

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO

Brandy H. v. Commissioner of Social Security

Brandy H. · No. 3:25-cv-00093 · Decided March 12, 2026

SUMMARY

The United States District Court for the Southern District of Ohio affirmed the Commissioner of Social Security’s denial of Brandy H.’s applications for Disability Insurance Benefits and Supplemental Security Income. The court held that substantial evidence supported the ALJ’s residual functional capacity assessment, including the decision not to include a cane-use limitation, and concluded that any reference to SSR 96-9p was harmless.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio
WRITING FOR THE COURT	Michael J. Newman
JURISDICTION	United States District Court for the Southern District of Ohio
DECIDED	March 12, 2026
DOCKET	3:25-cv-00093
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. §§ 405(g) and 1383(c) (3) of the Commissioner of Social Security's final decision denying her applications for Disability Insurance Benefits and Supplemental Security Income.
STANDARD OF REVIEW	The court must affirm the Commissioner's decision if it is supported by substantial evidence and was made pursuant to proper legal standards. Substantial evidence is more than a scintilla but less than a preponderance and is evidence a reasonable mind might accept as adequate to support a conclusion. The court must also consider evidence detracting from the Commissioner's decision, but it must defer to the ALJ when substantial evidence supports the decision even if substantial evidence could support the opposite conclusion.
PRECEDENTIAL VALUE	unpublished
PARTIES	Brandy H. v. Commissioner of Social Security

TOPICS

judicial review of agency action

agency adjudication

administrative law

PRACTICE AREAS

Social Security

administrative law

judicial review of agency action

QUESTIONS PRESENTED

1. Whether the ALJ committed reversible error by referring to Social Security Ruling 96-9p when evaluating whether Plaintiff medically required a cane despite assessing an RFC for light work.
2. Whether substantial evidence supported the ALJ's decision not to include a cane-use limitation in Plaintiff's residual functional capacity.
3. Whether the ALJ improperly substituted lay judgment for medical judgment when evaluating Dr. Francillon's consultative opinion.

HOLDINGS

1. The ALJ's reference to SSR 96-9p did not constitute reversible error. Even assuming the ruling was inapplicable to an RFC for light work, Plaintiff failed to show prejudice or deprivation of a substantial right.
2. Substantial evidence supported the ALJ's decision not to include a cane-use limitation in Plaintiff's RFC.
3. The ALJ did not improperly substitute lay judgment for medical judgment when evaluating Dr. Francillon's opinion.
4. The Commissioner's final decision denying DIB and SSI was supported by substantial evidence and was affirmed.

KEY QUOTATIONS

“substantial evidence is defined as ‘more than a scintilla of evidence but less than a preponderance; it is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.’” (PageID 43)

“Medically required hand–held assistive device: To find that a hand–held assistive device is medically required, there must be medical documentation establishing the need for a hand–held assistive device to aid in walking or standing, and describing the circumstances for which it is needed” (PageID 43–44)

FACTUAL BACKGROUND

Plaintiff alleged disability based on bipolar disorder and rheumatoid arthritis. The ALJ found severe impairments including rheumatoid arthritis, obesity, bipolar disorder, anxiety disorder, PTSD, and a history of polysubstance abuse, but assessed an RFC for light work with additional physical, environmental, and mental limitations. Plaintiff argued that the ALJ erred by failing to include a cane-use limitation and by rejecting the opinion of consultative examiner Devin Francillon, D.O. The district court relied on treatment records showing generally normal gait, limited evidence of treatment for physical pain, mild degenerative changes on imaging, and the state-agency physicians' light-work assessments.

PROCEDURAL HISTORY

Plaintiff filed applications for DIB and SSI on March 23, 2022, alleging disability beginning January 1, 2022. The applications were denied initially and on reconsideration. Following a November 7, 2023 administrative hearing, the ALJ issued a February 27, 2024 non-disability decision. The Appeals Council denied review on January 24, 2025, making the ALJ's decision the Commissioner's final decision. The district court overruled Plaintiff's statement of errors, affirmed the Commissioner's decision, directed entry of judgment for the Commissioner, and terminated the case.

DISPOSITION

affirmed

CASES CITED

- Colvin v. Barnhart, 475 F.3d 727, 730 (6th Cir. 2007)
- Hensley v. Astrue, 573 F.3d 263, 264 (6th Cir. 2009)
- Foster v. Halter, 279 F.3d 348, 354 (6th Cir. 2001)
- Rabbers v. Commissioner of Social Security, 582 F.3d 647, 651 (6th Cir. 2009)
- Rogers v. Commissioner of Social Security, 486 F.3d 234, 241 (6th Cir. 2007)
- Cutlip v. Secretary of Health & Human Services, 25 F.3d 284, 286 (6th Cir. 1994)
- TNS, Inc. v. NLRB, 296 F.3d 384, 395 (6th Cir. 2002)
- Universal Camera Corp. v. NLRB, 340 U.S. 474, 487 (1951)
- Blakley v. Commissioner of Social Security, 581 F.3d 399, 406 (6th Cir. 2009)
- Key v. Callahan, 109 F.3d 270, 273 (6th Cir. 1997)
- Bowen v. Commissioner of Social Security, 478 F.3d 742, 746 (6th Cir. 2007)
- Wilson v. Commissioner of Social Security, 378 F.3d 541, 546-47 (6th Cir. 2004)
- Connor v. United States Civil Service Commission, 721 F.2d 1054, 1056 (6th Cir. 1983)