

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Richard K. v. Commissioner of Social Security

No. 23-CV-00686-MJR (W.D.N.Y. Mar. 25, 2026) · No. 23-CV-00686-MJR · Decided March 26, 2026

SUMMARY

The United States District Court for the Western District of New York reviews the denial of Richard K.'s application for Disability Insurance Benefits. The court grants the plaintiff's motion for judgment on the pleadings and remands the case for further administrative proceedings, holding that the ALJ failed to adequately address an apparent conflict between the residual functional capacity limiting overhead reaching and the vocational expert's testimony regarding identified occupations. The court also directs the Commissioner to address the plaintiff's argument concerning stale medical opinion evidence on remand.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                      |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of New York                                                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Michael J. Roemer                                                                                                                                                                                                                                                                                                    |
| JURISDICTION          | United States District Court for the Western District of New York                                                                                                                                                                                                                                                    |
| DECIDED               | March 26, 2026                                                                                                                                                                                                                                                                                                       |
| DOCKET                | 23-CV-00686-MJR                                                                                                                                                                                                                                                                                                      |
| DISPOSITION           | remanded                                                                                                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | Plaintiff sought judicial review under 42 U.S.C. §§ 405(g) and 1383(c) (3) of the Commissioner's denial of Disability Insurance Benefits. Both parties moved for judgment on the pleadings under Federal Rule of Civil Procedure 12(c).                                                                              |
| STANDARD OF REVIEW    | The court reviews the Commissioner's factual findings under the substantial-evidence standard and reviews whether the Commissioner applied the correct legal standards. The court may not substitute its judgment for that of the Commissioner, but failure to apply the correct legal standard is reversible error. |
| PRECEDENTIAL VALUE    | unpublished district court decision                                                                                                                                                                                                                                                                                  |
| PARTIES               | Richard K. v. Commissioner of Social Security                                                                                                                                                                                                                                                                        |

## TOPICS

judicial review of agency action

administrative law

motion for judgment on the pleadings

civil procedure

## PRACTICE AREAS

Social Security

administrative law

federal civil procedure

## QUESTIONS PRESENTED

1. Whether the ALJ's step-five finding was supported by substantial evidence when the vocational expert identified jobs requiring occasional reaching but the residual functional capacity limited Plaintiff to rare overhead reaching.
2. Whether the ALJ adequately resolved or explained the apparent conflict between the vocational expert's testimony and the Dictionary of Occupational Titles and Selected Characteristics of Occupations.
3. Whether the matter should be remanded to address Plaintiff's additional argument that the ALJ relied on stale medical-opinion evidence.

## HOLDINGS

1. When an apparent conflict exists between a claimant's residual functional capacity and the reaching requirements identified in the Dictionary of Occupational Titles and Selected Characteristics of Occupations, the ALJ must elicit an explanation that justifies relying on the vocational expert's testimony. The ALJ and vocational expert failed to provide an adequate explanation here.
2. Remand was required because the ALJ's step-five analysis did not provide an adequate explanation of the apparent conflict between the RFC and the vocational evidence, preventing meaningful judicial review.

## KEY QUOTATIONS

*"This conflict triggers the ALJ's duty to elicit an explanation that would justify crediting the VE's testimony."*  
(at -8)

*"The Court finds that neither the ALJ's decision nor the testimony of the VE provides an adequate explanation."* (at -8)

*"Both the VE's testimony and the ALJ's decision seem to be nothing but boilerplate, leaving the Court unable to conduct a meaningful review of the ALJ's decision at step five."* (at -8)

## FACTUAL BACKGROUND

Plaintiff applied for Disability Insurance Benefits alleging disability beginning June 11, 2018. The ALJ found severe lumbosacral degenerative disc disease, right shoulder degenerative joint disease after arthroscopy, and cervical degenerative disc disease, and assessed a residual functional capacity for light work with limitations including only rare overhead reaching, defined as no more than 15 percent of a workday. At step five, the ALJ relied on vocational-expert testimony identifying usher and furniture-rental-clerk jobs, although the Dictionary

of Occupational Titles and Selected Characteristics of Occupations describe those jobs as requiring occasional reaching.

## PROCEDURAL HISTORY

Plaintiff applied for Disability Insurance Benefits, but the claim was denied initially and on reconsideration. After a hearing, the ALJ denied the claim on April 21, 2021, finding at step five that Plaintiff could perform jobs existing in significant numbers in the national economy. The Appeals Council declined review on May 10, 2023. The district court granted Plaintiff's motion for judgment on the pleadings and remanded for further administrative proceedings.

## DISPOSITION

remanded

## REMAND INSTRUCTIONS

The Commissioner must conduct further administrative proceedings, address the apparent conflict between the RFC's rare overhead-reaching limitation and the reaching requirements of the identified occupations, obtain an adequate explanation from the vocational expert if appropriate, and address Plaintiff's argument concerning stale medical-opinion evidence.

## CASES CITED

- Richardson v. Perales, 402 U.S. 389, 401 (1971)
- Smith v. Colvin, 17 F. Supp. 3d 260, 264 (W.D.N.Y. 2014)
- Veino v. Barnhart, 312 F.3d 578, 586 (2d Cir. 2002)
- Silvers v. Colvin, 67 F. Supp. 3d 570, 574 (W.D.N.Y. 2014)
- Sample v. Schweiker, 694 F.2d 639, 642 (9th Cir. 1982)
- Carroll v. Secretary of Health & Human Services, 705 F.2d 638, 642 (2d Cir. 1983)
- Kohler v. Astrue, 546 F.3d 260, 265 (2d Cir. 2008)
- Dumas v. Schweiker, 712 F.2d 1545, 1550 (2d Cir. 1983)
- Miles v. Harris, 645 F.2d 122, 124 (2d Cir. 1981)
- Lockwood v. SSA, No. 17-2591-cv, 2019 U.S. App. LEXIS 2104, at \*12 (2d Cir. Jan. 23, 2019)
- Roderick R. v. Commissioner of Social Security, No. 1:21-cv-00577-TPK, 2023 U.S. Dist. LEXIS 91888, at \*9 (W.D.N.Y. May 25, 2023)