

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Wilber T. v. Frank Bisignano, Acting Commissioner of Social
Security

Wilber T. v. Bisignano, No. 3:24-cv-1445 (DJS) (N.D.N.Y. Jan. 5, 2026) · No. 3:24-cv-1445 (DJS) · Decided
January 5, 2026

SUMMARY

The United States District Court for the Northern District of New York reviews a denial of supplemental security income under 42 U.S.C. § 405(g). The court denies the plaintiff’s motion for judgment on the pleadings and grants the Commissioner’s motion, concluding that the administrative law judge applied the correct standards and that the decision was supported by substantial evidence. The opinion addresses the evaluation of medical opinions, residual functional capacity, a sit/stand option, work-related limitations, social interaction restrictions, and off-task and attendance limitations.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Daniel J. Stewart
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	January 5, 2026
DOCKET	3:24-cv-1445 (DJS)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Action under 42 U.S.C. § 405(g) seeking judicial review of the Commissioner's denial of supplemental security income. The parties cross-moved for judgment on the pleadings.
STANDARD OF REVIEW	The court reviews the Commissioner's decision to determine whether the correct legal standards were applied and whether the decision is supported by substantial evidence. The court may not conduct a de novo disability determination or substitute its judgment for that of the Commissioner. If the evidence permits more than one rational interpretation, the Commissioner's conclusion must be upheld.
PRECEDENTIAL VALUE	Unknown
PARTIES	Wilber T. v. Frank Bisignano, Acting Commissioner of Social Security

TOPICS

judicial review of agency action

agency adjudication

administrative law

disability definition

PRACTICE AREAS

Social Security disability

administrative law

federal judicial review

QUESTIONS PRESENTED

1. Whether the ALJ properly evaluated the opinions of CRNP Cywinski and Dr. Gashinsky under the supportability and consistency factors.
2. Whether the ALJ erred by failing to expressly address Plaintiff's alleged need for a sit/stand option and a change of position every thirty minutes.
3. Whether substantial evidence supported the ALJ's determination that Plaintiff could perform the demands of light work, including staying on task and maintaining attendance.
4. Whether substantial evidence supported the ALJ's limitations on Plaintiff's social interaction.
5. Whether the ALJ erred by not expressly discussing portions of Dr. Gashinsky's opinion concerning time off-task and absenteeism.

HOLDINGS

1. The ALJ properly evaluated the opinions under the applicable supportability and consistency factors and reasonably found them unpersuasive because they were inconsistent with objective orthopedic findings, treatment records, mental-health records, and, in Dr. Gashinsky's case, Plaintiff's subjective complaints.
2. The ALJ's failure, if any, to expressly discuss the alleged need to change positions every thirty minutes was harmless and did not warrant remand.
3. Substantial evidence supported the ALJ's determination that Plaintiff could perform a restricted range of light work and could remain on task and maintain attendance at levels consistent with competitive employment.
4. The ALJ's social-interaction limitations were supported by substantial evidence.
5. The ALJ was not required to separately discuss every issue addressed in Dr. Gashinsky's opinion, and the ALJ sufficiently explained why the opinion was unpersuasive; therefore, the omission did not require remand.

KEY QUOTATIONS

“Rather, the Commissioner’s determination will be reversed only if the correct legal standards were not applied, or it was not supported by substantial evidence.” (p. 4)

“As such, “plaintiff could perform either position regardless of whether the ALJ had included a sit/stand option,” and “remand to consider that issue further would serve no useful purpose.”” (p. 14)

FACTUAL BACKGROUND

Plaintiff, born in 1980, has an eleventh-grade education and has not worked during the fifteen years preceding his application. He alleged disability based on a speech disorder, learning disability, and broken back. The ALJ found severe impairments including a lumbar spine disorder, repaired umbilical hernia, personality disorder, learning disorder, and substance use disorder, but determined that Plaintiff retained the residual functional capacity for a restricted range of light work and could perform jobs existing in significant numbers in the national economy.

PROCEDURAL HISTORY

Plaintiff applied for supplemental security income on August 2, 2021. The application was initially denied on August 16, 2021, and denied on reconsideration on May 24, 2022. After a May 31, 2023 hearing, the ALJ found Plaintiff not disabled on February 14, 2024. The Appeals Council denied review on October 10, 2024, making the ALJ's decision the Commissioner's final decision. The district court denied Plaintiff's motion for judgment on the pleadings, granted Defendant's motion, affirmed the denial of benefits, and dismissed the complaint.

DISPOSITION

affirmed

CASES CITED

- *Wagner v. Secretary of Health & Human Services*, 906 F.2d 856, 860 (2d Cir. 1990)
- *Johnson v. Bowen*, 817 F.2d 983, 986 (2d Cir. 1987)
- *Grey v. Heckler*, 721 F.2d 41, 46 (2d Cir. 1983)
- *Marcus v. Califano*, 615 F.2d 23, 27 (2d Cir. 1979)
- *Richardson v. Perales*, 402 U.S. 389, 401 (1971)
- *Rutherford v. Schweiker*, 685 F.2d 60, 62 (2d Cir. 1982)
- *Williams v. Bowen*, 859 F.2d 255, 258 (2d Cir. 1988)
- *Rosado v. Sullivan*, 805 F. Supp. 147, 153 (S.D.N.Y. 1992)
- *Valente v. Secretary of Health & Human Services*, 733 F.2d 1037, 1041 (2d Cir. 1984)
- *Bowen v. Yuckert*, 482 U.S. 137, 140-42 (1987)
- *Berry v. Schweiker*, 675 F.2d 464, 467 (2d Cir. 1982)
- *McIntyre v. Colvin*, 758 F.3d 146, 150 (2d Cir. 2014)
- *Barnhart v. Thompson*, 540 U.S. 20, 24 (2003)
- *Woods v. Commissioner of Social Security*, 2025 WL 938639, at *1-*2 (2d Cir. Mar. 26, 2025)
- *Johnny S. v. O'Malley*, 2024 WL 3823487, at *7-*8 (N.D.N.Y. Aug. 14, 2024)
- *Shaw v. Chater*, 221 F.3d 126, 134-35 (2d Cir. 2000)
- *Rushford v. Kijakazi*, 2023 WL 8946622, at *1, *3 (2d Cir. Dec. 28, 2023)
- *Rachel G. v. Commissioner of Social Security*, 2021 WL 4820640, at *2 n.3 (W.D.N.Y. Oct. 15, 2021)
- *Burkey v. Colvin*, 284 F. Supp. 3d 420, 422 n.1 (W.D.N.Y. 2018)
- *Gibbles v. Commissioner of Social Security*, 2023 WL 3477127, at *2 (2d Cir. May 16, 2023)

- Leonard S. v. Saul, 2021 WL 514276, at *4 (W.D.N.Y. Feb. 11, 2021)
- Yeomas v. Berryhill, 305 F. Supp. 3d 464, 467-68 (W.D.N.Y. 2018)
- Zabala v. Astrue, 595 F.3d 402, 410 (2d Cir. 2010)
- Withus v. Saul, 2019 WL 6906972, at *13 (S.D.N.Y. Dec. 19, 2019), report and recommendation adopted, 2021 WL 2012270 (S.D.N.Y. May 19, 2021)
- Bennett v. Commissioner of Social Security, 2023 WL 355156, at *3 (2d Cir. Jan. 23, 2023)

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