

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Justin M. Paquette v. Frank Bisignano

Paquette · No. CIV-24-1201-PRW · Decided December 19, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma adopted Magistrate Judge Suzanne Mitchell’s Report and Recommendation and affirmed the Social Security Administration’s decision denying Justin M. Paquette’s disability claim. The court rejected challenges concerning the evaluation of medical opinions, subjective symptoms, medication refusal, and activities of daily living, concluding that the ALJ’s decision was supported by substantial evidence and was free of harmful legal error.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Patrick R. Wyrick
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	December 19, 2025
DOCKET	CIV-24-1201-PRW
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Social Security Administration's final decision denying disability benefits. After the magistrate judge issued a Report and Recommendation recommending affirmance, Plaintiff filed objections and the Commissioner responded.
STANDARD OF REVIEW	The district court reviews properly objected-to portions of a magistrate judge's recommendation de novo and unobjected-to portions for clear error. In reviewing the SSA's decision, the court asks whether the administrative law judge's decision is supported by substantial evidence and free of legal error; it may not reweigh the evidence or substitute its judgment for the agency's. Any legal error warrants reversal only if the claimant demonstrates harmful prejudice.
PRECEDENTIAL VALUE	Unknown; district court order adopting a magistrate judge's Report and Recommendation

PARTIES

Justin M. Paquette v. Frank Bisignano, Commissioner of the Social Security Administration

TOPICS

judicial review of agency action

administrative law

civil procedure

PRACTICE AREAS

Social Security disability

administrative law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation after reviewing Plaintiff's objections.
2. Whether the ALJ's determination that Plaintiff could interact with coworkers and supervisors was supported by substantial evidence.
3. Whether the ALJ improperly evaluated Plaintiff's subjective mental-impairment symptoms and activities.
4. Whether Plaintiff waived his argument that the ALJ failed to apply the medication-refusal factors identified in *Frey v. Bowen* by raising it for the first time in his objections.

HOLDINGS

1. The district court must review de novo any portion of a magistrate judge's disposition to which a timely and specific objection is made, while unobjected-to portions may be reviewed for clear error.
2. The SSA's decision must be affirmed because the ALJ's residual-functional-capacity determination and finding that Plaintiff was not disabled were supported by substantial evidence, and the court could not reweigh the evidence or substitute its judgment for the agency's.
3. Plaintiff waived his argument that the ALJ failed to apply the factors from *Frey v. Bowen* because he did not raise that argument in his opening brief before the magistrate judge and raised it for the first time in his objections.
4. Reversal was unwarranted because Plaintiff failed to demonstrate that any alleged legal error was harmful.

KEY QUOTATIONS

"The Court must "determine de novo any part of the magistrate judge's disposition that has been properly objected to.""

"the opinion of the administrative law judge (the "ALJ") need only be supported by substantial evidence in the record"

"which is "more than a scintilla, but less than a preponderance""

“the Court must “neither reweigh the evidence nor substitute [its] judgment for that of the agency.””

“Issues raised for the first time in objections to the magistrate judge's recommendation are deemed waived.”

FACTUAL BACKGROUND

The administrative law judge determined that Plaintiff Justin M. Paquette was not disabled and could interact appropriately with coworkers and supervisors. The ALJ considered evidence concerning Paquette's bipolar-disorder symptoms, treatment records, medical opinions, subjective reports, medication refusal, and statements reflecting an interest in returning to the workforce through owning a small business and completing a college degree. The district court concluded that the ALJ's residual-functional-capacity determination was supported by substantial evidence and that Paquette had not shown harmful legal error.

PROCEDURAL HISTORY

Magistrate Judge Suzanne Mitchell issued a Report and Recommendation on July 9, 2025, recommending that the Social Security Administration's decision be affirmed. Plaintiff timely objected, and the Commissioner responded. The district court reviewed the properly objected-to portions de novo, reviewed the unobjected-to portions for clear error, adopted the Report and Recommendation in full, and affirmed the SSA decision.

DISPOSITION

affirmed

CASES CITED

- United States v. 2121 E. 30th St., Tulsa, Oklahoma, 73 F.3d 1057, 1060 (10th Cir. 1996)
- Summers v. State of Utah, 927 F.2d 1165, 1167-68 (10th Cir. 1991)
- Marshall v. Chater, 75 F.3d 1421, 1426-27 (10th Cir. 1996)
- Wilson v. Astrue, 602 F.3d 1136, 1140 (10th Cir. 2010)
- Doyal v. Barnhart, 331 F.3d 759, 760 (10th Cir. 2003)
- Lax v. Astrue, 489 F.3d 1080, 1084 (10th Cir. 2007)
- Zoltanski v. F.A.A., 372 F.3d 1195, 1200 (10th Cir. 2004)
- Newbold v. Colvin, 718 F.3d 1257, 1262 (10th Cir. 2013)
- Collins v. Colvin, 640 F. App'x 698, 701 (10th Cir. 2016)
- Shinseki v. Sanders, 556 U.S. 396, 409 (2009)
- Warnell v. O'Malley, 97 F.4th 1050, 1053-54 (7th Cir. 2024)
- Keyes-Zachery v. Astrue, 695 F.3d 1156, 1166-67 (10th Cir. 2012)
- Frey v. Bowen, 816 F.2d 508, 515 (10th Cir. 1987)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA JUSTIN M. PAQUETTE,)) Plaintiff,)) v.) Case No. CIV-24-1201-PRW)

FRANK BISIGNANO, 1 Commissioner) of the Social Security Administration,)) Defendant.)
ORDER On July 9, 2025, United States Magistrate Judge Suzanne Mitchell issued a Report &
Recommendation (Dkt. 22) (“R&R”) in this action by Plaintiff Justin M. Paquette seeking judicial
review of the Defendant’s final decision that Plaintiff is not disabled.

Magistrate Judge Mitchell recommends that the Court affirm the decision of the Social Security
Administration (“SSA”). The parties were advised of their right to object to the Report and
Recommendation by July 23, 2025. Plaintiff timely filed an objection (Dkt. 23) and the
Commissioner responded (Dkt. 24).

For the reasons discussed below, the Court ADOPTS the R&R (Dkt. 22) in full and AFFIRMS the
SSA’s decision. 1 Plaintiff’s Complaint named Martin O’Malley, former Commissioner of the
Social Security Administration, as the Defendant in this action. Pursuant to Fed. R. Civ. P. 25(d),
the current Commissioner of the Social Security Administration, Frank Bisignano, is automatically
substituted as the Defendant.

Legal Standard The Court must “determine de novo any part of the magistrate judge’s disposition
that has been properly objected to.”² Proper objections must be both timely and specific.³ A
specific objection “enables the district judge to focus attention on those issues—factual and legal
—that are at the heart of the parties’ dispute.”⁴ In the absence of a proper objection, the district
court may review a magistrate judge’s recommendation “under any standard it deems
appropriate.”⁵ The Court thus reviews the unobjected-to portions of the Report and
Recommendation to confirm that there is no clear error on the face of the record.⁶ Finding none,
the Court turns to Paquette’s specific objections.

Additionally, a party may not use his objections to raise new arguments that he did not raise before
the magistrate judge. The Court deems such arguments waived.⁷ In reviewing this matter, the
Court bears in mind the relevant legal touchstones: first, that the opinion of the administrative law
judge (the “ALJ”) need only be supported by substantial evidence in the record,⁸ which is “more
than a scintilla, but less than a preponderance”;⁹ 2 Fed.

R. Civ. P. 72(b)(3). 3 *United States v.* 2121 E. 30th St., Tulsa, Oklahoma, 73 F.3d 1057, 1060 (10th
Cir. 1996). 4 *Id.* 5 See *Summers v. State of Utah*, 927 F.2d 1165, 1167–68 (10th Cir. 1991). 6 *Id.* 7
Marshall v. Chater, 75 F.3d 1421, 1426–27 (10th Cir. 1996). 8 See 42 U.S.C. § 405(g); see also
Wilson v. Astrue, 602 F.3d 1136, 1140 (10th Cir. 2010); *Doyal v. Barnhart*, 331 F.3d 759, 760
(10th Cir.

2003). 9 *Lax v. Astrue*, 489 F.3d 1080, 1084 (10th Cir. 2007) (citing *Zoltanski v. F.A.A.*, 372 F.3d
1195, 1200 (10th Cir. 2004)). and second, that when examining the ALJ’s factual conclusion, the
Court must “neither reweigh the evidence nor substitute [its] judgment for that of the agency.”¹⁰
Further, legal error requires reversal only if Plaintiff can demonstrate that such error was

harmful.¹¹ Discussion Plaintiff's Objection is aimed more so at the ALJ's determination that Plaintiff could interact with coworkers and supervisors, rather than Judge Mitchell's findings.

Plaintiff first highlights the ALJ's failure to consider how two differing medical opinions regarding Plaintiff's bipolar disorder symptoms could lead to a determination that Plaintiff can appropriately interact with coworkers and supervisors.

However, the ALJ was not required to "address every piece or category of evidence identified by a claimant, fully summarize the record, or cite support for every proposition or chain of reasoning."¹² And as Judge Mitchell noted, even if the ALJ could draw differing conclusions from the evidence, that does not mean the ALJ's conclusion was unsupported by the requisite substantial evidence.¹³ Plaintiff argues that the ALJ's conclusion that Plaintiff can accept criticism to such a level as being able to operate in a workplace is not supported by the ALJ's observation that Plaintiff often "presented with euthymic mood, appropriate affect, linear 10 *Newbold v. Colvin*, 718 F.3d 1257, 1262 (10th Cir.

2013); see also *Collins v. Colvin*, 640 F. App'x 698, 701 (10th Cir. 2016) (rejecting arguments that "appear to question the ALJ's assessment of the evidence and urge the court to reweigh the evidence" since "[i]t is well settled... that [courts] do not reweigh the evidence or substitute [their] discretion for the agency's"). 11 *Shinseki v. Sanders*, 556 U.S. 396, 409 (2009) 12 *Warnell v. O'Malley*, 97 F.4th 1050, 1053-54 (7th Cir.

2024) 13 *Lax v. Astrue*, 489 F.3d 1080, 1084 (10th Cir. 2007) thought process, and good or excellent attention span."¹⁴ But in reviewing the record, the ALJ has provided an extensive narrative of Plaintiff's mood, evidencing that the ALJ had performed a holistic review of Plaintiff's ability to interact with the world on a month-by-month basis throughout 2022 and 2023.¹⁵ Further, the ALJ considered the opinion from the therapist who expressed that Plaintiff has an "extreme limitation in his ability ... to ... interact appropriately with supervisors, coworkers, and the general public[.]"¹⁶ The ALJ then appropriately noted that he found such opinion "inconsistent and not supported by treatment notes."¹⁷ It should also be noted that Plaintiff did not challenge this conclusion in his opening brief.

Accordingly, the ALJ's judgment will not be disturbed, as Plaintiff has not shown that the RFC was unsupported by substantial evidence. What Plaintiff is functionally asking for is this Court to re-weigh the evidence already considered by the ALJ, an ask that caselaw emphatically rejects.¹⁸ To the extent there was legal error (and the Court has not detected any), Plaintiff has not demonstrated how it was harmful in light of the ALJ's well-reasoned, holistic review.

Plaintiff then objects to the ALJ's subjective symptom analysis of Plaintiff's claimed mental status impairments. However, Plaintiff faults the ALJ for not performing his analysis through the lens of Tenth Circuit precedent applicable to "subjective 14 *R&R* (Dkt. 22), at 13. 15 *AR* 24–27. 16 *Id.* at

29. 17 Id. 18 Newbold, 718 F.3d at 1262. allegations of pain[.]”¹⁹ As previously discussed, this Court finds substantial evidence in the record supporting the ALJ’s conclusion that Plaintiff’s mental impairments do not inhibit his ability to work in accord with the ALJ’s recommendations.

Next, as to Plaintiff’s contention that the ALJ did not properly consider his refusal to take his medication, Plaintiff failed to allege this particular legal failure in his opening brief before the Magistrate’s Report and Recommendation was issued, specifically, the requirement to apply the factors in *Frey v. Bowen*.²⁰ Accordingly, Plaintiff has waived this argument.²¹ Finally, Plaintiff argues that Judge Mitchell’s Report and Recommendation failed to analyze the supposed errors of the ALJ in not considering Plaintiff’s inconsistent statement of activities with his subjective statements of limitations.

As Judge Mitchell pointed out, it’s fair game for an ALJ to consider a claimant’s expressed interest in returning to the workforce—which is what Plaintiff did by stating he’s interested in owning a small business and by completing his degree—in evaluating subjective reports.²² Common sense would indicate that someone expressing an interest in owning a small business and finishing a college degree would be weighed far heavier than subjective 19 *Keyes-Zachery v. Astrue*, 695 F.3d 1156, 1166-1167 (10th Cir.

2012) (emphasis added) (internal citation omitted). 20 816 F.2d 508, 515 (10th Cir. 1987). 21 *Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996) (“Issues raised for the first time in objections to the magistrate judge’s recommendation are deemed waived.”). 22 R&R (Dkt. 22), at 16 (citing *Newbold*, 718 F.3d at 1267). statements about an inability to interact with the world.

The Court agrees with Judge Mitchell that the ALJ consideration of these factors was not error. Conclusion Having carefully reviewed this matter de novo, the Court finds both that the ALJ did not legally err in arriving at his decision and that the record contains substantial evidence supporting the ALJ’s decision.

Accordingly, the Court ADOPTS the thorough and well-reasoned R&R (Dkt. 22) issued by Magistrate Judge Mitchell on July 9, 2025, and AFFIRMS the decision of the SSA. Pursuant to 42 U.S.C. § 405(g), a judgment shall follow. IT IS SO ORDERED this 19th day of December 2025.
matte UNITED STATES DISTRICT JUDGE