

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

Tennance B. v. Frank Bisignano

No. 1:25-CV-3124-TOR (E.D. Wash. Jan. 30, 2026) · No. 1:25-CV-3124-TOR · Decided January 30, 2026

SUMMARY

The United States District Court for the Eastern District of Washington reviews the denial of Plaintiff Tennance B.’s application for Title XVI Social Security benefits. The court rejects challenges to the ALJ’s evaluation of symptom testimony and certain medical opinions, but finds harmful error because the ALJ failed to address medical opinions from Dick Moen, M.S.W., under the applicable regulations. The court reverses the Commissioner’s decision and remands for further proceedings.

CASE DETAILS

COURT	United States District Court for the Eastern District of Washington
JURISDICTION	U.S. District Court for the Eastern District of Washington
DECIDED	January 30, 2026
DOCKET	1:25-CV-3124-TOR
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. §§ 405(g) and 1383(c) (3) of the Commissioner's denial of his application for Title XVI Social Security benefits.
STANDARD OF REVIEW	The court affirms the Commissioner's decision unless it is unsupported by substantial evidence or based on legal error. Substantial evidence means more than a mere scintilla—such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The court reviews only the reasons articulated by the ALJ.
PRECEDENTIAL VALUE	unpublished district court order; persuasive authority only
PARTIES	Tennance B. v. Frank Bisignano, Commissioner of Social Security

TOPICS

- judicial review of agency action
- agency adjudication
- administrative law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the ALJ gave legally sufficient, specific, clear, and convincing reasons supported by substantial evidence for rejecting Plaintiff's symptom testimony.
2. Whether the ALJ properly evaluated the medical opinions of Thomas Genthe, Ph.D., and David T. Morgen, Ph.D., under 20 C.F.R. § 416.920c.
3. Whether the ALJ erred by failing to expressly evaluate Dick Moen's medical opinion and explain its supportability and consistency.
4. Whether the case should be remanded for an award of benefits under the credit-as-true rule or for further administrative proceedings.

HOLDINGS

1. The ALJ did not reversibly err in rejecting Plaintiff's symptom testimony because the ALJ provided specific, clear, and convincing reasons supported by substantial evidence, including inconsistency with the medical record, improvement with treatment and abstinence, treatment noncompliance or relapse, and daily activities inconsistent with a totally disabling impairment.
2. The ALJ did not reversibly err in finding portions of Thomas Genthe's and David T. Morgen's opinions unpersuasive because the ALJ addressed supportability and consistency and gave reasons supported by substantial evidence, including improvement with treatment, failure to satisfy the durational requirement, and reliance on discounted subjective reports or incomplete records.
3. The ALJ committed harmful legal error by failing to address Dick Moen's medical opinion and explain its supportability and consistency under 20 C.F.R. § 416.920c.
4. Remand for an immediate award of benefits was not warranted because it was not clear that the ALJ would be required to find Plaintiff disabled if Moen's opinion were credited.

KEY QUOTATIONS

“The Court will affirm the Commissioner’s decision to deny benefits unless it “is not supported by substantial evidence or is based on legal error.”” (Opinion at 2)

“the ALJ may reject the claimant's testimony about the severity of those symptoms only by providing specific, clear, and convincing reasons for doing so.” (Opinion at 10)

“Without express findings, the Court cannot consider the ALJ’s findings for Moen.” (Opinion at 21)

“Therefore, an order to remand to complete the record is appropriate.” (Opinion at 22)

FACTUAL BACKGROUND

Plaintiff had not worked since 2019 and alleged disabling mental-health and substance-use-related limitations. The ALJ found severe generalized anxiety disorder, major depressive disorder, attention deficit hyperactivity disorder, personality disorder, alcohol and stimulant disorder, and cannabis abuse disorder, but found that

Plaintiff retained the residual functional capacity for work at all exertional levels subject to mental and social limitations. The ALJ discounted Plaintiff's symptom testimony and found certain medical opinions unpersuasive, while failing to expressly evaluate reports from Dick Moen, M.S.W., concerning anxiety, depression, and Plaintiff's ability to work.

PROCEDURAL HISTORY

The administrative law judge denied Plaintiff's application after applying the five-step sequential evaluation process and finding that Plaintiff could perform jobs existing in significant numbers in the national economy. Plaintiff moved for judicial review, arguing that the ALJ improperly rejected his symptom testimony and medical opinions and failed to consider all medical opinions. The district court granted Plaintiff's opening brief in part, reversed the Commissioner's decision, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The ALJ must assess Dick Moen's medical opinion and any other necessary opinions, reassess the evidence as appropriate, and conduct the sequential evaluation process to issue a new decision with sufficient articulated reasons under 20 C.F.R. § 416.920c.

CASES CITED

- Lambert v. Saul, 980 F.3d 1266, 1277-78 (9th Cir. 2020)
- Treichler v. Commissioner of Social Security Administration, 775 F.3d 1090, 1098, 1102 (9th Cir. 2014)
- Biestek v. Berryhill, 587 U.S. 97, 99, 103 (2019)
- Consolidated Edison Co. of New York v. N.L.R.B., 305 U.S. 197, 229 (1938)
- Hoopai v. Astrue, 499 F.3d 1071, 1074-75 (9th Cir. 2007)
- Thomas v. Barnhart, 278 F.3d 947, 955 (9th Cir. 2002)
- Brown-Hunter v. Colvin, 806 F.3d 487, 488-89, 494 (9th Cir. 2015)
- Vasquez v. Astrue, 572 F.3d 586, 591 (9th Cir. 2009)
- Lingenfelter v. Astrue, 504 F.3d 1028, 1035-36 (9th Cir. 2007)
- Smolen v. Chater, 80 F.3d 1273, 1284 (9th Cir. 1996)
- Carmickle v. Commissioner, Social Security Administration, 533 F.3d 1155, 1161-62, 1168 (9th Cir. 2008)
- Smartt v. Kijakazi, 53 F.4th 489, 499 (9th Cir. 2022)
- Molina v. Astrue, 674 F.3d 1104, 1113, 1115, 1117 (9th Cir. 2012)
- Tommasetti v. Astrue, 533 F.3d 1035, 1039 (9th Cir. 2008)
- Woods v. Kijakazi, 32 F.4th 785, 788, 791-92 (9th Cir. 2022)
- Wellington v. Berryhill, 878 F.3d 867, 876 (9th Cir. 2017)
- Maia B. v. Commissioner of Social Security, 2025 WL 1929132, at *5 (W.D. Wash. July 14, 2025)

- Sarah E. v. Commissioner of Social Security, No. C22-5121-MAT, 2022 WL 4315684, at *5 (W.D. Wash. Sept. 19, 2022), *aff'd sub nom. Eichenberger v. Kijakazi*, No. 22-35937, 2023 WL 5928483 (9th Cir. Sept. 12, 2023)
- Dixon v. Saul, 411 F. Supp. 3d 837, 852 (N.D. Cal. 2019)
- Benecke v. Barnhart, 379 F.3d 587, 593 (9th Cir. 2004)
- Batson v. Commissioner of Social Security Administration, 359 F.3d 1190, 1197 (9th Cir. 2004)

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