

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA, BECKLEY DIVISION

Frances C. v. Frank Bisignano, Commissioner of Social Security

Frances C. v. Bisignano, Civil Action No. 5:25-cv-00586 (S.D.W. Va. Mar. 27, 2026) (proposed findings and recommendation) · No. 5:25-cv-00586 · Decided March 27, 2026

SUMMARY

This proposed findings and recommendation addresses Frances C.’s request for judicial review of the Commissioner of Social Security’s denial of Supplemental Security Income benefits. The magistrate judge recommends denying the claimant’s request, granting the Commissioner’s request to affirm, affirming the administrative decision, and dismissing the action. The principal issue discussed is whether the residual functional capacity adequately accounted for the claimant’s moderate limitation in concentration, persistence, or pace.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia, Beckley Division
WRITING FOR THE COURT	Dwane L. Tinsley, United States Magistrate Judge
JURISDICTION	United States District Court for the Southern District of West Virginia, Beckley Division
DECIDED	March 27, 2026
DOCKET	5:25-cv-00586
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying Supplemental Security Income benefits. The matter was referred to a magistrate judge for proposed findings and a recommendation under 28 U.S.C. § 636(b)(1)(B).
STANDARD OF REVIEW	The court must uphold the ALJ's factual findings if supported by substantial evidence and reached through application of the correct legal standard. The court may not reweigh conflicting evidence, make credibility determinations, or substitute its judgment for the ALJ's.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Frances C. v. Frank Bisignano, Commissioner of Social Security

TOPICS

judicial review of agency action

administrative law

civil procedure

PRACTICE AREAS

Social Security disability

administrative law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the ALJ's residual functional capacity assessment adequately accounted for Plaintiff's moderate limitation in concentrating, persisting, or maintaining pace.
2. Whether the ALJ adequately explained the omission of a specific concentration, persistence, or pace limitation from the RFC and vocational-expert hypothetical under Mascio and Shinaberry.
3. Whether the Commissioner's decision was supported by substantial evidence and applied the correct legal standard.

HOLDINGS

1. A moderate limitation in concentration, persistence, or maintaining pace need not categorically be included as a separate RFC limitation when the ALJ adequately explains why the evidence does not require additional restrictions.
2. The ALJ's RFC assessment and decision were supported by substantial evidence, and remand was not warranted.

KEY QUOTATIONS

“Unlike the ALJ in Mascio, who “ignore[ed] (without explanation) Mascio’s moderate limitation in her ability to maintain her concentration, persistence, or pace,” here the ALJ explained that his RFC limitation to simple tasks was based upon Claimant’s impaired memory, and that the record did not support a functional limitation for Claimant’s other moderate limitations based upon the lack of mental health records and based upon Mr. Sargent’s consultative examination report.” (Tr. 78)

“Like the ALJ in Shinaberry, the ALJ thus provided sufficient discussion to demonstrate the evidentiary and logical basis for his RFC determination.” (Tr. 78)

FACTUAL BACKGROUND

Plaintiff applied for Supplemental Security Income, alleging disability based on physical and mental impairments, with PTSD, depression, and anxiety forming the focus of her judicial challenge. The ALJ found severe physical and mental impairments but determined that Plaintiff retained the residual functional capacity for light work with restrictions, including simple, repetitive tasks and occasional interaction with coworkers, supervisors, and the public. The ALJ relied on the consultative psychological examination, Plaintiff's reported daily activities, the absence of ongoing mental-health treatment records, and hearing testimony from a psychiatrist and vocational expert.

PROCEDURAL HISTORY

The Social Security Administration denied Plaintiff's Title XVI application initially and on reconsideration. After an administrative hearing, the ALJ issued an unfavorable decision, and the Appeals Council denied review on August 6, 2025. Plaintiff filed this action on October 3, 2025. After briefing, the magistrate judge recommended affirming the Commissioner's decision and dismissing the action, subject to objections and review by the district judge.

DISPOSITION

other

CASES CITED

- Lewis v. Berryhill, 858 F.3d 858, 861-62 (4th Cir. 2017)
- Preston v. Heckler, 769 F.2d 988, 990 n.* (4th Cir. 1985)
- Bird v. Commissioner, 699 F.3d 337, 340 (4th Cir. 2012)
- Mastro v. Apfel, 270 F.3d 171, 177 (4th Cir. 2001)
- Mascio v. Colvin, 780 F.3d 632, 633, 635, 637-38 (4th Cir. 2015)
- Radford v. Colvin, 734 F.3d 288, 291 (4th Cir. 2013)
- Bowen v. City of New York, 476 U.S. 467, 471 (1986)
- Patterson v. Commissioner, 846 F.3d 656, 659 (4th Cir. 2017)
- Monroe v. Colvin, 826 F.3d 176, 179-80 (4th Cir. 2016)
- Hancock v. Astrue, 667 F.3d 470, 472 (4th Cir. 2012)
- Johnson v. Barnhart, 434 F.3d 650, 653 (4th Cir. 2005) (per curiam)
- Biestek v. Berryhill, 139 S. Ct. 1148, 1154 (2019)
- Craig v. Chater, 76 F.3d 585, 589 (4th Cir. 1996)
- Shinaberry v. Saul, 952 F.3d 113, 121-22 (4th Cir. 2020)
- Thomas v. Arn, 474 U.S. 140, 155 (1985)
- Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989)
- Wright v. Collins, 766 F.2d 841, 846 (4th Cir. 1985)
- United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984)