

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Stephen B. v. Frank Bisignano, Commissioner of Social Security

Stephen B. v. Bisignano, Case No. 24-CV-1647 · No. 24-CV-1647 · Decided December 23, 2025

SUMMARY

The United States District Court for the Eastern District of Wisconsin reviews a partially favorable Social Security disability determination concerning Stephen B. The court reverses the denial of benefits for the period before March 29, 2023, and remands under sentence four of 42 U.S.C. § 405(g), finding that the ALJ inadequately addressed sitting limitations, reaching restrictions, mental concentration limitations, and the evaluation of subjective symptoms. The court also provides guidance concerning the reliability of vocational evidence and reliance on occupations listed in the Dictionary of Occupational Titles.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Nancy Joseph
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	December 23, 2025
DOCKET	24-CV-1647
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner’s partially favorable Social Security disability determination, challenging the finding that he was not disabled before March 29, 2023.
STANDARD OF REVIEW	The Commissioner’s decision is upheld if the ALJ applied the correct legal standards and supported the decision with substantial evidence. The court may not substitute its judgment, reweigh evidence, resolve evidentiary conflicts, or decide credibility questions, and judicial review is limited to the rationales offered by the ALJ.
PRECEDENTIAL VALUE	Unknown; district court decision with no reporter citation in the source
PARTIES	Stephen B. v. Frank Bisignano, Commissioner of Social Security

TOPICS

judicial review of agency action

administrative law

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PRACTICE AREAS

Social Security disability

administrative law

judicial review of agency action

QUESTIONS PRESENTED

1. Whether the ALJ adequately evaluated evidence concerning Plaintiff's ability to sit when assessing his sedentary residual functional capacity.
2. Whether the ALJ adequately explained the limitation to occasional overhead reaching while omitting a corresponding limitation for forward reaching.
3. Whether the ALJ built a logical bridge between Plaintiff's moderate limitations in concentration, persistence, or pace and the mental residual functional capacity assessment.
4. Whether the ALJ properly evaluated Plaintiff's subjective symptoms and activities of daily living.
5. Whether the ALJ's step-five reliance on vocational-expert testimony concerning document preparer and lens inserter occupations was supported by substantial evidence.

HOLDINGS

1. The ALJ's evaluation of Plaintiff's ability to perform sedentary work was inadequate because the ALJ misstated the functional-capacity evaluator's sitting limitation and failed to reconcile substantial evidence indicating that prolonged sitting significantly aggravated Plaintiff's symptoms.
2. On remand, the ALJ must address whether the evidence warrants a limitation on forward reaching in addition to the limitation on occasional overhead reaching and, if so, whether that limitation changes the available jobs.
3. The ALJ must reexamine whether the mental RFC adequately accounts for Plaintiff's moderate limitations in concentration, persistence, or pace and must explain the logical connection between the evidence and the RFC limitations.
4. The ALJ must reevaluate Plaintiff's activities of daily living in the context of the entire record before relying on those activities to discount allegations of disabling symptoms.
5. The ALJ erred in relying on the lens inserter occupation without eliciting an explanation for the apparent conflict between the occupation's conveyor-belt requirements and the RFC restriction against dangerous moving machinery.
6. The court declined to hold that 24,000 nationally available jobs was an insignificant number under the circumstances, but noted that the step-five analysis could change after reconsideration of the RFC and vocational evidence.

KEY QUOTATIONS

“A sedentary job by its very nature requires a great deal of sitting.” (§ 2.1.1)

“The question, then, is whether the ALJ built a logical bridge between his RFC findings and the evidence.” (§ 2.2)

“A finding based on unreliable VE testimony is equivalent to a finding that is not supported by substantial evidence and must be vacated.” (§ 2.4)

FACTUAL BACKGROUND

Plaintiff alleged disability beginning August 29, 2019, based principally on spinal, joint, neurological, pain, and mental-health impairments. The administrative record contained repeated reports and observations that prolonged sitting aggravated his pain, including a functional-capacity evaluation limiting him to occasional sitting and a treating-provider opinion limiting him to approximately two hours of sitting per workday. The ALJ nevertheless found that Plaintiff could perform sedentary work before March 29, 2023, relying on several occupations identified by a vocational expert.

PROCEDURAL HISTORY

Plaintiff’s Title II disability application was denied initially and on reconsideration. After a 2021 hearing, an ALJ issued an unfavorable decision, which the Appeals Council declined to review; the case was previously remanded by stipulation on March 29, 2023. On remand, a second ALJ found Plaintiff disabled beginning March 29, 2023, but not disabled from August 29, 2019, through March 28, 2023. The district court reversed that portion of the Commissioner’s decision and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Commissioner must reevaluate Plaintiff’s physical RFC, including sitting and forward-reaching limitations; reevaluate whether the mental RFC accounts for moderate limitations in concentration, persistence, or pace; reevaluate Plaintiff’s daily activities and subjective symptoms in context; and revisit the vocational evidence and step-five analysis as necessary, including the apparent conflict concerning the lens inserter occupation.

CASES CITED

- *Jelinek v. Astrue*, 662 F.3d 805, 811 (7th Cir. 2011)
- *Schaaf v. Astrue*, 602 F.3d 869, 874 (7th Cir. 2010)
- *Clifford v. Apfel*, 227 F.3d 863, 872 (7th Cir. 2000)
- *Prochaska v. Barnhart*, 454 F.3d 731, 736–37 (7th Cir. 2006)
- *Estok v. Apfel*, 152 F.3d 636, 638 (7th Cir. 1998)
- *Shauger v. Astrue*, 675 F.3d 690, 697 (7th Cir. 2012)
- *SEC v. Chenery Corp.*, 318 U.S. 80, 93–95 (1943)
- *Campbell v. Astrue*, 627 F.3d 299, 307 (7th Cir. 2010)

- *Weatherbee v. Astrue*, 649 F.3d 565, 569 (7th Cir. 2011)
- *Chavez v. Berryhill*, 895 F.3d 962, 968 (7th Cir. 2018)
- *Fetting v. Kijakazi*, 62 F.4th 332, 337 (7th Cir. 2023)
- *Britton v. Astrue*, 521 F.3d 799, 803 (7th Cir. 2008)
- *Browning v. Colvin*, 766 F.3d 702, 709 (7th Cir. 2014)
- *Biestek v. Berryhill*, 587 U.S. 97, 100 (2019)
- *Cody M. v. Saul*, No. 119CV01181JRSMPB, 2020 WL 1149596, at *3 (S.D. Ind. Mar. 9, 2020)
- *Ross D. G. v. Saul*, No. 3:20-CV-00274-MAB, 2021 WL 4403095, at *9 (S.D. Ill. Sept. 27, 2021)
- *John C. v. Kijakazi*, No. 419CV04111SLDJEH, 2022 WL 20211113, at *3–5 (C.D. Ill. Jan. 5, 2022)
- *Ellis v. Kijakazi*, 553 F. Supp. 3d 628, 631, 633 (E.D. Wis. 2021)
- *Milhem v. Kijakazi*, 52 F.4th 688, 696–97 (7th Cir. 2022)
- *Moats v. Commissioner of Social Security*, 42 F.4th 558, 563 (6th Cir. 2022)
- *Gutierrez v. Commissioner of Social Security*, 740 F.3d 519, 529 (9th Cir. 2014)
- *Johnson v. Chater*, 108 F.3d 178, 180 (8th Cir. 1997)
- *Weiler v. Apfel*, 179 F.3d 1107, 1110–11 (8th Cir. 1999)
- *Wegerer v. Kijakazi*, No. 22-CV-123-JDP, 2023 WL 6307407, at *7 (W.D. Wis. Sept. 28, 2023)