

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK**

Kara L. v. Commissioner of Social Security

Kara L. · No. 5:25-cv-00086 (ML) · Decided March 24, 2026

OPINION

Lamont

PER CURIAM.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KARA L.,

Plaintiff, v. 5:25-cv-00086 (ML)

COMMISSIONER OF SOCIAL
SECURITY,

Defendant. _____ APPEARANCES: OF COUNSEL:

OLINSKY LAW GROUP JULIE ATKINS, ESQ. Counsel for the Plaintiff 250 South Clinton
Street - Suite 210 Syracuse, New York 13202 SOCIAL SECURITY ADMINISTRATION
FERGUS J. KAISER, ESQ. Counsel for the Defendant Special Assistant U.S. Attorney 6401
Security Boulevard Baltimore, Maryland 21235 MIROSLAV LOVRIC, United States Magistrate
Judge

ORDER

Currently pending before the Court in this action, in which Plaintiff seeks judicial review of an adverse administrative determination by the Commissioner of Social Security, pursuant to 42 U.S.C. §§ 405(g), are cross-motions for judgment on the pleadings.¹ Oral argument was heard in connection with those motions on March 20, 2026, during a telephone conference. ¹ This matter, which is before me on consent of the parties pursuant to 28 U.S.C. § 636(c), has been treated in accordance with the procedures set forth in General Order No. 18. Under that General Order once issue has been joined, an action such as this is considered procedurally, as if cross-motions for judgment on the pleadings had been filed pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. conducted on the record. At the close of argument, I issued a bench decision in which, after applying the requisite deferential review standard, I found that the Commissioner's determination was not supported by substantial evidence, providing further detail regarding my reasoning and addressing the specific issues raised by Plaintiff in this appeal. After due deliberation, and based upon the Court's oral bench decision, which has been transcribed, is attached to this order, and is incorporated herein by reference, it is ORDERED as follows: 1)

Plaintiff's motion for judgment on the pleadings (Dkt. No. 11) is GRANTED. 2) Defendant's motion for judgment on the pleadings (Dkt. No. 16) is DENIED. 3) The Commissioner's decision denying Plaintiff Social Security benefits is REVERSED. 4) This matter is REMANDED to the Commissioner, without a directed finding of disability, for further administrative proceedings consistent with this opinion and the oral bench decision, pursuant to sentence four of 42 U.S.C. § 405(g). 5) The Clerk of Court is respectfully directed to enter judgment, based upon this determination, REMANDING this matter to the Commissioner for further administrative proceedings consistent with this opinion and the oral bench decision, pursuant to sentence four of 42 U.S.C. § 405(g) and closing this case. Dated: March 24, 2026 Binghamton, New York Nrealgr
Pew Miroslav Lovric United States Magistrate Judge Northern District of New York

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

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KARA L.,

Plaintiff, -v- 25-CV-86

COMMISSIONER OF SOCIAL SECURITY,

Defendant. -----x

DECISION TRANSCRIPT

BEFORE THE HONORABLE MIROSLAV LOVRIC

March 23, 2026 15 Henry Street, Binghamton, NY 13901 For the Plaintiff:

OLINSKY LAW GROUP

250 South Clinton Street - Suite 210 Syracuse, New York 13202 BY: JULIE ATKINS, ESQ. For the Defendant:

SOCIAL SECURITY ADMINISTRATION

6401 Security Boulevard Baltimore, Maryland 21235 BY: FERGUS J. KAISER, ESQ. Hannah F. Cavanaugh, RPR, CRR, CSR, NYACR, NYRCR Official United States Court Reporter 100 South Clinton Street Syracuse, New York 13261-7367

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1 (The Court and all parties present by telephone. 2 Time noted: 12:10 p.m.) 3 THE COURT: All right. The Court is going to 4 commence its reasoning, analysis, and decision as follows: 5 Plaintiff commenced this proceeding pursuant to Title 42, United 6 States Code, Section 405(g) to challenge the adverse 7 determination by the Commissioner of Social Security finding 8 that she was not disabled at the relevant times and therefore 9 ineligible for the benefits that she sought. 10 By way of background, the Court notes as follows: 11 Plaintiff was born in 1979. She is currently approximately 12 47 years of age. She was approximately 42 years of age on the 13 date of her application for benefits. At the time of her 14 administrative hearing on April 18, 2024, plaintiff lived with 15 her boyfriend and her young son. She is a high school graduate 16 who attended two years of college and two years of nursing 17 school, but did not obtain a degree. Plaintiff's work

history 18 includes jobs as a grocery store cashier, certified nursing 19 aide, and medical office assistant. Plaintiff testified that 20 she stopped working due to leg and back pain that required 21 surgery. Following surgery, plaintiff still reported numbness 22 and pain that was exacerbated by bending, prolonged standing, 23 and walking. At the time of the hearing, plaintiff was 24 receiving outpatient mental health therapy on a weekly basis. 25 Procedurally, the Court notes the following: 1 Plaintiff applied for Title II and Title XVI benefits on

2 November 24th of 2021, alleging an onset date of April 9, 2019.

3 In support of her application for benefits, plaintiff claims 4 disability based on back -- excuse me, based on back pain, 5 depression, and anxiety. Administrative Law Judge Bruce S. Fein 6 conducted a hearing on April 18th of 2024, to address 7 plaintiff's applications for benefits. ALJ Fein issued an 8 unfavorable decision on April 26th of 2024. That decision 9 became the final determination of the agency on December 10th of 10 2024, when the Appeals Council denied plaintiff's request for 11 review. This civil action was commenced on January 16, 2025, 12 and it is timely. 13 In his April 26th of 2024, decision at issue in this 14 case, the ALJ first determined that plaintiff met the insured 15 status requirements of the Social Security Act through

16 March 31st of 2026, and then the ALJ commenced the familiar five

17 step test for determining disability. 18 At step one, the plaintiff -- excuse me, the ALJ 19 concluded that plaintiff had engaged -- had not -- excuse me, 20 just one second. Let me start that over. 21 At step one, the ALJ concluded that plaintiff had 22 engaged in substantial gainful activity between May 2022 and

23 December 2022, based on earnings records for work as a grocery

24 store cashier. However, the ALJ found that there had been one 25 or more continuous 12 month period during which she did not 1 engage in substantial gainful activity after the alleged onset 2 date. The ALJ's disability determination covered those periods. 3 At step two, the ALJ concluded that plaintiff had the 4 following severe impairments: First, lumbar disc disease with 5 radiculopathy; second, post lumbar decompression and fusion of 6 L4-S1; next, post anterior surgical fixation and fusion 7 surgeries at C5-C6; rheumatoid arthritis; anxiety disorder; and 8 major depressive disorder. 9 At step three, the ALJ concluded that plaintiff did 10 not have an impairment or combination of impairments that met or 11 medically equalled the severity of any listed impairments. In 12 making this determination, the ALJ expressly considered the 13 following listings: Listing 1.15 dealing with disorders of the 14 skeletal spine; listing 1.16 dealing with lumbar spinal 15 stenosis; listing 12.04 dealing with depressive, bipolar, and 16 related disorders; listing 12.06 dealing with anxiety and 17 obsessive-compulsive disorders; and listing 14.09 dealing with 18 inflammatory arthritis. 19 Next, the ALJ determined that plaintiff has the 20 residual functional capacity, also known as RFC, to perform less 21 than the full range of light work. Specifically, the ALJ 22 concluded the following: The ALJ concluded that plaintiff can 23 perform all postural tasks on an occasional basis, can 24 occasionally push and pull bilaterally, and can occasionally 25 interact with coworkers, supervisors, and the public. The ALJ 1 further

found that plaintiff should work in a low stress job, 2 defined as one "having only occasional decisionmaking, changes 3 in work setting, and judgment required on the job." 4 At step four, the ALJ relied on the vocational expert 5 testimony to determine that plaintiff is not able to perform any 6 past relevant work. 7 Again relying on the vocational expert testimony at 8 step five, the ALJ found that considering plaintiff's age, 9 education, work experience, and RFC, that there were jobs 10 existing in significant numbers in the national economy that 11 plaintiff can perform. 12 Accordingly, the ALJ found that plaintiff was not 13 disabled from her alleged onset date through the date of the 14 ALJ's decision. 15 Turning now to plaintiff's arguments in this matter, 16 as the parties know, this Court's functional role in this case 17 is limited and extremely deferential. The Court must determine 18 whether correct legal principles were applied and whether the 19 determination is supported by substantial evidence, which is 20 defined as such relevant evidence as a reasonable mind would 21 find sufficient to support a conclusion. As the Second Circuit 22 noted in *Brault v. Social Security Administration Commissioner*, 23 at 683 F.3d 443, that's a 2012 case, the Circuit therein 24 indicated that this standard is demanding, more so than the 25 clearly erroneous standard. The Second Circuit noted in *Brault* 1 that once there is a finding of fact, that fact can be rejected 2 only if a reasonable factfinder would have to conclude 3 otherwise. 4 In this case, plaintiff raises two primary 5 contentions in these proceedings. First, plaintiff argues that 6 the Appeals Council failed to properly consider new and material 7 evidence. Specifically, plaintiff alleges and challenges that 8 the Appeals Council's refusal to consider Dr. Bradley Layton's 9 previously unavailable opinion of plaintiff's physical and 10 mental health limitations based on his 11 years as plaintiff's 11 primary care physician. Secondly, plaintiff also argues that 12 the ALJ failed to properly evaluate the medical opinion 13 evidence. In particular, plaintiff contends that the ALJ failed 14 to incorporate the "moderate to marked" limitations opined by 15 consultative psychiatric examiner Dr. Jeanne Shapiro into the RFC 16 determination, despite labeling Dr. Shapiro's opinion as 17 "persuasive." 18 The Court will now turn to its reasoning, analysis, 19 and decision. This Court finds that remand for further 20 administrative proceedings is required to allow for proper 21 consideration of the new and material evidence presented to the 22 Appeals Council, for the following reasons: Dr. Layton opined 23 in relevant part that plaintiff can rarely lift 10 pounds, that 24 plaintiff can sit for 45 minutes to 1 hour at one time, and 25 stand for 20 minutes continuously before needing to change 1 positions. Dr. Layton also opined that plaintiff can sit for a 2 total of about two hours and standing or walking for a total of 3 about two hours over the course of the workday. 4 Dr. Layton further opined that plaintiff would need 5 four to five breaks throughout the workday and was unable to 6 meet the competitive standards for regular attendance, 7 performing at a consistent pace, and responding appropriately to 8 changes in routine. He further opined that plaintiff would be 9 off task for more than 20 percent of the workday and was likely 10 to miss more than four workdays per month. 11 Dr. Layton's April 29, 2024, opinion is clearly 12 "new" -- is clearly "new" since it is dated three days after the 13 ALJ's decision, and thus was unavailable at the time of the 14 ALJ's disability determination. This Court

also finds that 15 plaintiff had good cause for failing to provide the document 16 earlier, because the record and the hearing transcript reflect 17 plaintiff's ongoing efforts to obtain up to date medical records 18 from Dr. Layton and other providers. 19 Moving then to materiality, this Court finds that Dr. 20 Layton's opinion is material, in that it expressly relates back 21 to at least April 9th of 2019, and provides an assessment of 22 plaintiff's physical and mental health functional limitations 23 based upon the primary care provider's 11-year treatment 24 relationship with the plaintiff. 25 Dr. Layton's treatment notes, some of which were 1 included in the record before the ALJ and others which were 2 submitted to the Appeals Council, reflect the primary care 3 physician's involvement in plaintiff's care for back pain, 4 anxiety, and depression and his multiple referrals of plaintiff 5 for specialized orthopedic, pain management, rheumatology, and 6 mental health care. 7 In addition, the only medical opinions available to 8 the ALJ were from consultants who either reviewed the available 9 medical record or performed a single consultive examination, an 10 approach that is not always indicative of an individual's 11 longitudinal health. Dr. Layton's opinion is significantly more 12 restrictive than any of these consulting opinions. It thus 13 appears a "more than reasonable" possibility that the opinion of 14 plaintiff's primary care physician, who had direct observation 15 of plaintiff's physical and mental health over an 11-year 16 period, could influence the ALJ to reach a different disability 17 determination. 18 Therefore, remand for further administrative 19 proceedings to consider this new and material evidence is 20 appropriate. By ordering remand, this Court is not making any 21 comment on how persuasive the ALJ should find this new evidence. 22 Moving briefly to plaintiff's second argument, this 23 Court finds that it does not present independent grounds for 24 remand on the record. 25 Plaintiff argues that the ALJ ignored Dr. Shapiro's 1 opinion that plaintiff had "moderate to marked" limitations in 2 regulating emotions, controlling behavior, and maintaining 3 wellbeing. However, the ALJ's RFC determination limited 4 plaintiff to jobs that required only occasional social 5 interaction and could be classified as "low stress" because they 6 required only occasional decisionmaking, changes in work 7 setting, and exercise of judgment. 8 Courts have regularly found that an RFC limiting an 9 individual to low stress work with only occasional social 10 interaction, simple decisionmaking, and changes in the work 11 setting are compatible with the "moderate to marked" limitations 12 assessed by Dr. Shapiro. Therefore, any error in the ALJ's 13 discussion of Dr. Shapiro's opinion would be harmless. 14 This Court notes that consideration of Dr. Layton's 15 opinion, which includes a mental health component, will likely 16 require reassessment of the supportability and consistency of 17 Dr. Shapiro's opinion on remand, as well. 18 Accordingly, and based upon this analysis, 19 plaintiff's motion for judgment on the pleadings is granted, 20 defendant's motion for judgment on the pleadings is denied, and 21 the matter is reversed and remanded to the Commissioner pursuant 22 to sentence four of Title 42, U.S. Code, Section 405(g) for 23 further proceedings consistent with this decision and order. 24 (Time noted: 12:24 p.m.) 25 1 2 3

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7 I, HANNAH F. CAVANAUGH, RPR, CRR, CSR, NYACR,

8 NYRCR, Official U.S. Court Reporter, in and for the United 9 States District Court for the
Northern District of New York, DO 10 HEREBY CERTIFY that pursuant to Section 753, Title 28,
United 11 States Code, that the foregoing is a true and correct transcript 12 of the stenographically
reported proceedings held in the 13 above-entitled matter and that the transcript page format is in
14 conformance with the regulations of the Judicial Conference of 15 the United States. 16 17

Dated this 23rd day of March, 2026. 18 19 s/ Hannah F. Cavanaugh_____

20 HANNAH F. CAVANAUGH, RPR, CRR, CSR, NYACR, NYRCR

21 Official U.S. Court Reporter 22 23 24 25