

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Rudde v. Astrue

253 F. App'x 770 (10th Cir. 2007) · Decided November 6, 2007

SUMMARY

The Tenth Circuit affirmed the district court’s judgment upholding the Commissioner of Social Security’s determination that Charlene Rudde became disabled on May 20, 2000, rather than on her alleged onset date of February 14, 1999. The court rejected challenges to the residual functional capacity assessment, step-five determination, credibility evaluation, and onset-date analysis, concluding that the decision was supported by substantial evidence.

CASE DETAILS

COURT	United States Court of Appeals for the Tenth Circuit
WRITING FOR THE COURT	Stephen H. Anderson
JURISDICTION	Federal
DECIDED	November 6, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the district court's judgment affirming the Commissioner's final decision determining that Rudde became disabled on May 20, 2000, rather than on February 14, 1999.
STANDARD OF REVIEW	The court reviewed whether the Commissioner's final decision was supported by substantial evidence and whether the correct legal standards were applied. The court examined the record as a whole but did not reweigh the evidence or decide the issues de novo.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Charlene Rudde v. Michael J. Astrue, Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- standard of review
- appellate procedure
- disability definition

PRACTICE AREAS

- Social Security disability
- administrative law
- appellate procedure

QUESTIONS PRESENTED

1. Whether substantial evidence supported the ALJ's residual functional capacity determination for the period from February 14, 1999 through May 19, 2000.
2. Whether substantial evidence supported the ALJ's step-five determination that Rudde could perform other jobs available in the national economy.
3. Whether the ALJ properly evaluated Rudde's credibility and subjective complaints.
4. Whether the ALJ properly determined May 20, 2000 as the disability onset date and erred by not obtaining a medical advisor's opinion.

HOLDINGS

1. The ALJ's determination that Rudde could perform sedentary work through May 19, 2000 was supported by substantial evidence, including medical examinations, physician assessments, and testimony.
2. The ALJ properly determined that Rudde could perform other jobs available in the national economy, including electronic goods assembler, optical goods assembler, and security system monitor.
3. The ALJ's partial-credibility determination was supported by substantial evidence and was not subject to disturbance on appeal.
4. Substantial evidence supported the ALJ's determination that Rudde became disabled on May 20, 2000, and the ALJ did not err by declining to infer an earlier onset date.

KEY QUOTATIONS

"The standard of review in a Social Security appeal is whether the Commissioner's final decision is supported by substantial evidence, and whether [he] applied the correct legal standards." (772)

"Substantial evidence is more than a mere scintilla and is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." (772)

"Credibility determinations are peculiarly the province of the finder of fact, and we will not upset such determinations when supported by substantial evidence." (775)

"a medical advisor need be called only if the medical evidence of onset is ambiguous." (775)

FACTUAL BACKGROUND

Rudde was diagnosed with multiple sclerosis in 1992 and stopped working as a cashier on February 14, 1999, because of increasing leg problems. She returned to the job part-time under accommodations in December 1999, but her condition worsened in or around May 2000; she began using a cane, missed work, and ultimately took medical leave and resigned. The ALJ found that she retained the residual functional capacity for sedentary work through May 19, 2000, and became disabled on May 20, 2000.

PROCEDURAL HISTORY

Rudde applied for Social Security disability and supplemental security income benefits alleging a February 14, 1999 onset date. The agency initially found that her part-time work from December 1999 through July 19, 2000

constituted substantial gainful activity; the district court held otherwise and remanded. On remand, the ALJ found disability beginning May 20, 2000, and the district court affirmed the resulting final agency decision. The Tenth Circuit affirmed the district court without oral argument.

DISPOSITION

affirmed

CASES CITED

- Grogan v. Barnhart, 399 F.3d 1257, 1261-62 (10th Cir. 2005)
- Rutledge v. Apfel, 230 F.3d 1172, 1174 (10th Cir. 2000)
- Glass v. Shalala, 43 F.3d 1392, 1395 (10th Cir. 1994)
- Wilcox v. Sullivan, 917 F.2d 272, 274 (6th Cir. 1990)
- Estes v. Railroad Retirement Board, 776 F.2d 1436, 1437 (9th Cir. 1985)
- Parish v. Califano, 642 F.2d 188, 193 (6th Cir. 1981)
- Talley v. Sullivan, 908 F.2d 585, 588 (10th Cir. 1990)
- Casias v. Secretary of Health & Human Services, 933 F.2d 799, 801 (10th Cir. 1991)
- Kepler v. Chater, 68 F.3d 387, 391 (10th Cir. 1995)
- Qualls v. Apfel, 206 F.3d 1368, 1372 (10th Cir. 2000)
- Decker v. Chater, 86 F.3d 953, 955 (10th Cir. 1996)
- Hamilton v. Secretary of Health & Human Services, 961 F.2d 1495, 1499 (10th Cir. 1992)
- Reid v. Chater, 71 F.3d 372, 374 (10th Cir. 1995)