

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA, HUNTINGTON DIVISION

Jodie D. v. Frank Bisignano, Commissioner of Social Security

Jodie D. · No. 3:25-cv-00563 · Decided April 6, 2026

SUMMARY

This proposed findings and recommendation addresses Jodie D.’s challenge under 42 U.S.C. § 405(g) to the denial of Disability Insurance Benefits and Supplemental Security Income. The magistrate judge recommends denying the claimant’s request for reversal, granting the Commissioner’s request for affirmance, affirming the Commissioner’s decision, and dismissing the action.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia, Huntington Division
WRITING FOR THE COURT	Dwane L. Tinsley, United States Magistrate Judge
JURISDICTION	United States District Court for the Southern District of West Virginia, Huntington Division
DECIDED	April 6, 2026
DOCKET	3:25-cv-00563
DISPOSITION	other
PROCEDURAL POSTURE	Proposed findings and recommendation on judicial review of the Commissioner's denial of Disability Insurance Benefits and Supplemental Security Income under 42 U.S.C. § 405(g).
STANDARD OF REVIEW	The court must uphold the ALJ's factual findings if supported by substantial evidence and reached through application of the correct legal standard. The court may not reweigh conflicting evidence, make credibility determinations, or substitute its judgment for that of the ALJ.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jodie D. v. Frank Bisignano, Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- civil procedure

PRACTICE AREAS

Social Security disability

administrative law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the ALJ adequately accounted in the residual functional capacity assessment for the finding of moderate limitations in concentration, persistence, and pace.
2. Whether the ALJ's failure to expressly evaluate the opinion of state-agency psychologist Rosemary Smith under the applicable medical-opinion regulations required remand.

HOLDINGS

1. The ALJ adequately explained how the evidence supported limiting Claimant to understanding, remembering, and carrying out simple instructions and maintaining concentration, persistence, and pace for simple tasks; therefore, the RFC was not impermissibly inconsistent with the step-two finding of moderate limitations.
2. Although the ALJ failed to expressly discuss and evaluate Dr. Smith's medical opinion as required by 20 C.F.R. §§ 404.1520c and 416.920c, Claimant failed to demonstrate that the omission could have materially affected the RFC or outcome; the error was therefore harmless and remand was improper.

KEY QUOTATIONS

“The claimant can understand, remember, and carry out simple instructions. She can frequently interact with the public, co-workers, and supervisors. She can maintain concentration, persistence, and pace for simple tasks. She can adapt to changes in the work setting.” (Tr. 984)

“The Fourth Circuit in Shinaberry added that “when medical evidence demonstrates that a claimant can engage in simple, routine tasks or unskilled work despite limitations in concentration, persistence, and pace, courts have concluded that limiting the hypothetical to include only unskilled work sufficiently accounts for such limitations.”” (Section III.A)

FACTUAL BACKGROUND

Claimant alleged disability beginning March 1, 2015, based on numerous physical and mental impairments, including depression, anxiety, panic disorder, seizures, COPD, and carpal-tunnel syndrome. The ALJ found several severe impairments, including depression, anxiety, and panic disorder, but determined that Claimant retained the residual functional capacity for light work with physical and mental restrictions, including the ability to perform simple tasks. Relying on vocational-expert testimony identifying three occupations existing in significant numbers nationally, the ALJ found Claimant not disabled.

PROCEDURAL HISTORY

The Social Security Administration denied Claimant's applications initially and on reconsideration. After an administrative hearing, an ALJ issued an unfavorable decision on March 21, 2023, and the Appeals Council denied review. The action was remanded voluntarily to the Agency on March 19, 2024. Following consolidation

of subsequent applications and a new hearing, the ALJ again denied benefits on May 27, 2025. Claimant filed this action on September 22, 2025, and the magistrate judge recommended affirmance and dismissal.

DISPOSITION

other

CASES CITED

- Lewis v. Berryhill, 858 F.3d 858 (4th Cir. 2017)
- Preston v. Heckler, 769 F.2d 988 (4th Cir. 1985)
- Bird v. Commissioner, 699 F.3d 337 (4th Cir. 2012)
- Mastro v. Apfel, 270 F.3d 171 (4th Cir. 2001)
- Mascio v. Colvin, 780 F.3d 632 (4th Cir. 2015)
- Radford v. Colvin, 734 F.3d 288 (4th Cir. 2013)
- Bowen v. City of New York, 476 U.S. 467 (1986)
- Patterson v. Commissioner, 846 F.3d 656 (4th Cir. 2017)
- Monroe v. Colvin, 826 F.3d 176 (4th Cir. 2016)
- Hancock v. Astrue, 667 F.3d 470 (4th Cir. 2012)
- Johnson v. Barnhart, 434 F.3d 650 (4th Cir. 2005) (per curiam)
- Biestek v. Berryhill, 139 S. Ct. 1148 (2019)
- Craig v. Chater, 76 F.3d 585 (4th Cir. 1996)
- Shinaberry v. Saul, 952 F.3d 113 (4th Cir. 2020)
- Sizemore v. Berryhill
- K.L.J. v. Commissioner of Social Security, 24-cv-03065, 2025 WL 3170490 (D. Colo. Nov. 7, 2025)
- Wall v. Saul, 2:20-cv-460, 2021 WL 5225792 (S.D. W. Va. June 2, 2021), adopted, 2021 WL 5230989 (S.D. W. Va. Nov. 9, 2021)
- Hammond v. O'Malley, 735 F. Supp. 3d 567 (E.D. Pa. 2024)
- Thomas v. Arn, 474 U.S. 140 (1985)
- Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989)
- Wright v. Collins, 766 F.2d 841 (4th Cir. 1985)
- United States v. Schronce, 727 F.2d 91 (4th Cir. 1984)