

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
ARKANSAS, FAYETTEVILLE DIVISION

Edward J. Moore v. Frank Bisignano, Commissioner, Social Security  
Administration

Moore · No. 5:25-cv-05153-TLB-MEF · Decided May 28, 2026

SUMMARY

A United States magistrate judge recommends affirming the Social Security Administration’s denial of Edward J. Moore’s claim for disability insurance benefits. The report concludes that the administrative law judge complied with the Appeals Council’s remand order, properly determined that Moore’s essential tremor was not a severe impairment, and adequately evaluated his subjective complaints. The recommendation is that the complaint be dismissed with prejudice.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                      |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Arkansas, Fayetteville Division                                                                                                                                                             |
| WRITING FOR THE COURT | Mark E. Ford                                                                                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the Western District of Arkansas, Fayetteville Division                                                                                                                                                             |
| DECIDED               | May 28, 2026                                                                                                                                                                                                                                         |
| DOCKET                | 5:25-cv-05153-TLB-MEF                                                                                                                                                                                                                                |
| DISPOSITION           | other                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Report and recommendation on judicial review of the Commissioner's denial of disability insurance benefits under 42 U.S.C. § 405(g).                                                                                                                 |
| STANDARD OF REVIEW    | Whether substantial evidence in the administrative record supports the Commissioner's decision; the ALJ's decision must be affirmed if a reasonable mind would find the evidence adequate, even if the record could also support a contrary outcome. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                          |
| PARTIES               | Edward J. Moore v. Frank Bisignano, Commissioner, Social Security Administration                                                                                                                                                                     |

TOPICS

judicial review of agency action

agency adjudication

administrative law

disability definition

## PRACTICE AREAS

Social Security disability benefits

administrative law

judicial review of agency action

## QUESTIONS PRESENTED

1. Whether the ALJ complied with the Appeals Council's remand order by addressing objections to the vocational expert's testimony and obtaining supplemental vocational evidence.
2. Whether substantial evidence supported the ALJ's determination that Moore's alleged essential tremor was not a severe impairment and did not require additional residual-functional-capacity restrictions.
3. Whether the ALJ properly evaluated Moore's subjective complaints under the governing Social Security standards.

## HOLDINGS

1. The ALJ sufficiently addressed Moore's objections to the vocational expert's testimony and properly relied on the vocational expert's testimony concerning job-number estimates derived from SkillTRAN.
2. Substantial evidence supported the ALJ's conclusion that Moore's alleged tremor was not a severe impairment and did not require additional residual-functional-capacity limitations.
3. The ALJ properly evaluated Moore's subjective complaints, and substantial evidence supported the resulting credibility assessment and residual-functional-capacity finding.

## KEY QUOTATIONS

*“An impairment is not severe if it amounts only to a slight abnormality that would not significantly limit the claimant’s physical or mental ability to do basic work activities.”*

*“An ALJ . . . may disbelieve subjective reports because of inherent inconsistencies or other circumstances.”*

## FACTUAL BACKGROUND

Moore alleged disability based primarily on PTSD, anxiety, depression, ADHD, and an essential tremor, with an amended onset date of March 23, 2021. After a remand hearing, the ALJ found severe mental impairments but determined that Moore retained the residual functional capacity for medium work with restrictions against driving as part of work and limitations to simple, routine, repetitive tasks and incidental social interaction. The ALJ relied on vocational-expert testimony that Moore could perform work as a night cleaner, hand packager, or kitchen helper. The magistrate judge found that the record, including generally normal mental-status examinations, conservative treatment, daily activities, and limited documentation of tremors, supported the ALJ's decision.

## PROCEDURAL HISTORY

Moore applied for disability insurance benefits, received an unfavorable decision from ALJ Harold Davis, and obtained a voluntary remand from the Commissioner after filing an action in federal court. The Appeals Council

then remanded to the ALJ for consideration of objections to vocational-expert testimony and supplemental vocational evidence. After a second hearing, ALJ Elizabeth McGee again denied benefits, and the Appeals Council denied review. Moore filed this action, and the magistrate judge recommended that the ALJ's decision be affirmed and the complaint dismissed with prejudice.

## DISPOSITION

other

## CASES CITED

- Vossen v. Astrue, 612 F.3d 1011, 1015 (8th Cir. 2010)
- Biestek v. Berryhill, 139 S. Ct. 1148, 1154 (2019)
- Blackburn v. Colvin, 761 F.3d 853, 858 (8th Cir. 2014)
- Miller v. Colvin, 784 F.3d 472, 477 (8th Cir. 2015)
- Pearsall v. Massanari, 274 F.3d 1211, 1217 (8th Cir. 2001)
- Wildman v. Astrue, 596 F.3d 959, 966 (8th Cir. 2010)
- Black v. Apfel, 143 F.3d 383, 386 (8th Cir. 1998)
- Thomas v. Berryhill, 881 F.3d 672, 678 (8th Cir. 2018)
- Turner v. Saul, 2019 WL 4246841, at \*4 (E.D. Mo. Sept. 6, 2019)
- Prodes v. Astrue, 2011 WL 903044, at \*10 (Mar. 15, 2011)
- Jordan v. Astrue, 390 F. App'x 611, 611-12 (8th Cir. 2010)
- Postel v. Saul, 2019 WL 4720990, at \*27 (N.D. Iowa Sept. 26, 2019)
- Whitehouse v. Sullivan, 949 F.2d 1005, 1007 (8th Cir. 1991)
- Kirby v. Astrue, 500 F.3d 705, 707 (8th Cir. 2007)
- Bowen v. Yuckert, 482 U.S. 137, 153 (1987)
- Page v. Astrue, 484 F.3d 1040, 1043 (8th Cir. 2007)
- Polaski v. Heckler, 739 F.2d 1320, 1322 (8th Cir. 1984)
- Wright v. Colvin, 789 F.3d 847, 853 (8th Cir. 2015)
- Travis v. Astrue, 477 F.3d 1037, 1042 (8th Cir. 2007)
- Edwards v. Barnhart, 314 F.3d 964, 966 (8th Cir. 2003)
- Dunahoo v. Apfel, 241 F.3d 1033, 1039-40 (8th Cir. 2001)
- Merrell v. Berryhill, 2018 WL 1916606, at \*2 (E.D. Ark. Apr. 23, 2018)
- Milam v. Colvin, 794 F.3d 978, 985 (8th Cir. 2015)
- Hutton v. Apfel, 175 F.3d 651, 655 (8th Cir. 1999)
- Schwandt v. Berryhill, 926 F.3d 1004, 1012 (8th Cir. 2019)