

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH,
NORTHERN DIVISION

Kevin O. v. Frank Bisignano, Commissioner of Social Security

Case No. 1:25-cv-00006-CMR (D. Utah Mar. 30, 2026) · No. 1:25-cv-00006-CMR · Decided March 31, 2026

SUMMARY

The United States District Court for the District of Utah reviews the Commissioner of Social Security’s denial of Kevin O.’s claims for disability insurance benefits and supplemental security income. The court rejects the plaintiff’s challenges concerning vocational-expert testimony, conflicts with the Dictionary of Occupational Titles, job-number evidence, and the residual functional capacity assessment, and affirms the administrative law judge’s decision.

CASE DETAILS

COURT	United States District Court for the District of Utah, Northern Division
WRITING FOR THE COURT	Cecilia M. Romero
JURISDICTION	United States District Court for the District of Utah, Northern Division
DECIDED	March 31, 2026
DOCKET	1:25-cv-00006-CMR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying disability insurance benefits and supplemental security income. The court reviewed the certified administrative record and the parties' briefs.
STANDARD OF REVIEW	The court reviewed the Commissioner's factual findings for substantial evidence and reviewed the application of legal standards for reversible error. It could not reweigh the evidence or substitute its judgment for that of the ALJ.
PRECEDENTIAL VALUE	unpublished district-court memorandum decision; precedential status not identified
PARTIES	Kevin O. v. Frank Bisignano, Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- ada / disability

PRACTICE AREAS

Social Security disability

administrative law

judicial review of agency action

vocational evidence

QUESTIONS PRESENTED

1. Whether the ALJ complied with SSR 00-4p by identifying and resolving conflicts between the vocational expert's testimony and the Dictionary of Occupational Titles.
2. Whether the vocational expert's job-number testimony was unreliable because of differences between SkillTRAN's definition of full-time work and the Social Security Administration's definition.
3. Whether reliance on SkillTRAN rendered the vocational expert's testimony unreliable.
4. Whether the ALJ's RFC assessment adequately accounted for Plaintiff's impairments, including moderate limitations in concentration, persistence, and pace.
5. Whether the vocational expert's testimony constituted substantial evidence supporting the step-five finding.

HOLDINGS

1. SSR 00-4p requires an ALJ to identify, investigate, explain, and resolve conflicts between vocational-expert testimony and the DOT, but does not require resolution of alleged conflicts with other occupational-data sources absent supporting authority.
2. The vocational expert's testimony did not conflict with Plaintiff's RFC or the DOT because the identified jobs involved the lowest or near-lowest levels of data and people functioning and did not require significant public interaction.
3. The difference between SkillTRAN's estimate of approximately 35 to 36 hours per week and the SSA definition of regular and continuing work did not, without more, establish that the vocational expert's job numbers were unreliable.
4. A vocational expert's reliance on SkillTRAN or other sources in forming an opinion does not establish unreliability absent a demonstrated conflict with the DOT or other showing of error.
5. The RFC adequately accounted for Plaintiff's supported limitations, including moderate limitations in concentration, persistence, and pace, through restrictions on task complexity, social interaction, decision-making, and workplace adaptation.
6. The vocational expert's testimony constituted substantial evidence because the hypothetical presented to the expert included all limitations ultimately adopted in the RFC.

KEY QUOTATIONS

"Thus, SSR 00-4p imposes a clear duty on the ALJ to identify, investigate, and explain any conflict between VE testimony and the DOT before relying on that testimony in making a disability determination."

"The court does not reweigh the evidence or substitute its judgment for the ALJ's when the decision is supported by substantial evidence."

“Because the court has rejected Plaintiff’s challenges to the ALJ’s RFC assessment, the court finds that the ALJ presented to the VE a hypothetical question that included all the limitations the ALJ ultimately included in his RFC assessment.”

FACTUAL BACKGROUND

Plaintiff alleged disability beginning June 1, 2017, based on bipolar disorder, COPD, ADHD, depression, and sleep apnea. The ALJ found several severe mental and physical impairments, assessed an RFC for medium work with mental and social limitations, and found that Plaintiff could not perform his past relevant work. Relying on vocational-expert testimony, the ALJ determined that Plaintiff could perform work as a kitchen helper, hand packager, or auto detailer.

PROCEDURAL HISTORY

Plaintiff applied for DIB and SSI in September 2021. After a hearing, the ALJ issued a decision on December 12, 2023, finding Plaintiff not disabled because he could perform other work existing in significant numbers in the national economy. The Appeals Council denied review, making the ALJ's decision the Commissioner's final decision. The district court denied Plaintiff's motion for review of agency action and affirmed the Commissioner's decision.

DISPOSITION

affirmed

CASES CITED

- *Biestek v. Berryhill*, 587 U.S. 97, 102-03, 108 (2019)
- *Consolidated Edison Co. v. NLRB*, 305 U.S. 197, 229 (1938)
- *Hendron v. Colvin*, 767 F.3d 951, 954 (10th Cir. 2014)
- *Lax v. Astrue*, 489 F.3d 1080, 1084 (10th Cir. 2007)
- *Zoltanski v. F.A.A.*, 372 F.3d 1195, 1200 (10th Cir. 2004)
- *Williams v. Bowen*, 844 F.2d 748, 751 (10th Cir. 1988)
- *Bowen v. Yuckert*, 482 U.S. 137, 146 n.5 (1987)
- *Daniels v. Apfel*, 154 F.3d 1129, 1132 (10th Cir. 1998)
- *Poppa v. Astrue*, 569 F.3d 1167, 1173-74 (10th Cir. 2009)
- *Lequante H. v. Colvin*, No. 2:23-CV-00924, 2025 WL 319565, at *3 (D. Utah Jan. 8, 2025)
- *Lequante H. v. King*, No. 2:23CV00924-DAK-DAO, 2025 WL 315889 (D. Utah Jan. 28, 2025)
- *Wymer v. Bisignago*, No. 24-CV-258-WMC, 2026 WL 481783, at *6 (W.D. Wis. Feb. 20, 2026)
- *Colleen F.W. v. Commissioner of Social Security*, No. 23-cv-493, 2025 WL 837815, at *8 (N.D. Ind. Mar. 18, 2025)
- *Smith v. Colvin*, 821 F.3d 1264, 1269 (10th Cir. 2016)
- *Richards v. Colvin*, 640 F. App'x 786, 790 (10th Cir. 2016)

- *Vigil v. Colvin*, 805 F.3d 1199, 1204 (10th Cir. 2015)
- *Gartner v. Berryhill*, No. 6:16-cv-01505-SI, 2017 WL 3208351, at *14 (D. Or. July 28, 2017)
- *Becky B. v. Saul*, No. 6:19-cv-330-SI, 2020 WL 1244865 (D. Or. Mar. 16, 2020)
- *Qualls v. Apfel*, 206 F.3d 1368, 1373 (10th Cir. 2000)
- *Gay v. Sullivan*, 986 F.2d 1336, 1341 (10th Cir. 1993)
- *Shalala v. Schaefer*, 509 U.S. 292, 296-304 (1993)

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