

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Vivianna H. v. Commissioner of Social Security

Vivianna H. · No. 2:25-cv-01130-JWH(E) · Decided September 4, 2025

SUMMARY

The United States District Court for the Central District of California accepted and adopted a magistrate judge’s Report and Recommendation recommending dismissal of Plaintiff Vivianna H.’s challenge to the Commissioner of Social Security’s determination that she had been overpaid disability benefits. The court concluded that substantial evidence supported the finding that Plaintiff engaged in substantial gainful activity during the overpayment period. The action was dismissed with prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	John W. Holcomb
JURISDICTION	United States District Court for the Central District of California
DECIDED	September 4, 2025
DOCKET	2:25-cv-01130-JWH(E)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff sought judicial review of the Commissioner's determination that she had been overpaid disability benefits. After a magistrate judge recommended dismissal, Plaintiff filed objections, and the district court conducted de novo review of the objected-to portions.
STANDARD OF REVIEW	De novo review of portions of the magistrate judge's Report and Recommendation to which objections were made; substantial-evidence review of evidence added to the administrative record by the Appeals Council.
PRECEDENTIAL VALUE	Unknown
PARTIES	Vivianna H. v. Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- summary judgment
- civil procedure

PRACTICE AREAS

Social Security

administrative law

judicial review of agency action

QUESTIONS PRESENTED

1. Whether substantial evidence supported the Commissioner's determination that Plaintiff engaged in substantial gainful activity during the period of alleged overpayment and therefore had been overpaid disability benefits.
2. Whether the Administrative Law Judge was required to discuss evidence that the Appeals Council added to the administrative record in the first instance.

HOLDINGS

1. Substantial evidence supported the Commissioner's conclusion that Plaintiff engaged in substantial gainful activity during the period from April 2020 through July 2022 and therefore had been overpaid disability benefits.
2. The ALJ was not required to consider evidence that the Appeals Council made part of the administrative record in the first instance; the district court reviewed that evidence under the substantial-evidence standard.

KEY QUOTATIONS

“Judgment shall be entered *DISMISSING* the action with prejudice.” (at 2)

FACTUAL BACKGROUND

Plaintiff challenged the Commissioner's finding that she had been overpaid disability benefits while employed. She argued that she had been unable to engage in substantial gainful activity during the overpayment period. The administrative evidence concerning work activities and earnings showed income commensurate with substantial gainful activity from April 2020 through July 2022.

PROCEDURAL HISTORY

The Commissioner determined that Plaintiff had been overpaid disability benefits because she engaged in substantial gainful activity during the alleged overpayment period from April 2020 through July 2022. The magistrate judge recommended dismissal of Plaintiff's action. The district court overruled Plaintiff's objections, accepted and adopted the Report and Recommendation, and ordered the action dismissed with prejudice.

DISPOSITION

dismissed

CASES CITED

- Brewes v. Commissioner of Social Security, 682 F.3d 1157, 1163 (9th Cir. 2012)

OPINION

Vivianna Hernandez v. Commissioner of Social Security

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 VIVIANNA H., Case No. 2:25-cv-01130-JWH(E) 11 Plaintiff,

ORDER ACCEPTING FINDINGS,

12 v. CONCLUSIONS AND

RECOMMENDATIONS OF

13 COMMISSIONER OF SOCIAL UNITED STATES MAGISTRATE

SECURITY, JUDGE

14 Defendant. 15

16 17 18 19 20 21 22 23 24 25 26 27 28 1 Pursuant to 28 U.S.C. § 636, the Court has reviewed the
Complaint, all of the 2 records herein and the attached Report and Recommendation of United
States 3 Magistrate Judge. Further, the Court has engaged in a de novo review of those 4 portions
of the Report and Recommendation to which any objections have been 5 made. 6 The Report
recommends the dismissal of this action, in which Plaintiff 7 Vivianna H. challenges the
Commissioner's finding that she was overpaid disability 8 benefits while she was employed. (ECF
No. 17.) Plaintiff's objections to the Report 9 (ECF No. 18) do not merit any change to the
Report's findings or 10 recommendations. 11 Plaintiff objects that she was unable to engage in
substantial gainful activity 12 during the period of overpayment. (ECF No. 18 at 2-3.) As support,
Plaintiff cites 13 evidence, which the Appeals Council made a part of the record in the first
instance, 14 reporting details about Plaintiff's work activities on November 12, 2018; January 21,
15 2020; and May 31, 2022. (Id. (citing ECF No. 11-1 at 112-20).) That evidence, 16 however,
showed that Plaintiff earned income commensurate with substantial 17 gainful activity during the
period of overpayment from April 2020 to July 2022. 18 (ECF No. 11-1 at 116-20.) Thus, the
Court agrees with the Report that substantial 19 evidence supported the Commissioner's
conclusion that Plaintiff had engaged in 20 substantial gainful activity and, therefore, had been
overpaid disability benefits. 21 (ECF No. 17 at 5-6.) 22 Plaintiff objects that the ALJ erred by
failing to mention or evaluate that 23 evidence. (ECF No. 18 at 3.) As the Report explained,
however, the ALJ did not 24 consider that evidence because it was made a part of the record in the
first instance 25 by the Appeals Council. (ECF No. 17 at 4 n.2; see also ECF No. 11-1 at 5.) Thus,
26 the Court reviews such evidence under the substantial-evidence standard. (ECF
27 No. 17 (citing *Brewes v. Comm'r*, 682 F.3d 1157, 1163 (9th Cir. 2012).) The Court
28 1 || agrees with the Report that substantial evidence supported the Commissioner's 2 ||
conclusion that Plaintiff was overpaid. (ECF No. 17 at 5-6.) 3 Accordingly, the Court hereby
ORDERS as follows: 4 1. The Magistrate Judge's Report and Recommendation is ACCEPTED 5 ||

and ADOPTED. 6 2. Judgment shall be entered DISMISSING the action with prejudice. 7 3. The Clerk is DIRECTED forthwith to serve a copy of this Order, the 8 || Magistrate Judge's Report and Recommendation, and the Judgment on Plaintiff and 9 || counsel for Defendant. 10 IT IS SO ORDERED. 11 12 Dated:___ September 2025. 13 W. Ho com 14 nited States District Judge 15 16 17 18 19 20 21 22 23 24 25 26 27 28