

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Kow Nai S. v. O'Malley

Kow Nai S. · No. 24-cv-03289-DMR · Decided September 29, 2025

SUMMARY

The United States District Court for the Northern District of California reviews the Commissioner of Social Security’s decision finding Plaintiff not disabled from October 2, 2012 through October 31, 2015. The court holds that the ALJ failed to provide specific, clear, and convincing reasons for discounting Plaintiff’s testimony concerning wrist, shoulder, and back pain, resulting in unsupported RFC and Step Five findings. The court grants Plaintiff’s motion for summary judgment, denies the Commissioner’s cross-motion, and remands for further proceedings rather than an immediate award of benefits.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Donna M. Ryu
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 29, 2025
DOCKET	24-cv-03289-DMR
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review of the Commissioner's final decision denying disability benefits for the period October 2, 2012 through October 31, 2015. The parties filed cross-motions for summary judgment.
STANDARD OF REVIEW	The court may set aside the Commissioner's decision when the ALJ committed legal error or the findings are not supported by substantial evidence in the record as a whole. Substantial evidence is evidence that could lead a reasonable mind to accept the conclusion; the court considers the entire record and may not substitute its judgment where the evidence reasonably supports two conclusions. Harmless error does not warrant reversal when it is inconsequential to the ultimate nondisability determination.

PRECEDENTIAL VALUE	Unpublished district court opinion; precedential status is not identified as published.
PARTIES	Kow Nai S. v. Martin O'Malley, Commissioner of the Social Security Administration

TOPICS

judicial review of agency action

summary judgment

administrative law

civil procedure

remedies

PRACTICE AREAS

administrative law

social security disability

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the ALJ's residual functional capacity finding was supported by substantial evidence.
2. Whether the ALJ provided legally sufficient, specific, clear, and convincing reasons for rejecting portions of Plaintiff's subjective symptom testimony.
3. Whether the ALJ's step-five finding was supported by substantial evidence.
4. Whether the record required a direct award of benefits under the credit-as-true rule or instead required remand for further proceedings.

HOLDINGS

1. The ALJ failed to provide specific, clear, and convincing reasons for rejecting Plaintiff's testimony concerning his shoulder, back, and wrist pain. The ALJ improperly inferred that pain became manageable from a treatment gap, relied on examination findings that did not contradict pain testimony, and failed to account for Plaintiff's prior unsuccessful wrist treatments.
2. The ALJ provided legally sufficient reasons for discounting Plaintiff's testimony concerning foot numbness before November 2015.
3. The RFC and step-five findings were not supported by substantial evidence because they rested in significant part on the ALJ's legally erroneous evaluation of Plaintiff's testimony.
4. A direct award of benefits was not warranted because outstanding factual and vocational issues remained regarding the appropriate handling restrictions, other RFC limitations, and the resulting step-five analysis.

KEY QUOTATIONS

“Absent affirmative evidence that the claimant is malingering, the ALJ must provide “specific, clear and convincing” reasons for rejecting the claimant’s testimony.” (discussion of subjective testimony)

“Nevertheless, because the ALJ improperly discredited Plaintiff’s testimony about his wrist, shoulder, and back pain, the court finds that the ALJ erred in his RFC finding.” (discussion of RFC error)

“However, the court finds that the second condition of the credit-as-true rule is not satisfied.” (remedy)

FACTUAL BACKGROUND

Plaintiff alleged disability beginning October 2, 2012 based on bilateral shoulder impairments, lumbar spine disorder, right carpal tunnel syndrome, and right wrist problems. He underwent right shoulder surgery in 2012, right wrist surgery in 2013, and left shoulder surgery in 2013, followed by physical therapy. Medical records documented continuing shoulder and back pain in 2014 and 2015, while Plaintiff testified that pain and numbness limited his ability to sit, stand, handle objects, and perform work requiring frequent hand use. The ALJ found that Plaintiff could perform light work with frequent handling and identified jobs available in the national economy.

PROCEDURAL HISTORY

Plaintiff applied for SSDI benefits in 2015. After an unfavorable 2018 ALJ decision, this court remanded the matter in 2020. A subsequent ALJ decision found Plaintiff disabled beginning November 1, 2015, but not earlier; after another stipulated remand and Appeals Council remand, a third ALJ denied benefits for the period at issue on February 6, 2024. The Appeals Council denied review, and Plaintiff filed this action. The court granted Plaintiff's motion for summary judgment, denied the Commissioner's cross-motion, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The ALJ must reconsider Plaintiff's subjective pain testimony and, if necessary, complete the record concerning the RFC and step-five analyses.

CASES CITED

- Tackett v. Apfel, 180 F.3d 1094, 1097 (9th Cir. 1999)
- Richardson v. Perales, 402 U.S. 389, 401 (1971)
- Saelee v. Chater, 94 F.3d 520, 522 (9th Cir. 1996)
- Robbins v. Social Security Administration, 466 F.3d 880, 882 (9th Cir. 2006)
- Jamerson v. Chater, 112 F.3d 1064, 1066 (9th Cir. 1997)
- Tommasetti v. Astrue, 533 F.3d 1035, 1038 (9th Cir. 2008)
- Allen v. Secretary of Health & Human Services, 726 F.2d 1470, 1473 (9th Cir. 1984)
- Fair v. Bowen, 885 F.2d 597, 603 (9th Cir. 1989)
- Greger v. Barnhart, 464 F.3d 968, 972 (9th Cir. 2006)
- Thomas v. Barnhart, 278 F.3d 947, 958 (9th Cir. 2002)
- Smolen v. Chater, 80 F.3d 1273, 1281-84 (9th Cir. 1996)

- Bunnell v. Sullivan, 947 F.2d 341, 345 (9th Cir. 1991) (en banc)
- Vasquez v. Astrue, 572 F.3d 586, 591 (9th Cir. 2009)
- Burrell v. Colvin, 775 F.3d 1133, 1136 (9th Cir. 2014)
- Lambert v. Saul, 980 F.3d 1266, 1277 (9th Cir. 2020)
- Treichler v. Commissioner of Social Security Administration, 775 F.3d 1090, 1100-02 (9th Cir. 2014)
- Smartt v. Kijakazi, 53 F.4th 489, 499 (9th Cir. 2022)
- Ferguson v. O'Malley, 95 F.4th 1194, 1201 (9th Cir. 2024)
- Carmickle v. Commissioner, Social Security Administration, 533 F.3d 1155, 1162 (9th Cir. 2008)
- Leon v. Berryhill, 880 F.3d 1041, 1045 (9th Cir. 2017)
- Washington v. Kijakazi, 72 F.4th 1029, 1041 (9th Cir. 2023)
- Moisa v. Barnhart, 367 F.3d 882, 887 (9th Cir. 2004)

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