

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jennifer Flores v. Leland Dudek, Acting Commissioner of Social
Security

No. 1:24-cv-01377-SKO (E.D. Cal. Apr. 21, 2025) · No. 1:24-cv-01377-SKO · Decided April 22, 2025

SUMMARY

The United States District Court for the Eastern District of California reviewed the denial of Jennifer Flores’s applications for disability insurance benefits and Supplemental Security Income. The court held that the ALJ failed to provide sufficiently specific, clear, and convincing reasons for discounting Flores’s subjective symptom statements. The court vacated the decision and remanded the case for further proceedings.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 22, 2025
DOCKET	1:24-cv-01377-SKO
DISPOSITION	vacated
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying her applications for disability insurance benefits and Supplemental Security Income. The parties submitted briefs without oral argument.
STANDARD OF REVIEW	The court may set aside the Commissioner's denial of benefits when the ALJ's findings are based on legal error or are not supported by substantial evidence in the record as a whole. Substantial evidence is more than a mere scintilla and means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The court must consider the record as a whole and may not substitute its judgment when the evidence is susceptible to more than one rational interpretation.
PRECEDENTIAL VALUE	Unknown; district court opinion

PARTIES

Jennifer Flores v. Leland Dudek, Acting Commissioner of Social Security

TOPICS

judicial review of agency action

administrative law

ada / disability

PRACTICE AREAS

Social Security disability benefits

administrative law

judicial review of agency action

disability discrimination and disability-related claims

QUESTIONS PRESENTED

1. Whether any error in the ALJ's application of Social Security Ruling 18-3p concerning failure to follow prescribed treatment required reversal.
2. Whether the ALJ provided specific, clear, and convincing reasons supported by substantial evidence for discounting Flores's subjective statements about the intensity, persistence, and limiting effects of her mental symptoms.
3. Whether the appropriate remedy was remand for further proceedings or an immediate award of benefits.

HOLDINGS

1. Any error in the ALJ's application of SSR 18-3p was harmless because the ALJ did not base the nondisability determination on Flores's failure to follow prescribed treatment; the ALJ found at step five that she could perform work existing in significant numbers in the national economy.
2. The ALJ erred by discounting Flores's subjective statements based on generalized assertions that they were inconsistent with objective clinical findings, the treatment record, and treatment notes. When a claimant presents objective evidence of an impairment capable of producing the alleged symptoms and there is no evidence of malingering, the ALJ must provide specific, clear, and convincing reasons for rejecting testimony about symptom severity.
3. The proper remedy was to vacate the Commissioner's decision and remand for further administrative proceedings rather than order immediate payment of benefits.

KEY QUOTATIONS

"If 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 they give "specific, clear and convincing reasons" for the rejection." (Order at 6)

"General findings are an insufficient basis to support an adverse credibility determination" (Order at 7)

"Long-standing principles of administrative law require [the court] to review the ALJ's decision based on the reasoning and factual findings offered by the ALJ—not post hoc rationalizations that attempt to intuit what the adjudicator may have been thinking." (Order at 8)

FACTUAL BACKGROUND

Flores alleged disability from schizoaffective disorder, depressive type, beginning October 10, 2015. She reported auditory and visual hallucinations, difficulty sleeping, drowsiness, difficulty understanding and following directions, and periods when she could not get out of bed. The ALJ found severe schizoaffective and major depressive disorders, assessed an RFC for work at all exertional levels with significant mental limitations, and relied on vocational-expert testimony that she could perform jobs such as night cleaner, laboratory equipment cleaner, and counter supply worker.

PROCEDURAL HISTORY

Flores protectively applied for DIB and SSI, alleging disability beginning October 10, 2015, based on schizoaffective disorder. The Commissioner denied the applications initially and on reconsideration. After a January 24, 2024 hearing, the ALJ found Flores not disabled at step five because she could perform other work available in significant numbers. The Appeals Council denied review on September 13, 2024, making the ALJ's decision final. The district court vacated the decision and remanded for further proceedings.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate the Commissioner's decision and remand to the ALJ for further proceedings consistent with the Order, including proper assessment of Flores's subjective symptom statements and any resulting effect on the RFC and disability determination.

CASES CITED

- Tackett v. Apfel, 180 F.3d 1094, 1097-98 (9th Cir. 1999)
- Burch v. Barnhart, 400 F.3d 676, 679, 681 (9th Cir. 2005)
- Swenson v. Sullivan, 876 F.2d 683, 687 (9th Cir. 1989)
- Vaquez v. Astrue, 572 F.3d 586, 591 (9th Cir. 2009)
- Lingenfelter v. Astrue, 504 F.3d 1028, 1036 (9th Cir. 2007)
- 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)
- Rollins v. Massanari, 261 F.3d 853, 857 (9th Cir. 2001)
- Holohan v. Massanari, 246 F.3d 1195, 1208 (9th Cir. 2001)
- Greger v. Barnhart, 464 F.3d 968, 972 (9th Cir. 2006)
- Dodrill v. Shalala, 12 F.3d 915, 918 (9th Cir. 1993)
- Bray v. Commissioner of Social Security, 554 F.3d 1219, 1225 (9th Cir. 2009)
- Connett v. Barnhart, 340 F.3d 871, 874 (9th Cir. 2003)
- Ceguerra v. Secretary of Health & Human Services, 933 F.2d 735, 738 (9th Cir. 1991)

- *Moisa v. Barnhart*, 367 F.3d 882, 885-86 (9th Cir. 2004)
- *Fair v. Bowen*, 885 F.2d 597, 603 (9th Cir. 1989)
- *Molina v. Astrue*, 674 F.3d 1104, 1111 (9th Cir. 2012)
- *Stout v. Commissioner of Social Security Administration*, 454 F.3d 1050, 1055-56 (9th Cir. 2006)
- *Lambert v. Saul*, 980 F.3d 1266, 1278 (9th Cir. 2020)
- *Brown-Hunter v. Colvin*, 806 F.3d 487, 494 (9th Cir. 2015)
- *Shinseki v. Sanders*, 556 U.S. 396, 409 (2009)
- *Harman v. Apfel*, 211 F.3d 1172, 1178 (9th Cir. 2000)
- *INS v. Ventura*, 537 U.S. 12, 16 (2002)
- *Bunnell v. Sullivan*, 947 F.2d 341, 348 (9th Cir. 1991)
- *Byrnes v. Shalala*, 60 F.3d 639, 642 (9th Cir. 1995)
- *Nacole S. v. Commissioner, Social Security Administration*, No. 6:20-CV-1797-MO, 2024 WL 247242, at *4 (D. Or. Jan. 23, 2024)
- *Mark K. v. Saul*, No. 21-CV-00208-SK, 2022 WL 4596626, at *7 (N.D. Cal. July 27, 2022)
- *Cluff v. Commissioner of Social Security Administration*, No. CV-21-00789-PHX-DLR, 2022 WL 2951731, at *3 (D. Ariz. July 26, 2022)
- *Jason B. v. Saul*, No. 1:19-CV-03195-JTR, 2020 WL 13924501, at *7 (E.D. Wash. Aug. 11, 2020)