

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA, WESTERN DIVISION

Kimberly Collier v. Frank Bisignano, Commissioner of Social
Security Administration

No. 5:25-CV-45-FL-KS · No. 5:25-CV-45-FL-KS · Decided February 17, 2026

SUMMARY

This Memorandum and Recommendation addresses Kimberly Collier’s challenge under 42 U.S.C. § 405(g) to the denial of disability insurance benefits and supplemental security income. The magistrate judge recommends reversing the Commissioner’s decision and remanding for further proceedings because the ALJ improperly evaluated fibromyalgia symptoms and failed to explain the circumstances under which Collier required a handheld assistive device. The recommendation was issued subject to objections by March 3, 2026.

CASE DETAILS

COURT	United States District Court for the Eastern District of North Carolina, Western Division
WRITING FOR THE COURT	Kimberly A. Swank
JURISDICTION	United States District Court for the Eastern District of North Carolina, Western Division
DECIDED	February 17, 2026
DOCKET	5:25-CV-45-FL-KS
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 magistrate judge issued a Memorandum and Recommendation recommending reversal and sentence-four remand for further administrative proceedings.
STANDARD OF REVIEW	The court reviews whether substantial evidence supports the Commissioner's factual findings and whether the decision was reached through application of the correct legal standards. The court may not reweigh conflicting evidence, make credibility determinations, or substitute its judgment for the Commissioner's, but must determine

	whether all relevant evidence was considered and sufficiently explained.
PRECEDENTIAL VALUE	Unpublished, nonprecedential memorandum and recommendation; subject to adoption, rejection, or modification by the presiding district judge.
PARTIES	Kimberly Collier v. Frank Bisignano, Commissioner of Social Security Administration

TOPICS

judicial review of agency action

administrative law

civil procedure

PRACTICE AREAS

Social Security disability

administrative law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the ALJ improperly evaluated Plaintiff's fibromyalgia symptoms and limitations by relying heavily on the absence of objective evidence and specialist treatment.
2. Whether the ALJ's step-five finding was inadequately explained because the residual functional capacity stated that Plaintiff required a handheld assistive device without specifying when or why it was needed.

HOLDINGS

1. The ALJ applied an improper standard in evaluating Plaintiff's fibromyalgia by heavily relying on the lack of objective evidence and the absence of rheumatology treatment to discount Plaintiff's symptom statements.
2. Remand was required because the ALJ failed to explain the circumstances or purposes for which Plaintiff needed a handheld assistive device, preventing meaningful review of whether the identified jobs remained available.

KEY QUOTATIONS

"Plaintiff requires a handheld assistive device." (R. 90)

"needed for standing and walking." (R. 169)

"include a narrative discussion describing how the evidence supports each conclusion" (at 189)

"For the reasons stated above, it is RECOMMENDED that the Commissioner's decision be REVERSED and the matter be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings." (Conclusion)

FACTUAL BACKGROUND

Plaintiff alleged disability beginning September 6, 2021, based in part on fibromyalgia and related pain and functional limitations. The ALJ found severe impairments including fibromyalgia, chronic pain syndrome, obesity, lumbar spinal stenosis, diabetes, hypertension, and anxiety and depression, but determined that Plaintiff retained the capacity for restricted light work. The ALJ also found that Plaintiff required a handheld assistive device but did not specify the circumstances or purposes for its use. Relying on vocational-expert testimony, the ALJ identified three jobs Plaintiff could perform, although the vocational expert testified that those jobs would be precluded if the device were needed for standing and walking.

PROCEDURAL HISTORY

Plaintiff applied for DIB and SSI in September 2021. The applications were denied initially and on reconsideration; following two administrative hearings, an ALJ issued an unfavorable decision on February 15, 2024. The Appeals Council denied review on December 3, 2024, after which Plaintiff filed this action. The magistrate judge recommended that the district court reverse and remand the Commissioner's decision.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The recommendation directs reversal of the Commissioner's decision and remand pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. The recommendation does not prescribe a particular benefits determination.

CASES CITED

- 829 F.2d 514, 517 (4th Cir. 1987)
- 76 F.3d 585, 589 (4th Cir. 1996)
- 402 U.S. 389, 401 (1971)
- 368 F.2d 640, 642 (4th Cir. 1966)
- 270 F.3d 171, 176 (4th Cir. 2001)
- 131 F.3d 438, 439-40 (4th Cir. 1997)
- 174 F.3d 473, 475 n.2 (4th Cir. 1999)
- 65 F.3d 1200, 1203 (4th Cir. 1995)
- 658 F.2d 260, 264 (4th Cir. 1981)
- 780 F.3d 632, 634, 636 (4th Cir. 2015)
- 983 F.3d 83, 94, 96 (4th Cir. 2020)
- 162 F.4th 111, 122, 124 (4th Cir. 2025)
- 826 F.3d 176, 189 (4th Cir. 2016)
- 766 F.2d 841, 846-47 (4th Cir. 1985)

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