

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Janie Misak v. Commissioner of Social Security

Misak v. Commissioner of Social Security, No. 1:22-cv-01348-CDB (SS) (E.D. Cal. Sept. 16, 2025) · No. 1:22-cv-01348-CDB (SS) · Decided September 16, 2025

SUMMARY

The United States District Court for the Eastern District of California reviews the Commissioner of Social Security’s denial of Janie Misak’s applications for disability insurance benefits and supplemental security income. The order addresses whether the administrative law judge improperly ended the sequential evaluation at step two by finding that Misak’s impairments were not severe. The court grants Misak’s motion for summary judgment and remands the action pursuant to sentence four of 42 U.S.C. § 405(g).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 16, 2025
DOCKET	1:22-cv-01348-CDB (SS)
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying her applications for disability insurance benefits and supplemental security income. The parties filed cross-motions for summary judgment without oral argument.
STANDARD OF REVIEW	Under 42 U.S.C. § 405(g), the court reviews the Commissioner's decision for substantial evidence and legal error, considers the record as a whole, reviews only the reasons provided by the ALJ, and may not substitute its judgment for that of the Commissioner. An error is harmless when it is inconsequential to the ultimate nondisability determination.
PRECEDENTIAL VALUE	Unknown; federal district court opinion
PARTIES	Janie Misak v. Commissioner of Social Security

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the ALJ legally erred by finding Misak's major depressive disorder and borderline intellectual functioning non-severe at step two.
2. Whether the ALJ legally erred by finding Misak's urinary incontinence non-severe at step two.
3. Whether the step-two errors were harmless when the ALJ did not consider the alleged mental and physical limitations in any subsequent step of the sequential evaluation.
4. Whether remand for further administrative proceedings, rather than an immediate award of benefits, was appropriate.

HOLDINGS

1. The ALJ erred by finding Misak's major depressive disorder and borderline intellectual functioning non-severe because the evidence did not clearly establish that those impairments had no more than a minimal effect on her ability to perform basic work activities.
2. The ALJ erred by finding Misak's urinary incontinence non-severe because the record did not clearly establish that the impairment had no more than a minimal effect on her ability to perform basic work activities.
3. The step-two errors were not harmless because the ALJ ended the sequential evaluation and did not consider the limitations associated with the mental impairments or urinary incontinence in any later step.
4. Remand for further administrative proceedings was warranted rather than an immediate award of benefits.

KEY QUOTATIONS

“The scope of review under § 405(g) is limited; the Commissioner’s decision will be disturbed “only if it is not supported by substantial evidence or is based on legal error.”” (Legal Standard)

“In the Ninth Circuit, step two of the disability inquiry is “a de minimis screening device to dispose of groundless claims.”” (Legal Standard)

“At most, Dr. Pasek’s opinion raises an ambiguity as to Plaintiff’s overall intellectual functioning capacity generally and as applied to the four functional areas given her asymmetrical nonverbal and verbal reasoning abilities.” (Analysis)

“Because the ALJ did not consider the limitations of Plaintiff’s mental impairments in any subsequent steps of the sequential evaluation, the error is not harmless.” (Analysis)

“This matter is REMANDED pursuant to sentence four of 42 U.S.C. §405(g) for further proceedings

consistent with this decision.” (Conclusion and Order)

FACTUAL BACKGROUND

Misak alleged disability based in part on major depressive disorder, borderline intellectual functioning, and urinary incontinence. The record included longstanding diagnoses and treatment relating to depression, below-average intelligence, learning difficulties, impaired memory, low cognitive-test scores, urinary urgency and frequency, nocturia, stress incontinence, cystocele, and the use of medication and incontinence products. She also testified that she had difficulty reading, writing, calculating expenses, completing tasks, and that she needed to wear two or three diapers daily. The ALJ found all impairments non-severe at step two and ended the sequential evaluation without assessing their limitations in later steps.

PROCEDURAL HISTORY

Misak applied for disability insurance benefits and supplemental security income in September 2019. The claims were denied initially and on reconsideration. After a telephone hearing, the ALJ issued an unfavorable decision on August 25, 2021, finding that Misak had no severe impairment at step two. The Appeals Council denied review on August 16, 2022. Misak filed this action, and the district court granted her motion for summary judgment, reversed the ALJ's decision, and remanded for further proceedings under sentence four of 42 U.S.C. § 405(g).

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the decision. The ALJ must reconsider at step two whether Misak's mental impairments and urinary incontinence are severe under the de minimis standard, consider the relevant evidence and limitations in the sequential evaluation, and conduct any further proceedings necessary to remedy the identified deficiencies.

CASES CITED

- Hill v. Astrue, 698 F.3d 1153, 1158-59 (9th Cir. 2012)
- Sandgathe v. Chater, 108 F.3d 978, 980 (9th Cir. 1997)
- Tommasetti v. Astrue, 533 F.3d 1035, 1038 (9th Cir. 2008)
- Sanders, 556 U.S. 396, 409-10 (2009)
- Tackett v. Apfel, 180 F.3d 1094, 1098 (9th Cir. 1999)
- Beltran v. Astrue, 700 F.3d 386, 389 (9th Cir. 2012)
- Keyser v. Commissioner of Social Security Administration, 648 F.3d 721, 725 (9th Cir. 2011)
- Webb v. Barnhart, 433 F.3d 683, 686-87 (9th Cir. 2005)
- Smolen v. Chater, 80 F.3d 1273, 1290 (9th Cir. 1996)
- Buck v. Berryhill, 869 F.3d 1040, 1048-49 (9th Cir. 2017)

- Lujan v. Berryhill, 298 F. Supp. 3d 1323, 1327 (E.D. Cal. 2018)
- Callahan v. Kijakazi, 657 F. Supp. 3d 1368, 1380 (E.D. Cal. 2023)
- Bowen v. Yuckert, 482 U.S. 137, 146 n.5 (1987)
- Ukolov v. Barnhart, 420 F.3d 1002, 1004-06 (9th Cir. 2005)
- Ortiz v. Commissioner of Social Security, 425 F. App'x 653, 655 (9th Cir. 2011)
- Kim R. S. v. Kijakazi, 2022 WL 1405429, at *3 (E.D. Cal. May 4, 2022)
- Burch v. Barnhart, 400 F.3d 676, 682 (9th Cir. 2005)
- Burke v. Kijakazi, 2023 WL 2636379, at *4, *6 (E.D. Cal. Mar. 24, 2023)
- Tomasek v. Astrue, No. C-06-07805, 2007 WL 1813840, at *3 (N.D. Cal. June 22, 2007)
- Croker v. Berryhill, No. 2:15-cv-2423-EFB, 2017 WL 1179148, at *3 (E.D. Cal. Mar. 30, 2017)
- Leanos v. Commissioner of Social Security, No. 1:18-CV-01467-JDP, 2020 WL 8922890, at *1 (E.D. Cal. Mar. 16, 2020)
- Benecke v. Barnhart, 379 F.3d 587, 593 (9th Cir. 2004)
- Frits v. Kijakazi, No. 2:19-cv-2371 DB, 2021 WL 3883793, at *3 (E.D. Cal. Aug. 31, 2021)

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