

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Philip Harry Werner, Jr. v. Frank Bisignano, Commissioner of Social
Security

Werner v. Bisignano · No. 2:25-cv-01427 · Decided April 16, 2026

SUMMARY

The court denied Plaintiff Philip Harry Werner, Jr.’s motion for reconsideration of an order remanding his Social Security disability case to the Commissioner for further administrative proceedings. The court found no manifest error of law and declined to reverse the benefits determination on an incomplete record concerning Plaintiff’s diabetic retinopathy and alleged visual impairment. The matter remained remanded for further factual development.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Arthur J. Schwab
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	April 16, 2026
DOCKET	2:25-cv-01427
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought reconsideration of an order remanding his Social Security disability-benefits action to the Commissioner for further administrative proceedings. The court denied the motion for reconsideration.
STANDARD OF REVIEW	A motion for reconsideration is granted only upon an intervening change in controlling law, newly available evidence, or the need to correct a clear error of law or fact or prevent manifest injustice. The scope of reconsideration is extremely limited.
PRECEDENTIAL VALUE	unknown
PARTIES	Philip Harry Werner, Jr. v. Frank Bisignano, Commissioner of Social Security

TOPICS

motion for reconsideration

judicial review of agency action

administrative law

civil procedure

remedies

PRACTICE AREAS

Social Security

administrative law

civil procedure

disability benefits

QUESTIONS PRESENTED

1. Whether the court's prior remand order should be reconsidered because of a manifest error of law.
2. Whether the court should reverse the Commissioner's denial of benefits and order calculation of benefits rather than remand for further administrative fact-finding.

HOLDINGS

1. Reconsideration was not warranted because Plaintiff identified no intervening change in controlling law, newly discovered evidence, or manifest error of law or fact.
2. The court properly declined to reverse the benefits denial or order calculation of benefits because the record was incomplete and required further administrative fact-finding concerning Plaintiff's diabetic retinopathy and visual acuity.

KEY QUOTATIONS

"Generally, a Motion for Reconsideration will only be granted on one of the following three grounds: (1) if there has been an intervening change in controlling law; (2) if new evidence, which was not previously available, has become available; or (3) if it is necessary to correct a clear error of law or to prevent manifest injustice." (II)

"Only once the record is fully developed will this Court consider whether to reverse or affirm the ALJ's decision (should the parties appeal again), and declines issue a ruling on an incomplete record." (III)

FACTUAL BACKGROUND

Werner alleged disability based in part on diabetes, a right foot amputation, neuropathy, hypertension, and proliferative diabetic retinopathy affecting both eyes. He argued that his eye condition showed that he was blind for purposes of Social Security benefits. The Commissioner identified conflicting or incomplete evidence concerning Werner's visual limitations and blindness, including a state-agency physician's opinion that the medical record did not confirm visual limitations. The court concluded that the record required further factual development before the merits of the benefits determination could be decided.

PROCEDURAL HISTORY

Werner applied for disability insurance benefits and supplemental security income, exhausted his administrative remedies, and sought judicial review of the denial of benefits. After Werner moved for summary judgment and the Commissioner moved for remand under the fourth sentence of 42 U.S.C. § 405(g), the court remanded for further factual development without deciding whether benefits should be awarded. Werner moved for reconsideration, arguing that the record showed he was effectively blind and that the court should reverse the denial and order calculation of benefits. The court denied reconsideration.

DISPOSITION

other

REMAND INSTRUCTIONS

The prior remand remains in effect. The Commissioner is to reopen and further develop the record concerning Plaintiff's diabetic retinopathy, visual acuity, possible blindness, and the impact of those findings on eligibility for benefits.

CASES CITED

- Max's Seafood Café by Lou Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999)
- Max's Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999)
- Lazaridis v. Wehmer, 591 F.3d 666, 669 (3d Cir. 2010) (per curiam)
- Blystone v. Horn, 664 F.3d 397, 415-16 (3d Cir. 2011)

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