

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

S.E.S. v. Frank Bisignano, Commissioner of the Social Security Administration

S.E.S. v. Bisignano · No. 24-cv-03178-NYW · Decided April 22, 2026

SUMMARY

The United States District Court for the District of Colorado affirmed the Commissioner of Social Security’s denial of S.E.S.’s application for Disability Insurance Benefits. The court held that the administrative law judge’s residual functional capacity determination was supported by substantial evidence and that the ALJ was not required to order an additional consultative examination.

CASE DETAILS

|                       |                                                                                                                                                                                                                           |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Colorado                                                                                                                                                                 |
| WRITING FOR THE COURT | Nina Y. Wang                                                                                                                                                                                                              |
| JURISDICTION          | United States District Court for the District of Colorado                                                                                                                                                                 |
| DECIDED               | April 22, 2026                                                                                                                                                                                                            |
| DOCKET                | 24-cv-03178-NYW                                                                                                                                                                                                           |
| DISPOSITION           | affirmed                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Plaintiff sought judicial review under Title II of the Social Security Act of the Commissioner's final decision denying Disability Insurance Benefits.                                                                    |
| STANDARD OF REVIEW    | The court reviews whether substantial evidence supports the Commissioner's final decision and whether the correct legal standards were applied. It may not reweigh the evidence or substitute its judgment for the ALJ's. |
| PRECEDENTIAL VALUE    | unknown                                                                                                                                                                                                                   |
| PARTIES               | S.E.S. v. Frank Bisignano, Commissioner of the Social Security Administration                                                                                                                                             |

TOPICS

- judicial review of agency action
- administrative law
- exhaustion of remedies

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the ALJ erred by failing to order an additional consultative examination or obtain a medical opinion specifically addressing Plaintiff's residual functional capacity.
2. Whether substantial evidence supported the ALJ's residual functional capacity determination that Plaintiff could perform light work.

## HOLDINGS

1. The ALJ did not have a duty to order an additional consultative examination because Plaintiff did not show that the need for one was clearly established in the record.
2. The absence of a medical opinion specifically addressing RFC did not invalidate the ALJ's RFC determination because RFC is an administrative determination and may be assessed from the medical record and other evidence.

## KEY QUOTATIONS

*“The ALJ, not a physician, is charged with determining a claimant’s RFC from the medical record.”*

*“At bottom, the fact that no consultative physician opinions exist is solely attributable to Plaintiff—due to both his failure to respond to Dr. Gade’s and Dr. Holtgrewe’s contact attempts and his counsel’s failure to request another examination before the ALJ issued his decision.”*

## FACTUAL BACKGROUND

Plaintiff alleged disability beginning December 13, 2021, based primarily on a hernia, carpal tunnel syndrome, and knee and foot problems. He underwent inguinal hernia surgery in December 2021 and left carpal-tunnel-release surgery in August 2022, and later reported continuing hand, knee, and foot symptoms. The ALJ found that Plaintiff retained the residual functional capacity for light work based on medical records and hearing testimony showing, among other things, an intact independent gait, good upper-extremity strength, and the ability to walk to and from a bus stop, carry groceries, and perform basic tasks.

## PROCEDURAL HISTORY

Plaintiff applied for Disability Insurance Benefits on December 13, 2021. After a hearing, the administrative law judge denied the application, and the Social Security Administration Appeals Council denied review. Plaintiff then filed this action, and the parties briefed the Commissioner's decision; the court affirmed it.

## DISPOSITION

affirmed

## CASES CITED

- *Flaherty v. Astrue*, 515 F.3d 1067, 1069-70 (10th Cir. 2008)

- Barnhart v. Walton, 535 U.S. 212, 214-15 (2002)
- Williams v. Bowen, 844 F.2d 748, 750-52 (10th Cir. 1988)
- Neilson v. Sullivan, 992 F.2d 1118, 1120 (10th Cir. 1993)
- Lax v. Astrue, 489 F.3d 1080, 1084 (10th Cir. 2007)
- Vallejo v. Berryhill, 849 F.3d 951, 954 (10th Cir. 2017)
- Musgrave v. Sullivan, 966 F.2d 1371, 1374 (10th Cir. 1992)
- Smith v. Colvin, 821 F.3d 1264, 1266 (10th Cir. 2016)
- Hawkins v. Chater, 113 F.3d 1162, 1164, 1167-68 (10th Cir. 1997)
- Jazvin v. Colvin, 659 F. App'x 487, 489 (10th Cir. 2016)
- Cowan v. Astrue, 552 F.3d 1182, 1187 (10th Cir. 2008)
- Maes v. Astrue, 522 F.3d 1093, 1097 (10th Cir. 2008)
- Chapo v. Astrue, 682 F.3d 1285, 1288 (10th Cir. 2012)
- Colby V.W. v. Kijazaki, No. 2:21-cv-00622-JCB, 2022 WL 2953909, at \*3-4 (D. Utah July 26, 2022)
- Sardono v. Colvin, No. 15-cv-00291-W, 2016 WL 1618271, at \*4-5 (W.D. Okla. Mar. 11, 2016), recommendation adopted, 2016 WL 1599497 (W.D. Okla. Apr. 20, 2016)