

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

Rosalba Beltran Quintero v. Frank Bisignano

No. 2:24-cv-10052-JC (C.D. Cal. Aug. 25, 2025) · No. 2:24-cv-10052-JC · Decided August 25, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 ROSALBA B.Q.,1 Case No. 2:24-cv-10052-JC 11 Plaintiff, 12
MEMORANDUM OPINION v. 13 14 FRANK BISIGNANO, Commissioner of Social Security,
15 Defendant. 16 17 I. SUMMARY 18 On November 20, 2024, Plaintiff filed a Complaint
seeking review of the 19 Commissioner of Social Security’s denial of Plaintiff’s application for
benefits.

20 On January 21, 2025, Defendant filed an Answer consisting of the Administrative 21 Record
 (“AR”). 22 This matter is before the Court on the parties’ cross-briefs (respectively, 23 “Plaintiff’s
Brief” and “Defendant’s Brief”).

The Court has taken this matter 24 under submission without oral argument. See SSA Supp. Rule
5; November 25, 25 2024 Case Management Order ¶ 4. 26 27 1Plaintiff’s name is partially
redacted to protect Plaintiff’s privacy in compliance with Federal Rule of Civil Procedure 5.2(c)
(2)(B) and the recommendation of the Committee on Court 28 Administration and Case
Management of the Judicial Conference of the United States.

1 1 Based on the record as a whole and the applicable law, the decision of the 2 Commissioner is
AFFIRMED. The findings of the Administrative Law Judge 3 (“ALJ”) are supported by
substantial evidence and are free from material error. 4 II. BACKGROUND AND SUMMARY
OF ADMINISTRATIVE 5 DECISION 6 On June 28, 2021, Plaintiff filed an application for
supplemental security 7 income (SSI), alleging disability beginning on June 1, 2021, due to low
bone 8 density, lower back, water retention in leg, stiff hands, heart problems, chest pain/ 9
difficulty breathing, low blood pressure, anxiety, and insomnia.

(AR 333, 359). 10 The ALJ subsequently examined the medical record and, on November 15,
2023, 11 heard testimony from Plaintiff (who was represented by counsel) and a vocational 12
expert. (AR 60-85). 13 On January 31, 2024, the ALJ determined that Plaintiff has not been 14
disabled since June 28, 2021, the application date. (AR 23-53). Specifically, the 15 ALJ found: (1)
Plaintiff suffers from the following severe impairments: an 16 anxiety disorder, schizophrenia, a
learning disability, and obesity (AR 26); 17 (2) Plaintiff’s impairments, considered individually or
in combination, do not meet 18 or medically equal a listed impairment (AR 28); (3) Plaintiff
retains the residual 19 functional capacity (“RFC”) to perform light work (20 C.F.R. §

416.967(b)), with 20 additional limitations² (AR 32); (4) Plaintiff has no past relevant work (AR 51); 21 22 2“Light work involves lifting no more than 20 pounds at a time with frequent lifting or 23 carrying of objects weighing up to 10 pounds.” 20 C.F.R. § 416.967(b).

The ALJ additionally 24 determined that Plaintiff: (i) can lift and/or carry up to twenty pounds occasionally and up to ten pounds frequently; (ii) can stand and/or walk for four hours out of an eight-hour workday; 25 (iii) can sit for six hours out of an eight-hour workday; (iv) can frequently push or pull; (v) can occasionally climb ramps, balance, stoop, and crouch; (v) cannot climb stairs, ladders, ropes, or 26 scaffolds; (vi) cannot kneel or crawl; (vii) cannot work with or near hazards, such as unprotected 27 heights, power tools, or instrumentalities that are hazardous, such as an open furnace; (viii) cannot work in atmospheric conditions involving concentrated exposure to pulmonary 28 (continued...)

2 | || and (5) there are jobs that exist in significant numbers in the national economy that 2 || Plaintiff can perform, such as parking lot attendant; “assembler, power screw 3 || driver”; and “assembler, small products” (AR 51-52). 4 On October 11, 2024, the Appeals Council denied Plaintiff's application for 5 || review. (AR 1-3). 6] 10. APPLICABLE LEGAL STANDARDS 7 A. Administrative Evaluation of Disability Claims 8 To qualify for disability benefits, a claimant must show that she is unable 9 || “to engage in any substantial gainful activity by reason of any medically 10 || determinable physical or mental impairment which can be expected to result in 11 || death or which has lasted or can be expected to last for a continuous period of not 12 || less than 12 months.” *Molina v. Astrue*, 674 F.3d 1104, 1110 (9th Cir.

2012) 13 || (quoting 42 U.S.C. § 423(d)(1)(A)) (internal quotation marks omitted), superseded 14 || by regulation on other grounds as stated in *Sisk v. Saul*, 820 F. App'x 604, 606 15 || (9th Cir. 2020); 20 C.F.R. § 416.905(a).

To be considered disabled, a claimant 16 || must have an impairment of such severity that she is incapable of performing work 17 || the claimant previously performed (“past relevant work”) as well as any other 18 || “work which exists in the national economy.” *Tackett v. Apfel*, 180 F.3d 1094, 19 | 1098 (9th Cir. 1999) (citing 42 U.S.C. § 423(d)). 20 To assess whether a claimant is disabled, an ALJ is required to use the five- 21 || step sequential evaluation process set forth in Social Security regulations.

See 22 || *Stout v. Comm’r, Soc. Sec. Admin.*, 454 F.3d 1050, 1052 (9th Cir. 2006) 23 || (describing five-step sequential evaluation process (citing 20 C.F.R. §§ 404.1520, 24] 25 *(...continued) irritants; (ix) cannot walk on uneven terrain or work at heights; (x) can perform simple tasks and make simple work-related judgments; (xi) can have frequent interaction with the public, 27 || co-workers, and supervisors; and (xii) can adapt to occasional changes in the work environment.

3g (AR 32). 1 || 416.920)). The claimant has the burden of proof at steps one through four — i.e., 2 || determination of whether the claimant was engaging in substantial gainful activity 3 || (step 1), has a sufficiently severe impairment (step 2), has an impairment or 4 || combination of impairments that meets or medically equals one of the conditions 5 || listed in 20 C.F.R. Part 404, Subpart P, Appendix 1 (“Listings”) (step 3), and 6 || retains the residual functional capacity to perform past relevant work (step 4).

7 || *Burch v. Barnhart*, 400 F.3d 676, 679 (9th Cir. 2005) (citation omitted). The 8 || Commissioner has the burden of proof at step five — i.e., establishing that the 9 || claimant could perform other work in the national economy. *Id.* 10 B. Federal Court Review of Social Security Disability Decisions 11 A federal court may set aside a denial of benefits only when the 12 || Commissioner’s “final decision” was “based on legal error or not supported by 13 || substantial evidence in the record.” 42 U.S.C. § 405(g); *Trevizo v. Berryhill*, 871 14 || F.3d 664, 674 (9th Cir.

2017) (citation and quotation marks omitted). The 15 || standard of review in disability cases is “highly deferential.” *Rounds v. Comm’r* 16 || of Soc. Sec. Admin., 807 F.3d 996, 1002 (9th Cir. 2015) (citation and quotation 17 || marks omitted).

Thus, an ALJ’s decision must be upheld if the evidence could 18 || reasonably support either affirming or reversing the decision. *Trevizo*, 871 F.3d at 19 || 674-75 (citations omitted). Even when an ALJ’s decision contains error, it must 20 || be affirmed if the error was harmless. See *Treichler v. Comm’r of Soc. Sec.* 21 || Admin., 775 F.3d 1090, 1099 (9th Cir.

2014) (ALJ error harmless if 22 || (1) inconsequential to the ultimate nondisability determination; or (2) ALJ’s path 23 || may reasonably be discerned despite the error (citation and quotation marks 24 || omitted)). 25 Substantial evidence is “such relevant evidence as a reasonable mind might 26 || accept as adequate to support a conclusion.” *Trevizo*, 871 F.3d at 674 (defining 27 || “substantial evidence” as “more than a mere scintilla, but less than a 28 || preponderance” (citation and quotation marks omitted)).

When determining 1 || whether substantial evidence supports an ALJ’s finding, a court “must consider the 2 || entire record as a whole, weighing both the evidence that supports and the 3 || evidence that detracts from the Commissioner’s conclusion[.]” *Garrison v.* 4 || *Colvin*, 759 F.3d 995, 1009 (9th Cir. 2014) (citation and quotation marks omitted). 5 Federal courts review only the reasoning the ALJ provided, and may not 6 || affirm the ALJ’s decision “on a ground upon which [the ALJ] did not rely.” 7 || *Trevizo*, 871 F.3d at 675 (citations omitted).

Hence, while an ALJ’s decision need 8 || not be drafted with “ideal clarity,” it must, at a minimum, set forth the ALJ’s 9 || reasoning “in a way that allows for meaningful review.” *Brown-Hunter v. Colvin*, 10 || 806 F.3d 487, 492 (9th Cir. 2015) (citing *Treichler*, 775 F.3d at 1099). 11 A reviewing

court may not conclude that an error was harmless based on 12 || independent findings gleaned from the administrative record.

Id. When a 13 || reviewing court cannot confidently conclude that an error was harmless, a remand 14 || for additional investigation or explanation is generally appropriate. See *Marsh v. 15 | Colvin*, 792 F.3d 1170, 1173 (9th Cir. 2015) (citations omitted). 16], IV. DISCUSSION 17 Plaintiff's sole claim is that the ALJ's hypothetical to the vocational expert 18 || (or "VE") included an additional limitation that was not ultimately included in the 19 | ALJ's RFC assessment.

(See Plaintiff's Brief at 7-8). For the reasons stated 20 || below, Plaintiff has not shown that a reversal or remand is warranted on this 21 || ground. 22 A. Applicable Law 23 To assess whether a claimant is disabled at steps four and five of the 24 || sequential evaluation process, the ALJ must determine the claimant's residual 25 || functional capacity, or RFC. "A claimant's residual functional capacity is what 26 || [she] can still do despite [her] physical, mental, nonexertional, and other 27 || limitations." *Cooper v. Sullivan*, 880 F.2d 1152, 1155 n.5 (9th Cir.

1989) (citing 28 || 20 C.F.R. § 404.1545); see also 20 C.F.R. § 416.945. An RFC assessment 1 || requires the ALJ to consider a claimant's impairments and any related symptoms 2 || that may "cause physical and mental limitations that affect what [she] can do in a 3 || work setting." 20 C.F.R. § 416.945(a)(1).

In determining a claimant's RFC at 4 || step four of the sequential analysis, an ALJ must consider "all of the relevant 5 || medical and other evidence" in the record, 20 C.F.R. §§ 416.945(a)(3), 6 || 416.946(c), and must consider all of the claimant's "medically determinable 7 || impairments," including those that are not severe, 20 C.F.R. § 416.945(a)(2); *Orn 8 || v. Astrue*, 495 F.3d 625, 630 (9th Cir.

2007). "[A]n RFC that fails to take into 9 || account a claimant's limitations is defective." *Valentine v. Comm'r. of Soc. Sec. 10 || Admin.*, 574 F.3d 685, 690 (9th Cir. 2009). 11 At step five, the Commissioner must prove that an individual with the same 12 || RFC, age, education, and work experience as the claimant could perform the 13 || demands of work which exists in "significant numbers" in the national economy.

14 | 42 U.S.C. § 423(d)(2)(A); 20 C.F.R. § 416.920(a)(4)(v) & (g), 416.960(c); 15 || *Heckler v. Campbell*, 461 U.S. 458, 461-62 (1983); see *Zavalin v. Colvin*, 778 16 || F.3d 842, 845 (9th Cir. 2015) (describing legal framework for step five (citations 17 || omitted)). One way the Commissioner may satisfy this burden is by obtaining 18 || testimony from an impartial vocational expert about the type of work such a 19 || claimant is still able to perform, as well as the availability of related jobs in the 20 || national economy.

See *Gutierrez v. Colvin*, 844 F.3d 804, 806-07 (9th Cir. 2016) 21 | (citation omitted); *Osenbrock v. Apfel*, 240 F.3d 1157, 1162 (9th Cir. 2001) 22 || (citing *Tackett*, 180 F.3d at 1100-01). When a

vocational expert is consulted at 23 || step five, the ALJ typically asks the vocational expert at the hearing to identify 24 || specific examples of occupations that could be performed by a hypothetical 25 || individual with the same characteristics as the claimant.

Zavalin, 778 F.3d at 846 26 || (citations omitted); Hill v. Astrue, 698 F.3d 1153, 1161 (9th Cir. 2012) (citations 27 || omitted). “The hypothetical an ALJ poses to a vocational expert, which derives 28 || from the RFC, ‘must set out all the limitations and restrictions of the particular 1 claimant.’” Valentine, 574 F.3d at 690 (citing Embrey v. Bowen, 849 F.2d 418, 2 422 (9th Cir.

1988)). However, it is “proper to limit a hypothetical to those 3 impairments that are supported by substantial evidence in the record.” Osenbrock, 4 240 F.3d at 1165. So long as the ALJ’s hypothetical question included all of the 5 claimant’s limitations supported by the record, the vocational expert’s responsive 6 testimony may constitute substantial evidence of a claimant’s ability to perform 7 jobs existing in substantial numbers in the national economy.

See Hill, 698 F.3d 8 at 1161-62 (citations omitted); Robbins v. Soc. Sec. Admin., 466 F.3d 880, 886 9 (9th Cir. 2006) (citation omitted). 10 B. Pertinent Facts 11 At the hearing on Plaintiff’s application, the ALJ presented the following 12 hypothetical to the VE: 13 [A] hypothetical individual of [Plaintiff’s] age, education, and work 14 experience limited to work at the light exertional level... [who] 15 would stand and/or walk a total of four hours in an eight-hour 16 workday with normal breaks and would use a front-wheel[ed] walker 17 for any standing or walking;... could sit a total of six hours with 18 normal breaks in an eight-hour workday;... could frequently push 19 and/or pull as much as they could lift and/or carry and that they could 20 occasionally lift and/or carry 20 pounds and frequently lift and/or 21 carry 10 pounds;... could occasionally use ramps, but could not use 22 stairs;... could never use ladders, ropes, or scaffolds; could 23 occasionally balance, stoop, or crouch; could never kneel or crawl; 24 could not work with or near hazards such as, for example, 25 unprotected heights, power tools, or instrumentalities that are 26 hazardous such as an open furnace;... could not perform work on an 27 uneven terrain; could not do work at heights; could not do work in 28 atmospheric conditions involving concentrated exposure to 7 1 pulmonary irritants such as dust, pollen, fumes, or smoke;... could 2 perform simple tasks and make simple work-related judgments; could 3 have frequent interaction with the public, supervisors, and coworkers 4 and could adapt to occasional changes in the work environment.

5 (AR 74-75 (emphases added)). The VE testified that such person could perform 6 the occupations of parking lot attendant; assembler, power screwdriver; and 7 assembler, small products.³ (AR 75). 8 Subsequently, in the decision, the ALJ determined that Plaintiff had an RFC 9 which included all the limitations set forth in the above-quoted hypothetical except 10 that it omitted the use of a front-wheeled walker (or other assistive device).

(AR 11 32). The ALJ expressly determined that the record did not support the need for a 12 walker. (See AR 34). The ALJ then relied on the VE's testimony in response to 13 the above-quoted hypothetical to find, at step five, that Plaintiff could perform the 14 representative jobs of parking lot attendant; "assembler, power screw driver"; and 15 "assembler, small products." (AR 52).

In making this finding, the ALJ remarked 16 as follows: 17 Although I have concluded the record does not establish that 18 [Plaintiff] requires the use of a walker, the vocational expert testified 19 that even if [Plaintiff] were further limited to using a walker for 20 standing and walking, she would be able to perform the occupations 21 identified above. 22 (AR 52).

23 24 3The ALJ also presented a second hypothetical that included the same limitations as the 25 first, except that it was further limited to sedentary (rather than light) exertion and an ability to sit for a total of eight hours (rather than six) in an eight-hour workday. (AR 75-76).

The VE 26 testified that such an individual could perform the occupations of document preparer, ticket 27 checker, and surveillance system monitor. (AR 76-77). As the ALJ ultimately found that Plaintiff is capable of light work and six hours of sitting (AR 32), the second hypothetical and 28 response are not pertinent here. 8 1 The ALJ thus concluded that Plaintiff was not disabled and denied her SSI 2 application.

(AR 52-53). 3 C. Analysis 4 Plaintiff's sole contention is that the ALJ erred by including the use of a 5 front-wheeled walker in her hypothetical to the VE and then omitting that 6 limitation from the RFC. (Plaintiff's Brief at 7). Notably, Plaintiff does not 7 contend that she required the use of a walker, or that the ALJ erred by rejecting 8 walker use in the RFC finding.⁴ Rather, she complains only that "[n]o 9 hypotheticals were posed to [the VE] that removed the limitation of the front 10 wheeled walker for standing and walking." (Plaintiff's Brief at 7).

On that basis, 11 Plaintiff asserts that the VE "was never presented with a complete hypothetical," 12 and thus the ALJ's finding at step five "rests upon an incomplete hypothetical." 13 (Plaintiff's Brief at 8 (emphasis added)). 14 It is true that an ALJ generally cannot rely on a VE's testimony in response 15 to an incomplete hypothetical – i.e., a hypothetical that omits functional limitations 16 that are assessed in the RFC or are otherwise supported by substantial evidence in 17 the record.

See *Leach v. Kijakazi*, 70 F.4th 1251, 1255 (9th Cir. 2023) ("If an 18 ALJ's hypothetical does not reflect all of the claimant's limitations, then the 19 expert's testimony has no evidentiary value to support a finding that the claimant 20 can perform jobs in the national economy." (quoting *Bray v. Comm'r of Soc. Sec.* 21 Admin., 554 F.3d 1219, 1228 (9th Cir.

2009)) (internal quotation marks omitted)). 22 Here, however, Plaintiff has not identified any limitation that was omitted from the 23 hypothetical. To the contrary, the hypothetical was

complete because it included 24 every limitation assessed in the RFC, along with an extra limitation – use of a 25 front-wheel walker – that was then rejected and thus omitted from the RFC.

The 26 27 4Regardless, any error in omitting walker use from the RFC clearly would be harmless since, as the ALJ noted, Plaintiff would still be able to perform the same jobs with a front-wheel 28 walker. (See AR 52, 75). 9 1 || ALJ thus described to the VE a hypothetical person with less functional capacity 2 || greater functional limitation) than Plaintiff possessed.

In that situation, 3 || reliance on the VE’s testimony does not result in material error. Compare Leach, 4 | 70 F.4th at 1257 (ALJ harmfully erred by relying on VE testimony in response to a 5 | hypothetical that omitted a limitation assessed in the RFC, “thereby describing [to 6 || the VE] a hypothetical person with greater functional capacity than Claimant 7 || possesse[d]” (emphasis added)), with Felton v. Colvin, 2015 WL 262953, at *12 8 | (C.D.

Cal. Jan. 21, 2015) (ALJ was entitled to rely on VE’s testimony in response 9 || to hypothetical that contained “all the limitations [the ALJ] found credible based 10 || on the evidence of record (as well as additional limitations that he later 11 || determined were not credible)” (citing Bayliss v. Barnhart, 427 F.3d 1211, 1217 12 || (9th Cir. 2005)) (emphasis added)); Barragan v. Colvin, 2013 WL 5467430, at *6 13 | (C.D.

Cal. Sept. 30, 2013) (any error in reliance on VE testimony was harmless 14 | where the hypothetical “included limitations actually more restrictive than 15 || included in Plaintiff’s RFC,” such that “the VE’s resulting testimony was, in effect, 16 || less inclusive of jobs that Plaintiff [was] capable of performing”); Morris v. 17 | Astrue, 2013 WL 1000326, at *16 (D.R.I.

Feb. 1, 2013) (when an ALJ assigns an 18 || RFC more restrictive than what is indicated by the evidence, the “ALJ has favored 19 || plaintiff and any error is harmless”) (citing Stain v. Astrue, 2012 WL 1067867, at 20 || *6 (D. Me. Mar. 28, 2012), aff’d, 2012 WL 1313485 (D. Me. Apr. 17, 2012)), 21 || report and recommendation adopted, 2013 WL 997132 (D.R.I.

Mar. 13, 2013). 22 Plaintiff therefore fails to demonstrate any material error in the ALJ’s 23 || decision, which is reasonable and supported by substantial evidence in the record. 24 | /// 25 | /// 26 |] /// 27 | /// 28 | /// 10 1 V. CONCLUSION 2 For the foregoing reasons, the decision of the Commissioner of Social 3 Security is AFFIRMED. 4 LET JUDGMENT BE ENTERED ACCORDINGLY.

5 DATED: August 25, 2025 6 _____/s/_____ Honorable Jacqueline Chooljian 7 UNITED STATES MAGISTRATE JUDGE 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 11

