

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Terry Sullivan v. Frank Bisignano, Commissioner of Social Security

Sullivan · No. 4:25-CV-423 · Decided December 17, 2025

SUMMARY

The United States District Court for the Middle District of Pennsylvania reviews Terry Sullivan’s appeal from the denial of Social Security disability benefits. The court holds that the Administrative Law Judge inadequately explained which portions of a consulting nurse practitioner’s opinion were persuasive, but concludes that the error was harmless because vocational-expert testimony established that the disputed sitting, standing, and walking limitations would not affect Sullivan’s ability to perform available work. The court therefore affirms the Commissioner’s decision.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Martin C. Carlson
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	December 17, 2025
DOCKET	4:25-CV-423
DISPOSITION	affirmed
PROCEDURAL POSTURE	Sullivan sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's denial of applications for disability insurance benefits and supplemental security income. He challenged the ALJ's articulation of the persuasiveness of one medical opinion concerning his ability to sit, stand, and walk.
STANDARD OF REVIEW	The court reviews the Commissioner's factual findings for substantial evidence and reviews legal issues plenary. It may not reweigh the evidence or substitute its judgment for the ALJ's, but must ensure that the ALJ adequately articulates the basis for the decision to permit meaningful judicial review. Errors are subject to harmless-error analysis.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Terry Sullivan v. Frank Bisignano, Commissioner of Social Security

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the ALJ adequately articulated the reasons for finding CRNP Schultz's medical opinion only partially persuasive, including which portions were persuasive and which were not.
2. Whether any deficiency in the ALJ's articulation required remand or was harmless in light of undisputed vocational-expert testimony that the disputed sit/stand limitations would not affect Sullivan's ability to perform available work.

HOLDINGS

1. Under the governing medical-opinion regulations, an ALJ must explain the supportability and consistency of each medical opinion and, when finding an opinion only partially persuasive, identify which portions are persuasive and which lack persuasive power, with an explanation grounded in the evidence. The ALJ's conclusory treatment of Schultz's opinion did not satisfy that articulation requirement.
2. The ALJ's articulation error was harmless and did not require remand because uncontested vocational-expert testimony established that the disputed limitations on Sullivan's ability to sit and stand would not affect his ability to perform the work identified by the expert.

KEY QUOTATIONS

"In our view, under the Commissioner's current medical opinion regulations the ALJ must address the persuasiveness of each medical opinion and must explain the consistency and supportability of each opinion."
(20)

"Therefore, any errors stemming from the incomplete articulation of the rationale for deeming one medical expert's opinion partially persuasive are harmless where the ambiguity in the analysis of this opinion would not have affected the final conclusion that Sullivan could perform tasks that existed in the national economy."
(22)

FACTUAL BACKGROUND

Sullivan alleged disability based on peripheral neuropathy, bilateral knee degenerative joint disease, diabetes, Graves' disease, visual disturbances, asthma, and obesity. Treatment records generally described normal gait, reflexes, range of motion, strength, and ambulation, with neuropathy improved by gabapentin; an examining nurse practitioner likewise found a normal gait and largely normal physical functioning. Three medical sources agreed that Sullivan could meet the lifting and carrying requirements of light work, but CRNP Schultz assessed more restrictive limits on standing and walking than the two state-agency physicians. The vocational expert

testified that changing positions between sitting and standing would not prevent Sullivan from performing the identified work.

PROCEDURAL HISTORY

Sullivan applied for disability insurance benefits and supplemental security income, alleging disability beginning March 1, 2020. After a November 27, 2023 administrative hearing, the ALJ denied benefits on April 16, 2024, finding that Sullivan could perform light work and could perform past relevant work or other work existing in significant numbers. The district court found that the ALJ inadequately explained which portions of CRNP Kelly Schultz's partially persuasive opinion were accepted or rejected, but held the error harmless because undisputed vocational-expert testimony established that the disputed sit/stand limitations would not erode Sullivan's ability to work.

DISPOSITION

affirmed

CASES CITED

- Johnson v. Comm'r of Soc. Sec., 529 F.3d 198, 200 (3d Cir. 2008)
- Ficca v. Astrue, 901 F. Supp. 2d 533, 536 (M.D. Pa. 2012)
- Pierce v. Underwood, 487 U.S. 552, 565 (1988)
- Richardson v. Perales, 402 U.S. 389, 401 (1971)
- Mason v. Shalala, 994 F.2d 1058, 1064 (3d Cir. 1993)
- Consolo v. Fed. Maritime Comm'n, 383 U.S. 607, 620 (1966)
- Leslie v. Barnhart, 304 F. Supp. 2d 623, 627 (M.D. Pa. 2003)
- T-Mobile South, LLC v. Roswell, 574 U.S. 293, 135 S. Ct. 808, 815 (2015)
- Consolidated Edison Co. v. NLRB, 305 U.S. 197, 229 (1938)
- Dickinson v. Zurko, 527 U.S. 150, 153 (1999)
- Biestek v. Berryhill, 139 S. Ct. 1148, 1154 (2019)
- Arnold v. Colvin, 2014 WL 940205, at *1 (M.D. Pa. Mar. 11, 2014)
- Burton v. Schweiker, 512 F. Supp. 913, 914 (W.D. Pa. 1981)
- Wright v. Sullivan, 900 F.2d 675, 678 (3d Cir. 1990)
- Zirnsak v. Colvin, 777 F.3d 607, 611 (3d Cir. 2014)
- Rutherford v. Barnhart, 399 F.3d 546, 552 (3d Cir. 2005)
- Burnett v. Comm'r of Soc. Sec., 220 F.3d 112, 119-21 (3d Cir. 2000)
- Jones v. Barnhart, 364 F.3d 501, 505 & n.3 (3d Cir. 2004)
- Diaz v. Comm'r of Soc. Sec., 577 F.3d 500, 504 (3d Cir. 2009)
- Biller v. Acting Comm'r of Soc. Sec., 962 F. Supp. 2d 761, 778-79 (W.D. Pa. 2013)
- Gormont v. Astrue, 2013 WL 791455, at *7 (M.D. Pa. Mar. 4, 2013)
- Titterington v. Barnhart, 174 F. App'x 6, 11 (3d Cir. 2006)

- *Cummings v. Colvin*, 129 F. Supp. 3d 209, 214-15 (W.D. Pa. 2015)
- *Burns v. Barnhart*, 312 F.3d 113, 129 (3d Cir. 2002)
- *Metzger v. Berryhill*, 2017 WL 1483328, at *4-5 (M.D. Pa. Mar. 29, 2017)
- *Metzgar v. Colvin*, 2017 WL 1479426 (M.D. Pa. Apr. 21, 2017)
- *Rathbun v. Berryhill*, 2018 WL 1514383, at *6 (M.D. Pa. Mar. 12, 2018)
- *Cotter v. Harris*, 642 F.2d 700, 704, 706-07 (3d Cir. 1981)
- *Schaudeck v. Comm'r of Soc. Sec.*, 181 F.3d 429, 433 (3d Cir. 1999)
- *Andrew G. v. Comm'r of Soc. Sec.*, 2020 WL 5848776, at *5 (N.D.N.Y. Oct. 1, 2020)
- *Moua v. Colvin*, 541 F. App'x 794, 798 (10th Cir. 2013)
- *Fisher v. Bowen*, 869 F.2d 1055, 1057 (7th Cir. 1989)
- *Metzger v. Berryhill*, 2017 WL 1483328, at *4 (M.D. Pa. Mar. 29, 2017)
- *Seaman v. Soc. Sec. Admin.*, 321 F. App'x 134, 135 (3d Cir. 2009)
- *Shinseki v. Sanders*, 556 U.S. 396, 409 (2009)
- *Fischer-Ross v. Barnhart*, 431 F.3d 729, 733 (10th Cir. 2005)
- *Hyer v. Colvin*, 72 F. Supp. 3d 479, 494 (D. Del. 2014)
- *Harrison v. Berryhill*, 2018 WL 2051691, at *5 (M.D. Pa. Apr. 17, 2018)
- *Drozd v. Kizakaji*, 2023 WL 122387, at *11 (M.D. Pa. Jan. 6, 2023)