

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Harmon v. Richardson

327 F. Supp. 941 (S.D.W. Va. 1971) · Decided June 2, 1971

SUMMARY

The court reviewed the Secretary of Health, Education and Welfare’s denial of the plaintiff’s claim for a period of disability and disability insurance benefits under the Social Security Act. Applying the substantial-evidence standard, the court concluded that the medical evidence, including significant spinal and pulmonary impairments, established disability and that the vocational evidence did not adequately support the Secretary’s decision. The court granted the plaintiff’s motion for summary judgment and denied the defendant’s motion.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
WRITING FOR THE COURT	Christie, District Judge
JURISDICTION	West Virginia
DECIDED	June 2, 1971
DISPOSITION	reversed
PROCEDURAL POSTURE	Action under section 205(g) of the Social Security Act seeking judicial review of the Secretary's final denial of a period of disability and disability insurance benefits; the parties filed cross-motions for summary judgment.
STANDARD OF REVIEW	The Secretary's factual findings are conclusive if supported by substantial evidence. The reviewing court may not try the case de novo, but must examine the record as a whole to determine whether substantial evidence supports the administrative findings and whether the agency acted arbitrarily or capriciously.
PRECEDENTIAL VALUE	Published federal district court opinion; persuasive authority within the district and not binding on other courts.
PARTIES	Harmon v. Richardson, Secretary of Health, Education and Welfare

TOPICS

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

PRACTICE AREAS

Social Security disability benefits

administrative law

judicial review of agency action

civil procedure

QUESTIONS PRESENTED

1. Whether the Secretary's finding that the plaintiff was not disabled under the Social Security Act was supported by substantial evidence.
2. Whether the plaintiff established an inability, considering his impairments, age, education, and work experience, to engage in substantial gainful activity existing in the national economy.

HOLDINGS

1. The Secretary's conclusion that the plaintiff was not disabled lacked substantial evidentiary support when the administrative record was viewed as a whole.
2. The plaintiff established a disabling condition within the meaning of the Social Security Act and was entitled to a period of disability and disability insurance benefits.

KEY QUOTATIONS

"The findings of the Secretary as to any fact, if supported by substantial evidence, shall be conclusive" (942)

"In short, the Courts are not to try the case de novo, and if the findings of the Secretary are supported by substantial evidence, the Courts are bound to accept them." (942)

"We think that the overwhelming evidence in this case supports the plaintiff's claim of disability." (945)

"Consequently, viewing the record as a whole and giving particular consideration to the extensive medical documentation with respect to the existence of serious pulmonary disease, serious impairments of the lumbar spine and gastro-intestinal disorder, as well as plaintiff's age, education and work experience, we are of the opinion that a disabling condition within the meaning of the Act has been established and that the Secretary's conclusion to the contrary lacks substantial evidentiary support." (945)

FACTUAL BACKGROUND

The plaintiff, born in 1923, had a tenth-grade education and work experience as a coal miner, laborer, truck driver, assembly-line worker, and assistant mine foreman. He had undergone back surgery in 1952 and claimed disability beginning June 9, 1969, based primarily on severe back and leg problems. Medical evidence documented chronic lumbosacral derangement, osteoarthritis, residual sciatica, gastrointestinal disorders, and substantial pulmonary impairment, with one physician estimating a 75–85% loss of functional capacity from pulmonary dysfunction. The vocational testimony identifying sedentary jobs did not account for the pulmonary evidence and included vehicle-operating work that the plaintiff could not perform.

PROCEDURAL HISTORY

A hearing examiner denied the plaintiff's claim on June 28, 1970. The Appeals Council refused review on December 18, 1970, making the hearing examiner's decision the final decision of the Secretary. The district court

reviewed the administrative record and granted the plaintiff's motion for summary judgment while denying the Secretary's cross-motion.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The opinion directs that the plaintiff is entitled to a period of disability and disability insurance benefits on his application filed October 7, 1969; no separate remand instruction is stated.

CASES CITED

- Thomas v. Celebrezze, 331 F.2d 541 (4th Cir. 1964)
- Hicks v. Gardner, 393 F.2d 299 (4th Cir. 1968)
- Underwood v. Ribicoff, 298 F.2d 850 (4th Cir. 1962)
- Snyder v. Ribicoff, 307 F.2d 518 (4th Cir. 1962)
- Miracle v. Celebrezze, 351 F.2d 361 (6th Cir. 1965)
- Celebrezze v. Bolas, 316 F.2d 498 (8th Cir. 1963)