

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK**

Travis H. v. Commissioner of Social Security

5:25-CV-00133 (ML) · No. 5:25-CV-00133 (ML) · Decided March 19, 2026

OPINION

Hanson

PER CURIAM.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TRAVIS H.,

Plaintiff, v. 5:25-CV-00133 (ML)

COMMISSIONER OF SOCIAL
SECURITY,

Defendant. _____ APPEARANCES: OF COUNSEL:
OLINSKY LAW GROUP HOWARD D. OLINSKY, ESQ. Counsel for the Plaintiff 250 South
Clinton Street - Suite 210 Syracuse, New York 13202 SOCIAL SECURITY ADMINISTRATION
FERGUS J. KAISER, ESQ. Counsel for the Defendant Special Assistant U.S. Attorney 6401
Security Boulevard Baltimore, Maryland 21235 MIROSLAV LOVRIC, United States Magistrate
Judge

ORDER

Currently pending before the Court in this action, in which Plaintiff seeks judicial review of an adverse administrative determination by the Commissioner of Social Security, pursuant to 42 U.S.C. §§ 405(g), are cross-motions for judgment on the pleadings.¹ Oral argument was heard in connection with those motions on March 19, 2026, during a telephone conference. ¹ This matter, which is before me on consent of the parties pursuant to 28 U.S.C. § 636(c), has been treated in accordance with the procedures set forth in General Order No. 18. Under that General Order once issue has been joined, an action such as this is considered procedurally, as if cross-motions for judgment on the pleadings had been filed pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. conducted on the record. At the close of argument, I issued a bench decision in which, after applying the requisite deferential review standard, I found that the Commissioner's determination was not supported by substantial evidence, providing further detail regarding my reasoning and addressing the specific issues raised by Plaintiff in this appeal. After due deliberation, and based upon the Court's oral bench decision, which has been transcribed, is attached to this order, and is incorporated herein by reference, it is ORDERED as follows: 1)

Plaintiff's motion for judgment on the pleadings (Dkt. No. 12) is GRANTED. 2) Defendant's motion for judgment on the pleadings (Dkt. No. 17) is DENIED. 3) The Commissioner's decision denying Plaintiff Social Security benefits is REVERSED. 4) This matter is REMANDED to the Commissioner, without a directed finding of disability, for further administrative proceedings consistent with this opinion and the oral bench decision, pursuant to sentence four of 42 U.S.C. § 405(g). 5) The Clerk of Court is respectfully directed to enter judgment, based upon this determination, REMANDING this matter to the Commissioner for further administrative proceedings consistent with this opinion and the oral bench decision, pursuant to sentence four of 42 U.S.C. § 405(g) and closing this case. Dated: March 19, 2026 Binghamton, New York Nrealgr
Pew Miroslav Lovric United States Magistrate Judge Northern District of New York

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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TRAVIS HANK H.,

Plaintiff, vs. 5:25-CV-133

COMMISSIONER OF SOCIAL SECURITY,

Defendant. -----x Transcript of a Decision held during a Telephone Conference on March 19, 2026, the HONORABLE MIROSLAV LOVRIC, United States Magistrate Judge, Presiding.

A P P E A R A N C E S

(By Telephone) For Plaintiff: OLINSKY LAW GROUP Attorneys at Law 250 South Clinton Street - Suite 210 Syracuse, New York 13202 BY: HOWARD D. OLINSKY, ESQ. For Defendant: SOCIAL SECURITY ADMINISTRATION Office of the General Counsel 6401 Security Boulevard Baltimore, Maryland 21235 BY: FERGUS J. KAISER, ESQ. Jodi L. Hibbard, RPR, CSR, CRR Official United States Court Reporter 100 South Clinton Street Syracuse, New York 13261-7367

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1 (The Court and all counsel present by 2 telephone.) 3 THE COURT: All right. Well, the Court's going to 4 begin its reasoning, analysis, and decision as follows. 5 Plaintiff has commenced this proceeding pursuant to

6 Title 42 United States Code Section 405(g) to challenge the

7 adverse determination by the Commissioner of Social Security 8 finding that he was not disabled at the relevant times and 9 therefore ineligible for the benefits that he sought. 10 By way of background, the Court notes as follows. 11 Plaintiff was born in 1980. He is currently approximately 45 12 years of age. He was approximately 42 years of age on the 13 date of his application for benefits. At the time of his 14 administrative hearing on January 19th of 2024, plaintiff 15 resided with his wife and young son. Plaintiff stands 16 approximately 5 feet 11 inches in height and weighs 17 approximately 283 pounds. Plaintiff is a high school 18 graduate who

attended regular education classes and 19 subsequently obtained a bachelor's degree. Plaintiff served 20 in the Marine Corps from 2002 to 2006, including three combat 21 deployments in Iraq. Plaintiff reported that he left the 22 military due to post-traumatic stress disorder related to his 23 combat experience. Following his discharge from the 24 military, plaintiff served several years as a police officer. 25 After leaving the police department, plaintiff has held 1 short-term employment positions as a security guard, assembly 2 line worker, and a lawn service employee. 3 Plaintiff attributes a number of his physical 4 impairments to his time in the military, including a 5 traumatic brain injury, hearing loss, and lower back pain. 6 Since leaving the military, plaintiff has received outpatient 7 psychiatric care through the Veterans Affairs, also known as 8 the VA, that being the Veterans Affairs medical system, for 9 symptoms including panic attacks, hallucinations, 10 irritability, and hypervigilance. In October of 2022, 11 plaintiff was hospitalized for four days due to suicidal 12 ideation. 13 Procedurally, the Court notes as follows in this 14 case. Plaintiff applied for Title II benefits on July 3rd of 15 2022, alleging an onset date of February 1 of 2022. In 16 support of his application for benefits, plaintiff claimed 17 disability based on a number of physical and mental health 18 impairments, including PTSD, lower lumbar strain, tinnitus, 19 knee injuries, and asthma. 20 Administrative Law Judge Mary Jane Pelton conducted 21 a hearing on January 19th, 2024 to address plaintiff's 22 application for benefits. ALJ Pelton issued an unfavorable 23 decision on February 23rd of 2024. That decision became the 24 final determination of the Agency on December 12th of 2024 25 when the Appeals Council denied plaintiff's request for 1 review. This action was commenced on January 29th of 2025 2 and it is timely. 3 In her February 23rd, 2024 decision at issue in 4 this case, the ALJ first determined that plaintiff met the 5 insured status requirements of the Social Security Act 6 through December 31 of 2022 and then the ALJ commenced the 7 familiar five-step test for determining disability. 8 At step one, the ALJ concluded that plaintiff had 9 not engaged in substantial gainful activity from his alleged 10 onset date of February 1, 2022 through his date last insured 11 of December 31st of 2022. 12 At step two, the ALJ concluded that plaintiff had 13 the following severe impairments through his date last 14 insured: That being, degenerative disk disease of the lumbar 15 spine, degenerative joint disease of the left knee, PTSD, and 16 depressive disorder. 17 At step three, the ALJ concluded that plaintiff did 18 not have an impairment or combination of impairments that met 19 or medically equaled the severity of one of the listed 20 impairments. In making this determination, the ALJ expressly 21 considered Listings 1.15, dealing with disorders of the 22 skeletal spine; 1.16, dealing with lumbar spinal stenosis; 23 Listing 1.18, dealing with abnormality of a major joint; 24 Listing 12.04, dealing with depressive, bipolar, and related 25 disorders; and lastly, Listing 12.15, dealing with trauma and 1 stressor-related disorders. 2 Next, the ALJ determined that plaintiff has the 3 residual functional capacity, also referred to as RFC, to 4 perform less than the full range of medium work through the 5 date last insured. Specifically, the ALJ found as follows: 6 That plaintiff could frequently stoop, kneel, crouch, and

7 crawl; that plaintiff should avoid concentrated exposure to 8 extreme cold, fumes, dusts, gases, and poor ventilation; that 9 plaintiff could understand, remember, and carry out simple 10 instructions; could use judgment to make simple work-related 11 decisions; and that plaintiff should work in a job with 12 occasional changes in the routine work setting. The ALJ also 13 found that plaintiff could not perform work requiring a 14 specific production rate or perform work that required hourly 15 quotas. The V -- excuse me, the ALJ also concluded plaintiff 16 could have occasional interaction with coworkers and 17 supervisors and no interaction with the public. And lastly, 18 the ALJ concluded that plaintiff was limited to working in a 19 moderate noise level environment. 20 At step four, the ALJ determined that plaintiff was 21 unable to perform any past relevant work through the date 22 last insured. 23 Next, at step five, the ALJ relied on the 24 vocational expert testimony to find that, considering 25 plaintiff's age, education, work experience, and RFC, that 1 there were jobs existing in significant numbers in the 2 national economy that plaintiff could perform through the 3 date last insured. 4 And then lastly, accordingly, the ALJ found that 5 and concluded that plaintiff was not disabled at the time 6 from the alleged onset date of February 1, 2022 through the 7 date last insured of December 31st of 2022. 8 The Court next turns to plaintiff's arguments in 9 this matter. First, the Court begins by reminding the 10 parties that this Court's functional role in this case is 11 limited and extremely deferential. The Court must determine 12 whether correct legal principles were applied and whether the 13 determination is supported by substantial evidence, which is 14 defined as such relevant evidence as a reasonable mind would 15 find sufficient to support a conclusion. As the Second 16 Circuit has noted in *Brault v. Social Security Administration* 17 Commissioner, 683 F.3d 443, a 2012 Second Circuit case, this 18 standard is demanding, more so than the clearly erroneous 19 standard. The court noted in *Brault* that once there is a 20 finding of fact, that fact can be rejected only if a 21 reasonable factfinder would have to conclude otherwise. 22 Plaintiff contends that the ALJ failed to properly 23 consider plaintiff's Veterans Affairs medical and mental 24 health records when analyzing the Listing requirements and 25 when reaching her RFC determination, because, as the 1 plaintiff argues, the ALJ only made vague reference to that 2 extensive volume of records and failed to cite any specific 3 treatment notes to support her conclusions. 4 The Court next turns to its analysis and decision 5 in this case. This Court finds that remand for further 6 administrative proceedings is required to allow the ALJ to 7 properly evaluate plaintiff's mental health treatment records 8 and to provide an adequate explanation for her assessment of 9 the listing criteria and the functional limitations in 10 plaintiff's RFC. And the Court concludes that for the 11 following reasons. 12 First, this Court recognizes that ALJs are not 13 required to reconcile every conflicting shred of evidence in 14 their decisions. However, it is equally true that ALJs must 15 discuss the evidence and factors "crucial" to the disability 16 determination with "sufficient specificity to enable [this 17 Court] to decide whether the determination is supported by 18 substantial evidence." Put another way, an ALJ must "build 19 an accurate and logical bridge" from the evidence to her 20 conclusion to enable a meaningful

review. 21 Plaintiff correctly notes that the overwhelming 22 majority of the medical and mental health notes in the 23 Administrative Record derive from plaintiff's treatment in 24 the VA medical system, with the limited exception of the 25 physical and psychiatric consultative examination reports 1 performed in connection with his benefits application. 2 As part of her analysis of the Listing criteria for 3 mental health impairments at step three of the sequential 4 evaluation, the ALJ was required to consider whether 5 plaintiff satisfied the paragraph B criteria. That is, the 6 ALJ had to assess whether plaintiff had an "extreme 7 limitation in one" or "marked limitations in two" of the four 8 areas of mental functioning. And those areas being: One, 9 understanding, remembering, or applying information; two, 10 interacting with others; three, concentrating, persisting, or 11 maintaining pace; and four, adapting or managing oneself. 12 Despite the volume of VA treatment notes in the 13 record, the ALJ's paragraph B analysis relies almost 14 exclusively on the consultative psychiatric examination 15 report prepared by Dr. Dennis Noia in September of 2022. 16 This raises questions regarding the validity of that 17 analysis. 18 The Second Circuit has "frequently cautioned that 19 ALJs should not rely heavily on the findings of consultative 20 physicians after a single examination ... This is even more 21 pronounced in the context of mental illness where ... a 22 one-time snapshot of a claimant's status may not be 23 indicative of [his] longitudinal mental health." For this 24 proposition, see case *Estrella v. Berryhill*, 925 F.3d 90 at 25 page 98, that's a Second Circuit 2019 case. See also case of 1 *Sheenalee D. v. Commissioner of Social Security* at 2 8:19-CV-140, and that is a District Court Thomas J. McAvoy 3 case along with Magistrate Judge Andrew T. Baxter, and that 4 can be found at 2020 WL 1034396, at *5, and that's a Northern 5 District New York February 3rd, 2020 case, and therein, the 6 magistrate judge recommending remand where ALJ's paragraph B 7 analysis was based solely on single consultative examination 8 report. And that report and recommendation was adopted by 9 District Judge McAvoy and that adoption and decision is found 10 at 2020 WL 1030652, Northern District New York, March 3rd, 11 2020 decision. 12 That caution would seem especially appropriate 13 here, where the consultative examination occurred one month 14 prior to plaintiff being hospitalized after contacting a 15 crisis hotline and expressing a desire to shoot himself in 16 the head. 17 The ALJ's RFC analysis suggests a similarly 18 inadequate review. As plaintiff's brief illustrates, the ALJ 19 relied on broad citations to the VA mental health records 20 that cover hundreds of pages of treatment notes. For 21 example, the ALJ characterizes a series of mental status 22 examinations conducted by the VA staff as "unremarkable" or 23 "within normal limits" but references no specific findings to 24 support this conclusion and, instead, the ALJ makes a series 25 of blanket citations to the record that cover a period from 1 June 2020 to August of 2023 and ultimately encompass 1609 2 pages. Many of the records included in these vague citations 3 are unrelated to mental health. Such generic references to 4 the treatment record do not satisfy the substantial evidence 5 requirement because they fail to explain what evidence the 6 ALJ actually utilized to reach her decision. See case of 7 *Rick Paul B. v. Commissioner of Social Security*, 8 5:23-CV-1261, that is a

District Court -- that is a District 9 Judge Mae D'Agostino decision, along with Magistrate Judge
10 Thérèse Dancks, and that is found at 2025 WL 347642, at *6, 11 Northern District New York,
January 10th, 2025 decision, and 12 therein, the district judge setting forth a collection of 13 cases
for this proposition. 14 The Commissioner's brief identifies some individual 15 treatment notes
that could support the ALJ's decision had she 16 cited them, but she did not. This Court may not
affirm the 17 ALJ's decision solely on those post-hoc rationalizations. 18 Because the ALJ failed
to build the accurate and logical 19 bridge necessary for this Court to evaluate the evidence 20
behind her disability determination, remand is required so 21 that the ALJ may adequately explain
her reasoning in the 22 written decision. 23 Accordingly, it is this Court's decision that 24
plaintiff's motion for judgment on the pleadings is granted. 25 Defendant's motion for judgment
on the pleadings is denied, 1 and the matter is reversed and remanded to the Commissioner 2
pursuant to sentence four of Title 42 U.S. Code Section 3 405(g) for further proceedings
consistent with this decision 4 and order. 5 That constitutes the decision of this court. 6 7 8 9 10 11
12 13 14 15 16 17 18 19 20 21 22 23 24 25

1 CERTIFICATE OF OFFICIAL REPORTER

2 3 4 I, JODI L. HIBBARD, RMR, CRR, CSR, Federal 5 Official Realtime Court Reporter, in and
for the 6 United States District Court for the Northern 7 District of New York, DO HEREBY
CERTIFY that 8 pursuant to Section 753, Title 28, United States 9 Code, that the foregoing is a
true and correct 10 transcript of the stenographically reported 11 proceedings held in the above-
entitled matter and 12 that the transcript page format is in conformance 13 with the regulations of
the Judicial Conference of 14 the United States. 15 16 Dated this 19th day of March, 2026. 17 18
19 /S/ JODI L. HIBBARD

20 JODI L. HIBBARD, RMR, CRR, CSR
Official U.S. Court Reporter 21 22 23 24 25