

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)

