

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Marina Thompson v. Commissioner of Social Security

No. 2:24-CV-0793-DMC · No. No. 2:24-CV-0793-DMC · Decided March 20, 2025

SUMMARY

The United States District Court for the Eastern District of California reviews Marina Thompson’s challenge to the Commissioner of Social Security’s denial of disability benefits. The court rejects the challenges concerning fibromyalgia and mental impairments at Step 2, but finds that the Administrative Law Judge did not adequately account for migraine headaches in the residual functional capacity analysis. The matter is remanded to the Commissioner for further proceedings.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 20, 2025
DOCKET	No. 2:24-CV-0793-DMC
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying Social Security disability benefits. The parties filed cross-motions for summary judgment.
STANDARD OF REVIEW	The court reviews whether the Commissioner's decision applied proper legal standards and is supported by substantial evidence in the record as a whole. Substantial evidence is more than a mere scintilla but less than a preponderance. The court must consider evidence supporting and detracting from the Commissioner's conclusion and may not affirm by isolating a specific quantum of supporting evidence.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion and order; precedential status unknown in the source metadata.
PARTIES	Marina Thompson v. Commissioner of Social Security

TOPICS

judicial review of agency action

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PRACTICE AREAS

Social Security disability

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civil procedure

QUESTIONS PRESENTED

1. Whether the ALJ erred by finding that the record did not establish fibromyalgia as a medically determinable impairment at Step 2.
2. Whether the ALJ properly evaluated Thompson's mental impairments under the paragraph B criteria at Step 2.
3. Whether the ALJ's residual functional capacity assessment adequately considered the limiting effects of migraine headaches after finding migraines to be a severe impairment.
4. Whether the ALJ properly evaluated Thompson's subjective statements and testimony, including reliance on objective evidence, inconsistencies, and daily activities.

HOLDINGS

1. The ALJ did not err in finding that the evidence failed to establish fibromyalgia as a medically determinable impairment because the physician's statement merely recited diagnostic criteria and did not identify objective evidence supporting the diagnosis as required by SSR 12-2p.
2. The ALJ did not err in finding Thompson's mental impairments non-severe because the ALJ applied the paragraph B criteria, found no more than mild limitations in the relevant functional areas, and did not improperly conduct a persuasiveness analysis at Step 2.
3. The ALJ erred by failing to consider in the RFC how Thompson's migraine headaches significantly limited her ability to work, despite finding migraines to be a severe impairment at Step 2.
4. The ALJ did not err in evaluating Thompson's statements and testimony because the ALJ relied on more than a lack of objective support, including inconsistencies concerning cane use and daily activities inconsistent with an allegation of total disability.

KEY QUOTATIONS

"At Step 4, however, the ALJ does not appear to have considered how Plaintiff is significantly limited by her migraines, despite the finding at Step 2." (Opinion at migraine discussion)

"The Commissioner's final decision is reversed and this matter is remanded for further proceedings consistent with this order" (Opinion at conclusion)

FACTUAL BACKGROUND

Thompson alleged disability from lupus, migraines, an antiphospholipid blood-clotting disorder, obesity, fibromyalgia, and mental impairments. The ALJ found lupus, migraines, the clotting disorder, and obesity

severe, but found fibromyalgia not medically determinable and the mental impairments non-severe. The ALJ assessed a light-work residual functional capacity with specified postural, manipulative, environmental, and hazard limitations, but did not include limitations addressing the episodic effects of migraines. Thompson testified that she experienced migraines three to four times per month, with episodes requiring her to be out for a day or two several times per month.

PROCEDURAL HISTORY

Thompson applied for benefits on July 6, 2021, alleging disability beginning January 1, 2019. The claim was denied initially and on reconsideration. After an administrative hearing on March 31, 2023, the ALJ found her not disabled. The Appeals Council denied review on January 10, 2024. The district court granted Plaintiff's motion for summary judgment, denied the Commissioner's motion, reversed the final decision, and remanded for further proceedings under sentence four of 42 U.S.C. § 405(g).

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand under sentence four of 42 U.S.C. § 405(g) for further development of the record and/or further findings addressing the deficiencies identified in the opinion, particularly the limiting effects of Plaintiff's migraine headaches in the residual functional capacity assessment.

CASES CITED

- Tackett v. Apfel, 180 F.3d 1094, 1097 (9th Cir. 1999)
- Saelee v. Chater, 94 F.3d 520, 521-22 (9th Cir. 1996)
- Richardson v. Perales, 402 U.S. 389, 402 (1971)
- Howard v. Heckler, 782 F.2d 1484, 1487-88 (9th Cir. 1986)
- Jones v. Heckler, 760 F.2d 993, 995 (9th Cir. 1985)
- Hammock v. Bowen, 879 F.2d 498, 501 (9th Cir. 1989)
- Sprague v. Bowen, 812 F.2d 1226, 1229-30 (9th Cir. 1987)
- Thomas v. Barnhart, 278 F.3d 947, 954, 958-59 (9th Cir. 2002)
- Burkhart v. Bowen, 856 F.2d 1335, 1338, 1340 (9th Cir. 1988)
- Quang Van Han v. Bower, 882 F.2d 1453, 1456 (9th Cir. 1989)
- Terry v. Sullivan, 903 F.2d 1273, 1275 (9th Cir. 1990)
- Gallant v. Heckler, 753 F.2d 1450, 1452-53 (9th Cir. 1984)
- Hoffman v. Heckler, 785 F.2d 1423, 1425 (9th Cir. 1986)
- Smolen v. Chater, 80 F.3d 1273, 1282, 1284, 1289-90 (9th Cir. 1996)
- Yuckert v. Bowen, 841 F.2d 303, 306 (9th Cir. 1988)
- Walters v. Kijakazi, 2022 WL 1046208, at *1 (9th Cir. Apr. 7, 2022)

- Ford v. Saul, 950 F.3d 1141, 1155 n.7 (9th Cir. 2020)
- Few v. Commissioner of Social Security, No. 2:19-cv-1491-KJN
- Valencia v. Heckler, 751 F.2d 1082, 1085 (9th Cir. 1985)
- Rashad v. Sullivan, 903 F.2d 1229, 1231 (9th Cir. 1990)
- Lester v. Chater, 81 F.3d 821, 834 (9th Cir. 1995)
- Carmickle v. Commissioner, 533 F.3d 1155, 1160-61 (9th Cir. 2008)
- Lingenfelter v. Astrue, 504 F.3d 1028, 1936 (9th Cir. 2007)
- Gregor v. Barnhart, 464 F.3d 968, 972 (9th Cir. 2006)
- Bunnell v. Sullivan, 947 F.2d 341, 345-48 (9th Cir. 1991) (en banc)
- Cotton v. Bowen, 799 F.2d 1403 (9th Cir. 1986)
- Swenson v. Sullivan, 876 F.2d 683, 687 (9th Cir. 1989)
- Fair v. Bowen, 885 F.2d 597, 602-03 (9th Cir. 1989)
- Orn v. Astrue, 495 F.3d 625, 639 (9th Cir. 2007)
- Vertigan v. Heller, 260 F.3d 1044, 1050 (9th Cir. 2001)
- Burch v. Barnhart, 400 F.3d 676, 681 (9th Cir. 2005)