

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA,
MISSOULA DIVISION

Amanda Black v. Frank Bisignano, Commissioner of Social Security

CV 25-22-M-KLD · No. CV 25-22-M-KLD · Decided March 12, 2026

SUMMARY

This order concerns Amanda Black’s action under 42 U.S.C. § 405(g) seeking review of the Commissioner of Social Security’s denial of supplemental security income benefits. The court evaluates challenges to the ALJ’s treatment of Black’s subjective symptom testimony and the opinion of her mental-health counselor. The court concludes that the ALJ did not provide sufficiently specific, clear, and convincing reasons to discount Black’s testimony concerning her physical impairments, but reasonably evaluated the counselor’s opinion as unpersuasive. The provided text ends during the discussion of vocational-expert testimony.

CASE DETAILS

COURT	United States District Court for the District of Montana, Missoula Division
WRITING FOR THE COURT	Kathleen L. DeSoto
JURISDICTION	United States District Court for the District of Montana, Missoula Division
DECIDED	March 12, 2026
DOCKET	CV 25-22-M-KLD
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying supplemental security income benefits. The district court reversed the administrative decision and remanded for further proceedings.
STANDARD OF REVIEW	The court may set aside the Commissioner's decision only if it is unsupported by substantial evidence or based on legal error. The court upholds an ALJ's decision when the evidence is susceptible to more than one rational interpretation and does not reverse for harmless error. An ALJ must provide specific, clear, and convincing reasons, supported by substantial evidence, to reject a claimant's subjective symptom testimony when there is no evidence of malingering.

PRECEDENTIAL VALUE	unpublished
PARTIES	Amanda Black v. Frank Bisignano, Commissioner of Social Security

TOPICS

judicial review of agency action administrative law disability definition

PRACTICE AREAS

Social Security disability administrative law judicial review of agency action civil procedure

QUESTIONS PRESENTED

1. Whether the ALJ provided legally sufficient, specific, clear, and convincing reasons supported by substantial evidence for discounting Black's subjective testimony concerning the severity and limiting effects of her physical impairments.
2. Whether the ALJ properly evaluated the persuasiveness of licensed clinical social worker Leslie Brown's mental-health opinion under the amended Social Security regulations.
3. Whether the ALJ's vocational-expert hypothetical and resulting step-five determination were supported when the ALJ inadequately evaluated Black's physical symptom testimony.
4. Whether the case should be remanded for further proceedings or for an immediate award of benefits.

HOLDINGS

1. The ALJ failed to provide specific, clear, and convincing reasons supported by substantial evidence for discounting Black's testimony about the severity and limiting effects of her physical impairments.
2. The ALJ reasonably found Leslie Brown's mental-health opinion unpersuasive because it was inadequately supported and not entirely consistent with other evidence.
3. Because the ALJ inadequately evaluated Black's physical symptom testimony, the error may have affected the RFC and vocational-expert hypothetical, undermining the evidentiary value of the step-five finding.
4. Remand for further administrative proceedings, rather than an immediate award of benefits, was appropriate.

KEY QUOTATIONS

"For the reasons discussed above, the Court finds that the ALJ did not provide clear and convincing reasons, supported by substantial evidence, for discounting Plaintiff's subjective testimony about the severity of her physical impairments and symptoms." (Tr. 21-23)

"Accordingly, remand for further administrative proceedings is the proper remedy."

FACTUAL BACKGROUND

Black alleged disability beginning July 25, 2022, based principally on lumbar degenerative disease, obesity, major depressive disorder, and associated physical and mental limitations. She testified to constant or worsening lower-back pain, occasional spasms and sciatica, limited standing and walking, and depression that worsened with pain. The ALJ found that she could perform sedentary work with limitations, could not perform past relevant work, but could perform other jobs identified by a vocational expert. The district court found that the ALJ did not adequately connect the cited medical evidence, daily activities, or conservative treatment to the specific physical limitations Black alleged.

PROCEDURAL HISTORY

Black protectively filed an application for Title XVI supplemental security income benefits on July 25, 2022. Her claim was denied initially, on reconsideration, and by an administrative law judge after a hearing; the Appeals Council denied review, making the ALJ's June 24, 2024 decision final. The district court reviewed the decision and concluded that the ALJ inadequately evaluated Black's subjective symptom testimony concerning her physical impairments, requiring remand for further administrative proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The ALJ must reevaluate Black's testimony concerning the severity and limiting effects of her physical impairments and consider whether additional limitations should be incorporated into the residual functional capacity assessment. Further administrative proceedings must be consistent with the opinion.

CASES CITED

- Treichler v. Commissioner of Social Security Administration, 775 F.3d 1090, 1098, 1103 (9th Cir. 2014)
- Andrews v. Shalala, 53 F.3d 1035, 1039 (9th Cir. 1995)
- Widmark v. Barnhart, 454 F.3d 1063, 1070 (9th Cir. 2006)
- Edlund v. Massanari, 253 F.3d 1152, 1156 (9th Cir. 2001)
- Burch v. Barnhart, 400 F.3d 676, 679, 681 (9th Cir. 2005)
- Tommasetti v. Astrue, 533 F.3d 1035, 1038 (9th Cir. 2008)
- Robbins v. Social Security Administration, 466 F.3d 880, 885 (9th Cir. 2006)
- Batson v. Commissioner of Social Security Administration, 359 F.3d 1190, 1193-94 (9th Cir. 2004)
- Ukolov v. Barnhart, 420 F.3d 1002, 1003 (9th Cir. 2005)
- Lingenfelter v. Astrue, 504 F.3d 1028, 1035-36 (9th Cir. 2007)
- Smartt v. Kijakazi, 53 F.4th 489, 494 (9th Cir. 2022)
- Brown-Hunter v. Colvin, 806 F.3d 487, 492-94 (9th Cir. 2015)
- Bunnell v. Sullivan, 947 F.2d 341, 345-46 (9th Cir. 1991)
- Joshua P. v. Kijakazi, 2021 WL 4330858, at *3 (D. Or. Sept. 23, 2021)

- *Sims v. Berryhill*, 704 F. App'x 703, 704 (9th Cir. 2017)
- *Gilliland v. Saul*, 821 F. App'x 798, 799 (9th Cir. 2020)
- *Valdez v. Berryhill*, 746 F. App'x 676, 677 (9th Cir. 2018)
- *Carmickle v. Commissioner of Social Security Administration*, 533 F.3d 1155, 1161 (9th Cir. 2008)
- *Regennitter v. Commissioner of Social Security Administration*, 166 F.3d 1294, 1297 (9th Cir. 1998)
- *Harriss v. Commissioner*, 2025 WL 1769713, at *12 (E.D. Cal. June 26, 2025)
- *Orteza v. Shalala*, 50 F.3d 748, 749-50 (9th Cir. 1995)
- *James S. v. Kijakazi*, 2023 WL 2536717, at *5 n. 5 (S.D. Cal. Mar. 15, 2023)
- *Rodriguez v. Commissioner of Social Security Administration*, 2024 WL 4487186, at *12 (D. Ariz. Aug. 27, 2024)
- *Jajo v. Astrue*, 273 F. App'x 658, 660 (9th Cir. 2008)
- *Iserloth v. Berryhill*, 2017 WL 7036657, at *6 (D. Mont. Oct. 2, 2017)
- *Orn v. Astrue*, 495 F.3d 625, 639 (9th Cir. 2007)
- *Ghanim v. Colvin*, 763 F.3d 1154, 1165 (9th Cir. 2014)
- *Parra v. Astrue*, 481 F.3d 742, 751 (9th Cir. 2007)
- *Lapierre-Gutt v. Astrue*, 382 F. App'x 662, 664 (9th Cir. 2010)
- *Christin D. v. Kijakazi*, 2024 WL 4132436, at *5 (D. Nev. Sept. 10, 2024)
- *Darren W. v. Saul*, 2021 WL 1181177, at *10 (D. Or. Mar. 29, 2021)
- *Garrison v. Colvin*, 759 F.3d 995, 1015-17 (9th Cir. 2014)
- *Embrey v. Bowen*, 849 F.2d 418, 422 (9th Cir. 1988)
- *Magallanes v. Bowen*, 881 F.2d 747, 756 (9th Cir. 1989)
- *Sample v. Schweiker*, 694 F.2d 639, 644 (9th Cir. 1982)
- *Benecke v. Barnhart*, 379 F.3d 587, 593 (9th Cir. 2004)