

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, RICHMOND DIVISION

Michael K. v. Frank Bisignano, Commissioner of Social Security

Civil No. 3:25-cv-121-SLS · No. Civil No. 3:25-cv-121-SLS · Decided March 27, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia reviews the Commissioner of Social Security’s denial of Michael K.’s application for disability insurance benefits. The court holds that the Administrative Law Judge properly evaluated the claimant’s subjective complaints, medical opinion evidence, residual functional capacity, and step-five vocational evidence, and that substantial evidence supports the denial of benefits. The court denies the claimant’s motion for summary judgment, grants the Commissioner’s motion, and affirms the Commissioner’s final decision.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	Summer L. Speight
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	March 27, 2026
DOCKET	Civil No. 3:25-cv-121-SLS
DISPOSITION	affirmed
PROCEDURAL POSTURE	Judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying Plaintiff's application for Title II disability insurance benefits; the parties filed cross-motions for summary judgment.
STANDARD OF REVIEW	The court determines whether the ALJ applied correct legal standards and whether the factual findings are supported by substantial evidence. The court may not reweigh conflicting evidence, make credibility determinations, or substitute its judgment for the ALJ's.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Michael K. v. Frank Bisignano, Commissioner of Social Security

TOPICS

judicial review of agency action

administrative law

agency adjudication

disability definition

PRACTICE AREAS

Social Security disability

administrative law

federal judicial review

QUESTIONS PRESENTED

1. Whether the ALJ properly evaluated Plaintiff's subjective complaints, including fatigue, in determining his residual functional capacity.
2. Whether the ALJ properly evaluated the persuasiveness of the treating neurologist's medical opinion under 20 C.F.R. § 404.1520c.
3. Whether the ALJ properly applied the Medical-Vocational Guidelines and Social Security Ruling 83-12 when Plaintiff's exertional capacity fell between the sedentary and light-work ranges.
4. Whether the ALJ properly relied on vocational-expert testimony regarding the number of jobs available in the national economy and adequately addressed Plaintiff's post-hearing objection.

HOLDINGS

1. The ALJ applied the required two-step process for evaluating subjective symptoms and did not commit reversible error by failing to discuss fatigue expressly because Plaintiff did not identify fatigue as an ongoing work-limiting symptom in his hearing testimony or Function Reports, the record contained few references to fatigue, and the medical opinion relied upon by the ALJ considered the reported fatigue.
2. The ALJ properly found the treating neurologist's highly restrictive opinion not fully persuasive because it was unsupported by the provider's referenced clinical findings and inconsistent with the record, including generally mild right-sided strength restrictions and Plaintiff's activities of daily living.
3. When a claimant's exertional residual functional capacity falls between the regulatory sedentary and light-work ranges and the Medical-Vocational Guidelines would point toward different outcomes, the ALJ may consult a vocational expert under Social Security Ruling 83-12 rather than applying a Grid rule mechanically.
4. The ALJ did not commit reversible error by relying on the vocational expert's testimony concerning job numbers or by overruling Plaintiff's post-hearing objection; Plaintiff did not challenge the vocational evidence during the hearing, the ALJ addressed the objection, and the two unchallenged occupations alone supplied a significant number of jobs.

KEY QUOTATIONS

"In reviewing a decision to deny benefits, the Court will affirm the SSA's "disability determination 'when an ALJ has applied correct legal standards and the ALJ's factual findings are supported by substantial evidence.'" (Section II)

"the ALJ's analysis and decision builds a logical bridge between the evidence she considered and her conclusion that the level of limitations opined by Dr. Bekenstein were unsupported and inconsistent with the record." (Section IV.A.2)

FACTUAL BACKGROUND

Plaintiff alleged disability following an August 2022 stroke that caused right-sided weakness, facial and mouth numbness, speech difficulties, and mobility limitations. Medical records documented stroke-related weakness, a possible right brachial plexopathy, cervical spine changes, and spasticity, but also showed improvement with therapy and Botox, generally mild residual right-sided weakness, intact speech, and the ability to perform numerous daily activities. The ALJ found that Plaintiff retained a reduced range of light-work capacity and that jobs existed in significant numbers that he could perform.

PROCEDURAL HISTORY

Plaintiff applied for disability insurance benefits alleging disability beginning August 14, 2022. The SSA denied the claim initially and on reconsideration, and an ALJ held a hearing on December 4, 2024, then found Plaintiff not disabled on December 12, 2024. The Appeals Council denied review on January 13, 2025, making the ALJ's decision the Commissioner's final decision. The district court denied Plaintiff's motion for summary judgment, granted the Commissioner's motion, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Mascio v. Colvin, 780 F.3d 632, 634-35 (4th Cir. 2015)
- Bowen v. Yuckert, 482 U.S. 137, 146 n.5 (1987)
- Hancock v. Astrue, 667 F.3d 470, 472, 476 (4th Cir. 2012)
- Bird v. Commissioner of Social Security Administration, 699 F.3d 337, 340 (4th Cir. 2012)
- Craig v. Chater, 76 F.3d 585, 589 (4th Cir. 1996)
- Dunn v. Colvin, 607 F. App'x 264, 274 (4th Cir. 2015)
- Johnson v. Barnhart, 434 F.3d 650, 653 (4th Cir. 2005)
- Breeden v. Weinberger, 493 F.2d 1002, 1007 (4th Cir. 1974)
- Arakas v. Commissioner, Social Security Administration, 983 F.3d 83, 95 (4th Cir. 2020)
- Reid v. Commissioner of Social Security, 769 F.3d 861, 865 (4th Cir. 2014)
- Dendy v. Berryhill, No. 2:16-cv-3570, 2018 WL 1801639, at *5-6 (D.S.C. Jan. 22, 2018)
- Wallace v. Saul, No. 4:19-cv-2077, 2020 WL 8455076, at *4-6 (D.S.C. Nov. 3, 2020)
- Turner v. Commissioner of Social Security, No. 23-1760, 2024 WL 2764722, at *5 (4th Cir. May 30, 2024)
- Heckler v. Campbell, 461 U.S. 458, 461-62 (1983)
- Golini v. Astrue, 483 F. App'x 806, 808 (4th Cir. 2012)
- Fenton v. Saul, No. 4:19-cv-72, 2020 WL 6380134, at *5-6 (E.D. Va. June 30, 2020)
- Bisceglia v. Colvin, 173 F. Supp. 3d 326, 330-36 (E.D. Va. 2016)
- Chandler v. Berryhill, No. 1:17-cv-1346, 2018 WL 4346703, at *15 (E.D. Va. July 26, 2018)
- Patricia Louise Revere v. Berryhill, No. 3:17-cv-774, 2019 WL 99303, at *3-4 (E.D. Va. Jan. 3, 2019)

- Sylvia M. v. Saul, No. 3:19-cv-428, 2020 WL 5047066, at *6 n.5 (E.D. Va. Aug. 26, 2020)
- Wischmann v. Kijakazi, 68 F.4th 498, 506-07 (9th Cir. 2023)
- White v. Kijakazi, 44 F.4th 828, 837 (9th Cir. 2022)
- Kilpatrick v. Kijakazi, 35 F.4th 1187, 1194 (9th Cir. 2022)
- McCall v. Saul, 844 F. App'x 680, 681-82 (4th Cir. 2021)
- Jonathan M. H. v. Kijakazi, No. 3:21-cv-600, 2022 WL 3643385, at *12 (E.D. Va. Aug. 8, 2022)
- Sophia M. v. Kijakazi, No. 2:20-cv-584, 2021 WL 3878899, at *5-6 (E.D. Va. Aug. 10, 2021)
- Shinseki v. Sanders, 556 U.S. 396, 409, 411-12 (2009)

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