

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Dean v. Heckler

613 F. Supp. 318 (W.D. Pa. 1985) · Decided July 18, 1985

SUMMARY

The court reviewed the denial of the plaintiff's application for Supplemental Security Income under the Social Security Act. It held that the Secretary's decision was not supported by substantial evidence because the vocational evidence and the plaintiff's combined medical impairments were inadequately evaluated. The court reversed the Secretary's decision.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Gerald J. Weber
JURISDICTION	Pennsylvania
DECIDED	July 18, 1985
DISPOSITION	reversed
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. §§ 1383(c)(3) and 405(g) of the Secretary's denial of Supplemental Security Income. The parties filed cross-motions for summary judgment.
STANDARD OF REVIEW	Whether the Secretary's decision was supported by substantial evidence; the court reviewed the administrative record in resolving the parties' cross-motions for summary judgment.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Dean v. Heckler, Secretary of Health and Human Services

TOPICS

- judicial review of agency action
- administrative law
- summary judgment
- ada / disability
- civil procedure

PRACTICE AREAS

- Social Security disability
- administrative law
- civil procedure

QUESTIONS PRESENTED

1. Whether substantial evidence supported the Secretary's determination that Dean retained the residual functional capacity to perform light work.
2. Whether the ALJ improperly evaluated Dean's medical evidence and subjective complaints by failing to consider his impairments cumulatively and by relying on incomplete or nondiagnostic treadmill tests.
3. Whether the vocational evidence established that Dean could perform other substantial gainful work existing in the national economy.

HOLDINGS

1. The Secretary's decision was not supported by substantial evidence because the only identified light-duty job was eliminated by the vocational expert's later assessment and the medical evidence did not support the residual-functional-capacity finding.
2. The ALJ was required to evaluate Dean's impairments and supporting evidence cumulatively rather than isolating individual findings.

KEY QUOTATIONS

"This evidence should have been considered cumulatively with all other evidence." (613 F. Supp. at 320)

"Accordingly, we do not find substantial evidence to support the Secretary's decision and we will reverse."
(613 F. Supp. at 320)

FACTUAL BACKGROUND

Dean was 54 years old, had an eighth-grade education, and had worked for many years repairing and painting damaged automobiles. He suffered from angina, pulmonary emphysema, chronic back pain from osteoarthritis and degenerative disc disease, low blood pressure, and peptic-ulcer-related abdominal pain. Although the ALJ found that he could not return to his heavy past work, the ALJ concluded that he could perform light work, relying in part on vocational-expert testimony identifying work as an auto-body-repair supervisor. After the hearing, however, the vocational expert reconsidered the limitations identified in the record and stated that Dean could not perform that job, while the medical evidence—including incomplete treadmill tests and the treating physician's opinion—supported greater impairment.

PROCEDURAL HISTORY

Dean applied for Supplemental Security Income in May 1983. The application was denied initially and on reconsideration by the Social Security Administration's Office of Disability Operations. After a hearing, an Administrative Law Judge found that Dean was not disabled because he retained the residual functional capacity for light work. The Appeals Council affirmed in May 1984, making the decision final, and Dean appealed to the district court.

DISPOSITION

reversed

CASES CITED

- Hall v. Secretary of HEW, 602 F.2d 1372 (9th Cir. 1979)

OPINION

WEBER, J.

OPINION GERALD J. WEBER, District Judge. Plaintiff here unsuccessfully applied for Supplemental Security Income under the Social Security Act in May 1983. His application was denied initially and on reconsideration by the Office of Disability Operations of the Social Security Administration. He then appeared before an Administrative Law Judge who determined that he was not disabled because he could perform light work.

The Secretary's decision became final when the Appeals Council affirmed the AU in May 1984. Plaintiff appealed this decision under 42 U.S.C. §§ 1383(c)(3) and 405(g). We now address the parties' cross-motions for summary judgment. Plaintiff is 54 years old. He has an eighth grade education. He worked at a body shop from 1955 to 1972, repairing and painting damaged cars.

From 1972 to 1981, when he last worked, he was self-employed in the same line of business. Plaintiff argues that poor health prevents him from working and now keeps him virtually homebound. He suffers from recurrent chest pain caused by angina pectoris, and takes 50-60 nitroglycerin tablets per week for relief. Record at 161. He has pulmonary emphysema that causes shortness of breath.

Record at 230. He has chronic back pain resulting from osteoarthritis and degenerative disc disease. He has low blood pressure that at times produces light-headedness. He also suffers abdominal pain from a peptic ulcer. Id. In his opinion, the AU acknowledged that plaintiff suffers from a severe combination of cardiovascular and musculoskeletal impairments.

Record at 12. He nevertheless found that plaintiff's impairments did not meet the requirements listed in the Secretary's regulations. The AU also determined that, although he could not return to his past work as an auto body repairman, plaintiff had the residual functional capacity for light work. At his hearing in October 1983, Mr. Dean satisfied his initial burden of showing that he could not return to his former occupation.

Auto body repair is considered heavy work. It requires long periods of standing, dexterous use of hand held machine tools, and lifting parts such as fenders, doors, and bumpers weighing 20-100 pounds. *320The AU agreed that these tasks were beyond Mr. Dean's abilities. Record at 13.

The burden then shifted to the Secretary to show that plaintiff could perform other substantial gainful work which exists in the national economy. See, e.g. Hall v. Secretary of HEW, 602 F.2d 1372 (9th Cir. 1979). William Reed, a vocational expert, assisted the AU at the hearing. Mr. Reed

testified that, at the light exertional level, plaintiff would be qualified to work as an auto body repair supervisor.

Record at 58. As described above, the AU specifically found that plaintiff had the residual functional capacity to engage in light work. In her brief, the Secretary likewise argues Mr. Dean's fitness for light work. Following the hearing, however, plaintiff submitted interrogatories to the vocational expert pinpointing Mr. Dean's limitations and again requesting an opinion.

Record at 234. The expert, after consulting with the Administration's own experts, changed his mind; Mr. Dean is not capable of working as an auto body repair supervisor, the only light duty job identified for his level of skill. This would eliminate the Secretary's grounds for concluding that plaintiff can perform light work. Furthermore, we find fault in the Secretary's evaluation of the medical evidence.

In his opinion, the AU focused on Mr. Dean's lung and heart disease. This examination did not give sufficient weight to contradictory evidence or to plaintiff's impairments in combination. Plaintiff's chronic obstructive lung disease was established by x-rays taken in February 1983 by radiologist J. Mikita. Record at 117. Plaintiff testified that he could walk for no more than 20 minutes before becoming short-winded.

Record at 33. The AU isolated this evidence by reciting that "the record is absent of any pulmonary medical findings that establish that claimant lacks the residual functional capacity for light work activity." Record at 13. This evidence should have been considered cumulatively with all other evidence.

The AU also relies heavily on the results of a tread mill stress test administered to Mr. Dean in October 1982. Record at 136. The results did not establish the usual signs of heart disease. This test was incomplete, however, because plaintiff developed severe chest pain after four minutes on the tread mill and was forced to stop. His doctor thus labeled the test "non-diagnostic".

Record at 136. A tread mill test in May 1980 produced the same results; Mr. Dean stopped after one minute because of chest pain. Dr. M. Corpuz stated his negative findings, but added that "the workload was grossly inadequate and therefore no interpretation can be rendered." Record at 159.

Finally, the AU noted the opinion of plaintiff's treating physician that "Mr. Dean is completely and permanently incapacitated by coronary heart disease, degenerative disc disease, osteoarthritis of the spine, and chronic obstructive pulmonary disease." Record at 231. This conclusion does not bind the Secretary, 20 C.F.R. § 404.1527, and the AU did not consider it as such.

This opinion nevertheless is supported in the record by medical signs and findings. See, e.g. respectively, record at 136, 185-6; 157, 182; and 117. These findings also lend credibility to plaintiff's subjective complaints of pain. Record at 31-33; 53.

Accordingly, we do not find substantial evidence to support the Secretary's decision and we will reverse.

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-western-district-of-pen/1985/dean-v-heckler-ed7vyr0e>