

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Barrera v. Commissioner of Social Security

Barrera · No. 1:23-cv-1682-JLT-GSA · Decided February 26, 2025

SUMMARY

These Findings and Recommendations address Abel Barrera’s challenge to the Commissioner of Social Security’s denial of supplemental security income. The magistrate judge recommends denying Barrera’s motion for summary judgment, granting the Commissioner’s cross-motion, affirming the Commissioner’s decision, and directing entry of judgment for the Commissioner. The recommendations conclude that the ALJ’s step-five findings, record development, and evaluation of subjective complaints were supported by substantial evidence and applicable law.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Gary S. Austin
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 26, 2025
DOCKET	1:23-cv-1682-JLT-GSA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying supplemental security income. The magistrate judge issued findings and recommendations recommending denial of plaintiff's motion for summary judgment, granting the Commissioner's cross-motion, affirming the administrative decision, and directing entry of judgment for defendant.
STANDARD OF REVIEW	The court reviews the Commissioner's decision for legal error and substantial evidence, considering the record as a whole. It may not substitute its judgment for the Commissioner's where the evidence reasonably supports two conclusions, and harmless error does not require reversal.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Abel Barrera v. Commissioner of Social Security

TOPICS

judicial review of agency action

administrative law

summary judgment

civil procedure

PRACTICE AREAS

Social Security disability

administrative law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the vocational-expert testimony concerning the identified jobs conflicted with the RFC limitation to simple instructions and simple work-related decisions.
2. Whether the ALJ erred by declining to obtain an examining-source physical RFC opinion or consultative orthopedic examination.
3. Whether the ALJ improperly evaluated plaintiff's subjective symptom complaints.

HOLDINGS

1. Any apparent conflict between the RFC limitation to simple work and the mail-clerk position's Reasoning Level 3 was harmless because the vocational expert also identified two Reasoning Level 2 jobs—photocopy machine operator and office clerk—that were compatible with simple work.
2. The ALJ did not err by declining to obtain a consultative physical examination or an additional examining-source RFC opinion because plaintiff failed to explain what evidence or functional limitations would require further development.
3. Plaintiff failed to establish a basis for remand on the subjective-symptom issue because he did not identify, summarize, or cite the testimony or complaints allegedly rejected by the ALJ, nor did he identify the limitations that the testimony would support.

KEY QUOTATIONS

“This court may set aside the Commissioner’s denial of disability insurance benefits when the ALJ’s findings are based on legal error or are not supported by substantial evidence in the record as a whole.”

“If the evidence could reasonably support two conclusions, the court “may not substitute its judgment for that of the Commissioner” and must affirm the decision.”

“the ALJ is responsible for translating and incorporating clinical findings into a succinct RFC.”

FACTUAL BACKGROUND

Barrera alleged disability based on multiple physical and mental impairments, including schizophrenia, mood disorder, obesity, spinal and knee conditions, hypertension, and a history of cerebellar hemorrhage. The ALJ found that he had not engaged in substantial gainful activity, had severe impairments, did not meet or equal a listed impairment, and retained the residual functional capacity for a restricted range of light work with simple-work and social-interaction limitations. Relying on vocational-expert testimony, the ALJ found that Barrera could perform photocopy machine operator, non-postal mail clerk, and office clerk jobs existing in significant numbers in the national economy.

PROCEDURAL HISTORY

Barrera applied for supplemental security income on July 27, 2021. The application was denied initially and on reconsideration; after a January 5, 2023 hearing, the ALJ issued an unfavorable decision on January 31, 2023, and the Appeals Council denied review. In federal court, plaintiff moved for summary judgment and the Commissioner filed a cross-motion. The magistrate judge recommended affirmance, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Tackett v. Apfel, 180 F.3d 1094, 1097 (9th Cir. 1999)
- Richardson v. Perales, 402 U.S. 389, 401 (1971)
- Saelee v. Chater, 94 F.3d 520, 522 (9th Cir. 1996)
- Robbins v. Social Security Administration, 466 F.3d 880, 882 (9th Cir. 2006)
- Jamerson v. Chater, 112 F.3d 1064, 1066 (9th Cir. 1997)
- Tommasetti v. Astrue, 533 F.3d 1035, 1038 (9th Cir. 2008)
- Garrison v. Colvin, 759 F.3d 995, 1011, 1014 (9th Cir. 2014)
- Magallanes v. Bowen, 881 F.2d 747, 751 (9th Cir. 1989)
- Salas v. Astrue, 2011 WL 2620370, at *5 (E.D. Cal. June 29, 2011)
- Grigsby v. Astrue, 2010 WL 309013, at *2 (C.D. Cal. Jan. 22, 2010)
- Cervantes v. O'Malley, No. 1:22-CV-1565 JLT GSA, 2024 WL 1173827, at *3-*4 (E.D. Cal. Mar. 19, 2024)
- Zavalin v. Colvin, 778 F.3d 842 (9th Cir. 2015)
- Davis v. Saul, 846 F. App'x 464, 466 (9th Cir. 2021)
- Meissl v. Barnhart, 403 F. Supp. 2d 981 (C.D. Cal. 2005)
- DeLorme v. Sullivan, 924 F.2d 841, 849 (9th Cir. 1991)
- McLeod v. Astrue, 640 F.3d 881, 885 (9th Cir. 2011)
- Rounds v. Commissioner Social Security Administration, 807 F.3d 996, 1006 (9th Cir. 2015)
- Tidwell v. Apfel, 161 F.3d 599, 600 (9th Cir. 1998)
- Carmickle v. Commissioner, Social Security Administration, 533 F.3d 1155, 1161 n.2 (9th Cir. 2008)
- Greenwood v. Federal Aviation Administration, 28 F.3d 971, 977 (9th Cir. 1994)
- Smolen v. Chater, 80 F.3d 1273, 1281-1282 (9th Cir. 1996)
- Burrell v. Colvin, 775 F.3d 1133, 1136 (9th Cir. 2015)
- Rollins v. Massanari, 261 F.3d 853, 857 (9th Cir. 2001)
- Ferguson v. O'Malley, 95 F.4th 1194, 1200 (9th Cir. 2024)
- Ukolov v. Barnhart, 420 F.3d 1002, 1005 (9th Cir. 2005)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-839 (9th Cir. 2014)

- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

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