

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

Crystal M. R. v. Bisignano

No. ED CV 25-405-E, United States District Court for the Central District of California (July 1, 2025)

SUMMARY

The United States District Court for the Central District of California reviewed the denial of Crystal M. R.'s Social Security disability benefits. The court held that the Administrative Law Judge again erred by failing to clarify and adequately address a psychological examiner's opinion that the claimant was moderately impaired in maintaining regular workplace attendance. The court reversed in part and remanded the matter for further administrative proceedings under sentence four of 42 U.S.C. § 405(g).

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                       |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of California                                                                                                                                                                                                                                                   |
| WRITING FOR THE COURT | Charles F. Eick                                                                                                                                                                                                                                                                                                       |
| JURISDICTION          | United States District Court for the Central District of California                                                                                                                                                                                                                                                   |
| DECIDED               | July 1, 2025                                                                                                                                                                                                                                                                                                          |
| DOCKET                | ED CV 25-405-E                                                                                                                                                                                                                                                                                                        |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Plaintiff sought judicial review under sentence four of 42 U.S.C. § 405(g) of the Social Security Administration's denial of disability benefits.                                                                                                                                                                     |
| STANDARD OF REVIEW    | Under 42 U.S.C. § 405(g), the court determines whether the Administration's findings are supported by substantial evidence and whether the Administration applied correct legal standards. Legal error is not harmless when further administrative review is needed to determine whether the claimant was prejudiced. |
| PRECEDENTIAL VALUE    | Unknown; district court memorandum opinion                                                                                                                                                                                                                                                                            |

TOPICS

- judicial review of agency action
- administrative law
- disability definition

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the ALJ erred by failing to seek clarification of Dr. Chronister's ambiguous opinion that Plaintiff had a moderate impairment in maintaining regular workplace attendance.
2. Whether the ALJ adequately explained the rejection or nonadoption of Dr. Chronister's attendance opinion.
3. Whether the errors were harmless and whether the record supported remand for further administrative proceedings rather than immediate payment of benefits.

## HOLDINGS

1. The ALJ materially erred by again failing to seek clarification from Dr. Chronister regarding the meaning and functional consequences of the opinion that Plaintiff was moderately impaired in maintaining regular workplace attendance.
2. The ALJ inadequately explained the apparent rejection of Dr. Chronister's opinion regarding regular workplace attendance by relying on oblique, generalized, and conclusory statements rather than explaining how the opinion was evaluated and resolved.
3. The errors were not harmless, and the appropriate remedy was reversal in part and remand for further administrative action rather than an immediate award of benefits.

## KEY QUOTATIONS

*“At a minimum, the uncertainty regarding the meaning of the operative terms in Dr. Chronister’s report should have prompted the ALJ to seek clarification from Dr. Chronister.” (A.R. 792-93)*

*“[A]n ALJ’s error is harmless where it is inconsequential to the ultimate nondisability determination.” (A.R. 790-91)*

*“For the foregoing reasons, the decision of the Administration is reversed in part and the matter is remanded for further administrative action consistent with this Opinion.” (Conclusion)*

## FACTUAL BACKGROUND

Dr. Chronister, a psychological consultative examiner, opined that Plaintiff was moderately impaired in maintaining regular workplace attendance and completing a normal workday and workweek without psychiatric interruptions. The ALJ on remand characterized the opinion as somewhat persuasive but concluded, without clarifying what moderate meant in this context, that Plaintiff could maintain attendance and sustain work consistent with the residual functional capacity. A vocational expert testified that two to three absences per month would preclude all work.

## PROCEDURAL HISTORY

Plaintiff filed the action on February 13, 2025. The parties consented to proceed before a United States Magistrate Judge, submitted briefing, and asked the court to review a post-remand administrative decision. The

court reversed in part and remanded for further administrative action because the ALJ again failed to clarify an examining psychologist's opinion concerning moderate impairment in maintaining regular workplace attendance and inadequately explained the opinion's rejection.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The matter was remanded for further administrative action consistent with the opinion, including further development and clarification of Dr. Chronister's attendance opinion and an adequate explanation of how that opinion is incorporated into or excluded from the residual functional capacity assessment.

## CASES CITED

- Carmickle v. Comm'r, 533 F.3d 1155, 1159 (9th Cir. 2008)
- Hoopai v. Astrue, 499 F.3d 1071, 1074 (9th Cir. 2007)
- Brewes v. Comm'r of Soc. Sec. Admin., 682 F.3d 1157, 1161 (9th Cir. 2012)
- Richardson v. Perales, 402 U.S. 389, 401 (1971)
- Widmark v. Barnhart, 454 F.3d 1063, 1066, 1068 (9th Cir. 2006)
- Brown v. Heckler, 713 F.2d 441, 443 (9th Cir. 1983)
- Garcia v. Comm'r, 768 F.3d 925, 930 (9th Cir. 2014)
- Sims v. Apfel, 530 U.S. 103, 110-11 (2000)
- Robin R.A. v. Kijakazi, 2022 WL 1599839, at \*3 (C.D. Cal. Apr. 5, 2022)
- Bisconer v. Berryhill, 2018 WL 1041316, at \*4 (D. Or. Feb. 1, 2018), adopted, 2018 WL 1040089 (D. Or. Feb. 23, 2018)
- Johnson v. Colvin, 2015 WL 1501789, at \*2 (N.D. Cal. Mar. 31, 2015)
- Colon v. Colvin, 2014 WL 6685474, at \*6 (N.D.N.Y. Nov. 26, 2014)
- Grisham v. Colvin, 2014 WL 7140980, at \*3 (E.D. Cal. Dec. 12, 2014)
- Vasquez v. Berryhill, 2017 WL 2633413, at \*7 (E.D. Cal. June 16, 2017)
- Millsap v. Kijakazi, 2023 WL 4534341, at \*5
- Woods v. Kijakazi, 32 F.4th 785, 792 (9th Cir. 2022)
- Heather R. v. Saul, 2021 WL 3080331, at \*22-23 (D. S.D. July 21, 2021)
- Wiles v. Berryhill, 2017 WL 5186333, at \*3
- Molina v. Astrue, 674 F.3d 1104, 1115 (9th Cir. 2012)
- Sisk v. Saul, 820 Fed. App'x 604, 606 (9th Cir. 2020)
- Treichler v. Comm'r, 775 F.3d 1090, 1105 (9th Cir. 2014)
- INS v. Ventura, 537 U.S. 12, 16 (2002)
- Leon v. Berryhill, 880 F.3d 1041, 1044 (9th Cir. 2017)

- *Dominguez v. Colvin*, 808 F.3d 403, 407 (9th Cir. 2015)
- *Harman v. Apfel*, 211 F.3d 1172, 1180-81 (9th Cir.), cert. denied, 531 U.S. 1038 (2000)
- *Brown-Hunter v. Colvin*, 806 F.3d 487, 495-96 (9th Cir. 2015)

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