

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
WASHINGTON**

**Asis R. v. Frank Bisignano, Commissioner of Social Security**

Asis R. · No. 2:25-CV-00215-RLP · Decided November 25, 2025

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**OPINION**

1 FILED IN THE U.S. DISTRICT COURT EASTERN DISTRICT OF WASHINGTON 2 Nov 25,  
2025 3 SEAN F. MCAVOY, CLERK 4 5 UNITED STATES DISTRICT COURT 6 EASTERN  
DISTRICT OF WASHINGTON 7 ASIS R.,<sup>1</sup> NO: 2:25-CV-00215-RLP 8 Plaintiff, 9 v. ORDER  
AFFIRMING THE COMMISSIONER'S DECISION 10 FRANK BISIGNANO  
COMMISSIONER OF SOCIAL 11 SECURITY, 12 Defendant. 13 BEFORE THE COURT is an  
appeal from an Administrative Law Judge 14 (ALJ) final decision denying supplemental security  
income under Title XVI of the 15 Social Security Act.

ECF No. 12. The Court considered the matter without oral 16 argument. For the reasons discussed  
below, the Court concludes the ALJ did not 17 commit harmful legal error in evaluating medical  
opinion evidence and Mr. R's 18 written symptom testimony.

Therefore, Mr. R.'s brief, ECF No. 6, is denied and the 19 Commissioner's brief, ECF No. 13, is  
granted. 20 1 Plaintiff's first name and last initial are used to protect his privacy. 1  
BACKGROUND 2 Mr. R. was born in 1964. Tr. 335. He has an 11th grade education and relevant  
3 past work as a sheet metal worker. Tr. 45. 4 Mr. R. alleges that he dislocated his back in 2001  
while employed by a 5 roofing company and that his injury has progressively worsened over time.

Tr. 454. 6 Mr. R. protectively filed an application for benefits under Title XVI of the Social 7  
Security Act,<sup>2</sup> alleging an onset date of July 1, 2020. Tr. 18, 284-93. He claimed his 8 back pain  
and his mental limitations rendered him unable to perform any job. Tr. 9 407.

The application was denied initially and upon reconsideration. Tr. 1. 10 Mr. R. thereafter filed a  
written request for hearing. Tr. 188-89. A telephonic 11 hearing was held on May 1, 2024. Tr. 63-  
72. Mr. R.'s attorney appeared at the 12 hearing, but Mr. R. did not appear.<sup>3</sup> Id. 13 On May 9,  
2024, the ALJ issued an unfavorable decision. Tr. 37-46.

The 14 Appeals Council denied review. Tr. 1-5. The matter is now before this Court 15 pursuant to  
42 U.S.C. § 405(g). 16 17 18 2 Although Mr. R. also requested benefits under Title II, his  
challenge is 19 limited to Title XVI benefits. 20 3 Mr. R. proffers he did not appear due to  
communication difficulties related to his lack of financial resources. 1 STANDARD OF REVIEW  
2 This Court's review of a final decision of the Commissioner of Social Security 3 is governed by  
42 U.S.C. § 405(g).

The scope of review is limited; the 4 Commissioner's decision will be disturbed "only if it is not supported by substantial 5 evidence or is based on legal error." *Hill v. Astrue*, 698 F.3d 1153, 1158 (9th Cir. 6 2012). If the evidence in the record "is susceptible to more than one 7 rational interpretation, [the Court] must uphold the ALJ's findings if they are 8 supported by inferences reasonably drawn from the record." *Molina v. Astrue*, 674 9 F.3d 1104, 1111 (9th Cir.

2012). 10 Further, a district court "may not reverse an ALJ's decision on account of an 11 error that is harmless." *Id.* An error is harmless "where it is inconsequential to the 12 [ALJ's] ultimate nondisability determination." *Id.* at 1115 (quotation and citation 13 omitted).

The party appealing the ALJ's decision generally bears the burden of 14 establishing that it was harmed. *Shinseki v. Sanders*, 556 U.S. 396, 409-10, 129 15 S.Ct. 1696 (2009). 16 FIVE-STEP EVALUATION PROCESS 17 A claimant must satisfy two conditions to be considered "disabled" within the 18 meaning of the Social Security Act.

First, the claimant must be "unable to engage in 19 any substantial gainful activity by reason of any medically determinable physical or 20 mental impairment which can be expected to result in death or which has lasted or 1 can be expected to last for a continuous period of not less than twelve months." 42 2 U.S.C. §§ 423(d)(1)(A), 1382c(a)(3)(A).

Second, the claimant's impairment must be 3 "of such severity that he is not only unable to do [his or her] previous work[,] but 4 cannot, considering [his or her] age, education, and work experience, engage in any 5 other kind of substantial gainful work which exists in the national economy." 42 6 U.S.C. §§ 423(d)(2)(A), 1382c(a)(3)(B). 7 The Commissioner has established a five-step sequential analysis to determine 8 whether a claimant satisfies the above criteria.

See 20 C.F.R. §§ 404.1520(a)(4)(i)- 9 (v), 416.920(a)(4)(i)-(v). At step one, if the claimant is engaged in "substantial 10 gainful activity," the Commissioner must find that the claimant is not disabled. 20 11 C.F.R. §§ 404.1520(b), 416.920(b). At step two, the Commissioner considers the 12 severity of the claimant's impairment. 20 C.F.R. §§ 404.1520(a)(4)(ii), 13 416.920(a)(4)(ii).

If the claimant suffers from "any impairment or combination of 14 impairments which significantly limits [his or her] physical or mental ability to do 15 basic work activities," the analysis proceeds to step three. 20 C.F.R. §§ 404.1520(c), 16 416.920(c). At step three, the Commissioner compares the claimant's impairment to 17 severe impairments recognized by the Commissioner to be so severe as to preclude a 18 person from engaging in substantial gainful activity.

20 C.F.R. §§ 19 404.1520(a)(4)(iii), 416.920(a)(4)(iii). 20 If the severity of the claimant's impairment does not meet or exceed the 1 severity of the enumerated impairments, the Commissioner must assess the 2 claimant's residual functional capacity (RFC), which is the

claimant's ability to 3 perform physical and mental work activities on a sustained basis despite his or her 4 limitations.

20 C.F.R. §§ 404.1545(a)(1), 416.945(a)(1). 5 At step four, the Commissioner considers whether, in view of the claimant's 6 RFC, the claimant is capable of performing work that he or she has performed in the 7 past (past relevant work). 20 C.F.R. §§ 404.1520(a)(4)(iv), 416.920(a)(4)(iv). If not, 8 the analysis proceeds to step five and the Commissioner considers whether, in view 9 of the claimant's RFC, the claimant is capable of performing other work in the 10 national economy.

20 C.F.R. §§ 404.1520(a)(4)(v), 416.920(a)(4)(v). 11 The claimant bears the burden of proof at steps one through four above. 12 *Tackett v. Apfel*, 180 F.3d 1094, 1098 (9th Cir. 1999). If the analysis proceeds to 13 step five, the burden shifts to the Commissioner to establish that (1) the claimant is 14 capable of performing other work; and (2) such work "exists in significant numbers 15 in the national economy." 20 C.F.R. §§ 404.1560(c)(2), 416.960(c)(2); *Beltran v. Astrue*, 700 F.3d 386, 389 (9th Cir.

2012). 17 **ALJ'S FINDINGS** 18 At step one, the ALJ found Mr. R. has not engaged in substantial gainful 19 activity since July 1, 2020, the alleged onset date. Tr. 39. At step two, the ALJ found 20 Mr. R. has the following severe impairment: lumbar degenerative disc disease. Tr. 1 40-41.

The ALJ rejected Mr. R.'s claim that his ADHD was a severe impairment. *Id.* 2 At step three, the ALJ found Mr. R. does not have an impairment or 3 combination of impairments that meets or medically equals the severity of one of the 4 listed impairments. Tr. 41-42. With respect to the RFC, the ALJ found Mr. R. has 5 the capacity to perform a full range of work at medium exertional levels.

Tr. 42-45. 6 At step four, the ALJ found Mr. R. is capable of performing past relevant 7 work as a sheet metal worker. Tr. 45. Based on these adverse findings, the ALJ 8 determined Mr. R. has not been under a disability, as defined in the Social Security 9 Act, from July 1, 2020, through the date of the decision. Tr. 46. 10 **ANALYSIS** 11 Mr. R.'s assignments of error pertain to the ALJ's assessment of three medial 12 opinions and his own written symptom testimony.

In reviewing Mr. R.'s appeal, the 13 Court's analysis is hampered by Mr. R.'s failure to link his evidentiary complaints to 14 the five steps of the applicable legal analysis. It is therefore unclear whether Mr. R. 15 believes the ALJ erred in failing to consider his ADHD as a severe impairment for 16 purposes of step two. From what the Court can discern, it appears Mr. R.'s 17 arguments on appeal is that the ALJ's factual errors go to the issue of the applicable 18 RFC.

Mr. R. does not make any argument that the record showed his ADHD was 19 disabling. 20 With these general observations in mind, the Court turns to the arguments on 1 appeal. 2 **A. Medical Opinions** 3 Mr. R. contends the ALJ failed to properly evaluate the opinions of Drs. Peter 4 Weir, Jeffrey Jamison, and Jonathan Ryan.

The regulations provide that an ALJ must consider and evaluate the persuasiveness of all medical opinions or prior administrative medical findings from medical sources. 20 C.F.R. §§ 404.1520c, 7 416.920c. Supportability and consistency are the most important factors in 8 evaluating the persuasiveness of medical opinions and prior administrative findings, 9 and therefore the ALJ is required to explain how both factors were considered.

20 10 C.F.R. §§ 404.1520c(b)(2), 416.920c(b)(2). The ALJ may, but is not required, to 11 explain how other factors were considered. 20 C.F.R. §§ 404.1520c(b)(2), 12 416.920c(b)(2); see 20 C.F.R. §§ 404.1520c(c)(1)-(5), 416.920c(c)(1)-(5). 13 1. Dr. Peter Weir, M.D. 14 On December 11, 2021, Dr. Weir evaluated Mr. R. and opined that he is 15 limited to light work with occasional stooping.

Tr. 454-457. The ALJ rejected this 16 opinion as unsupported by Dr. Weir's own examination findings, inconsistent with 17 the longitudinal record and dearth of treatment, and inconsistent with the 18 assessments of the DDS physicians, who had the benefit of reviewing more of the 19 record. Tr. 26. 20 Mr. R. argues the ALJ's rejection of Dr. Weir's testimony was improperly 1 rooted in circumstances related to his homelessness and poverty.

He argues that, 2 due to his impoverished financial status, he was not able to seek regular medical 3 treatment. Thus, to the extent the ALJ criticized Dr. Weir's opinion because it was 4 based on a limited treatment record, this was akin to penalizing Mr. R. for his 5 financial circumstances. 6 The Ninth Circuit has recognized that "several [courts] have considered 7 whether disabled claimants may be denied benefits if their condition is remediable 8 but they cannot afford the necessary medical treatment.

All have concluded that the 9 Commissioner may not deny benefits in those circumstances." *Gamble v. Chater*, 10 68 F.3d 319, 320-321 (9th Cir. 1995). 11 The Court disagrees that the ALJ discredited Dr. Weir's opinion for 12 improper reasons.

The ALJ did not simply discredit Dr. Weir's opinion because it 13 was based on limited information. Rather, the ALJ weighed Dr. Weir's opinion 14 against the record as a whole, which demonstrated an absence of back pain or 15 related symptoms and showed normal clinical findings. 16 Mr. R. also argues the ALJ committed harmful legal error in failing to 17 adequately consider the consistency and supportability of Dr. Weir's opinion, 18 citing to *Embrey v. Bowen*, 849 F.2d 418 (9th Cir.

1988) for the proposition that 19 the ALJ's opinion does "not achieve the level of specificity" required by the 20 regulations. 849 F.2d 418 (9th Cir. 1988). However, while in *Embrey* the ALJ 1 offered a conclusion without explanation (concluding that the "medical opinions 2 are not supported by sufficient objective findings"), the ALJ in this matter 3 explained that Dr. Weir's

opinion was unsupported by his own examination and 4 inconsistent with the assessments of state agency physicians, who had the benefit 5 of reviewing a more complete record.

6 Finally, Mr. R. argues the ALJ overlooked the severity of his December 7 2021 lumbar X-ray showing advanced degenerative changes. This argument is not 8 a fair read of the record. The ALJ considered the X-rays and explained they “must 9 be interpreted in conjunction with exam findings, which, in this case, show little to 10 no functional limitations resulting from the anatomical abnormalities documented 11 in imaging.” Tr.

45. 12 The ALJ had an adequate basis for rejecting Dr. Weir’s assessment 13 regarding light work. 14 2. Dr. Jeffrey Jamison, D.O. 15 Following a physical consultative examination on December 5, 2020, Dr. 16 Jamison opined Mr. R. is capable of lifting/carrying 40 pounds occasionally and 10 17 pounds frequently, standing/walking four hours in an eight-hour workday, sitting 18 six to eight hours in an eight-hour workday, and occasional kneeling, bending and 19 crawling.

Tr. 449. The ALJ found Dr. Jamison’s opinion “largely persuasive” and 20 “generally consistent” with the record. Nevertheless, the ALJ found “no 1 justification ... for the odd limitation to lift/carry 40 pounds occasionally and 10 2 pounds frequent, or for the postural limitations”. 3 Mr. R. argues the ALJ failed to offer any rationale for deviating from Mr. 4 Jamison’s finding that he is limited to standing/walking for 4 hours out of the 8 5 hour workday.

The Court disagrees. For one thing, the ALJ is permitted to reject 6 medical opinion testimony that is “brief, conclusory, and inadequately supported 7 by clinical findings.” *Ford v. Saul*, 950 F.3d 1141, 1154 (9th Cir. 2020). But in 8 addition, the ALJ explained it deviated from Dr. Jamison’s assessment based on 9 the contrary assessments of state agency physicians, along with the “benign 10 physical examination findings,” and Mr. R.’s “admitted ability to perform mixed 11 martial arts.” Tr.

44. 12 The Court discerns no error in the ALJ’s assessment of opinion evidence 13 from Dr. Jamison. 14 3. Jonathan Ryan, Psy D. 15 Dr. Ryan completed a psychological evaluation of Mr. R on March 25, 2022. 16 Tr. 458-468. Mr. R. scored in the 4th percentile in Verbal Comprehension 17 (Borderline), the 6th percentile in Working Memory and Immediate Memory 18 (Borderline), and the 5th percentile in Logical Memory I; he also scored 22 out of 19 30 points in the Montreal Cognitive Assessment (MoCA).

Tr. 460-466. Dr. Ryan 20 assessed that Mr. R. “may” have some mild to moderate limitations in several 1 functional areas; however, he concluded that “it does not appear that there are any 2 cognitive or affective factors that would substantially impair [Mr. R.’s] ability to 3 maintain employment at this time.” Tr. 467. 4 Mr. R. argues that the ALJ provided “no reasoning” for dismissing Dr. 5 Ryan’s assessment of “up to moderate limitations.” ECF No. 6 at 13.

The Court 6 disagrees. The ALJ explained that mild limitations were more appropriate based on 7 the findings of the state examiners. Furthermore, and more to the point, Dr. Ryan 8 did not consider Mr. R.'s cognitive struggles disabling. Mr. R. never argues 9 otherwise. Nor does Mr. R. explain how his purported cognitive impairments 10 connect to the five-part disability evaluation.

Thus, even if the ALJ erred in 11 rejecting Dr. Ryan's opinion, any such error would be harmless. 12 B. Symptom Testimony 13 Mr. R. contends the ALJ improperly discounted his testimony showing he was 14 unable to work. 15 An ALJ engages in a two-step analysis to determine whether to discount a 16 claimant's testimony regarding subjective symptoms. SSR 16-3p, 2016 WL 17 1119029, at \*2. "First, the ALJ must determine whether there is 'objective medical 18 evidence of an underlying impairment which could reasonably be expected to 19 produce the pain or other symptoms alleged.'" *Molina*, 674 F.3d at 1112 (quoting 20 *Vasquez v. Astrue*, 572 F.3d 586, 591 (9th Cir.

2009)). Second, "[i]f the claimant 1 meets the first test and there is no evidence of malingering, the ALJ can only reject 2 the claimant's testimony about the severity of the symptoms if [the ALJ] gives 3 'specific, clear and convincing reasons' for the rejection." *Ghanim v. Colvin*, 763 4 F.3d 1154, 1163 (9th Cir. 2014) (citations omitted). "The clear and convincing 5 [evidence] standard is the most demanding required in Social Security cases." 6 *Garrison v. Colvin*, 759 F.3d 995, 1015 (9th Cir.

2014) (quoting *Moore v. Comm'r 7 of Soc. Sec. Admin.*, 278 F.3d 920, 924 (9th Cir. 2002)). 8 Factors to be considered in evaluating the intensity, persistence, and limiting 9 effects of a claimant's symptoms include the claimant's daily activities and the 10 location, duration, frequency, and intensity symptoms. SSR 16-3p, 2016 WL 11 1119029, at \*7-8; 20 C.F.R. § 416.929(c)(3).

The ALJ is instructed to "consider all 12 of the evidence in an individual's record," to "determine how symptoms limit 13 ability to perform work-related activities". SSR 16-3p, 2016 WL 1119029, at \*2. 14 The consistency of a claimant's statements with the rest of the record are another 15 factor to be considered. 20 C.F.R. § 416.929(c)(4). 16 Here the ALJ found there was objective medical evidence of an underlying 17 impairment which could reasonably be expected to produce Mr. R.'s alleged 18 symptoms.

Tr. 42. Nevertheless, the ALJ rejected Mr. R.'s statements concerning 19 the intensity, persistence, and limiting effects of his symptoms as inconsistent with 20 the record. Tr. 43. 1 Mr. R. again argues the ALJ improperly penalized him for his poverty by 2 rejecting his symptom testimony based on lack of treatment history.

The Court 3 disagrees. The ALJ relied not only on Mr. R.'s failure to seek treatment for back 4 pain, but also the fact that he sought treatment for other conditions without reporting 5 any

symptoms related to lumbar pain or showing signs of any impairment.

The ALJ 6 also properly relied on inconsistencies in Mr. R.'s own testimony. For example, Mr. 7 R. claimed his back pain kept him from getting out of bed, putting on pants and 8 socks, and walking, running and standing. TR. 408. Yet his treatment records reveal 9 that during the time of his claimed disability he had been involved in "putting in 10 fence posts," Tr.

470, and "working outside and [ ] removing bushes." Tr. 438. Mr. 11 R. also reported practicing martial arts and Brazilian judo daily. Tr. 411, 445, 461. 12 Finally, the ALJ properly noted the record showed that, despite abnormal x-rays, Mr. 13 R.'s clinical findings on physical exams was unremarkable. Tr. At 43. 14 Mr. R. also argues the ALJ improperly discredited his testimony based on his 15 weak work history.

The Court disagrees. While the ALJ commented on Mr. R.'s 16 lack of work history for "years before the alleged onset date," this was not the basis 17 for rejecting Mr. R.'s symptom testimony. Tr. 43. Rather, the ALJ merely 18 commented that, given the lack of work history, Mr. R.'s "ongoing unemployment is 19 likely something of longer standing than his current medical impairments." Tr.

43. 20 The ALJ did not commit legal error in rejecting Mr. R.'s symptom testimony. 1 CONCLUSION 2 Having reviewed the record and the ALJ's findings, this Court concludes the 3 || ALJ's decision is supported by substantial evidence and free of harmful legal error. 4 Accordingly, 5 1. Mr. R.'s Brief, ECF No. 6, is DENIED. 6 2. Defendant's Brief, ECF No. 13, is GRANTED.

7 IT IS SO ORDERED. The District Court Clerk is directed to enter this Order 8 || and provide copies to counsel. Judgment shall be entered for Defendant and the file shall be CLOSED. 10 DATED November 25, 2025. 12 REBECCA L. PENNELL United States District Judge 13 14 15 16 17 18 19 20 ORDER AGEIR MING THE COANMINTICOIONER?S NECTCION \* 14