of extreme limitations. While Plaintiff testified that 6 she was fearful to leave her home and rarely able to go out in public, 7 8 the evidence showed that she was able to engage with the public 9 regularly and that her limitations were not as extreme as alleged. 10 b. Knee impairments 11 Plaintiff also alleges in her brief that the ALJ erred in finding 12 that her allegations regarding extreme limitations in the use of her 13 14 15 16 57 Reddick, 157 F.3d at 722. See also Vertigan v. Halter, 260 F.3d 1044, 17 1050 (9th Cir. 2001) (The Ninth Circuit has "repeatedly asserted that 18 the mere fact that a plaintiff has carried on certain daily activities, 19 20 such as grocery shopping, driving a car, or limited walking for exercise, 21 does not in any way detract from her credibility as to her overall 22 disability."). 23 1 right knee are not credible. Again, the Court finds that the record 2 substantially supports the ALJ's findings. 3 On June 8, 2022, Plaintiff presented to Dr. Stuart Freed, MD, for 4 follow-up regarding her suboxone dependency and pain.⁵⁸ Plaintiff 5 requested narcotics but admitted that she was doing well on Suboxone 6 and reported that she had been to

the emergency room 3 times for right 7 8 knee pain.⁵⁹ Dr. Freed noted that he confronted Plaintiff that she had 9 appeared at her last clinic visit with a limp while using a brace and 10 crutch, and complaining of pain but that 2 hours later he saw her 11 walking down the street with her daughter and she was using no 12 crutch or brace, had a normal gait, and was in no apparent pain.⁶⁰ 13 Plaintiff then told Dr. Freed that her pain comes and goes.⁶¹ On 14 15 examination, Dr. Freed noted full range of motion of the right knee, 16 negative McMurray's, negative Lachman's, negative Anterior/posterior 17 18 58 AR 492. 19 20 59 Id. 21 60 Id. 22 61 Id. 23 1 drawer, and negative varus valgus instability.⁶² Dr. Freed diagnosed 2 bursitis and patellar tendinitis which he found "is not severe."⁶³ 3 A week later, on June 15, 2022, Plaintiff presented to PA-C Joey 4 Victoria-Lopez, complaining of a sudden onset of right knee pain, with 5 occasional clicking and popping in her knee.⁶⁴ On examination, 6 Plaintiff had no tenderness, normal gait, no effusion, full range of 7 8 motion, normal strength, negative patellar grind test, no varus valgus 9 instability, negative anterior/posterior drawer testing, and pain but not 10 crepitus with McMurray test.⁶⁵ PA-C Victoria-Lopez referenced a 11 January 2020 x-ray indicating mild narrowing of the medial joint 12 space, and diagnosed right knee primary osteoarthritis.⁶⁶ PA-C 13 Victoria-Lopez performed a right knee steroid injection.⁶⁷ 14 15 16 62 AR 493. 17 63 Id. 18 64 AR 489-490. 19 20 65 AR 491. 21 66 Id. 22 67 AR 491-492. 23 1 On June 29, 2022, Plaintiff presented to Dr. Stuart Freed for 2 follow-up regarding her suboxone dependency and pain.⁶⁸ She reported 3 that her knee pain was a 3-4 out of 10 and that her back pain was "very 4 manageable".⁶⁹ She reported that she could complete all ADL's but 5 occasionally used a cane for support if her knee was very sore.⁷⁰ 6 The ALJ found that Plaintiff had severe impairment of bilateral 7 8 knee degeneration, and accepted the restrictions opined to by the 9 medical experts. No medical opinion contradicts those opinions and it 10 was the opinion of Plaintiff's own source that her physical impairment 11 did not cause more severe limitations. 12 The Court concludes that the ALJ's findings are supported by the 13 record. 14 15 c. Migraine Headaches 16 Plaintiff alleges that the ALJ erred in failing to accept her 17 testimony at hearing that she suffered from three migraine headaches 18 19 20 68 AR 482. 21 69 Id. 22 70 Id. 23 1 per week and that they lasted for up to three days. 2 Again, Plaintiff's allegations are inconsistent with the medical 3 record, which indicates that for a short period of time Plaintiff's 4 migraine headaches did occur with that level of intensity and frequency 5 but that once treated with a combination of Botox and Nurtec, 6 Plaintiff's migraine headaches were adequately managed. 7 8 It was noted by the ALJ that Plaintiff's migraine headaches met 9 the criteria for chronic intractable migraines but that once treated with 10 Botox Plaintiff's headaches reduced in frequently and severity by 11 50%.⁷¹ The ALJ noted that while Botox treatment was significant, it 12 appears that the combination of Botox and Nurtec reduced the 13 migraine headaches to a manageable burden.⁷² 14 15 On July 20, 2023, Plaintiff presented to PA-C Nicole Foster for 16 follow up regarding Botox injection for chronic migraine.⁷³ It was noted 17 that Plaintiff had tried and failed conservative therapy with multiple 18 19 20 71 AR 25. 21 72 AR 26. 22 73 AR 1024. 23 1 medications and that prior to initiation she had met the criteria for 2

chronic migraine with more than 15 migraines per month.⁷⁴ An insurance approval for Nurtec was requested, because in the prior 3 4 months Plaintiff had suffered 24 episodes of moderate to severe pain.⁷⁵ PA-C Foster diagnosed intractable/treatment resistant chronic 6 migraine without aura and without status migrainosus.⁷⁶ On July 25, 2023, Plaintiff's insurance carrier approved her 9 prescription for Nurtec and an order was sent to her pharmacy via 10 facsimile.⁷⁸ A treatment note from Plaintiff's follow-up visit with PA-C Foster 12 on October 24, 2023, indicated that Plaintiff suffered approximately 8 13 14 15 74 Id. 16 75 Id. 17 76 AR 1025. 18 77 Status migrainosus is a migraine lasting longer than 72 hours. 19 20 Cleveland Clinic, Status Migrainosus: what it is, causes, symptoms and 21 treatment. www.clevelandclinic.org. 22 78 AR 1023. 23 1 migraines per month when treated with Botox and that the headaches 2 were quickly treated with Nurtec.⁷⁹ PA-C Foster noted that Nurtec was 3 approved on July 25, 2023, and stated that "Nurtec has been 4 significantly helpful to reduce migraine burden."⁸⁰ 5 At a follow-up appointment for Botox injection on January 24, 6 2024, Plaintiff reported that her migraine episodes had lowered to 7 8 approximately 4 per month and that they were treated quickly with 9 Nurtec.⁸¹ 10 A claimant's improvement with treatment is "an important 11 indicator of the intensity and persistence of . . . symptoms."⁸² Symptom 12 improvement, however, must be weighed within the context of an 13 14 15 79 AR 1100. 16 80 Id. 17 81 "AR 1077. 18 82 20 C.F.R. §§ 416.929(c)(3), 404.1529(c)(3). See *Warre v. Comm'r of Soc. Sec. Admin.*, 439 F.3d 1001, 1006 (9th Cir. 2006) ("Impairments 21 that can be controlled effectively with medication are not disabling for 22 the purpose of determining eligibility for SSI benefits."). 23 1 "overall diagnostic picture," particularly for mental-disorder symptoms 2 which often wax and wane.⁸³ If treatment relieves symptoms to an 3 extent that allows the claimant to return to a level of function she had 4 before she developed mental-disorder symptoms, such treatment can 5 undermine a claim of disability.⁸⁴ 6 The ALJ did not err in considering that Plaintiff's testimony that 7 8 she continued to experience 3 episodes of migraines per week, with 9 each lasting up to 3 days, was wholly inconsistent with the medical 10 evidence showing 4 migraines per month, which were treated and 11 relieved "quickly."⁸⁵ 12 Plaintiff reported to her doctors that her knee pain was 13 manageable and that her migraines responded quickly to Nurtec. An 14 15 16 17 83 *Holohan v. Massanari*, 246 F.3d 1195, 1205 (9th Cir. 2001); see also 18 19 *Lester v. Chater*, 81 F.3d 821, 833 (9th Cir. 1995) ("Occasional 20 symptom-free periods ... are not inconsistent with disability."). 21

⁸⁴ See 20 C.F.R. §§ 404.1520a(c)(1), 416.920a(c)(1).

22 23 1 ALJ may discount a claimant's symptom reports if they are 2 inconsistent with her prior statements.⁸⁶ 3 In addition, the Court concludes that the ALJ properly considered 4 that Plaintiff's reported activities were not consistent with her 5 allegations of extreme limitation caused by her migraines. 6 The Court concludes that based upon the record before it, the ALJ 7 8 did not err in his evaluation of Plaintiff's subjective complaints. 9

4. Summary

10 It is the ALJ's responsibility to review and evaluate the 11 conflicting evidence and Plaintiff's subjective complaints.⁸⁷ The Court 12 finds that the ALJ accurately recited the testimony and record and 13 14 further concludes that the ALJ adequately explained his reasoning. 15 16 86 20 C.F.R. §§ 404.1529(c)(4), 416.929(c)(4). See *Smolen v. Chater*, 80 17 F.3d 1273, 1284 (9th Cir. 1996) (The ALJ may consider "ordinary 18 techniques of credibility evaluation," such as reputation for lying, prior 19 20 inconsistent statements concerning symptoms, and other testimony 21 that "appears less than candid."). 22 87 *Tackett v. Apfel*, 180 F.3d 1094, 1102 (9th Cir. 1999). 23 1 ||The ALJ meaningfully explained why he evaluated Plaintiffs 2 || subjective complaints as he did, and these reasons are supported by ° substantial evidence. The Court declines to remand as to this issue. IV. Conclusion 6 Accordingly, IT IS HEREBY ORDERED: 7 1. The ALJ's nondisability decision is AFFIRMED. 8 2. The Clerk's Office shall TERM the parties' briefs, ECF 9 Nos. 14 and 16, enter JUDGMENT in favor of 10 Defendant, and CLOSE the case. IT IS SO ORDERED. The Clerk's Office is directed to file this 3 order and provide copies to all counsel. 14 DATED this 6' day of March 2026. wd lew 16 EDWARD F.SHEA Senior United States District Judge 18 19 20 21 22 23 DISPOSITIVE ORDER, - 27