

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, ALEXANDRIA DIVISION

Frederick W. B. v. Frank Bisignano, Commissioner of Social Security

Frederick W. B. · No. 1:25-cv-93-MSN-WBP · Decided June 9, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia overruled the plaintiff’s objections to a magistrate judge’s report and recommendation in a Social Security disability benefits case. The court adopted the report and recommendation, denied the plaintiff’s motion for summary judgment, granted the Commissioner’s motion for summary judgment, and affirmed the denial of disability insurance benefits for the period from October 9, 2021, through January 12, 2024. The court also directed the Clerk to enter judgment for the defendant and close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Alexandria Division
WRITING FOR THE COURT	Michael S. Nachmanoff
JURISDICTION	United States District Court for the Eastern District of Virginia, Alexandria Division
DECIDED	June 9, 2026
DOCKET	1:25-cv-93-MSN-WBP
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's report and recommendation addressing the parties' cross-motions for summary judgment in a Social Security disability benefits action.
STANDARD OF REVIEW	The district court reviews properly made objections to a magistrate judge's disposition de novo and reviews unobjected portions for clear error. In reviewing the Commissioner's final administrative decision, the court must uphold the ALJ's factual findings if supported by substantial evidence and reached under the correct legal standard; it may not reweigh conflicting evidence, make credibility determinations, or substitute its judgment for the ALJ's.
PRECEDENTIAL VALUE	Unknown

PARTIES

Frederick W. B. v. Frank Bisignano, Commissioner of Social Security

TOPICS

judicial review of agency action

administrative law

summary judgment

civil procedure

PRACTICE AREAS

Social Security

Administrative Law

Civil Procedure

QUESTIONS PRESENTED

1. Whether the magistrate judge clearly erred or otherwise erred in concluding that the ALJ adequately evaluated Dr. Russell's medical opinion, including her suggested seated-work restriction.
2. Whether the magistrate judge erred in concluding that the ALJ properly evaluated Plaintiff's subjective statements under 20 C.F.R. § 404.1529 and SSR 16-3p and supported the resulting findings with substantial evidence.

HOLDINGS

1. Because Plaintiff's objections substantially repeated arguments made in the summary-judgment briefing, the court reviewed the relevant portions of the report and recommendation for clear error; in any event, the objections failed under de novo review as well.
2. The ALJ's source-level persuasiveness analysis was adequate even though it did not separately discuss every limitation in Dr. Russell's opinion, and the ALJ permissibly omitted Dr. Russell's suggested sitting restriction from the RFC because that restriction was based on Plaintiff's subjective report and was outside Dr. Russell's psychological specialization.
3. The ALJ properly applied the two-step process for evaluating subjective statements about symptoms and adequately explained why Plaintiff's allegations concerning the intensity, persistence, and limiting effects of his symptoms were not entirely consistent with the record.

KEY QUOTATIONS

"In reviewing a final administrative decision, a reviewing court "must uphold the factual findings of the [ALJ] if they are supported by substantial evidence and were reached through application of the correct legal standard." (Section III)

"The ALJ properly performed both steps of the required analysis." (Section III.B)

FACTUAL BACKGROUND

Plaintiff sought disability insurance benefits based on physical impairments, pain, and related limitations. A consultative psychologist, Dr. Karen Russell, reported Plaintiff's physical pain and suggested that he would benefit from seated work, although her evaluation was psychological, was based on Plaintiff's reports, and did not include a physical examination or medical-record review. The ALJ limited Plaintiff to light work, found his

subjective allegations not entirely consistent with the record, and relied on conservative treatment, generally normal strength and range of motion, lack of neurological complications, and Plaintiff's daily activities.

PROCEDURAL HISTORY

The magistrate judge recommended denying Plaintiff's motion for summary judgment, granting Defendant's motion for summary judgment, and affirming the Commissioner's final decision denying disability insurance benefits for the period from October 9, 2021, through January 12, 2024. The district court reviewed the challenged portions of the report and recommendation, overruled Plaintiff's objections, adopted the report and recommendation in full, granted Defendant's motion, denied Plaintiff's motion, affirmed the Commissioner's decision, and directed entry of judgment for Defendant.

DISPOSITION

affirmed

CASES CITED

- John R. v. Kijakazi, 2023 WL 2682358, at *2 (E.D. Va. Mar. 29, 2023)
- Elijah v. Dunbar, 66 F.4th 454, 460 (4th Cir. 2023)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Hancock v. Astrue, 667 F.3d 470, 472 (4th Cir. 2012)
- Biestek v. Berrhill, 139 S. Ct. 1148, 1154 (2019)
- Arakas v. Commissioner, Social Security Administration, 983 F.3d 83, 95 (4th Cir. 2020)
- Craig v. Chater, 76 F.3d 585, 589-90 & n.2 (4th Cir. 1996)
- Turner v. Commissioner of Social Security, 2024 WL 274722, at *4 (4th Cir. May 30, 2024)
- Brown v. Commissioner of Social Security Administration, 873 F.3d 251, 269 (4th Cir. 2017)
- Thomas v. Berryhill, 916 F.3d 307, 311 (4th Cir. 2019)
- Angela U. v. Kijakazi, 2022 WL 3207455, at *8 (E.D. Va. July 19, 2022), R&R adopted, 2022 WL 3161896 (E.D. Va. Aug. 8, 2022)
- Owens v. Kijakazi, 2023 WL 2344224, at *3 (4th Cir. Mar. 3, 2023)
- Cross v. O'Malley, 89 F.4th 1211, 1216 (9th Cir. 2024)
- Ladda v. Berryhill, 749 F. App'x 166, 170 (4th Cir. 2018)
- Kanjuette C. v. Bisignano, 189 F. Supp. 3d 403, 411 (D. Md. 2026)
- Mascio v. Colvin, 780 F.3d 632, 636-37 (4th Cir. 2015)
- Britt v. Saul, 860 F. App'x 256, 262 (4th Cir. 2021)
- Garland v. Ming Dai, 593 U.S. 357, 369 (2021)

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