

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Jacoby v. Barnhart

93 F. App'x 939 (7th Cir. 2004) · Decided March 23, 2004

SUMMARY

The Seventh Circuit affirmed the denial of disability insurance benefits to Donald Jacoby, who alleged that arthritis in his left knee prevented him from working. The court held that the ALJ properly discounted a treating physician's later questionnaire responses, found Jacoby's allegations of disabling pain not fully credible, and determined that he could perform light work. The court also upheld the ALJ's use of vocational evidence and the Medical-Vocational Guidelines.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
JURISDICTION	Federal
DECIDED	March 23, 2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jacoby sought judicial review of the Commissioner of Social Security's denial of disability insurance benefits. The district court affirmed the administrative decision, and Jacoby appealed.
STANDARD OF REVIEW	The court reviews the ALJ's decision deferentially and upholds it if the ALJ applied the correct legal standard and the decision is supported by substantial evidence. Credibility findings are upheld unless patently wrong.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Donald Jacoby v. Jo Anne Barnhart, Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

- Social Security disability benefits
- administrative law
- judicial review of agency action

QUESTIONS PRESENTED

1. Whether the ALJ properly declined to give controlling weight to the treating physician's later questionnaire responses.
2. Whether the ALJ properly discounted Jacoby's testimony regarding disabling pain.
3. Whether the ALJ properly determined that Jacoby retained the capacity to perform light work with specified nonexertional limitations.
4. Whether the ALJ was required to obtain vocational-expert testimony to assess the effect of Jacoby's nonexertional limitations on the occupational base.

HOLDINGS

1. The ALJ properly refused to give controlling weight to the treating physician's October 1999 questionnaire responses because those opinions were inconsistent with the physician's contemporaneous treatment notes and lacked support in medical findings.
2. The ALJ properly discounted Jacoby's subjective complaints of disabling pain because the ALJ considered the required factors and the credibility determination was supported by the record and was not patently wrong.
3. The ALJ properly found that Jacoby could perform light work with specified nonexertional restrictions and was not required to obtain additional vocational-expert testimony because the limitations did not significantly erode the light-work occupational base.

KEY QUOTATIONS

“controlling weight is appropriate only if the opinion is well supported by medical findings and is not inconsistent with substantial evidence in the record” (at 942)

“these findings are entitled to deference and will not be disturbed unless “patently wrong” in light of the record” (at 943)

“the use of a vocational expert “is entirely within the discretion of the ALJ.”” (at 944)

FACTUAL BACKGROUND

Jacoby injured and later reinjured his left knee while working as a traction motor repairman for General Electric. After arthroscopic surgery, his treating orthopedic surgeon imposed restrictions against standing longer than one hour at a time, minimal ladder climbing, and kneeling, while a second orthopedic surgeon agreed with those limitations. Jacoby testified that he experienced continual severe pain, could stand or walk only briefly, and needed to elevate his leg for much of the workday, but the medical evidence and his reported activities reflected less severe functional limitations. A vocational expert identified transferable skills that would permit light work in several occupations.

PROCEDURAL HISTORY

Jacoby applied for disability insurance benefits based on arthritis and pain in his left knee. Following a hearing, the ALJ found that he could not perform his past relevant work but retained the capacity for light work with

nonexertional restrictions and could perform other jobs in the national economy. The Appeals Council denied review, the district court affirmed, and the Seventh Circuit affirmed the district court.

DISPOSITION

affirmed

CASES CITED

- Schmidt v. Apfel, 201 F.3d 970, 972 (7th Cir. 2000)
- Powers v. Apfel, 207 F.3d 431, 434-435 (7th Cir. 2000)
- Dixon v. Massanari, 270 F.3d 1171, 1177 (7th Cir. 2001)
- Steele v. Barnhart, 290 F.3d 936, 942 (7th Cir. 2002)
- Clifford v. Apfel, 227 F.3d 863, 872 (7th Cir. 2000)
- Donahue v. Barnhart, 279 F.3d 441, 444 (7th Cir. 2002)
- Binion v. Shalala, 13 F.3d 243, 246 (7th Cir. 1994)
- Ehrhart v. Secretary of Health & Human Services, 969 F.2d 534, 540 (7th Cir. 1992)