

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA,
BILLINGS DIVISION

Novaleta M. Eubanks v. Frank J. Bisignano, Commissioner of Social Security

Eubanks · No. CV 25-35-BLG-TJC · Decided March 31, 2026

SUMMARY

The United States District Court for the District of Montana reviews the denial of Novaleta M. Eubanks’s claims for Social Security disability insurance and supplemental security income benefits. The court concludes that the ALJ’s decision was not supported by substantial evidence in evaluating the Listing 12.04 criteria and reverses and remands for further administrative proceedings.

CASE DETAILS

COURT	United States District Court for the District of Montana, Billings Division
WRITING FOR THE COURT	Timothy J. Cavan
JURISDICTION	United States District Court for the District of Montana, Billings Division
DECIDED	March 31, 2026
DOCKET	CV 25-35-BLG-TJC
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying disability insurance benefits and supplemental security income. Plaintiff moved for summary judgment seeking reversal and an award of benefits or, alternatively, remand for further administrative proceedings.
STANDARD OF REVIEW	The court must affirm the Commissioner's decision unless it is unsupported by substantial evidence or based on legal error. The court must uphold an administrative decision when the evidence is susceptible to more than one rational interpretation supporting the ALJ, but must set the decision aside when the ALJ fails to apply the proper legal standards. The court reviews only the reasons asserted by the ALJ and may not supply post hoc rationales.
PRECEDENTIAL VALUE	unpublished district court order; unknown precedential status

PARTIES

Novaleta M. Eubanks v. Frank J. Bisignano, Commissioner of Social Security

TOPICS

judicial review of agency action

administrative law

standard of review

harmless error

appellate procedure

PRACTICE AREAS

Social Security disability

administrative law

federal judicial review

QUESTIONS PRESENTED

1. Whether the ALJ properly evaluated the paragraph A, B, and C criteria for Listings 12.04 and 12.06 at step three.
2. Whether the ALJ provided specific, clear, and convincing reasons for discounting Plaintiff's subjective symptom testimony.
3. Whether the ALJ's residual functional capacity determination considered all relevant, documented impairments and limitations.
4. Whether the ALJ was required to analyze Dr. Alan Bauer's statement that employment was not recommended under 20 C.F.R. § 416.920c.
5. Whether the vocational expert's testimony supported the step-five finding when the hypothetical did not include all limitations supported by the record.
6. Whether the case should be remanded for further proceedings or benefits should be awarded.

HOLDINGS

1. The ALJ erred by failing to identify which portions of Plaintiff's testimony were rejected and to link those portions to specific evidence; the generalized findings therefore did not satisfy the specific, clear, and convincing-reasons standard.
2. The ALJ erred by failing to address several documented impairments and limitations, including panic attacks, low energy, and nausea, in the RFC analysis or explain why they were excluded.
3. The step-five determination was not supported by substantial evidence because the hypothetical relied on by the ALJ did not adequately account for all limitations supported by the record.
4. Remand for further administrative proceedings, rather than an immediate award of benefits, was appropriate.
5. The ALJ did not err by declining to analyze Dr. Bauer's statement that employment was not recommended because statements on whether a claimant is capable of work are reserved to the Commissioner and are neither valuable nor persuasive on disability.

KEY QUOTATIONS

“Here, the ALJ’s decision failed to specify which of Plaintiff’s statements about her limitations were found not to be credible, and failed to connect those statements to specific evidence.” (discussion section IV.B)

“The ALJ’s failure to either incorporate into the RFC or properly discount from the RFC the full extent of Plaintiff’s limitations potentially affected the ultimate disability determination.” (discussion section IV.C)

“IT IS ORDERED that the Commissioner’s decision be REVERSED, and this matter be REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this opinion.”
(conclusion)

FACTUAL BACKGROUND

Plaintiff alleged disability based principally on depressive and anxiety disorders, as well as migraines, polycystic ovarian syndrome, fatigue, panic attacks, nausea, and other symptoms. The ALJ found depressive and anxiety disorders severe, other physical impairments including obesity and migraines non-severe, and assessed an RFC for work at all exertional levels with simple, repetitive tasks and no more than occasional interaction with others. The ALJ found Plaintiff unable to perform past relevant work but capable of performing other work existing in significant numbers in the national economy.

PROCEDURAL HISTORY

Plaintiff applied for supplemental security income on June 14, 2019. After a November 29, 2023 hearing, the ALJ issued a decision on June 5, 2024, finding Plaintiff not disabled; the Appeals Council denied review. Plaintiff then filed this action, and the court reversed and remanded for further proceedings under sentence four of 42 U.S.C. § 405(g).

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reassess Plaintiff’s RFC based on all relevant evidence, reconsider Plaintiff’s credibility or subjective symptom testimony, and reassess whether Plaintiff can perform other work in the national economy using a vocational-expert hypothetical that incorporates all limitations supported by the record.

CASES CITED

- Tidwell v. Apfel, 161 F.3d 599, 601 (9th Cir. 1998)
- Jamerson v. Chater, 112 F.3d 1064, 1066 (9th Cir. 1997)
- Flaten v. Secretary of Health & Human Services, 44 F.3d 1453, 1457 (9th Cir. 1995)
- Jones v. Heckler, 760 F.2d 993, 995 (9th Cir. 1985)
- Day v. Weinberger, 522 F.2d 1154, 1156 (9th Cir. 1975)
- Burch v. Barnhart, 400 F.3d 676, 679, 683-84 (9th Cir. 2005)
- Benitez v. Califano, 573 F.2d 653, 655 (9th Cir. 1978)

- *Flake v. Gardner*, 399 F.2d 532, 540 (9th Cir. 1968)
- *Ukolov v. Barnhart*, 420 F.3d 1002, 1003 (9th Cir. 2005)
- *Schneider v. Commissioner of the Social Security Administration*, 223 F.3d 968, 974 (9th Cir. 2000)
- *Bustamante v. Massanari*, 262 F.3d 949, 954 (9th Cir. 2001)
- *Tackett v. Apfel*, 180 F.3d 1094, 1098 n.3, 1100 (9th Cir. 1999)
- *Mariah V.A. v. Saul*, 2021 WL 1660947, at *7 (D. Mont. Apr. 28, 2021)
- *Sullivan v. Zebley*, 493 U.S. 521, 530 (1990)
- *Lewis v. Apfel*, 236 F.3d 503, 512 (9th Cir. 2001)
- *Shalise A. v. Berryhill*, 2019 WL 2403142, at *2 (D. Mont. June 7, 2019)
- *Robbins v. Social Security Administration*, 466 F.3d 880, 882, 886 (9th Cir. 2006)
- *Andrews v. Shalala*, 53 F.3d 1035, 1039-40 (9th Cir. 1995)
- *Vasquez v. Astrue*, 572 F.3d 586, 591 (9th Cir. 2009)
- *Turner v. Commissioner of Social Security*, 613 F.3d 1217, 1224 n.3 (9th Cir. 2010)
- *Thomas v. Barnhart*, 278 F.3d 947, 958 (9th Cir. 2002)
- *Reddick v. Chater*, 157 F.3d 715, 722, 728 (9th Cir. 1998)
- *Lester v. Chater*, 81 F.3d 821, 834 (9th Cir. 1995)
- *Garrison v. Colvin*, 759 F.3d 995, 1015, 1017 n.23 (9th Cir. 2014)
- *Moore v. Commissioner of Social Security Administration*, 278 F.3d 920, 925 (9th Cir. 2002)
- *Smolen v. Chater*, 80 F.3d 1273, 1284 (9th Cir. 1996)
- *Fair v. Bowen*, 885 F.2d 597, 603-04 (9th Cir. 1989)
- *Batson v. Commissioner of Social Security Administration*, 359 F.3d 1190, 1196-97 (9th Cir. 2004)
- *Burrell v. Colvin*, 775 F.3d 1133, 1138 (9th Cir. 2014)
- *Brown-Hunter v. Colvin*, 806 F.3d 487, 489, 492, 494 (9th Cir. 2015)
- *Lambert v. Saul*, 980 F.3d 1266, 1277 (9th Cir. 2020)
- *Connett v. Barnhart*, 340 F.3d 871, 874 (9th Cir. 2003)
- *Hoffschneider v. Kijakazi*, 2022 WL 3229989, at *1 (9th Cir. Aug. 10, 2022)
- *Ayers v. Kijakazi*, 2021 WL 4748595, at *4 (D. Mont. Oct. 12, 2021)
- *Embrey v. Bowen*, 849 F.2d 418, 422 (9th Cir. 1988)
- *Magallanes v. Bowen*, 881 F.2d 747, 756 (9th Cir. 1989)
- *Sample v. Schweiker*, 694 F.2d 639, 644 (9th Cir. 1982)
- *Hill v. Astrue*, 698 F.3d 1153, 1162 (9th Cir. 2012)
- *Benecke v. Barnhart*, 379 F.3d 587, 595 (9th Cir. 2004)
- *Lewin v. Schweiker*, 654 F.2d 631, 635 (9th Cir. 1981)