

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION

Breode V. v. Commissioner, Social Security Administration

No. 3:25-CV-254-X-BK (N.D. Tex. Mar. 6, 2026) · No. 3:25-CV-254-X-BK · Decided March 6, 2026

SUMMARY

The United States magistrate judge recommends reversing and remanding the Commissioner of Social Security’s denial of disability benefits. The recommendation concludes that the administrative law judge failed to properly consider whether the claimant’s walker was medically necessary and failed to incorporate that limitation adequately into the residual functional capacity and vocational-expert analysis. The report was issued pursuant to 28 U.S.C. § 636(b), with objections due within 14 days after service.

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Dallas Division
WRITING FOR THE COURT	E. Harris Toliver
JURISDICTION	United States District Court for the Northern District of Texas, Dallas Division
DECIDED	March 6, 2026
DOCKET	3:25-CV-254-X-BK
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Report and recommendation on judicial review of the Commissioner of Social Security's final decision denying the plaintiff's application for disability insurance benefits.
STANDARD OF REVIEW	The court reviews whether substantial evidence supports the ALJ's decision and whether the ALJ applied the proper legal standards. The court may not reweigh the evidence or substitute its judgment for the Commissioner's.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Breode V. v. Commissioner, Social Security Administration

TOPICS

judicial review of agency action

administrative law

disability definition

civil procedure

PRACTICE AREAS

social security

administrative law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the ALJ erred by failing to account for the plaintiff's medically necessary walker use in determining the residual functional capacity.
2. Whether the ALJ's vocational-expert hypotheticals adequately incorporated the plaintiff's limitations and established that he could perform other work at step five.
3. Whether the ALJ's errors were harmless.

HOLDINGS

1. The objective medical evidence established the plaintiff's need for a hand-held assistive device and described the circumstances of its use, so the ALJ erred by failing to consider walker use in the residual functional capacity. A prescription for the walker was not required and was not dispositive.
2. The ALJ's vocational-expert questioning did not adequately incorporate the medically necessary walker limitation, and the record was unclear whether the Commissioner met the step-five burden to prove the plaintiff's employability.
3. The ALJ's errors were not harmless because they cast doubt on the step-five disability determination and it was conceivable that the ALJ could reach a different decision on further review.

KEY QUOTATIONS

"The Court's review "is exceedingly deferential and limited to two inquiries: whether substantial evidence supports the ALJ's decision, and whether the ALJ applied the proper legal standards when evaluating the evidence." (7)

"medical documentation establishing the need for a hand-held device to aid in walking or standing, and describing the circumstances for which it is needed" (9)

"In sum, despite there being no documentary record of a prescription issued for a walker, the objective medical evidence establishes Plaintiff's need for a hand-held assistive device and describes the circumstances for which it is needed." (12)

"Because in the case sub judice the ALJ's error was not harmless, remand is warranted." (14)

FACTUAL BACKGROUND

The plaintiff alleged disability based principally on obesity, gouty arthritis, diabetes, neuropathy, degenerative joint disease of the feet, swelling, and back pain. Medical records documented repeated use of a walker, including physical-therapy findings of mobility and gait impairment, an unsteady gait, limited ambulation, and a rolling walker, as well as a consultative examination finding walker-assisted gait and reduced mobility with

walker dependence. The ALJ declined to include walker use in the residual functional capacity because the record did not contain a prescription or a medical opinion expressly stating when and why a walker was necessary.

PROCEDURAL HISTORY

The plaintiff applied for disability insurance benefits in September 2021. After an initial denial, an ALJ issued an adverse decision in 2023, which the Appeals Council vacated and remanded for further consideration of whether the plaintiff required a walker. Following a second hearing on July 15, 2024, the ALJ again found the plaintiff not disabled, and the Appeals Council affirmed. The plaintiff sought review under 42 U.S.C. § 405(g), and the magistrate judge recommended reversal and remand for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the Commissioner's decision and remand for further administrative proceedings, including consideration of the plaintiff's medically necessary walker use in the RFC and development of vocational-expert testimony addressing the effect of that limitation on available work.

CASES CITED

- Webster v. Kijakazi, Webster v. Kijakazi, 19 F.4th 715, 718 (5th Cir. 2021)
- Taylor v. Astrue, 706 F.3d 600, 602 (5th Cir. 2012)
- Biestek v. Berryhill, 587 U.S. 97, 103 (2019)
- Perez v. Barnhart, 415 F.3d 457, 461 (5th Cir. 2005)
- Whitehead v. Colvin, 820 F.3d 776, 779 (5th Cir. 2016)
- Chambliss v. Massanari, 269 F.3d 520, 523 (5th Cir. 2001)
- Duenes v. Kijakazi, 578 F. Supp. 3d 859, 871-72 (S.D. Tex. 2022)
- Moore v. Saul, 2021 WL 909618, at *3 (S.D. Miss. Feb. 1, 2021)
- Tripp v. Astrue, 489 F. App'x 951, 955 (7th Cir. 2012)
- Staples v. Astrue, 329 F. App'x 189, 192 (10th Cir. 2009)
- Maria U. v. Commissioner of Social Security, 2023 WL 9789922, at *5 (N.D. Tex. Dec. 27, 2023)
- Bivens v. Saul, 2022 WL 869687, at *10 (N.D. Tex. Mar. 7, 2022)
- Heather H. v. Kijakazi, 2021 WL 4138406, at *8 (S.D. Tex. Sept. 10, 2021)
- Mays v. Bowen, 837 F.2d 1362, 1364 (5th Cir. 1988) (per curiam)
- McNair v. Commissioner of Social Security Administration, 537 F. Supp. 2d 823, 837 (N.D. Tex. 2008)
- Morris v. Bowen, 864 F.2d 333, 335 (5th Cir. 1988)
- Morrison v. Kijakazi, 2024 WL 1893604, at *5 (S.D. Tex. Apr. 30, 2024)
- Wilson v. Kijakazi, 2021 WL 3269762, at *3 (S.D. Tex. July 30, 2021)

- Shugart v. Kijakazi, 2022 WL 912777, at *4 (S.D. Tex. Mar. 29, 2022)
- Davidson v. Colvin, 164 F. Supp. 3d 926, 944 (N.D. Tex. 2015)
- Douglass v. United Services Automobile Ass'n, 79 F.3d 1415, 1417 (5th Cir. 1996)

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