

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Lori M. o/b/o Lisa M. v. Commissioner of Social Security

No. 1:23-cv-00404, United States District Court for the Western District of New York (November 22, 2025)

SUMMARY

The United States District Court for the Western District of New York reviewed a partially unfavorable decision of the Commissioner of Social Security concerning the claimant’s disability-benefits application. The court held that the Administrative Law Judge inadequately explained the basis for limiting the claimant to being off-task 5% of the workday and remanded for further proceedings under 42 U.S.C. § 405(g), sentence four. The court also directed clarification of the evaluation of medical opinions and vocational evidence.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Terence P. Kemp
JURISDICTION	United States District Court for the Western District of New York
DECIDED	November 22, 2025
DOCKET	1:23-cv-00404
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review of the Commissioner of Social Security's partially unfavorable disability-benefits decision and moved for judgment on the pleadings. The Commissioner filed a cross-motion for judgment on the pleadings.
STANDARD OF REVIEW	The court conducted plenary review of the administrative record to determine whether the Commissioner's decision was supported by substantial evidence and whether the correct legal standards were applied. Substantial evidence means more than a mere scintilla and such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown
PARTIES	Lori M. o/b/o Lisa M. v. Commissioner of Social Security

TOPICS

motion for judgment on the pleadings

judicial review of agency action

administrative law

remedies

civil procedure

PRACTICE AREAS

Social Security disability

administrative law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the ALJ supported the residual functional capacity finding that the claimant would be off task for exactly 5% of the workday with substantial evidence.
2. Whether the ALJ adequately applied the regulatory supportability and consistency factors to the medical opinions of the state agency reviewer, treating rheumatologist, and physical therapist.
3. Whether the ALJ adequately addressed conflicts between vocational-expert testimony from different hearings and a possible conflict between vocational testimony and the Dictionary of Occupational Titles.

HOLDINGS

1. The ALJ committed legal error by finding that the claimant would be off task for exactly 5% of the workday without adequately explaining which specific allegations, symptoms, medical opinions, or other record evidence supported that limitation.
2. The court did not finally resolve the adequacy of the ALJ's evaluation of the medical opinions, but held that remand would provide an opportunity for the ALJ to clarify how the required regulatory factors of supportability and consistency were applied.
3. The court did not finally resolve the vocational-evidence issue, but stated that, on remand, the ALJ should clarify how conflicting vocational evidence can be harmonized and may need to obtain additional vocational testimony depending on resolution of the RFC issue.

KEY QUOTATIONS

“Case law from this District reflects that if an ALJ believes that an off-task time limitation is necessary, he or she must refer to a medical opinion or other specific evidence in the record that supports such a limitation.”
(at 7)

“The ALJ's reference to “the claimant’s allegations and subjective symptoms as reported” is not specific enough to support his finding without a further clarification of which allegations and symptoms demonstrated the need to be off-task to any extent, much less for exactly 5% of the workday.” (at 8)

FACTUAL BACKGROUND

The claimant alleged disability from rheumatoid arthritis, fibromyalgia, degenerative disc disease, hip bursitis, depression, anxiety, and related pain and fatigue. The ALJ determined that she could perform a limited range of sedentary, unskilled work before July 22, 2020, including jobs identified by a vocational expert, but found her disabled beginning on the date she turned 50. The claimant's medical and testimonial evidence described

persistent pain, fatigue, swelling, reduced grip strength, and a need to lie down, while the medical opinions differed substantially regarding her functional capacity and off-task time.

PROCEDURAL HISTORY

The claimant applied for Social Security disability benefits, was denied administratively, and received hearings before an ALJ. The Appeals Council remanded for a supplemental hearing, after which the ALJ found the claimant disabled beginning July 22, 2020, but not before that date. The Appeals Council issued the final decision at issue, and the district court granted Plaintiff's motion, denied the Commissioner's motion, and remanded under sentence four of 42 U.S.C. § 405(g).

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Commissioner must reconsider the RFC, particularly the 5% off-task limitation, and explain how the record supports that limitation. The ALJ should clarify application of the regulatory supportability and consistency factors to the medical opinions and explain how conflicting vocational evidence is reconciled; additional vocational testimony may be necessary.

CASES CITED

- *Pratts v. Chater*, 94 F.3d 34, 37 (2d Cir. 1996)
- *Moran v. Astrue*, 569 F.3d 108, 112 (2d Cir. 2009)
- *Dickinson v. Zurko*, 527 U.S. 150, 153, 119 S. Ct. 1816, 144 L. Ed. 2d 143 (1999)
- *Warren v. Shalala*, 29 F.3d 1287, 1290 (8th Cir. 1994)
- *Osorio v. INS*, 18 F.3d 1017, 1022 (2d Cir. 1994)
- *Brault v. Social Security Administration, Commissioner*, 683 F.3d 443, 447-48 (2d Cir. 2012)
- *Deanna K. v. Commissioner of Social Security*, 2023 WL 5443901, at *5 (W.D.N.Y. Aug. 24, 2023)
- *Benman v. Commissioner of Social Security*, 350 F. Supp. 3d 252, 256-57 (W.D.N.Y. 2018)
- *Matta v. Astrue*, 508 F. App'x 53, 56 (2d Cir. 2013)
- *Ortiz v. Colvin*, 298 F. Supp. 3d 581, 586 (W.D.N.Y. 2018)
- *Quinto v. Berryhill*, No. 17-CV-24, 2017 WL 6017931, at *12 (D. Conn. Dec. 1, 2017)
- *Dennis v. Colvin*, 195 F. Supp. 3d 469, 474 (W.D.N.Y. 2016)
- *Baker v. Berryhill*, No. 15-CV-943, 2018 WL 1173782, at *4 (W.D.N.Y. Mar. 6, 2018)
- *Michelle A. v. Saul*, 2020 WL 7223235, at *4 (W.D.N.Y. Dec. 8, 2020)
- *Bromm v. Commissioner of Social Security*, 2025 WL 446236, at *5, *9 (E.D.N.Y. 2025)
- *Austin v. Commissioner of Social Security*, No. 19-CV-638 (JLS), 2020 WL 5629030, at *7 (W.D.N.Y. Sept. 21, 2020)

