

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Teresa Diane Baker v. Leland Dudek, Acting Commissioner of Social
Security

Baker v. Dudek · No. 1:24-cv-00899-SKO · Decided March 24, 2025

SUMMARY

The United States District Court for the Eastern District of California reviewed Teresa Diane Baker’s challenge to the denial of Supplemental Security Income benefits. The court held that the Administrative Law Judge failed to adequately address consultative psychologist Dr. Lance Portnoff’s opinion regarding Baker’s moderate limitations in completing a normal workday or workweek and handling workplace stress. The court vacated the Commissioner’s decision and remanded the matter for further administrative proceedings.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 24, 2025
DOCKET	1:24-cv-00899-SKO
DISPOSITION	vacated
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's partially favorable decision on her Supplemental Security Income claim. The parties submitted briefs without oral argument.
STANDARD OF REVIEW	The court may set aside the Commissioner's denial of benefits when the ALJ's findings are based on legal error or are not supported by substantial evidence in the record as a whole. Substantial evidence is more than a mere scintilla and means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The court must consider the record as a whole and may not substitute its judgment where the evidence is susceptible to more than one rational interpretation.

PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown and it is generally nonprecedential.
PARTIES	Teresa Diane Baker v. Leland Dudek, Acting Commissioner of Social Security

TOPICS

judicial review of agency action administrative law remedies civil procedure

PRACTICE AREAS

Social Security administrative law judicial review of agency action civil procedure

QUESTIONS PRESENTED

1. Whether the ALJ erred by failing to provide specific and legitimate, substantially supported reasons for implicitly rejecting significant portions of Dr. Portnoff's examining psychological opinion.
2. Whether the error was harmless.
3. Whether the case should be remanded for further administrative proceedings or an award of benefits.

HOLDINGS

1. The ALJ erred by failing to provide specific and legitimate reasons supported by substantial evidence for implicitly rejecting Dr. Portnoff's moderate limitations concerning Baker's ability to complete a normal workday or workweek without psychiatric interruptions and to handle workplace stress.
2. The error was not shown to be harmless because the record did not establish how the vocational expert would evaluate the moderate limitations identified by Dr. Portnoff, and the vocational expert testified that comparable additional limitations could preclude all work.
3. Remand for further administrative proceedings, rather than an immediate award of benefits, was appropriate because further administrative review could remedy the ALJ's error and the record did not require a finding of disability before May 17, 2022.

KEY QUOTATIONS

"However, nothing in the ALJ's RFC—including the limitation to "simple and routine tasks [and] routine work-related decision making . . . and [] only occasional interactions with supervisors, coworkers, and the general public." (AR 429)—accommodates these opined moderate impairments." (at 8)

"The Court finds, consistent with the foregoing, that the ALJ's decision to limit Plaintiff to work consisting of "simple and routine tasks [and] routine work-related decision making" did not adequately address or account for Dr. Portnoff's moderate limitations as to Plaintiff's ability to complete a normal workday or workweek without interruptions and her ability to deal with the usual stress encountered in the workplace." (at 10)

"Based on the foregoing, the Court finds that the ALJ's decision is not supported by substantial evidence and is, therefore, VACATED and the case REMANDED to the ALJ for further proceedings consistent with this

FACTUAL BACKGROUND

Baker filed claims for Supplemental Security Income based on physical and mental impairments, including scoliosis, post-traumatic stress disorder, learning difficulties, depression-related conditions, and borderline intellectual functioning. A consultative psychologist, Lance A. Portnoff, opined that Baker had moderate limitations in completing a normal workday or workweek without psychiatric interruptions and in dealing with stress in a competitive work environment. The ALJ found Baker not disabled before May 17, 2022, but disabled thereafter, adopting an RFC limiting her to simple and routine tasks, routine work-related decisions, and occasional interactions. The vocational expert testified that additional limitations involving absences, breaks, or time off task would eliminate all work.

PROCEDURAL HISTORY

The ALJ previously found Plaintiff not disabled in a 2020 decision, and Plaintiff's judicial challenge resulted in voluntary remand for further proceedings, including consideration of obesity. The Appeals Council consolidated Plaintiff's claims and issued remand instructions. After a February 2024 hearing, the ALJ found Plaintiff not disabled before May 17, 2022, but disabled beginning on that date. The district court found that the ALJ failed to provide legally sufficient reasons for implicitly rejecting portions of an examining psychologist's opinion, vacated the decision, and remanded for further administrative proceedings.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The ALJ must reconsider Dr. Portnoff's opinion regarding Baker's moderate limitations and either credit the opinion or provide specific and legitimate reasons supported by substantial evidence for rejecting it. The ALJ must consider the medical evidence concerning Baker's impairments, including obesity, reassess the RFC if necessary, and proceed through steps four and five to determine what work, if any, Baker could perform before May 17, 2022.

CASES CITED

- Tackett v. Apfel, 180 F.3d 1094, 1097-98 (9th Cir. 1999)
- Burch v. Barnhart, 400 F.3d 676, 679 (9th Cir. 2005)
- Swenson v. Sullivan, 876 F.2d 683, 687 (9th Cir. 1989)
- Biestek v. Berryhill, 139 S. Ct. 1148, 1154 (2019)
- Consol. Edison Co. v. NLRB, 305 U.S. 197, 229 (1938)
- Ford v. Saul, 950 F.3d 1141, 1154 (9th Cir. 2020)
- Valentine v. Commissioner of Social Security Administration, 574 F.3d 685, 690 (9th Cir. 2009)
- Tommasetti v. Astrue, 533 F.3d 1035, 1038 (9th Cir. 2008)

- Edlund v. Massanari, 253 F.3d 1152, 1156 (9th Cir. 2001)
- Sousa v. Callahan, 143 F.3d 1240, 1243 (9th Cir. 1998)
- Penny v. Sullivan, 2 F.3d 953, 956 (9th Cir. 1993)
- Molina v. Astrue, 674 F.3d 1104, 1111, 1115 (9th Cir. 2012)
- Stout v. Commissioner, Social Security Administration, 454 F.3d 1050, 1055-56 (9th Cir. 2006)
- Robbins v. Social Security Administration, 466 F.3d 880, 885 (9th Cir. 2006)
- Shinseki v. Sanders, 556 U.S. 396, 409 (2009)
- Holohan v. Massanari, 246 F.3d 1195, 1201-02 (9th Cir. 2001)
- Lester v. Chater, 81 F.3d 821, 830-31 (9th Cir. 1995)
- Pitzer v. Sullivan, 908 F.2d 502, 506 (9th Cir. 1990)
- Embrey v. Bowen, 849 F.2d 418, 422 (9th Cir. 1988)
- Reddick v. Chater, 157 F.3d 715, 725 (9th Cir. 1998)
- Bain v. Astrue, 319 F. App'x 543, 545-46 (9th Cir. 2009)
- Stubbs-Danielson v. Astrue, 539 F.3d 1169, 1174 (9th Cir. 2008)
- Ferguson v. Commissioner of Social Security, 2019 WL 6341034, at *6 (E.D. Cal. Nov. 27, 2019)
- Slover v. Kijakazi, 2023 WL 5488416, at *4-5 (E.D. Cal. Aug. 24, 2023)
- Harrell v. Kijakazi, 2021 WL 4429416, at *6-7 (E.D. Cal. Sept. 27, 2021)
- Ramirez v. Kijakazi, 2023 WL 4409853, at *5 (E.D. Cal. July 7, 2023)
- Berenisia Madrigal v. Saul, 2020 WL 58289, at *5 (E.D. Cal. Jan. 6, 2020)
- Sahyoun v. Saul, 2020 WL 1492661, at *4 (E.D. Cal. Mar. 27, 2020)
- Thompson v. Astrue, 2012 WL 4513724, at *4 (C.D. Cal. Oct. 2, 2012)
- Macquarrie v. Commissioner of Social Security, 2023 WL 8242069, at *7 (E.D. Cal. Nov. 28, 2023)
- Devery v. Colvin, 2016 WL 3452487, at *5 (C.D. Cal. June 22, 2016)
- Dunlap v. Astrue, 2011 WL 1135357, at *6 (E.D. Cal. Mar. 25, 2011)
- Hiler v. Astrue, 687 F.3d 1208, 1212 (9th Cir. 2012)
- Marcia v. Sullivan, 900 F.2d 172, 177 n.6 (9th Cir. 1990)
- Newton v. Colvin, 2015 WL 1136477, at *6 n.4 (E.D. Cal. Mar. 12, 2015)
- Augustine ex rel. Ramirez v. Astrue, 536 F. Supp. 2d 1147, 1153 n.7 (C.D. Cal. 2008)
- McAllister v. Sullivan, 888 F.2d 599, 603 (9th Cir. 1989)
- Winans v. Bowen, 853 F.2d 643, 647 (9th Cir. 1988)
- Brown-Hunter v. Colvin, 806 F.3d 487, 495 (9th Cir. 2015)
- Lewin v. Schweiker, 654 F.2d 631, 635 (9th Cir. 1981)
- Benecke v. Barnhart, 379 F.3d 587, 593 (9th Cir. 2004)