

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Carolyn L. Nimick v. Secretary of Health and Human Services

27 Soc. Sec. Rep. Ser. 344 (8th Cir. 1989) · No. No. 89-1504 · Decided October 12, 1989

SUMMARY

The Eighth Circuit reversed and remanded a district court judgment affirming the denial of Carolyn Nimick's application for Social Security disability benefits. The court held that the administrative law judge failed to develop and make explicit findings concerning the physical and mental demands of Nimick's past relevant work as a machine operator and whether her residual functional capacity permitted her to perform that work.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Lay, Chief Judge; Heaney, Senior Circuit Judge; Bowman, Circuit Judge
JURISDICTION	Federal
DECIDED	October 12, 1989
DOCKET	No. 89-1504
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the district court's order affirming the Secretary's denial of Social Security disability benefits.
STANDARD OF REVIEW	The court reviewed whether substantial evidence on the record as a whole supported the Secretary's determination and whether the ALJ applied the governing Social Security regulations and rulings.
PRECEDENTIAL VALUE	Published precedential opinion of the United States Court of Appeals for the Eighth Circuit
PARTIES	Carolyn L. Nimick v. Secretary of Health and Human Services

TOPICS

- agency adjudication
- judicial review of agency action
- administrative law
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether substantial evidence supported the ALJ's finding that Nimick could perform her past relevant work as a machine operator.
2. Whether the ALJ was required to make specific findings concerning the physical and mental demands of the past relevant work and compare those demands with Nimick's residual functional capacity.
3. Whether the case should be remanded for further proceedings because the record did not adequately establish the demands of the past work or address the combined effects of Nimick's impairments.

HOLDINGS

1. The ALJ may find that a claimant can perform past relevant work only after fully developing the physical and mental demands of that work and making explicit findings comparing those demands with the claimant's residual functional capacity. The record did not support the ALJ's finding that Nimick could perform her past work as a machine operator.
2. The case must be remanded to the ALJ for specific factual findings concerning the physical and mental demands of the job the ALJ considers the claimant capable of performing, including stress, technical or complex requirements, dust and fumes, and physical demands.
3. If Nimick had no past relevant work or could not perform it but could perform light work, the burden would shift to the Secretary to show that she could perform work existing in the national economy; a vocational expert would then be required under the applicable regulations and circuit precedent.

KEY QUOTATIONS

“the ALJ has a duty to fully investigate and make explicit findings as to the physical and mental demands of a claimant's past relevant work and to compare that with what the claimant herself is capable of doing before he determines that she is able to perform her past relevant work.” (§ 10)

“This evidence was not sufficient to allow the ALJ to make a proper determination as to the physical and mental demands placed on a machine operator and whether Ms. Nimick was capable of performing this work.” (§ 27)

“For the reasons set forth above we reverse the district court's order granting summary judgment to the defendant and remand this case back to the ALJ for further proceedings consistent with this opinion.” (§ 30)

FACTUAL BACKGROUND

Carolyn Nimick, a 49-year-old woman with a ninth-grade education, applied for Social Security benefits in 1986, alleging disability since 1979. The ALJ found that she retained the residual functional capacity to perform her past work as a machine operator. The record contained conflicting and incomplete evidence concerning the physical and mental demands of that work, including lifting, standing, walking, sitting, stress, technical complexity, and exposure to dust and fumes, as well as evidence of Nimick's physical, mental, and allergy-related limitations.

PROCEDURAL HISTORY

Nimick applied for benefits alleging disability beginning in 1979. Her application was administratively denied; after a hearing, the ALJ found that she could perform her past relevant work as a machine operator and was not disabled. The Appeals Council denied review, and the district court affirmed the denial. The Eighth Circuit reversed and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The ALJ must make specific factual findings concerning the physical and mental demands of whatever job Nimick is considered capable of performing, including the job's mental stress, technical or complex nature, exposure to dust and fumes, and physical requirements. The ALJ should also clearly consider all of Nimick's exertional and nonexertional impairments individually and in combination. If she has no past relevant work or cannot perform it, the Secretary must proceed to determine whether she can perform work existing in the national economy, using a vocational expert as required.

CASES CITED

- Bowen v. City of New York, 476 U.S. 467, 470-71, 106 S. Ct. 2022, 2024-25, 90 L. Ed. 2d 462 (1986)
- Jelinek v. Heckler, 764 F.2d 507, 511 (8th Cir. 1985)
- Jelinek v. Bowen, 870 F.2d 457, 459 (8th Cir. 1989)