

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Kerrie S. v. Commissioner of Social Security

Civil Action No. 24-08574 (GC) (D.N.J. Nov. 4, 2025) · No. Civil Action No. 24-08574 (GC); 3:24-cv-08574 ·
Decided November 26, 2025

SUMMARY

The United States District Court for the District of New Jersey reviews Kerrie S.’s appeal from the Commissioner of Social Security’s denial of SSD and SSI benefits. The court holds that the ALJ’s findings regarding the severity of the plaintiff’s gastrointestinal impairments and evaluation of her subjective complaints were supported by substantial evidence, or alternatively that any step-two error was harmless, and affirms the Commissioner’s decision.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Georgette Castner, District Judge
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	November 26, 2025
DOCKET	Civil Action No. 24-08574 (GC); 3:24-cv-08574
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying her applications for Social Security Disability and Supplemental Security Income benefits.
STANDARD OF REVIEW	The court reviews factual findings for substantial evidence, considering the record as a whole, and reviews legal conclusions de novo. It may not reweigh the evidence or substitute its own factual determinations for those of the Commissioner.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Kerrie S. v. Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- disability definition

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether substantial evidence supported the ALJ's finding that Plaintiff's gastritis and ulcerative colitis were non-severe impairments.
2. Whether the ALJ properly evaluated Plaintiff's subjective complaints under the applicable Social Security regulations and Social Security Ruling 16-3p.

HOLDINGS

1. The ALJ's finding that Plaintiff's gastritis and ulcerative colitis were non-severe impairments was supported by substantial evidence. In any event, any step-two error was harmless because the ALJ found other severe impairments, proceeded through the remaining sequential steps, and accounted for the gastrointestinal impairments in the residual functional capacity by requiring proximate access to restroom facilities.
2. The ALJ properly evaluated Plaintiff's subjective complaints under the required two-step framework, and the resulting findings were supported by substantial evidence.

KEY QUOTATIONS

"For the foregoing reasons, and other good cause shown, the Commissioner's final decision is AFFIRMED."
(Conclusion)

"At bottom, the ALJ properly evaluated Plaintiff's subjective complaints, and his findings were supported by substantial evidence in the record." (Discussion § III.B)

FACTUAL BACKGROUND

Kerrie S. alleged disability beginning May 1, 2016, based on numerous physical and mental conditions, including ulcerative colitis, gastritis, orthopedic impairments, carpal tunnel syndrome, fibromyalgia, depression, anxiety, and obesity. The ALJ found several impairments severe but determined that gastritis and ulcerative colitis were non-severe because gastritis was managed with medication and ulcerative colitis was in remission. The ALJ nevertheless included proximate restroom access in the residual functional capacity and found that Plaintiff could perform other light work existing in significant numbers in the national economy.

PROCEDURAL HISTORY

Plaintiff's applications were denied initially and on reconsideration. After a hearing, an ALJ issued an unfavorable decision, which the Appeals Council vacated and remanded because the ALJ had not properly evaluated medical opinion evidence. Following a second hearing, the ALJ again denied benefits, and the Appeals Council denied review on July 2, 2024. Plaintiff then commenced this action, arguing that the ALJ improperly characterized her ulcerative colitis and gastritis as non-severe and improperly evaluated her subjective complaints. The District Court affirmed the Commissioner's final decision.

DISPOSITION

affirmed

CASES CITED

- *Chandler v. Commissioner of Social Security*, 667 F.3d 356, 359 (3d Cir. 2011)
- *Gober v. Matthews*, 574 F.2d 772, 776 (3d Cir. 1978)
- *Johnson v. Commissioner of Social Security*, 398 F. App'x 727, 729 n.1 (3d Cir. 2010)
- *Hagans v. Commissioner of Social Security*, 694 F.3d 287, 292 (3d Cir. 2012)
- *Plummer v. Apfel*, 186 F.3d 422, 427-28 (3d Cir. 1999)
- *Nazario v. Commissioner of Social Security*, 794 F. App'x 204, 209 (3d Cir. 2019)
- *Kent v. Schweiker*, 710 F.2d 110, 114 (3d Cir. 1983)
- *Fargnoli v. Massanari*, 247 F.3d 34, 38 (3d Cir. 2001)
- *Hess v. Commissioner of Social Security*, 931 F.3d 198, 208 n.10, 201 (3d Cir. 2019)
- *Sykes v. Apfel*, 228 F.3d 259, 262 (3d Cir. 2000)
- *McCrea v. Commissioner of Social Security*, 370 F.3d 357, 360 (3d Cir. 2004)
- *Rios v. Commissioner of Social Security*, 444 F. App'x 532, 534 (3d Cir. 2011)
- *Newell v. Commissioner of Social Security*, 347 F.3d 541, 546 (3d Cir. 2003)
- *Salles v. Commissioner of Social Security*, 229 F. App'x 140, 144-45 & n.2 (3d Cir. 2007)
- *Nancy D. v. Kijakazi*, Civ. No. 22-05084, 2023 WL 6387868, at *6-*7 (D.N.J. Sept. 29, 2023)
- *Weitzel v. Saul*, Civ. No. 18-02283, 2020 WL 281534, at *5-*6, *8 (M.D. Pa. Jan. 17, 2020)
- *Orr v. Commissioner of Social Security*, 805 F. App'x 85, 88 (3d Cir. 2020)
- *Ingandela v. Kijakazi*, Civ. No. 20-08033, 2022 WL 154422, at *10-*11 (D.N.J. Jan. 18, 2022)
- *Robin C. v. Commissioner of Social Security*, Civ. No. 20-6778, 2021 WL 6135910, at *6-*7 (D.N.J. Dec. 29, 2021)
- *Morrison ex rel. Morrison v. Commissioner of Social Security*, 268 F. App'x 186, 189 (3d Cir. 2008)
- *Fleck v. Kijakazi*, Civ. No. 21-75, 2022 WL 1203845, at *4 (W.D. Pa. Apr. 22, 2022)
- *Malloy v. Commissioner of Social Security*, 306 F. App'x 761, 764 (3d Cir. 2009)
- *Parsons v. Barnhart*, 101 F. App'x 868, 869 (3d Cir. 2004)