

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Jeffery C. v. Commissioner of Social Security

Jeffery C. · No. 2:25-CV-1358-DWC · Decided January 7, 2026

OPINION

Chapman

PER CURIAM.

1 2 3 4 5 6 7

UNITED STATES DISTRICT COURT

8

WESTERN DISTRICT OF WASHINGTON

AT TACOMA

9

10 JEFFERY C.,

CASE NO. 2:25-CV-1358-DWC

11 Plaintiff, v.

ORDER RE: SOCIAL SECURITY

12 DISABILITY APPEAL

COMMISSIONER OF SOCIAL

13 SECURITY,

14 Defendant. 15 Plaintiff filed this action, pursuant to 42 U.S.C. § 405(g), for judicial review of
the denial

16 of his application for Supplemental Security Income (SSI) benefits and Disability Insurance 17
Benefits (DIB). Pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and Local Rule MJR 13, the 18
parties have consented to proceed before the undersigned. After considering the record, the Court
19 finds no reversible error and affirms the Commissioner's decision to deny benefits.

20 I. BACKGROUND

21 Plaintiff applied for SSI and DIB on October 15, 2021. Administrative Record (AR) 17. 22 His
alleged date of disability onset is February 14, 2018. Id. His requested hearing was held 23 before
an Administrative Law Judge (ALJ) on March 12, 2024. AR 46–81. On June 28, 2024, 24 1 the
ALJ issued a written decision finding Plaintiff not disabled. AR 14–45. The Appeals Council 2
declined Plaintiff's timely request for review, making the ALJ's decision the final agency action 3
subject to judicial review. AR 1–6. On July 22, 2025, Plaintiff filed a Complaint in this Court 4
seeking judicial review of the ALJ's decision. Dkt. 5.

5 II. STANDARD

6 Pursuant to 42 U.S.C. § 405(g), this Court may set aside the Commissioner’s denial of 7 benefits if, and only if, the ALJ’s findings are based on legal error or not supported by 8 substantial evidence in the record as a whole. *Bayliss v. Barnhart*, 427 F.3d 1211, 1214 n.1 (9th Cir. 2005) (citing *Tidwell v. Apfel*, 161 F.3d 599, 601 (9th Cir. 1999)).

10 III. DISCUSSION

11 In his opening brief, Plaintiff argues the ALJ erred in assessing the medical opinions of 12 Carl Epp, PhD, and Manisha Ramdev, ARNP, and the lay witness statement of his fiancée. 13 A. Dr. Epp’s Medical Opinion 14 Consultative examiner Dr. Epp evaluated Plaintiff in September 2022. AR 1789–95. He 15 completed a mental status examination where he noted some difficulties in memory and 16 deficiencies in performing serial 7s (involving counting backward from 100 by 7) and described 17 some of Plaintiff’s physical symptoms. See AR 1791–94. The evaluation was otherwise normal. 18 See *id.* He noted Plaintiff’s memory was “markedly impaired” on the examination. AR 1792. 19 Under a section header titled “medical opinion,” he wrote that Plaintiff was “not considered 20 capable of employment” due to his physical conditions, and that Plaintiff’s “ability to interact 21 with others seems uncertain.” AR 1795. The ALJ considered Dr. Epp’s opinion at step two, 22 where the ALJ found Plaintiff’s mental impairments were non-severe. See AR 21–22. 23 24 1 ALJs are required to articulate how they considered medical opinions. See 20 C.F.R. § 2 404.1520c. “A medical opinion is a statement from a medical source about what [a claimant] can 3 still do despite [his] impairment(s) and whether [he has] one or more impairment-related 4 limitations or restrictions” in a set of abilities. 20 C.F.R. § 404.1513(a)(2). For applications, like 5 Plaintiff’s, filed after March 27, 2017, ALJs need not “defer or give any specific evidentiary 6 weight, including controlling weight, to” particular medical opinions, including those of treating 7 or examining sources. See 20 C.F.R. § 404.1520c(a). Rather, ALJs must consider every medical 8 opinion in the record and evaluate each opinion’s persuasiveness, considering each opinion’s 9 “supportability” and “consistency,” and, under some circumstances, other factors. *Woods v.* 10 *Kijakazi*, 32 F.4th 785, 791 (9th Cir. 2022); 20 C.F.R. § 404.1520c(b)–(c). 11 However, statements that a claimant is disabled or unable to work are statements on 12 issues reserved to the Commissioner and excluded from those portions of a medical opinion an 13 ALJ must address. See 20 C.F.R. § 404.1520b(c)(3)(i). Here, Dr. Epp’s statement that Plaintiff 14 would be unable to work due to his physical symptoms is a statement on an issue reserved to the 15 Commissioner which the ALJ need not address. See *id.* 16 The ALJ rejected Dr. Epp’s statement, in part, because “Dr. Epp did not provide any 17 information regarding the claimant’s specific abilities or limitations.” AR 22. To the extent Dr. 18 Epp’s statement that Plaintiff’s social abilities were “uncertain” was intended as an opined 19 limitation, this was a proper basis on which to reject such a limitation. Dr. Epp did not describe 20 any particular limitations or restrictions in this area, so the ALJ properly rejected that limitation 21 on this basis. See 20 C.F.R. § 404.1513(a)(2); *Ford v. Saul*, 950 F.3d 1141, 1156 (9th Cir. 2020) 22 (affirming ALJ discounting opinion because it did “not provide useful statements regarding the 23 degree of” claimant’s

limitations). 24 1 The only other limitation opined by Dr. Epp was his opinion that Plaintiff's memory was 2 markedly impaired. AR 1792. The ALJ properly addressed this limitation, finding it unexplained, 3 unsupported by Dr. Epp's examination, and inconsistent with the record. AR 23. The ALJ 4 properly found that Dr. Epp's opinion was unsupported, as the only indication Plaintiff had 5 memory difficulties was that he was unable to recall two of three words after a 15-minute delay. 6 AR 23. There was otherwise no explanation for the limitation, and Plaintiff had mostly normal 7 results in his concentration-related tasks (aside from serial 7s). AR 1793. This included 8 remembering 5 digits forward and backward. *Id.* In light of this, the ALJ reasonably concluded 9 the memory limitation was unsupported. See *Stiffler v. O'Malley*, 102 F.4th 1102, 1107 (9th Cir. 10 2024) (affirming rejection of medical opinion that "included only conclusions regarding 11 functional limitations without any rationale for those conclusions" along with largely normal 12 mental status findings) 13 The ALJ also reasonably found the memory limitation inconsistent with the record, 14 noting the findings of record did not indicate memory difficulties. AR 23. Indeed, as the ALJ 15 noted elsewhere (AR 22), the only other examinations in the record discussing Plaintiff's 16 memory found it was normal. See AR 456, 1320. Thus, the ALJ reasonably concluded the record 17 was inconsistent with the memory limitation. 18 In sum, much of Dr. Epp's statement was not a medical opinion the ALJ was required to 19 address. The ALJ properly rejected Dr. Epp's opined limitation with respect to Plaintiff's 20 memory. The Court need not consider the ALJ's remaining reasons for rejecting the opinion 21 because any error with respect to those reasons would be harmless. *Molina v. Astrue*, 674 F.3d 22 1104, 1115 (9th Cir. 2012) (error harmless if "there remains substantial evidence supporting the 23 ALJ's decision and the error does not negate the validity of the ALJ's ultimate conclusion"); 24 1 *Woods*, 32 F.4th at 792–93 (finding proper consideration of one of supportability-and- 2 consistency factors to be adequate basis to affirm). 3 B. ARNP Ramdev's Medical Opinion 4 Consulting Examiner ARNP Ramdev completed a medical opinion in August 2022. AR 5 1777–87. She opined Plaintiff could stand 2–4 hours total and 60–90 minutes at a time; sit 4–6 6 hours total and 1–3 hours at a time; lift up to 20 pounds occasionally and up to 10 pounds 7 frequently; and occasionally balance, climb, and perform fine manipulation. AR 1785–86. She 8 opined he cannot squat, kneel, climb, or crawl, and that he had several environmental limitations. 9 See *id.* ARNP Ramdev justified most of her limitations by referencing physical examination 10 results showing antalgic gait and limited function in Plaintiff's left foot, along with reference to 11 her diagnoses and some of Plaintiff's reports. See *id.* She also explained her standing limitation 12 was based on Plaintiff's cane use. AR 1785. 13 The ALJ found ARNP Ramdev's opinion unpersuasive. See AR 35–37. The ALJ found 14 the opinion was not supported by her explanations and examinations. See AR 36–37. The ALJ 15 found the consultative examination results were incongruous with the evidence in the record (see 16 AR 35–36), showing ARNP Ramdev's opinion was not based on an accurate understanding of 17 Plaintiff's impairments. The ALJ's findings were supported by substantial evidence. 18 With respect to ARNP Ramdev's standing limitation, the ALJ noted the limitation

was 19 based in part on ARNP Ramdev’s impression that Plaintiff required a cane (see AR 1785), but 20 the record did not show a cane was medically necessary. See AR 36. This was a proper basis on 21 which to reject the limitation. See *Chaudhry v. Astrue*, 688 F.3d 661, 671 (9th Cir. 2012) 22 (affirming rejection of medical opinion based on misimpression that claimant required cane and 23 wheelchair when none had been prescribed). Although a few treatment notes suggest Plaintiff 24 1 indicated to his providers he used a cane (see AR 1868, 2024, 1867), such notations do not show 2 a cane was medically necessary, as is required for cane use to be considered in formulating a 3 claimant’s limitations. See SSR 96-9p (requiring “medical documentation establishing the need 4 for a hand-held assistive device to aid in walking or standing, and describing the circumstances 5 for which it is needed”). 6 Similarly, the ALJ noted some of the results referenced by ARNP Ramdev were not 7 reflected elsewhere in the record. See AR 36–37. For instance, she referenced Plaintiff’s left foot 8 pain demonstrated on examination in justifying some of her limitations (see AR 1785), but 9 Plaintiff does not have an impairment related to his left foot and there is no other evidence of left 10 foot pain in the record (see AR 36). ARNP Ramdev also relied upon a diagnosis of lumbar 11 herniated disc (see AR 1785), but as the ALJ noted, imaging showed no herniation and only mild 12 to moderate disc protrusion. See AR 36–37 (citing AR 697, 1914, 1940); see also *Burch v. 13 Barnhart*, 400 F.3d 676, 681 (9th Cir. 2005) (tests showing only “mild degenerative disc 14 disease” properly found to undermine severe allegations). 15 The ALJ also reasonably found much of ARNP Ramdev’s explanation for her opinion 16 inadequate. See AR 36–37. She explained her lifting and carrying limitations by stating Plaintiff 17 “may drop objects” due to his carpal tunnel syndrome. AR 1785. The ALJ reasonably found this 18 did not explain why Plaintiff would be limited in the weight he could lift or carry. AR 36. 19 Similarly, the ALJ reasonably found ARNP Ramdev’s explanation for the opined environmental 20 limitations—they were based on “exam/interview” (AR 1786)—to be an inadequate explanation. 21 AR 36. 22 Finally, the ALJ noted many of ARNP Ramdev’s opined limitations were based on her 23 impression that Plaintiff had deficits in his upper extremities. See AR 36–37, 1485–86. The ALJ 24 1 found significant limitations based on upper extremity difficulties inconsistent with Plaintiff 2 performing some construction work and working on building a home during the relevant period. 3 See AR 36; see also AR 26–27 (outlining evidence of work history). This was a reasonable 4 interpretation of the record and a proper basis on which to reject the opinion. See *Ford*, 950 F.3d 5 at 1155 (“A conflict between [an opinion] and a claimant’s activity level is a specific and 6 legitimate reason for rejecting the opinion.”). 7 In sum, the ALJ reasonably concluded that ARNP Ramdev’s opinion was overly 8 restrictive in light of the evidence of record. As with Dr. Epp’s opinion, the Court need not 9 consider the remaining reasons given by the ALJ for finding the opinion unpersuasive, as any 10 error therein would be harmless. 11 C. Plaintiff’s Fiancée’s Statement 12 Plaintiff’s fiancée completed statements in March 2022 and January 2023. AR 290–97, 13 324–31. She wrote that Plaintiff has difficulties completing activities of daily living, cannot walk 14 or stand for long periods of time, requires

assistance for some daily activities, has difficulties 15 handling stress, and has few social interactions. AR 292, 295, 328–29. 16 The ALJ was required to provide germane reasons for rejecting these statements. *Dodrill* 17 v. Shalala, 12 F.3d 915, 919 (9th Cir. 1993). The new regulations did not remove the 18 requirement that an ALJ consider a lay witness statement, and this requirement is the genesis of 19 the germane reasons standard. See *Rhea L. v. Comm’r of Soc. Sec.*, No. 2:24-CV-870, 2024 WL 20 5244402, at *4–5 (W.D. Wash. Dec. 30, 2024) (citing *Dodrill*, 12 F.3d at 919; 20 C.F.R. §§ 21 404.1545(a)(3), 404.1529(a); SSR 96-8p). 22 The ALJ provided germane reasons for rejecting Plaintiff’s fiancée’s statement. See AR 23 37. For instance, the ALJ found the statement inconsistent with Plaintiff’s construction work and 24 1 work on houses during the relevant period. See *id.* Plaintiff contends the ALJ improperly 2 concluded Plaintiff had engaged in construction work because such work was not revealed in 3 Plaintiff’s earnings history. Dkt. 12 at 12. The Court disagrees. Even unreported work history 4 may be considered by the ALJ. See *Ford*, 950 F.3d at 1156 (“An ALJ may consider any work 5 activity, including part-time work, in determining whether a claimant is disabled[.]”) (citation 6 omitted). As the ALJ noted, Plaintiff repeatedly indicated he was engaging in construction work 7 during the relevant period and suggested he was working on building a home. See AR 26-27; see 8 also AR 624, 635, 772, 1470. 9 Additionally, an error in addressing a lay witness statement can be harmless where the 10 statement is duplicative of properly discounted testimony and the reasons given for rejecting that 11 testimony apply to the lay witness statement. See *Molina*, 674 F.3d at 1116–22 (harmless error 12 where duplicative of subjective testimony). To the extent the ALJ failed to properly reject 13 Plaintiff’s fiancée’s observations of Plaintiff’s social activity and difficulties handling stress, the 14 ALJ nevertheless properly found Plaintiff’s capabilities in such areas did not demonstrate he had 15 severe mental impairments. See AR 21–22. Thus, any such error is harmless.

16 IV. CONCLUSION

17 For the foregoing reasons, the Court hereby AFFIRMS Defendant’s decision denying 18 benefits. 19 Dated this 7th day of January, 2026. 20 A 21 David W. Christel United States Magistrate Judge 22 23 24