

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Christos T. v. Commissioner of Social Security

Christos T. · No. 1:24-cv-10070-ESK · Decided December 31, 2025

SUMMARY

The United States District Court for the District of New Jersey reviewed a challenge to the Commissioner of Social Security’s denial of Christos T.’s application for disability benefits. The court held that the Administrative Law Judge’s findings concerning the severity of plaintiff’s impairments, residual functional capacity, medical opinions, and ability to perform past or other work were supported by substantial evidence. The court affirmed the Commissioner’s decision.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Edward S. Kiel
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	December 31, 2025
DOCKET	1:24-cv-10070-ESK
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner of Social Security's final decision denying Social Security Disability Insurance benefits and supplemental security income.
STANDARD OF REVIEW	The court reviews the Commissioner's factual findings for substantial evidence and reviews the ALJ's decision deferentially, while requiring sufficient development and explanation of the record to permit meaningful judicial review.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Christos T. v. Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- agency adjudication
- disability definition
- ada / disability

PRACTICE AREAS

Social Security disability

administrative law

judicial review of agency action

QUESTIONS PRESENTED

1. Whether the ALJ's step-two finding that plaintiff's mental impairments, including depression, were non-severe was supported by substantial evidence.
2. Whether the ALJ's residual functional capacity assessment adequately considered plaintiff's depression, fatigue, cognitive symptoms, testimony, and medical evidence and was supported by substantial evidence.
3. Whether the ALJ properly evaluated the persuasiveness of Dr. Spisak-Mosher's medical opinion under 20 C.F.R. § 404.1520c.
4. Whether the ALJ's step-four finding that plaintiff could perform past relevant work and step-five finding that plaintiff could perform other work were supported by substantial evidence.

HOLDINGS

1. The step-two determination was supported by substantial evidence. The ALJ properly evaluated the four paragraph-B functional domains and reasonably found only mild limitations, and any error in classifying another impairment as non-severe would have been harmless because the ALJ found other severe impairments.
2. The RFC assessment was supported by substantial evidence because the ALJ considered plaintiff's medical history, reported limitations and activities, testimony, and medical opinions, including evidence concerning depression and fatigue.
3. The ALJ properly found Dr. Spisak-Mosher's opinion unpersuasive by addressing its supportability and consistency with the record.
4. The ALJ's findings that plaintiff could perform past relevant work as a data processing manager and could perform other work were sustained.

KEY QUOTATIONS

“statements concerning the intensity, persistence[,] and limiting effects of these symptoms [were] not entirely consistent with the medical evidence and other evidence in the record.” (ECF No. 6-2, p. 25)

“which shows that [plaintiff] regularly exhibited full strength and reflexes in all extremities with a normal gait, and no loss of sensation.” (ECF No. 6-2, p. 31)

FACTUAL BACKGROUND

Plaintiff alleged disability based principally on multiple sclerosis, cervical spine spondylosis, depression, fatigue, pain, and cognitive symptoms. The ALJ found multiple sclerosis and cervical spine spondylosis severe, depression non-severe, and assessed an RFC for sedentary work with additional postural, environmental, and safety limitations. Relying on the medical and vocational evidence, the ALJ found that plaintiff could perform

past work as a data processing manager and could also perform several other jobs existing in significant numbers in the national economy.

PROCEDURAL HISTORY

Plaintiff applied for benefits on June 11, 2022. The application was denied initially and on reconsideration. After two administrative hearings, ALJ Robert Gonzalez issued an unfavorable decision on August 19, 2024, and the Appeals Council denied review on September 20, 2024. The District Court affirmed the Commissioner's final decision.

DISPOSITION

affirmed

CASES CITED

- Smith v. Commissioner of Social Security, 631 F.3d 632, 634 (3d Cir. 2010)
- Podedworny v. Harris, 745 F.2d 210, 218 (3d Cir. 1984)
- Hess v. Commissioner of Social Security, 931 F.3d 198, 201 (3d Cir. 2019)
- Appau v. Commissioner of Social Security, 847 F. App'x 149, 151 (3d Cir. 2021)
- Rutherford v. Barnhart, 399 F.3d 546, 552 (3d Cir. 2005)
- Sisco v. Commissioner of Social Security, 840 F. App'x 685, 687 (3d Cir. 2020)
- Biestek v. Berryhill, 587 U.S. 97, 103 (2019)
- Taylor v. Commissioner of Social Security, 826 F. App'x 224, 226 (3d Cir. 2020)
- Cosme v. Commissioner of Social Security, 845 F. App'x 128, 132 (3d Cir. 2021)
- Grier v. Commissioner of Social Security, 822 F. App'x 166, 170 (3d Cir. 2020)
- Diaz v. Commissioner of Social Security, 577 F.3d 500, 506 (3d Cir. 2009)
- 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)
- 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, 145 & n.2 (3d Cir. 2007)
- Zirnsak v. Colvin, 777 F.3d 607, 611 (3d Cir. 2015)
- Morel v. Colvin, No. 14-02934, 2016 WL 1270758, at *6 (D.N.J. Apr. 1, 2016)
- Landeta v. Commissioner of Social Security, 191 F. App'x 105, 111 (3d Cir. 2006)
- Wellington v. Kijakazi, No. 22-05042, 2023 WL 5551030, at *6 (D.N.J. Aug. 29, 2023)
- Jose v. Kijakazi, No. 19-19077, 2023 WL 5125533, at *4 (D.N.J. Aug. 9, 2023)
- Lynch v. Commissioner of Social Security, No. 23-1982, 2024 WL 2237961, at *2 (3d Cir. May 17, 2024)
- Dionisio v. Commissioner of Social Security, No. 23-22067, 2025 WL 428557, at *5 (D.N.J. Feb. 7, 2025)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY CHRISTOS T.,¹ Case No. 24-cv-10070-ESK Plaintiff, v. OPINION COMMISSIONER OF SOCIAL SECURITY, Defendant. KIEL, U.S.D.J. THIS MATTER is before the Court on plaintiff Christos T.'s appeal (ECF No. 1) from the final decision of the Commissioner of the Social Security Administration denying plaintiff's application for Social Security Disability Insurance Benefits (ECF No. 6-2 pp. 15-40).

For the following reasons, the Commissioner's decision will be AFFIRMED. I. BACKGROUND Because the record is voluminous, I set forth only the facts necessary for context and relevant to the issues on appeal. On June 11, 2022, plaintiff filed an application for benefits and supplemental security income. (Id. p. 18.)

The application was denied initially on November 22, 2022 and on reconsideration on February 9, 2023. (Id.) Administrative Law Judge (ALJ) David Neuman held a hearing on August 16, 2023, at which plaintiff and a vocational expert testified. (Id. 1 Due to the significant privacy concerns in Social Security cases, any nongovernmental party will be identified and referenced solely by first name and last initial in opinions issued in the United States District Court for the District of New Jersey.

See D.N.J. Standing Order 2021-10. pp. 18, 41-70.) Thereafter, ALJ Robert Gonzalez² held a supplemental hearing on November 29, 2023, at which plaintiff, his representative, a medical expert, and a vocational expert testified. (Id. pp. 19, 71-120.)

On August 19, 2024, ALJ Gonzalez issued a decision unfavorable to plaintiff, concluding that she was not disabled within the meaning of the Social Security Act. (Id. pp. 18- 40.) On September 20, 2024, the Appeals Council denied plaintiff's request for review (id. pp. 2-7), making the August 2024 decision the Commissioner's final decision. II. LEGAL STANDARD A. Standard Governing Benefits The Act establishes a five-step sequential evaluation process for determining whether a plaintiff is disabled within the meaning of the statute.

20 C.F.R. § 404.1520(a)(4). "The claimant bears the burden of proof at steps one through four, and the Commissioner bears the burden of proof at step five." *Smith v. Comm'r of Soc. Sec.*, 631 F.3d 632, 634 (3d Cir. 2010).

The analysis proceeds as follows: At step one, the ALJ determines whether the claimant is performing "substantial gainful activity." 20 C.F.R. §§ 404.1520(a)(4)(i), 416.920(a)(4)(i). If [the claimant] is, [the claimant] is not disabled. Id. Otherwise, the ALJ moves on to step two. At step two, the ALJ considers whether the claimant has any "severe medically determinable physical or mental impairment" that meets certain regulatory requirements.

Id. §§ 404.1520(a)(4)(ii), 416.920(a)(4)(ii). A "severe impairment" is one that "significantly limits [the claimant's] physical or mental ability to do basic work activities." Id. §§ 404.1520(c),

416.920(c). If the claimant lacks such an impairment, [the claimant] is not disabled. Id. §§ 404.1520(a)(4)(ii), 416.920(a)(4)(ii). If 2 From here on, “the ALJ” and “ALJ Gonzalez” both refer to ALJ Robert Gonzalez. [the claimant] has such an impairment, the ALJ moves on to step three.

At step three, the ALJ decides “whether the claimant’s impairments meet or equal the requirements of an impairment listed in the regulations” [(Listings)]. Smith, 631 F.3d at 634. If the claimant’s impairments do, [the claimant] is disabled. 20 C.F.R. §§ 404.1520(a)(4)(iii), 416.920(a)(4)(iii). If [the claimant does] not, the ALJ moves on to step four. At step four, the ALJ assesses the claimant’s “residual functional capacity” (RFC) and whether he can perform his [or her] “past relevant work.” Id. §§ 404.1520(a)(4)(iv), 416.920(a)(4)(iv).

A claimant’s “[RFC] is the most [the claimant] can still do despite [the claimant’s] limitations.” Id. §§ 404.1545(a)(1), 416.945(a)(1). If the claimant can perform ... past relevant work despite [the claimant’s] limitations, [the claimant] is not disabled. Id. §§ 404.1520(a)(4)(iv), 416.920(a)(4)(iv). If [the claimant] cannot, the ALJ moves on to step five. At step five, the ALJ examines whether the claimant “can make an adjustment to other work[,]” considering his “[RFC,] ... age, education, and work experience.” Id. §§ 404.1520(a)(4)(v), 416.920(a)(4)(v).

That examination typically involves “one or more hypothetical questions posed by the ALJ to [a] vocational expert.” *Podedworny v. Harris*, 745 F.2d 210, 218 (3d Cir. 1984). If the claimant can make an adjustment to other work, [the claimant] is not disabled. 20 C.F.R. §§ 404.1520(a)(4)(v), 416.920(a)(4)(v). If [the claimant] cannot, [the claimant] is disabled.

Hess v. Comm’r of Soc. Sec., 931 F.3d 198, 201 (3d Cir. 2019). B. Standard of Review A reviewing court may enter “a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). Factual findings, “if supported by substantial evidence, shall be conclusive.” Id.; see also *Appau v. Comm’r Soc.*

Sec., 847 F. App’x 149, 151 (3d Cir. 2021) (“Like the District Court, we must uphold a final agency determination unless we find that it is not supported by substantial evidence in the record.” (quoting *Rutherford v. Barnhart*, 399 F.3d 546, 552 (3d Cir. 2005))). Review of an ALJ’s decision “is highly deferential” and “[t]he substantial-evidence threshold ‘is not high.’” *Sisco v. Comm’r Soc.*

Sec., 840 F. App’x 685, 687 (3d Cir. 2020) (quoting *Biestek v. Berryhill*, 587 U.S. 97, 103 (2019)). “Substantial evidence ‘means—and means only—“such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.”’” Id. (quoting *Biestek*, 587 U.S. at 103). Courts are bound by an ALJ’s findings so long as they are supported by substantial evidence even if the court would have decided the matter differently.

See *Taylor v. Comm’r of Soc. Sec.*, 826 F. App’x 224, 226 (3d Cir. 2020). An ALJ must sufficiently develop the record and explain findings in order to permit meaningful review when the decision is read as a whole. *Cosme v. Comm’r Soc. Sec.*, 845 F. App’x 128, 132 (3d Cir. 2021).

In so doing, an ALJ need not use any particular language or format. *Id.* Though there is deference afforded to the ALJ’s evaluation of evidence, witnesses, and expert opinions, “remand is necessary ‘where we cannot ascertain whether the ALJ truly considered competing evidence, and whether a [plaintiff’s] conditions, individually and collectively, impacted’ his ability to work.” *Grier v. Comm’r Soc.*

Sec., 822 F. App’x 166, 170 (3d Cir. 2020) (quoting *Diaz v. Comm’r of Soc. Sec.*, 577 F.3d 500, 506 (3d Cir. 2009)). III. THE ALJ DECISION At step one, the ALJ found that plaintiff had not engaged in any substantial gainful activity. (ECF No. 6–2 p. 21.) At step two, the ALJ determined that plaintiff had the following severe impairments: multiple sclerosis, cervical spine spondylosis.

(*Id.*) At step three, ALJ Gonzalez considered various Listings and determined that through the date last insured that plaintiff “did not have an impairment or combination of impairments that met or medically equaled the severity” of any of the impairments listed by the regulations. (*Id.* pp. 22–24.) Specifically, ALJ Gonzalez determined that plaintiff’s depression “did not cause more than minimal limitation in the claimant’s ability to perform basic mental work activities and was therefore non-severe.” (*Id.* pp. 21, 22.)

Further, plaintiff’s multiple sclerosis did not result in plaintiff’s “disorganization of motor function in two extremities” or leave plaintiff with a “marked” limitation in physical functioning. (*Id.* pp. 22, 23.) Based on the totality of the evidence, ALJ Gonzalez found that plaintiff had mild limitations in “understanding, remembering, or applying information,” “interacting with others,” “concentrating, persisting, or maintain pace, and “adapting or managing oneself.” (*Id.*)

ALJ Gonzalez then determined that there was no evidence to show that plaintiff’s cervical spine spondylosis met Listing 1.15, which includes “[d]isorders of the skeletal spine resulting in compromise of a nerve root(s).” (*Id.* pp. 23, 24.) At step four, the ALJ concluded that plaintiff had the RFC to perform sedentary work, with certain additional capabilities and limitations, including that: [H]e can occasionally climb ramps and stairs, balance, stoop, kneel[], crouch[], crawl[]; never climb ladders, ropes, or scaffolds; cannot work at unprotected heights, or with machinery with moving mechanical parts; and must avoid concentrated exposure to extreme cold, extreme heat, wetness, humidity, vibrations, fumes[,], odors, dust, gases, [and] poor ventilation; but [he] can work in areas of moderate noise such as department stores, grocery stores, and areas of light traffic.

Upon summarizing plaintiff’s testimony, ALJ Gonzalez determined that plaintiff’s “statements concerning the intensity, persistence[,], and limiting effects of these symptoms [were] not entirely

consistent with the medical evidence and other evidence in the record.” (Id. p. 25.)

For example, ALJ Gonzalez noted that plaintiff’s ability to cook, clean, do laundry, do minor repairs and yard work, go to the store alone, bathe and dress himself, walk, do tai chi and yoga, and exercise daily demonstrates that plaintiff’s “daily activities ... are not limited to the extent one would expect.” (Id.) Further, ALJ Gonzalez reviewed the “type, dosage, effectiveness, and side effects” of plaintiff’s medication regimen and concluded that it would not prevent plaintiff from engaging in the RFC.

(Id.) At step five, ALJ Gonzalez considered plaintiff’s background, RFC, and vocational expert testimony to determine that plaintiff was “capable of performing past relevant work” as a data processing manager as that work is generally performed. (Id. pp. 32, 33.)

Moreover, “there were other jobs that existed in significant numbers in the national economy that the [plaintiff] also could have performed.” (Id. p. 33.) These jobs consist of parimutuel ticket checker, document preparer, and addresser. (Id. pp. 33, 34.)

Accordingly, ALJ Gonzalez found that plaintiff was not disabled pursuant to the Social Security Act. IV. DISCUSSION Plaintiff raises three main challenges to the ALJ’s decision. (ECF No. 7 (Mov. Br.) p. 6.) First, plaintiff argues that ALJ Gonzalez’s step two determination that plaintiff’s mental impairments—particularly depression— were not “severe” is not supported by substantial evidence.

(Id. pp. 9–10.) Second, plaintiff argues that ALJ Gonzalez erred in finding the medical opinion of Dr. Spisak-Mosher unpersuasive. (Mov. Br. pp. 14–15.). Third, plaintiff argues that ALJ Gonzalez’s RFC finding is not supported by substantial evidence and does not adequately reflect the impact of multiple sclerosis, fatigue, and cognitive symptoms. (Id. pp. 11–14.)

Last, plaintiff argues that ALJ Gonzalez’s step-four (past work) and step-five (alternative work) conclusions are not supported by substantial evidence because they rely on a flawed RFC and improper weighing of the medical opinions. (Id. pp. 16–19.)

The Commissioner filed an opposition brief (ECF No. 9), in response to which, plaintiff filed a reply brief (ECF No. 10 (Reply Br.)). A. Step Two Plaintiff argues that ALJ Gonzalez’s determination at step two that plaintiff’s mental condition was not a “severe” impairment was not supported by substantial evidence. (Mov. Br. pp. 9–10.) At step two, the ALJ must determine whether plaintiff has any impairments severe enough to limit his ability to work.

Sykes v. Apfel, 228 F.3d 259, 262 (3d Cir. 2000). A severe impairment is “something beyond a slight abnormality or a combination of slight abnormalities which would have no more than a minimal effect on an individual’s ability to work.” *McCrea v. Comm’r of Soc. Sec.*, 370 F.3d 357, 360 (3d Cir. 2004).

The burden is on the plaintiff to show a severe impairment at step two, but the inquiry is de minimis and used to filter out meritless claims. See *id.*; *Newell v. Comm’r of Soc. Sec.*, 347 F.3d 541, 546 (3d Cir. 2003)). Nevertheless, “diagnoses alone are insufficient to establish their severity at [s]tep [t]wo.” *Salles v. Comm’r of Soc. Sec.*, 229 F. App’x 140, 145 (3d Cir.

2007). I find that ALJ Gonzalez’s step two determination is supported by substantial evidence. ALJ Gonzalez broadly assessed plaintiff’s mental function with respect to the four “paragraph B” criteria, namely: (1) understanding, remembering, or applying information; (2) interacting with others; (3) concentrating, persisting, or maintaining pace; and (4) adapting or managing oneself.

(ECF No. 6–2, pp. 21–22.) For each functional domain, ALJ Gonzalez analyzed reports from psychological examinations, testimony of medical experts, and plaintiff’s own statements and found only mild limitations, thus concluding that plaintiff’s depression was non-severe. (*Id.*) Plaintiff suggests that the ALJ gave too little weight to the report of Dr. Theodore Brown.

(Mov. Br. pp. 9, 10; see ECF No. 6–7 pp. 139–144.) Plaintiff acknowledges that ALJ Gonzalez “note[d] the report of Dr. Brown” and plaintiff’s hearing testimony but simply concluded that they indicated only a mild impairment. (Mov. Br. p. 10; see ECF No. 6–2 p. 21.)

In short, ALJ Gonzalez specifically balanced Dr. Brown’s report with the totality of the evidence to determine that although plaintiff does have certain limitations, she is able to function sufficiently. (ECF No. 6–2 pp. 21–22.) Given that a reviewing court “must not substitute [its] own judgment for that of the fact finder,” I find plaintiff’s argument to be without merit.

Zirnsak v. Colvin, 777 F.3d 607, 611 (3d Cir. 2014.) Moreover, because ALJ Gonzalez found in plaintiff’s favor at step two by finding at least one severe impairment (here, multiple sclerosis and cervical spine spondylosis), “even if he had erroneously concluded that some of [plaintiff’s] other impairments were non- severe, any error was harmless.” *Salles*, 229 F. App’x at 145 n. 2.

B. RFC Plaintiff next argues that the ALJ’s findings as to the RFC are not supported by substantial evidence because the ALJ failed to consider plaintiff’s depression or fatigue. (Mov. Br. pp.11–14.) Plaintiff implies that ALJ Gonzalez failed to consider reports from Dr. Brown, Dr. Spisak-Mosher, and testimony from Dr. Koenig. (*Id.*) “To assess the RFC, the ALJ must consider all relevant evidence from the record, which includes statements from medical sources and the claimant’s own description of her limitations.” *Morel v. Colvin*, 14–02934, 2016 WL 1270758, at *6 (D.N.J.

Apr. 1, 2016). “The RFC assessment must be supported by a clear statement of the facts upon which the finding is based.” *Id.* “If a claimant’s symptoms “suggest a greater functional restriction than is demonstrated by the objective evidence alone, the Commissioner considers evidence such as the claimant’s statements, daily activities, duration and frequency of pain, medication, and treatment.” *Id.* (quoting *Landeta v. Comm’r of Soc.*

Sec., 191 F. App'x 105, 111 (3d Cir. 2006)). Plaintiff offers no evidence in support of his position. Instead, I find that when assessing plaintiff's RFC, ALJ Gonzalez thoroughly discussed plaintiff's medical history, self-reported limitations and abilities, testimony, and medical reports. (ECF No.6–2 pp. 24–32.)

The ALJ provided a detailed summary of plaintiff's limitations and medical records and discussed in detail the opinions of his medical providers. (Id.) For example, the ALJ noted, inter alia, that plaintiff could cook, clean, wash laundry, bathe and dress himself, do yoga and tai chi, and attend virtual classes. (ECF No. 6–2 p. 25.)

To the extent plaintiff takes issue with ALJ Gonzalez not having given proper weight to the reports of Dr. Brown and Dr. Spisak-Mosher and the testimony of Dr. Koenig (see Mov. Br. pp. 12, 13), an ALJ need not “defer or give any specific evidentiary weight, including controlling weight, to any medical opinion(s) or prior administrative medical finding(s), [] including those from [the plaintiff's own] medical sources.” 20 C.F.R. § 404.1520c(a).

Instead of assigning weight to medical opinions, the ALJ considers the persuasiveness of a medical opinion or finding. Id. Consistent with this regulation, the ALJ did just that. See *Wellington v. Kijakazi*, No. 22–05042, 2023 WL 5551030, at *6 (D.N.J. Aug. 29, 2023) (“[T]he ALJ did not merely announce her RFC determination without providing any support or explanation.

She appropriately evaluated the objective medical record.”); *Jose v. Kijakazi*, 19–19077, 2023 WL 5125533, at *4 (D.N.J. Aug. 9, 2023) (finding that the ALJ's discussion of the objective medical evidence “indicates that his RFC determination is supported by substantial evidence and that it resulted from his ‘careful consideration of the entire record’”). C. Medical Opinions Plaintiff next argues that the ALJ erred by rejecting the opinion of Dr. Spisak-Mosher.

(Mov. Br. pp. 14–15.) ALJs must assess the persuasiveness of the medical opinions and prior administrative findings based on the five factors enumerated in 20 C.F.R. § 404.1520c. *Lynch v. Comm'r Soc. Sec.*, 23–1982, 2024 WL 2237961, at *2 (3d Cir. May 17, 2024). Those factors are: (1) supportability; (2) consistency; (3) relationship with the plaintiff; (4) specialization; and (5) other factors.

20 C.F.R. § 404.1520c(c). Supportability and consistency are the two most important factors when assessing persuasiveness. 20 C.F.R. § 404.1520c(a). For supportability, “[t]he more relevant the objective medical evidence and supporting explanations presented by a medical source are to support his or her medical opinion(s) or prior administrative medical finding(s), the more persuasive the medical opinions or prior administrative medical finding(s) will be.” 20 C.F.R. § 404.1520c(c)(1).

Likewise, “[t]he more consistent a medical opinion(s) or prior administrative medical finding(s) is with the evidence from other medical sources and nonmedical sources in the claim, the more persuasive the medical opinion(s) or prior administrative medical finding(s) will be.” 20 C.F.R. § 404.1520c(c)(2).

As stated above, an ALJ need not defer to any particular medical opinions or findings. See 20 C.F.R. § 404.1520c(a). Instead, the ALJ must articulate how they considered supportability and consistency when determining the persuasiveness of each medical opinion. *Id.*; *Lynch*, 2024 WL 2237961, at *2.

Here, I find that ALJ Gonzalez properly considered Dr. Spisak-Mosher’s opinion. (See ECF No. 6–2 pp. 30–31.) ALJ Gonzalez concluded that Dr. Spisak-Mosher’s opinions including, *inter alia*, that plaintiff experiences frequent pain and fatigue that interferes with his attention and concentration, that he would miss work more than four times per month, and that he could not perform even low stress jobs, were unpersuasive.

(*Id.*) ALJ Gonzalez considered supportability, pointing to the lack of support for Dr. Spisak-Mosher’s conclusions even from her own examination of plaintiff. (*Id.* p. 31.) Further, ALJ Gonzalez cites to dozens of record documents as well as plaintiff’s own testimony to demonstrate how Dr. Spisak-Mosher’s opinions are inconsistent with the record as whole, “which shows that [plaintiff] regularly exhibited full strength and reflexes in all extremities with a normal gate, and no loss of sensation.” (*Id.*)

Accordingly, ALJ Gonzalez did not err in finding Dr. Spisak-Mosher’s opinion unpersuasive. D. Steps Four and Five Plaintiff’s final challenge is to the ALJ’s step four and step five analysis. Plaintiff argues that because the ALJ’s RFC analysis was deficient, the ALJ’s corresponding finding that plaintiff could perform past work (step four) or other work (step five) cannot be sustained.

(*Mov. Br.* pp. 16–19.) Specifically, plaintiff takes issue with the ALJ utilizing an RFC “that does not take into account the fatigue and the missing work and the effects of cognitive loss.” (*Id.* p. 16.) As to step four, plaintiff argues that the past work identified as possible by the vocational expert using the RFC from ALJ Gonzalez—Manager, Data Processing, DOT 169.167-030—should have been considered a composite job.

(*Id.*) At step five, plaintiff argues the alternative jobs named by the vocational expert—Parimutuel ticket checker, DOT 219.587-010, Document preparer, DOT 249.587-018, and Addresser, DOT 209.587-010—are obsolete in the current economy and have a lower job incidence than stated. (*Id.* pp. 18–19.)

As a preliminary matter, since plaintiff did not object to the vocational expert’s testimony during the hearing, any objection raised now is untimely. *Dionisio v. Comm’r of Soc. Sec.*, 23–22067,

2025 WL 428557, at *5 (D.N.J. Feb. 7, 2025).

However, even if the challenge were timely, it is plaintiff's burden to show at step four that he could not perform his past relevant work. *Smith*, 631 F.3d at 634. Plaintiff has presented no evidence to show that Data Processing Manager is a composite job or that plaintiff would not be able to perform it.

Moreover, although plaintiff takes issue with the vocational expert relying on the alternative jobs of parimutuel ticket checker, document preparer, and addresser, plaintiff has pointed to no errors made by ALJ Gonzalez or the vocational expert, and in fact plaintiff credits ALJ Gonzalez for asking the vocational expert about changes in the jobs of addresser and document preparer.

(Reply Br. pp. 11, 12.) V. CONCLUSION For the reasons stated above, the Commissioner's decision denying plaintiff's application for benefits is AFFIRMED. /s/ Edward S. Kiel EDWARD S. KIEL UNITED STATES DISTRICT JUDGE Dated: December 30, 2025