

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Kristina M. v. Commissioner of Social Security

Kristina M. · No. C25-5412-SKV · Decided January 28, 2026

SUMMARY

The United States District Court for the Western District of Washington affirmed the Commissioner of Social Security’s denial of the plaintiff’s applications for SSI, DIB, and Childhood Disability Benefits. The court held that the ALJ did not commit harmful error in assessing the plaintiff’s residual functional capacity or in declining to include additional limitations related to migraine frequency and workplace attendance, and dismissed the case with prejudice.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	S. Kate Vaughan
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	January 28, 2026
DOCKET	C25-5412-SKV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying her applications for Supplemental Security Income, Disability Insurance Benefits, and Childhood Disability Benefits.
STANDARD OF REVIEW	Under 42 U.S.C. § 405(g), the court may set aside the Commissioner's decision only if the ALJ's findings are based on harmful legal error or are unsupported by substantial evidence. The court reviews the record as a whole, may not reweigh the evidence or substitute its judgment for the Commissioner's, and treats an error as harmless when it is inconsequential to the ultimate nondisability determination.
PRECEDENTIAL VALUE	unpublished, nonprecedential
PARTIES	Kristina M. v. Commissioner of Social Security

TOPICS

judicial review of agency action

administrative law

ada / disability

PRACTICE AREAS

Social Security disability

administrative law

judicial review of agency action

QUESTIONS PRESENTED

1. Whether the ALJ erred in assessing Plaintiff's residual functional capacity by failing to include additional limitations allegedly caused by migraine headaches, including limitations on attendance.
2. Whether the Commissioner's final decision was supported by substantial evidence and free of harmful legal error.

HOLDINGS

1. The ALJ did not err by declining to include additional migraine-related limitations in the RFC because Plaintiff did not identify record-supported limitations independent of subjective symptom reports that the ALJ had properly discounted.
2. The court declined to consider the argument because it was raised for the first time in Plaintiff's reply brief and, alternatively, held that Plaintiff identified no persuasive authority requiring the ALJ to make a separate finding regarding migraine frequency.
3. The Commissioner's final decision denying benefits was affirmed because Plaintiff failed to demonstrate harmful legal error or a lack of substantial evidence.

KEY QUOTATIONS

"The Court looks to "the record as a whole to determine whether the error alters the outcome of the case.""
(at 2)

"When the evidence is susceptible to more than one rational interpretation, it is the Commissioner's conclusion that must be upheld." (at 2)

"Fundamentally, Plaintiff asks for a different weighing of the evidence from that conducted by the ALJ." (at 5)

FACTUAL BACKGROUND

Plaintiff, born in 1999, had a college education, no past relevant work, and was last gainfully employed in 2019. She applied for SSI, DIB, and Childhood Disability Benefits, alleging disability based primarily on migraine headaches. The ALJ found migraines to be a severe impairment but determined that Plaintiff retained the capacity for a restricted range of light work and could perform jobs existing in significant numbers in the national economy. Plaintiff argued that the RFC failed to account for disabling migraines and their effect on work attendance.

PROCEDURAL HISTORY

Plaintiff applied for benefits alleging disability beginning June 19, 2019. After an initial denial, reconsideration, an administrative hearing, and an Appeals Council remand for further evaluation, the ALJ held a second hearing

and again found Plaintiff not disabled. The Appeals Council denied review, making the ALJ's decision final, and Plaintiff appealed to the district court. The court affirmed the Commissioner's decision and dismissed the case with prejudice.

DISPOSITION

affirmed

CASES CITED

- Bayliss v. Barnhart, 427 F.3d 1211, 1214 (9th Cir. 2005)
- Molina v. Astrue, 674 F.3d 1104, 1115 (9th Cir. 2012)
- Biestek v. Berryhill, 587 U.S. 97, 103 (2019)
- Magallanes v. Bowen, 881 F.2d 747, 750 (9th Cir. 1989)
- Andrews v. Shalala, 53 F.3d 1035, 1039 (9th Cir. 1995)
- Thomas v. Barnhart, 278 F.3d 947, 954 (9th Cir. 2002)
- Robbins v. Social Security Administration, 466 F.3d 880, 886 (9th Cir. 2006)
- Indep. Towers of Wash. v. Washington, 350 F.3d 925, 929 (9th Cir. 2003)
- Britton v. Colvin, 787 F.3d 1011, 1013-14 (9th Cir. 2015)
- Armfield v. Kijakazi, 2023 WL 2728817, at *2 n.1 (9th Cir. Mar. 31, 2023)
- Lovisa V.W. v. Commissioner of Social Security, 2021 WL 2185695, at *2 (W.D. Wash. May 28, 2021)
- Rounds v. Commissioner Social Security Administration, 807 F.3d 996, 1006 (9th Cir. 2015)

OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE 7 8 KRISTINA M., 9 Plaintiff, Case No. C25-5412-SKV 10 v. ORDER
AFFIRMING THE COMMISSIONER'S DECISION 11 COMMISSIONER OF SOCIAL
SECURITY, 12 Defendant. 13 14 Plaintiff seeks review of the denial of her applications for
Supplemental Security Income 15 (SSI), Disability Insurance Benefits (DIB), and Childhood
Disability Benefits.

Having 16 considered the ALJ's decision, the administrative record (AR), and all memoranda of
record, the 17 Court AFFIRMS the Commissioner's final decision and DISMISSES the case with
prejudice. 18 BACKGROUND 19 Plaintiff was born in 1999, has a college education, and has no
past relevant work. AR 20 31. Plaintiff was last gainfully employed in 2019. AR 20.

21 On October 5, 2020, Plaintiff applied for benefits, alleging disability as of June 19, 2019. 22
AR 17. Plaintiff's applications were denied initially and on reconsideration, and Plaintiff 23
requested a hearing. AR 17.

After the ALJ conducted a hearing on March 1, 2022, the ALJ issued a decision finding Plaintiff not disabled. AR 241-54. Plaintiff appealed the decision to the Appeals Council, which accepted review and remanded the case. AR 263-65.

The Appeals Council instructed the ALJ to further evaluate Plaintiff's symptoms related to her migraine headaches, consider the third-party statement from Plaintiff's father, and give further consideration to Plaintiff's maximum residual functional capacity. *Id.* The ALJ held a second hearing on March 12, 2024, and issued a decision again finding Plaintiff not disabled.

AR 17-33. THE ALJ'S DECISION Utilizing the five-step disability evaluation process,¹ the ALJ found: Step one: Plaintiff has not engaged in substantial gainful activity since June 19, 2019. Step two: Plaintiff has the following severe impairments: migraines. Step three: These impairments do not meet or equal the requirements of a listed impairment.² Residual Functional Capacity (RFC): Plaintiff can perform light work except she can perform occasional commercial driving; occasionally climb ladders, ropes, or scaffolds; have occasional exposure to loud noise and bright light; occasional exposure to vibration; and occasional exposure to temperature/humidity extremes.

Step four: Plaintiff has no past relevant work. Step five: As there are jobs that exist in significant numbers in the national economy that Plaintiff can perform, Plaintiff is not disabled. AR 20, 24, 31. The Appeals Council denied Plaintiff's request for review, making the ALJ's decision the Commissioner's final decision. AR 1-3. Plaintiff appealed the final decision of the Commissioner to this Court.

Dkt. 4. The parties consented to proceed before the undersigned Magistrate Judge. Dkt. 2. 20 C.F.R. §§ 404.1520, 416.920. 20 C.F.R. Part 404, Subpart P., App. 1. LEGAL STANDARDS Under 42 U.S.C. § 405(g), this Court may set aside the Commissioner's denial of social security benefits when the ALJ's findings are based on harmful legal error or not supported by substantial evidence in the record as a whole.

Bayliss v. Barnhart, 427 F.3d 1211, 1214 (9th Cir. 2005). As a general principle, an ALJ's error may be deemed harmless where it is "inconsequential to the ultimate nondisability determination." *Molina v. Astrue*, 674 F.3d 1104, 1115 (9th Cir. 2012) (cited sources omitted).

The Court looks to "the record as a whole to determine whether the error alters the outcome of the case." *Id.* Substantial evidence is "more than a mere scintilla. It means - and means only - such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Biestek v. Berryhill*, 587 U.S. 97, 103 (2019) (cleaned up); *Magallanes v. Bowen*, 881 F.2d 747, 750 (9th Cir.

1989). The ALJ is responsible for evaluating symptom testimony, resolving conflicts in medical testimony, and resolving any other ambiguities that might exist. *Andrews v. Shalala*, 53 F.3d

1035, 1039 (9th Cir. 1995). While the Court is required to examine the record as a whole, it may neither reweigh the evidence nor substitute its judgment for that of the Commissioner.

Thomas v. Barnhart, 278 F.3d 947, 954 (9th Cir. 2002). When the evidence is susceptible to more than one rational interpretation, it is the Commissioner's conclusion that must be upheld. *Id.* DISCUSSION Plaintiff argues the ALJ erred in the RFC assessment.

The Commissioner argues the ALJ's decision is free of harmful legal error, supported by substantial evidence, and should be affirmed. 1 A. The ALJ Did Not Err in the RFC Assessment Plaintiff argues that the ALJ erred in the RFC determination because it does not properly account for the impact of migraines on attendance at work. Dkt. 9. 4 The responsibility for determining a claimant's RFC rests with the ALJ.

20 C.F.R. §§ 404.1546(c), 416.946(c). An ALJ need only include in the RFC limitations supported by substantial evidence. *Robbins v. Soc. Sec. Admin.*, 466 F.3d 880, 886 (9th Cir. 2006). In other words, when making the RFC determination, the ALJ is only required to consider those limitations for which there was record support that did not depend on Plaintiff's subjective complaints.

Bayliss, 427 F.3d at 1217 (upholding ALJ's RFC where "the ALJ took into account those limitations for which there was record support that did not depend on [claimant's] subjective complaints"). Plaintiff cites to various treatment notes in the record and contends that they support a determination that she would be debilitated by her migraines at least three to four times a month.

14 Dkt. 9 at 5-11. She asserts that the ALJ "simply did not deal with this evidence." Dkt. 9 at 11. 15 But the ALJ thoroughly discussed the evidence (including many of the same records cited by 16 Plaintiff) and explained why he felt further limitations were not warranted by the treatment 17 record. See AR 26-30. Considering such discussion, the Court cannot find that the ALJ ignored 18 this evidence, and Plaintiff did not challenge the ALJ's reasons for discounting it.

19 Ultimately, Plaintiff takes issue with the ALJ's interpretation of the evidence and asserts 20 that her interpretation is a better alternative. But Plaintiff's interpretation relies almost entirely 21 on her own subjective self-reports to her doctor, and the ALJ rejected Plaintiff's subjective 22 symptom testimony. See AR 29-30. Plaintiff did not challenge or otherwise identify any error in 23 the ALJ's reasons for discounting her testimony, and a reviewing court cannot "manufacture 1 arguments for an appellant." *Indep.*

Towers of Wash. v. Washington, 350 F.3d 925, 929 (9th Cir. 2003). Under these circumstances, Plaintiff has not shown harmful error in the ALJ's decision. 3 See *Britton v. Colvin*, 787 F.3d 1011, 1013-14 (9th Cir. 2015) (finding that an ALJ need not 4 include limitations caused by claimant's migraines, because the only evidence in the record that 5 established such limitations

was plaintiff's self-report, and her doctor's record of her self-report, 6 which the ALJ properly discounted).

7 For the first time in her reply brief, Plaintiff contends that the ALJ erred when he rejected 8 Plaintiff's testimony without reaching "any reasoned conclusion about the duration, frequency, 9 or intensity of her headaches." Dkt. 12 at 2. This Court need not address arguments raised for 10 the first time in a reply brief. *Armfield v. Kijakazi*, 2023 WL 2728817, at *2 n.1 (9th Cir.

Mar. 11 31, 2023). In any event, Plaintiff provides no persuasive authority that the ALJ was required to 12 make such a finding, and, in fact, this Court has held that no such requirement exists. See *Lovisa 13 V.W. v. Comm'r of Soc. Sec.*, 2021 WL 2185695, at *2 (W.D. Wash. May 28. 2021) ("The ALJ 14 was not required to make a finding as to how frequently plaintiff experiences migraines and did 15 not err by failing to do so.").

16 Fundamentally, Plaintiff asks for a different weighing of the evidence from that 17 conducted by the ALJ. While Plaintiff would have crafted a more restrictive RFC, that does not 18 demonstrate an error in the ALJ's reasoning. "[T]he ALJ is responsible for translating and 19 incorporating clinical findings into a succinct RFC." *Rounds v. Comm'r Soc. Sec. Admin.*

807 20 F.3d 996, 1006 (9th Cir. 2015). Because Plaintiff fails to show any error in the ALJ's rejection 21 of limitations found in her subjective symptom testimony and self-reports to her doctor, Plaintiff 22 cannot show that the ALJ erred by failing to incorporate those limitations into the RFC. 23 Accordingly, the Court finds no error in the ALJ's ultimate disability determination.

1 CONCLUSION 2 For the reasons set forth above, the Commissioner's final decision is AFFIRMED, and 3 this case is DISMISSED with prejudice. 4 Dated this 28th day of January, 2026. 5 A 6 S. KATE VAUGHAN United States Magistrate Judge 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23