

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Hakop A. v. Leland Dudek, Acting Commissioner of Social Security

Hakop A. · No. 2:24-cv-02950-FLA (BFM) · Decided March 28, 2025

SUMMARY

The United States District Court for the Central District of California accepted a magistrate judge’s Report and Recommendation in a Social Security disability benefits action. The court reversed the Administrative Law Judge’s decision and remanded for further administrative proceedings because the Appeals Council should have considered additional medical evidence relating to the relevant period.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando L. Aenlle-Rocha
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 28, 2025
DOCKET	2:24-cv-02950-FLA (BFM)
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review of an Administrative Law Judge's denial of Social Security disability benefits. The magistrate judge recommended reversing the ALJ's decision and remanding for further administrative proceedings. The district court reviewed the Report and Recommendation de novo in light of the Commissioner's objections and accepted it.
STANDARD OF REVIEW	The district court conducted de novo review of the portions of the magistrate judge's Report and Recommendation to which objections were made. The court held that it does not review the Appeals Council's denial of review for substantial evidence because that denial is a non-final agency action; it may, however, review whether the Appeals Council should have considered evidence submitted for the first time under the agency's regulations.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown

TOPICS

judicial review of agency action

administrative law

remedies

civil procedure

PRACTICE AREAS

Social Security disability benefits

administrative law

judicial review of agency action

QUESTIONS PRESENTED

1. Whether the district court may review the Appeals Council's rejection of evidence submitted for the first time to the Appeals Council.
2. Whether the Appeals Council improperly rejected evidence showing erosive changes to multiple joints as unrelated to the period before the ALJ's decision.
3. Whether reversal and remand for further administrative proceedings was appropriate.

HOLDINGS

1. The district court does not review the Appeals Council's denial of review for substantial evidence because the denial is a non-final agency action and the ALJ's decision becomes the Commissioner's final decision.
2. A federal court may review whether evidence submitted for the first time to the Appeals Council should have been considered under the agency's regulations.
3. Remand to the ALJ is appropriate when the Appeals Council was required to consider additional evidence but failed to do so.

KEY QUOTATIONS

"When the Appeals Council denies a request for review, it is a non-final agency action not subject to judicial review because the ALJ's decision becomes the final decision of the Commissioner." (at 1)

"Nevertheless, federal courts have the authority to review, as the Report did here, whether evidence presented for the first time to the Appeals Council "should have been considered," as required by the agency's regulations." (at 1)

"Where the Appeals Council was required to consider additional evidence, but failed to do so, remand to the ALJ is appropriate so that the ALJ can reconsider its decision in light of the additional evidence." (at 1-2)

FACTUAL BACKGROUND

The ALJ denied Plaintiff's application for Social Security disability benefits. Plaintiff later presented evidence to the Appeals Council showing erosive changes to multiple joints. The Appeals Council rejected the evidence as not relating to the period on or before the ALJ's decision, but the district court concluded that the evidence should have been considered because the joint changes were unlikely to have occurred overnight.

PROCEDURAL HISTORY

The ALJ denied Plaintiff's application for Social Security disability benefits. Plaintiff submitted additional evidence to the Appeals Council, which denied review. The magistrate judge recommended reversal and remand because the Appeals Council improperly rejected evidence that it should have considered. The district court overruled the Commissioner's objections, accepted the Report and Recommendation, reversed the ALJ's decision, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter is remanded for further administrative proceedings consistent with the magistrate judge's Report and Recommendation, including consideration of the additional evidence by the agency and reconsideration of the ALJ's decision.

CASES CITED

- Taylor v. Comm'n of Soc. Sec. Admin., 659 F.3d 1228, 1231 (9th Cir. 2011)
- Taylor v. Comm'n of Soc. Sec. Admin., 659 F.3d 1228, 1232-1233 (9th Cir. 2011)
- Nadon v. Saul, 851 F. App'x 24, 27 (9th Cir. 2021)
- Edgecomb v. Berryhill, 741 F. App'x 390, 393 (9th Cir. 2018)

OPINION

Hakop Ashchyan v. Martin OMalley
PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 11 HAKOP A., Case No. 2:24-cv-02950-FLA (BFM) 12 Plaintiff,
ORDER ACCEPTING

13 v. MAGISTRATE JUDGE’S REPORT

14 LELAND DUDEK, Acting AND RECOMMENDATION

Commissioner of Social Security,
[DKT. 16]

15 Defendant. 16

17 18 Pursuant to 28 U.S.C. § 636, the court has reviewed the Complaint, the 19 records on file, the Report and Recommendation of the United States Magistrate 20 Judge (“Report”), and Defendant’s objections to the Report. The court has engaged 21 in a de novo review of those portions of the Report to which objections have been 22 made. 23 The Report recommends that the decision of the Administrative Law Judge 24 (“ALJ”) denying Plaintiff’s application for Social

Security disability benefits be 25 reversed and this matter be remanded for further administrative proceedings. Dkt. 26 16. The Commissioner's objections to the Report, Dkt. 18, do not warrant a change 27 to the Report's findings or recommendations. 28 / / / 1 The Commissioner objects that the Appeals Council's rejection of new 2 evidence, as part of its denial of review of the ALJ's decision, was supported by 3 substantial evidence. Dkt. 18 at 3. The court, however, does not review the 4 Appeals Council's denial of review for substantial evidence. "When the Appeals 5 Council denies a request for review, it is a non-final agency action not subject to 6 judicial review because the ALJ's decision becomes the final decision of the 7 Commissioner." Taylor v. Comm'n of Social Sec. Admin., 659 F.3d 1228, 1231 8 (9th Cir. 2011). Nevertheless, federal courts have the authority to review, as the 9 Report did here, whether evidence presented for the first time to the Appeals 10 Council "should have been considered," as required by the agency's regulations.

11 Id. at 1232 (citing 20 C.F.R. § 404.970(b)). "Where the Appeals Council was 12 required to consider additional evidence, but failed to do so, remand to the ALJ is 13 appropriate so that the ALJ can reconsider its decision in light of the additional 14 evidence." Id. 15 As the Report found, the evidence presented to the Appeals Council reflected 16 erosive changes to multiple joints. Dkt. 16 at 13; Dkt. 9-3 at 21. It is unlikely such 17 changes "happened overnight." Dkt. 16 at 13. It, therefore, should not have been 18 rejected by the Appeals Council as not relating to the period on or before the date of 19 the ALJ's decision. See Taylor, 659 F.3d at 1233 ("[I]f the Appeals Council 20 rejected [the medical evidence] because it believed it to concern a [later] time . . . , 21 its rejection was improper."); see also Nadon v. Saul, 851 F. App'x 24, 27 (9th Cir. 22 2021) ("The Appeals Council erroneously believed that [the medical] opinion 23 'd[id] not relate to the time period at issue' in [Plaintiff's] benefits application. 24 Misunderstanding the temporal scope of a medical opinion is error."); Edgecomb v. 25 Berryhill, 741 F. App'x 390, 393 (9th Cir. 2018) (remanding case to the agency 26 where "the Appeals Council failed to consider [the medical evidence] on the 27 mistaken belief that it did not relate to the period before the date of the ALJ's 28 decision"). Thus, the Report properly recommended remand to the agency for 1 || consideration of the new evidence. Dkt. 16 at 14. 2 The court accepts the recommendations of the Magistrate Judge. 3 ACCORDINGLY, IT IS ORDERED: 4 1. The Report and Recommendation is accepted. 5 2. The decision of the ALJ is reversed and the matter is remanded for further 6 proceedings consistent with the Report and Recommendation. 7 3. Judgment shall be entered consistent with this Order. 8 4. The court Clerk shall serve this Order and the Judgment on all counsel or 9 parties of record. 10 11 || Dated: March 28, 2025

FERNANDO L7AENLLE-ROCHA

14 United States District Judge 15 16 17 18 19 20 21 22 23 24 25 26 27 28