

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Lisa N. v. Commissioner of Social Security

Lisa N. · No. 6:24-cv-06572 (JGW) · Decided March 26, 2026

SUMMARY

The United States District Court for the Western District of New York reviewed a Social Security disability benefits appeal under 42 U.S.C. § 405(g). The court upheld the Commissioner’s denial of benefits, concluding that the ALJ’s residual functional capacity assessment and evaluation of the medical opinions were supported by substantial evidence. Plaintiff’s motion for judgment on the pleadings was denied, and the Commissioner’s motion was granted.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of New York                                                                                                                                                                                                                                                                                |
| WRITING FOR THE COURT | J. Gregory Wehrman                                                                                                                                                                                                                                                                                                                               |
| JURISDICTION          | United States District Court for the Western District of New York                                                                                                                                                                                                                                                                                |
| DECIDED               | March 26, 2026                                                                                                                                                                                                                                                                                                                                   |
| DOCKET                | 6:24-cv-06572 (JGW)                                                                                                                                                                                                                                                                                                                              |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's denial of Social Security disability benefits. The parties filed cross-motions for judgment on the pleadings under Federal Rule of Civil Procedure 12(c).                                                                                                        |
| STANDARD OF REVIEW    | The court reviews the Commissioner's final decision to determine whether it is supported by substantial evidence and based on the correct legal standard. If the evidence permits more than one rational interpretation, the Commissioner's determination must be upheld, and the court may not substitute its judgment or reweigh the evidence. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                                                                                                      |
| PARTIES               | Lisa N. v. Commissioner of Social Security                                                                                                                                                                                                                                                                                                       |

TOPICS

- judicial review of agency action
- administrative law
- motion for judgment on the pleadings
- civil procedure

## PRACTICE AREAS

Social Security

administrative law

civil procedure

## QUESTIONS PRESENTED

1. Whether the ALJ's residual functional capacity determination was supported by substantial evidence.
2. Whether the ALJ properly evaluated the persuasiveness of the medical opinions under the applicable regulations, including the supportability and consistency factors.
3. Whether the ALJ improperly relied on non-examining agency medical consultants while disregarding the opinions of the consultative examining physician and treating physician.
4. Whether the ALJ erred by failing to expressly discuss Plaintiff's initial physical-therapy functional testing.
5. Whether remand was required because the ALJ failed to expressly address the treating physician's opinion that Plaintiff needed to change positions every hour.

## HOLDINGS

1. The ALJ's sedentary residual functional capacity determination, with additional postural and hazard limitations, was supported by substantial evidence, and the record did not require a different result.
2. The ALJ properly evaluated the medical opinions by considering their supportability and consistency and permissibly found the state-agency reviewers' opinions most persuasive and the opinions of Drs. Magurno and Hernandez-Hermann less persuasive.
3. The ALJ did not improperly cherry-pick the evidence.
4. The ALJ's failure to expressly identify every detail of Plaintiff's initial physical-therapy functional testing did not require remand.
5. Remand was not required because the ALJ rejected Dr. Hernandez-Hermann's opinion as a whole as unsupported, which necessarily rejected the proposed hourly position-change limitation, and the record did not support that limitation.

## KEY QUOTATIONS

*“the RFC conclusion “need not perfectly match any single medical opinion in the record, so long as it is supported by substantial evidence.”” (III)*

*“Plaintiff has simply not shown that “the record requires a reasonable factfinder to reach a different result.”” (III)*

## FACTUAL BACKGROUND

Plaintiff alleged disability beginning August 20, 2019, based principally on knee problems, sciatica or back pain, sleep apnea, and obesity. The medical record reflected degenerative disc disease, a knee disorder, mostly normal gait, some limitations in knee and spinal range of motion, conservative treatment including medication, limited injections, and a short course of physical therapy. Plaintiff testified that her knee symptoms limited prolonged

sitting and standing, but also stated that medication controlled her knee symptoms and that she probably could perform receptionist work.

## PROCEDURAL HISTORY

Plaintiff filed applications for Title II disability insurance benefits and supplemental security income, which were denied initially and on reconsideration. After a hearing, the ALJ issued an unfavorable decision on January 12, 2024. The Appeals Council denied review, and Plaintiff appealed to the district court. The court denied Plaintiff's motion, granted Defendant's motion, affirmed the Commissioner's decision, and directed the Clerk to close the case.

## DISPOSITION

affirmed

## CASES CITED

- Talavera v. Astrue, 697 F.3d 145, 151 (2d Cir. 2012)
- Moran v. Astrue, 569 F.3d 496, 501 (2d Cir. 2009)
- Williams v. Bowen, 859 F.2d 255, 258 (2d Cir. 1988)
- McIntyre v. Colvin, 758 F.3d 146, 149 (2d Cir. 2014)
- Yancey v. Apfel, 145 F.3d 106, 111 (2d Cir. 1998)
- Schillo v. Kijakazi, 31 F.4th 64, 78 (2d Cir. 2022)
- Desirae D. v. Commissioner of Social Security, 20-cv-00054-JGW, 2021 WL 2042576, at \*3 (W.D.N.Y. May 21, 2021)
- Matta v. Astrue, 508 F. App'x 53, 56 (2d Cir. 2013)
- Veino v. Barnhart, 312 F.3d 578, 588 (2d Cir. 2002)
- Michelle J. v. Commissioner of Social Security, No. 1:21-CV-00306 CJS, 2023 WL 2623587, at \*4 (W.D.N.Y. Mar. 24, 2023)
- Jackson v. Kijakazi, 588 F. Supp. 3d 558, 585 (S.D.N.Y. 2022)
- Regina M. v. Commissioner of Social Security, No. 6:23-CV-06629 EAW, 2025 WL 899008, at \*3 (W.D.N.Y. Mar. 25, 2025)
- Lisa T. v. Kijakazi, No. 3:20-CV-1764 (SVN), 2022 WL 2207613, at \*3 (D. Conn. June 21, 2022)
- Jacqueline L. v. Commissioner of Social Security, 515 F. Supp. 3d 2, 7 (W.D.N.Y. 2021)
- Rosario v. Commissioner of Social Security, 20 Civ. 7749, 2022 WL 819810, at \*8 (S.D.N.Y. Mar. 18, 2022)
- Shawn H. v. Commissioner of Social Security, Civil Action No. 2:19-cv-113, 2020 WL 3969879, at \*6 (D. Vt. July 14, 2020)
- Schisler v. Sullivan, 3 F.3d 563, 568 (2d Cir. 1993)
- Heagney-O'Hara v. Commissioner of Social Security, 646 F. App'x 123, 126 (2d Cir. 2016)
- Brault v. Commissioner of Social Security, 683 F.3d 443, 448 (2d Cir. 2012)
- Snyder v. Commissioner of Social Security, No. 22-277-cv, 2023 WL 1943108, at \*3 (2d Cir. Feb. 13, 2023)

- April W. v. Commissioner of Social Security, No. 1:24-cv-00044-MAV, 2024 WL 4804778, at \*5 (W.D.N.Y. Nov. 14, 2024)
- Demeca P. v. Commissioner of Social Security, No. 1:22-cv-0504, 2024 WL 4505265, at \*4 (W.D.N.Y. Oct. 16, 2024)
- Baker v. Berryhill, No. 1:15-cv-00943-MAT, 2018 WL 1173782, at \*4 (W.D.N.Y. Mar. 6, 2018)
- Smith v. Berryhill, 740 F. App'x 721, 726 (2d Cir. 2018)
- David C. v. Commissioner of Social Security, No. 6:23-cv-06510-CJS, 2024 WL 4347151, at \*18 (W.D.N.Y. Sept. 30, 2024)
- Lisa M. o/b/o J.S. v. Commissioner of Social Security, No. 1:21-cv-00292 EAW, 2023 WL 3943997, at \*3 (W.D.N.Y. June 12, 2023)
- Krull v. Colvin, 669 F. App'x 31, 32 (2d Cir. 2016)
- Spottswood v. Kijakazi, No. 23-54-cv, 2024 WL 89635, at \*3 (2d Cir. Jan. 9, 2024)
- Berry v. Schweiker, 675 F.2d 464, 469 (2d Cir. 1982) (per curiam)
- Ryan on Behalf of V.D.C. v. Commissioner of Social Security, No. 21-2947-CV, 2022 WL 17933217, at \*2 (2d Cir. Dec. 27, 2022)
- Cichocki v. Astrue, 729 F.3d 172, 177 (2d Cir. 2013)