

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT CINCINNATI

Ashley W. o/b/o George W., Deceased v. Commissioner of Social
Security

Ashley W. · No. 1:24-cv-578 · Decided February 10, 2026

SUMMARY

The United States District Court for the Southern District of Ohio reviews the Commissioner of Social Security’s denial of disability insurance benefits to George W., whose daughter continued the action after his death. The court holds that the Administrative Law Judge did not abuse her discretion by reaching different mental-impairment and residual-functional-capacity findings after the Appeals Council vacated the prior decision. The court overrules the plaintiff’s statement of errors and affirms the Commissioner’s decision.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Cincinnati
WRITING FOR THE COURT	Elizabeth A. Preston Deavers
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Cincinnati
DECIDED	February 10, 2026
DOCKET	1:24-cv-578
DISPOSITION	affirmed
PROCEDURAL POSTURE	Judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying disability insurance benefits.
STANDARD OF REVIEW	The court must affirm the Commissioner's decision if it is supported by substantial evidence and was made pursuant to proper legal standards. Substantial evidence is more than a scintilla but less than a preponderance and is evidence a reasonable mind might accept as adequate. The court must also consider evidence detracting from the decision and will not uphold a decision where the agency fails to follow its own regulations and the error prejudices the claimant or deprives the claimant of a substantial right.

PRECEDENTIAL VALUE	unpublished
PARTIES	Ashley W. o/b/o George W., Deceased v. Commissioner of Social Security

TOPICS

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PRACTICE AREAS

social security disability administrative law judicial review of agency action

QUESTIONS PRESENTED

1. Whether the ALJ abused her discretion by reaching different findings on remand concerning the severity of Plaintiff's mental impairments and his mental RFC.
2. Whether res judicata principles under Drummond, Earley, or related Social Security rulings required the ALJ to retain the mental-impairment and RFC findings from the vacated 2021 decision.
3. Whether the ALJ's 2023 RFC determination and evaluation of the medical opinions and prior administrative medical findings were supported by substantial evidence and complied with applicable regulations.

HOLDINGS

1. Because the Appeals Council vacated the ALJ's 2021 decision and remanded the claim for further proceedings, the ALJ was not bound by the findings in that decision and could reconsider the evidence and reach different findings on remand.
2. Drummond's res judicata rule did not require the ALJ to adopt the findings in the 2021 decision because that decision concerned the same claim and was vacated rather than becoming final.
3. The ALJ's findings that Plaintiff had no severe mental impairment and no mental RFC limitations, and the resulting RFC and denial of benefits, were supported by substantial evidence and proper legal standards.

KEY QUOTATIONS

“The ALJ did not abuse her discretion in finding no severe mental impairments and no mental RFC limitations in her May 2023 decision.” (8)

“The Social Security Act instructs that the ALJ – not a physician – ultimately determines a claimant’s RFC.” (22)

“In sum, from a review of the record as a whole, the Court concludes that substantial evidence supports the ALJ’s decision denying benefits.” (23)

FACTUAL BACKGROUND

George W. alleged disability beginning May 16, 2019, based on physical and mental conditions including diabetes, heart disease, visual impairments, neuropathy, bipolar disorder, anxiety, depression, and ADHD. He testified that his most significant limitation was his vision, that he had no difficulty getting along with others, and that he had not required inpatient mental-health treatment. The ALJ relied on largely normal mental-status findings, treatment records, consultative examinations, and testimony in finding no severe mental impairments and no mental RFC limitations.

PROCEDURAL HISTORY

George W. applied for disability insurance benefits and supplemental security income, and the claims were initially denied and denied on reconsideration. After hearings, an ALJ issued an unfavorable decision in August 2021. The Appeals Council vacated that decision as to the disability insurance benefits claim and remanded for further proceedings; it denied review of the supplemental security income dismissal. On remand, the ALJ issued another unfavorable decision in May 2023, finding no severe mental impairment and no mental residual functional capacity limitations. The Appeals Council denied review, making the May 2023 decision final. The district court overruled Plaintiff's statement of errors and affirmed.

DISPOSITION

affirmed

CASES CITED

- Colvin v. Barnhart, 475 F.3d 727, 730 (6th Cir. 2007)
- Henley v. Astrue, 573 F.3d 263, 264 (6th Cir. 2009)
- Foster v. Halter, 279 F.3d 348, 354 (6th Cir. 2002)
- Rabbers v. Commissioner of Social Security, 582 F.3d 647, 651 (6th Cir. 2009)
- Rogers v. Commissioner of Social Security, 486 F.3d 234, 241 (6th Cir. 2007)
- Cutlip v. Secretary of Health & Human Services, 25 F.3d 284, 286 (6th Cir. 1994)
- TNS, Inc. v. NLRB, 296 F.3d 384, 395 (6th Cir. 2002)
- Universal Camera Corp. v. NLRB, 340 U.S. 474, 487 (1951)
- Blakley v. Commissioner of Social Security, 581 F.3d 399, 406 (6th Cir. 2009)
- Key v. Callahan, 109 F.3d 270, 273 (6th Cir. 1997)
- Bowen v. Commissioner of Social Security, 478 F.3d 742, 746 (6th Cir. 2007)
- Terrago v. Commissioner of Social Security Administration, 2014 WL 2442233, at *3 (N.D. Ohio May 30, 2014)
- Prevost v. Commissioner of Social Security, 2021 WL 2349348, at *4-5 (E.D. Mich. June 9, 2021), report and recommendation adopted, 2021 WL 1940487 (E.D. Mich. May 14, 2021)
- Wireman v. Commissioner of Social Security, 60 F. App'x 570, 571 (6th Cir. 2003)
- Drummond v. Commissioner of Social Security, 126 F.3d 837, 841-42 (6th Cir. 1997)
- Earley v. Commissioner of Social Security, 893 F.3d 929, 933 (6th Cir. 2018)
- Ferrell v. Berryhill, 2019 WL 2077501, at *5 (E.D. Tenn. May 10, 2019)

- Maynard v. Commissioner of Social Security, 2019 WL 3334327, at *6 (S.D. Ohio July 25, 2019), report and recommendation adopted, 2019 WL 3891859 (S.D. Ohio Aug. 16, 2019)
- Gale v. Commissioner of Social Security, 2019 WL 8016516, at *5 (W.D. Mich. Apr. 17, 2019), report and recommendation adopted, 2020 WL 871201 (W.D. Mich. Feb. 21, 2020)
- Mullins v. Secretary of Health and Human Services, 836 F.2d 980, 984 (6th Cir. 1987)
- White v. Commissioner of Social Security, 572 F.3d 272, 284 (6th Cir. 2009)
- Coldiron v. Commissioner of Social Security, 391 F. App'x 435, 439 (6th Cir. 2010)

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