

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA**

Carmen R. H. v. Frank Bisignano, Commissioner of Social Security

Carmen R. H. · No. CV 24-7400 PVC · Decided September 11, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 11 CARMEN R. H.,¹ Case No. CV 24-7400 PVC 12 Plaintiff,
MEMORANDUM DECISION 13 v. AND ORDER 14 FRANK BISIGNANO, Commissioner of
Social Security,² 15 Defendant. 16 17 18 Carmen R. H. (Plaintiff) appeals from the final decision
of the Commissioner of 19 Social Security (Commissioner or Agency) denying her applications
for Disability 20 Insurance Benefits (DIB) and Supplemental Security Income (SSI).

The parties consented 21 pursuant to 28 U.S.C. § 636(c) to the jurisdiction of the undersigned
United States 22 Magistrate Judge. (Dkt. Nos. 6–8). On November 4, 2024, the Commissioner
answered 23 the Complaint, which was limited to filing the Administrative Record. (“AR,” Dkt.
No. 24 25 1 The Court partially redacts Plaintiff’s name in compliance with Federal Rule of Civil
26 Procedure 5.2(c)(2)(B) and the recommendation of the Committee on Court Administration
and Case Management of the Judicial Conference of the United States.

27 2 Frank Bisignano, Commissioner of Social Security, is substituted for his predecessor. 28 See
42 U.S.C. § 405(g); Fed. R. Civ. P. 25(d). 1 10). On December 2, 2024, Plaintiff filed her opening
brief in support of her request for 2 remand. (“Pl. Br.,” Dkt. No. 11).

On January 15, 2025, Defendant filed his opposition 3 brief. (“Def. Br.,” Dkt. No. 15). 4 For the
reasons stated below, the decision of the Commissioner is REVERSED, 5 and this case is
REMANDED for further administrative proceedings consistent with this 6 decision. 7 8 I. 9
PROCEDURAL HISTORY 10 11 In January 2021, Plaintiff applied for DIB and SSI, alleging
disability beginning 12 October 1, 2020.

(AR 89, 236–49). The Commissioner denied the applications initially 13 and upon
reconsideration. (AR 81–116). On September 19, 2023, an Administrative Law 14 Judge (ALJ)
conducted a telephonic hearing at which Plaintiff, accompanied by an 15 attorney, appeared and
testified along with a vocational expert (VE). (AR 44–80). 16 17 On October 2, 2023, the ALJ
issued an adverse decision.

(AR 30–39). At step 18 one, the ALJ found that Plaintiff has not engaged in substantial gainful
activity since 19 October 1, 2020, the alleged onset date. (AR 32). At step two, the ALJ found that
20 Plaintiff’s post-traumatic stress disorder (PTSD), depression, and anxiety are severe 21

impairments. (AR 32). At step three, the ALJ determined Plaintiff does not have an impairment or combination of impairments that meet or medically equal the severity of any of the listings enumerated in the regulations.

(AR 33–35). The ALJ then assessed Plaintiff’s residual functional capacity (RFC) and concluded that she can perform a full range of work at all exertional levels but with the following nonexertional limitations: “simple instructions; simple, routine tasks; no quota production pace work; off task 5 percent of the time; occasional interaction with the public, coworkers, and supervisors; and occasional changes in a routine work setting.” 3 (AR 35–36).

At step four, the ALJ found that Plaintiff is unable to perform any past relevant work. (AR 37). At step five, based on Plaintiff’s RFC, age, education, work experience, and the VE’s testimony, the ALJ found that there are jobs that exist in significant numbers in the national economy which Plaintiff can perform, including marker, floor waxer, commercial cleaner, and housekeeper.

(AR 37–38). Accordingly, the ALJ found that Plaintiff was not under a disability from October 1, 2020, through the date of his decision. (AR 38–39). Plaintiff requested review of the ALJ’s decision, which the Appeals Council denied on July 1, 2024. (AR 1–6). This action followed on August 29, 2024. (Dkt. No. 1). II. ISSUES PRESENTED On appeal, Plaintiff raises two issues: (1) whether the ALJ’s RFC determination was supported by substantial evidence; and (2) whether the ALJ provided clear and convincing reasons for rejecting Plaintiff’s subjective limitations.

(Pl. Br. at 4, 8). III. STANDARD OF REVIEW Under 42 U.S.C. § 405(g), a district court may review the Commissioner’s decision to deny benefits. “[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.” *Aukland v. Massanari*, 257 F.3d 1033, 1035 (9th Cir.

2001); see *Smolen v. Chater*, 80 F.3d 1273, 1279 (9th Cir. 1996). “Substantial evidence is more than a scintilla, but less than a preponderance.” *Reddick v. Chater*, 157 F.3d 715, 720 (9th Cir. 2000). It is “relevant evidence which a reasonable person might accept as adequate to support a conclusion.” *Id.*; accord *Kitchen v. Kijakazi*, 82 F.4th 732, 738 (9th Cir.

2023). To determine whether substantial evidence supports the Agency’s findings, the court must review “all the pages of the ALJ’s decision,” *Kaufmann v. Kijakazi*, 32 F.4th 843, 851 (9th Cir. 2022), “weighing both evidence that supports and evidence that detracts from the [Commissioner’s] conclusion,” *Aukland*, 257 F.3d at 1035 (citation omitted). If the evidence can reasonably support either affirming or reversing that conclusion, the court may not substitute its judgment for that of the Commissioner.

Reddick, 157 F.3d at 720– 10 21. 11 12 IV. 13 DISCUSSION 14 15 A. Plaintiff’s Subjective Statements 16 17 In February 2021, Plaintiff alleged disability due to PTSD and anxiety. (AR 271). 18 In a February 2021 Adult Function Report, she asserted an inability to work due to panic 19 attacks, memory loss, night terrors, trouble concentrating, trust issues, and social anxiety.

20 (AR 286). She is sensitive to bright lights and loud noises. (AR 286). She can care for 21 her two children and herself, prepare meals, and complete household chores. (AR 287– 22 288). She can drive, go out alone, and shop in stores. (AR 289). Friends and family 23 trigger her PTSD and anxiety. (AR 290). Plaintiff’s conditions affect her ability to talk, 24 remember, complete tasks, concentrate, understand and follow instructions, and get along 25 with others.

(AR 291). She is unable to handle stress. (AR 292). 26 27 At her February 2023 hearing, Plaintiff testified that she is unable to work due to 28 anxiety, PTSD, trauma, depression, and insomnia. (AR 53–54). She has trouble thinking 1 clearly, focusing, remembering, and concentrating. (AR 55). When she experiences 2 PTSD episodes, she is physically, emotionally, and mentally exhausted, causing problems 3 with self-care.

(AR 61). Plaintiff has trouble sleeping due to nightmares and sleep 4 disturbances. (AR 68). She experiences flashbacks daily of abuse by her ex-husband, 5 causing panic attacks and blurred vision lasting 30–45 minutes. (AR 68, 70–71, 73). She 6 has trouble interacting with people, especially men. (AR 71). She no longer can shop in 7 stores, preferring instead to shop online.

(AR 63). While Plaintiff can drive, she does not 8 own a car. (AR 64). 9 10 B. Applicable Legal Principles 11 12 While “an individual’s statements of symptoms alone are not enough to establish 13 the existence of a physical or mental impairment or disability, ... if an individual alleges 14 impairment-related symptoms, [the Agency] must evaluate those symptoms.” SSR 16-3p, 15 2017 WL 5180304, at *2.3 When assessing a claimant’s subjective symptom statements, 16 the ALJ engages in a two-step analysis.

Trevizo v. Berryhill, 871 F.3d 664, 678 (9th Cir. 17 2017). Critically, “subjective symptom evaluation is not an examination of an 18 individual’s character.” SSR 16-3p, 2017 WL 5180304, at *2. Instead, the ALJ must first 19 determine if there is medical evidence of an impairment that could reasonably produce the 20 symptoms alleged. Garrison v. Colvin, 759 F.3d 995, 1014 (9th Cir.

2014). “In this 21 analysis, the claimant is not required to show that her impairment could reasonably be 22 expected to cause the severity of the symptom she has alleged; she need only show that it 23 could reasonably have caused some degree of the symptom.” Id. (citation omitted). “Nor 24 must a claimant produce objective medical evidence of the pain or fatigue itself, or the 25 severity thereof.” Id. (citation omitted).

26 27 3 SSR 16-3p applies to decisions made on or after March 28, 2016. SSR 16-3p, 2017 28 WL 5180304, at *1. 1 If the claimant satisfies this first step, the ALJ must “evaluate the intensity and 2 persistence of those symptoms to determine the extent to which the symptoms limit an 3 individual’s ability to perform work-related activities.” SSR 16-3p, 2017 WL 5180304, at 4 *3.

If there is no evidence of malingering, the ALJ must provide specific, clear and 5 convincing reasons for rejecting the claimant’s testimony about the symptom severity. 6 Trevizo, 871 F.3d at 678 (citation omitted); see also Robbins v. Soc. Sec. Admin., 466 F.3d 7 880, 883 (9th Cir. 2006) (“[U]nless an ALJ makes a finding of malingering based on 8 affirmative evidence thereof, he or she may only find an applicant not credible by making 9 specific findings as to credibility and stating clear and convincing reasons for each.”); 10 Smolen, 80 F.3d at 1284 (“[T]he ALJ may reject the claimant’s testimony regarding the 11 severity of her symptoms only if he makes specific findings stating clear and convincing 12 reasons for doing so.”). “This is not an easy requirement to meet: The clear and 13 convincing standard is the most demanding required in Social Security cases.” Garrison, 14 759 F.3d at 1015 (citation omitted).

15 16 Further, “a claimant’s testimony regarding the severity of subjective symptoms can 17 only be disregarded when the ALJ specifies which testimony she finds not credible, and 18 then provides clear and convincing reasons, supported by evidence in the record, to 19 support that credibility determination.” Smith v. Kijakazi, 14 F.4th 1108, 1113 (9th Cir. 20 2021) (citation omitted).

The Ninth Circuit has described the specific finding required: 21 22 [A]n ALJ does not provide specific, clear, and convincing reasons for 23 rejecting a claimant’s testimony by simply reciting the medical evidence in 24 support of his or her residual functional capacity determination.

To ensure 25 that [a federal court’s] review of the ALJ’s credibility determination is 26 meaningful, and that the claimant’s testimony is not rejected arbitrarily, [the 27 Ninth Circuit] require[s] the ALJ to specify which testimony she finds not 28 1 credible, and then provide clear and convincing reasons, supported by 2 evidence in the record, to support that credibility determination.

3 4 Brown-Hunter v. Colvin, 806 F.3d 487, 489 (9th Cir. 2015); accord Smith, 14 F.4th at 5 1112. Accordingly, the ALJ’s decision “must contain specific reasons for the weight 6 given to the individual’s symptoms, be consistent with and supported by the evidence, and 7 be clearly articulated so the individual and any subsequent reviewer can assess how the 8 adjudicator evaluated the individual’s symptoms.” SSR 16-3p, 2017 WL 5180304, at *10.

9 “Ultimately, the ‘clear and convincing’ standard requires an ALJ to show his work” 10 Smartt v. Kijakazi, 53 F.4th 489, 499 (9th Cir. 2022). “If the ALJ fails to provide specific, 11 clear, and convincing reasons for discounting the claimant’s subjective symptom 12 testimony, then the

ALJ's determination is not supported by substantial evidence." 13 *Ferguson v. O'Malley*, 95 F.4th 1194, 1199 (9th Cir.

2024). 14 15 C. Analysis 16 17 The ALJ found that Plaintiff's PTSD, depression, and anxiety are severe 18 impairments (AR 32), and the ALJ made no affirmative finding of malingering. Instead, 19 the ALJ found that "[Plaintiff's] medically determinable impairments could reasonably be 20 expected to cause the above-alleged symptoms; however, [Plaintiff's] statements 21 concerning the intensity, persistence and limiting effects of these symptoms are not 22 entirely consistent with the medical evidence and other evidence in the record for the 23 reasons explained in this decision." (AR 36).

But as the Ninth Circuit has regularly 24 admonished the Agency, "boilerplate language of this sort fails to inform a reviewing 25 court of the specific evidence the ALJ considered in determining that [the] claimant's 26 complaints were not credible, and furthermore, it fails to inform a reviewing court as to 27 which portions of [the claimant's] testimony were credited and which portions were not." 28 1 *Tudor v. Saul*, 484 F. Supp. 3d 717, 728 (N.D.

Cal. 2020) (citing *Laborin v. Berryhill*, 867 2 F.3d 1151, 1154–55 (9th Cir. 2017), and *Brown-Hunter*, 806 F.3d at 489, 494). 3 4 The ALJ did not clearly explain his reasons for discounting Plaintiff's subjective 5 statement testimony. See SSR 16-3p, 2017 WL 5180304, at *10 (requiring the ALJ to 6 clearly articulate his reasoning "so the individual and any subsequent reviewer can assess 7 how the adjudicator evaluated the individual's symptoms").

Indeed, the ALJ did not even 8 discuss Plaintiff's February 2023 hearing testimony. Instead, in a single, short paragraph, 9 the ALJ summarily concluded: 10 11 As for [Plaintiff's] statements about the intensity, persistence, and limiting 12 effects of his or her symptoms, they are inconsistent. [Plaintiff] alleges that 13 she is incapable of working due to her mental conditions.

However, she 14 also reports that she is able to cook, clean, shop, drive, and care for her 2 15 children. Mental status examinations were generally within normal limits 16 and do not reflect findings that [Plaintiff] is incapable of work. 17 18 (AR 36) (citations omitted). But the ALJ does not clearly explain which statements are 19 inconsistent or how they undermine Plaintiff's testimony.

And even giving the ALJ the 20 benefit of the doubt, his reasons and reasoning are not supported by substantial evidence. 21 22 The ALJ concluded that Plaintiff's ability to cook, clean, shop, drive, and care for 23 her 2 children was "inconsistent" with her alleged mental limitations. (AR 36). But 24 "ALJs must be especially cautious in concluding that daily activities are inconsistent with 25 [a claimant's subjective statements], because impairments that would unquestionably 26 preclude work and all the pressures of a workplace environment will often be consistent 27 with doing more than merely resting in bed all day." *Garrison*, 759 F.3d at 1016.

Thus, 28 an ALJ may rely on a claimant's daily activities to discount subjective statements only 1 when those activities either (1) "contradict" the claimant's testimony or (2) "meet the 2 threshold for transferable work skills," i.e., where the claimant "is able to spend a 3 substantial part of his day engaged in pursuits involving the performance of physical 4 functions that are transferable to a work setting." *Orn v. Astrue*, 495 F.3d 625, 639 (9th Cir.

2007) (citation omitted); accord *Ghanim v. Colvin*, 763 F.3d 1154, 1165 (9th Cir. 6 2014). 7 8 Here, Plaintiff's daily activities do not contradict her subjective statements. While 9 Plaintiff is able to drive, she does not own a car and takes an Uber or Lyft when she needs 10 to leave her home. (AR 64–65). This is consistent with her testimony that because of her 11 PTSD and frequent panic attacks, she avoids public contacts, especially men.

(AR 71). 12 Similarly, she does not shop in stores; instead, she shops online. (AR 63). And Plaintiff 13 does not undermine the severity of her mental impairments by doing what she can to care 14 for her two young children. See *Hall v. Comm'r of Soc. Sec. Admin.*, No. CV-21-00553-15 TUC-JGZ, 2023 WL 2624473, at *3 (D. Ariz. Mar. 24, 2023) ("Hall does not disprove the 16 reported severity of her mental and physical impairments by caring for her family, 17 especially her young grandchildren, who protective services placed in her care.

Under 18 these circumstances and regardless of the severity of her impairments, Hall may still 19 attempt to care for her family, and her efforts to do so should not be used to discredit 20 her.") (citing *Gentle v. Barnhart*, 430 F.3d 865, 867 (7th Cir. 2005) ("Gentle must take 21 care of her children, or else abandon them to foster care or perhaps her sister, and the 22 choice may impel her to heroic efforts.")).

That Plaintiff can engage in these basic 23 activities does not mean that she can work eight hours on an everyday basis. See *Ghanim*, 24 763 F.3d at 1165 ("[T]here is no indication here that the limited activities *Ghanim* 25 engaged in, often with the help of a friend, either comprised a 'substantial' portion of 26 *Ghanim's* day[] or were 'transferrable' to a work environment.")).

Thus, Plaintiff's daily 27 activities neither contradict her testimony nor meet the threshold for fulltime work. See 28 *Smith*, 14 F.4th at 1114 (finding that "record evidence concerning *Smith's* daily activities 1 neither contradicts his testimony nor meets the threshold for full-time work, the two 2 grounds we have recognized for using daily activities to form a basis of an adverse 3 credibility determination").

4 5 Finally, the ALJ found that Plaintiff's "normal" mental status examinations were 6 inconsistent with her subjective statements. (AR 36, citing *id.* 485–560). But while these 7 mental status examinations were generally within normal limits, they also invariably noted 8 that Plaintiff was suffering from anxiety, PTSD, insomnia, and depression. (E.g., AR 484, 9 485, 487, 488, 490, 492, 494).

Indeed, her treating source noted that “[Plaintiff] currently 10 meets criteria to obtain a dx of PTSD due to confirming experiencing flashbacks, feels 11 like she is going through the attack at times, experiencing heart palpitations, racing 12 thoughts with increased hypervigilance due to being choked by her husband.” (AR 490). 13 These findings are not “normal.” As one court explained in rejecting an ALJ’s similar 14 reliance on normal mental status examinations to find a medical source unpersuasive: 15 16 The findings to which the ALJ, cites, however, do not seem “generally 17 normal”—unless consistent diagnoses of major depressive disorder, 18 generalized anxiety disorder, and/or PTSD are considered “generally 19 normal.” Further, it is unclear to the undersigned how Plaintiff’s “mood and 20 affect disturbances” can be differentiated from her underlying diagnoses.

21 Depression and anxiety are certainly conditions that affect an individual’s 22 mood and affect. As such, Plaintiff’s “anxious” or “sad” mood and 23 “weepy,” “expansive,” or “limited” affect seem part and parcel with her 24 underlying conditions.

Thus, it is not altogether clear how Plaintiff could 25 have both “mood and affect disturbances” and “generally normal findings.” 26 27 *Emily S. v. Kijakazi*, No. 22-CV-01331-RMI, 2023 WL 3805257, at *8 (N.D. Cal. June 1, 28 2023) (citation omitted); accord *Isaiah J. B. v. Kijakazi*, No. ED CV 22-01483-AS, 2023 1 WL 5208812, at *10 (C.D. Cal. Aug. 11, 2023) (collecting cases).

The ALJ must consider 2 all evidence and cannot disregard relevant records. 20 C.F.R. §§ 404.1529(a), 3 404.1545(a)(1); see *Robbins v. Soc. Sec. Admin.*, 466 F.3d 880, 883 (9th Cir. 2006) (“In 4 determining a claimant’s RFC, an ALJ must consider all relevant evidence in the record, 5 including, inter alia, medical records, lay evidence, and the effects of symptoms, including 6 pain, that are reasonably attributed to a medically determinable impairment.”) (citation 7 omitted); accord *Werlein v. Berryhill*, 725 F. App’x 534, 535 (9th Cir.

2018). And even if 8 the ALJ’s evaluation of the medical evidence was clear and convincing—which it was 9 not—inconsistencies with the objective medical evidence cannot be the sole ground for 10 rejecting a claimant’s subjective statements. *Bray v. Comm’r of Soc. Sec. Admin.*, 554 11 F.3d 1219, 1227 (9th Cir. 2009) (“Once the claimant produces objective medical evidence 12 of an underlying impairment, an adjudicator may not reject a claimant’s subjective 13 complaints based solely on a lack of objective medical evidence to fully corroborate the 14 claimant’s allegations.”); SSR 16-3p, 2017 WL 5180304, at *5 (“We will not evaluate an 15 individual’s symptoms based solely on objective medical evidence unless that objective 16 medical evidence supports a finding that the individual is disabled.”).

17 18 Accordingly, the Court concludes that the ALJ did not provide specific, clear, and 19 convincing reasons, supported by substantial evidence, for discounting Plaintiff’s 20 subjective symptom statements, and remand is therefore warranted.⁴ 21 22 23 24 25 4 Plaintiff also argues that the ALJ erred in evaluating her RFC and the medical 26 opinions. (Pl. Br. at 4–8).

However, it is unnecessary to reach Plaintiff's arguments on these grounds, as the matter is remanded for the alternative reason discussed at length in 27 this Decision. Nevertheless, on remand, the Agency shall consider all relevant evidence, 28 including the medical opinions, in assessing Plaintiff's RFC. 1 V. 2 CONCLUSION 3 4 Accordingly, IT IS ORDERED that Judgment be entered REVERSING the 5 || decision of the Commissioner and REMANDING the matter for further proceedings 6 || consistent with this decision.

8 || DATE: September 11, 2025 fuk q — 9 PEDRO V.CASTILLO 10 UNITED STATES
MAGISTRATE JUDGE 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 12