

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Tammy Gonzalez v. Commissioner of Social Security

Gonzalez · No. 2:23-cv-02721-SCR · Decided July 14, 2025

SUMMARY

The United States District Court for the Eastern District of California reviewed the Commissioner of Social Security’s denial of Tammy Gonzalez’s application for disability insurance benefits. The court denied Plaintiff’s motion for summary judgment and granted the Commissioner’s cross-motion, upholding the ALJ’s evaluation of Plaintiff’s subjective symptoms, medical opinions, residual functional capacity, and step-five findings.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                                                                   |
| WRITING FOR THE COURT | Sean C. Riordan                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                                                                   |
| DECIDED               | July 14, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| DOCKET                | 2:23-cv-02721-SCR                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Judicial review of the Commissioner's final decision denying Plaintiff's application for disability insurance benefits; the parties filed cross-motions for summary judgment.                                                                                                                                                                                                                                                                         |
| STANDARD OF REVIEW    | The court upheld the Commissioner's decision if it was supported by substantial evidence and the Commissioner applied the correct legal standards. The court reviewed the administrative record as a whole, could not substitute its judgment for the Commissioner's, and could affirm only on the grounds stated by the ALJ. Harmless error did not require reversal when the error was inconsequential to the ultimate nondisability determination. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| PARTIES               | Tammy Gonzalez v. Commissioner of Social Security                                                                                                                                                                                                                                                                                                                                                                                                     |

TOPICS

judicial review of agency action

administrative law

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disability definition

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## PRACTICE AREAS

Social Security disability benefits

administrative law

judicial review of agency action

disability benefits

## QUESTIONS PRESENTED

1. Whether the ALJ provided legally sufficient, specific, clear, and convincing reasons for discounting Plaintiff's subjective symptom testimony.
2. Whether the ALJ properly evaluated the persuasiveness of the medical opinions of Dr. Wilson and Dr. Dixit under the post-2017 Social Security regulations.
3. Whether an isolated reference to light work constituted reversible error in the formulation of Plaintiff's residual functional capacity.
4. Whether the vocational expert's testimony established that a significant number of jobs existed in the national economy that Plaintiff could perform, despite an incorrect DOT code for the touch-up screener position.
5. Whether new evidence submitted to the Appeals Council warranted remand.

## HOLDINGS

1. The ALJ properly discounted Plaintiff's subjective symptom testimony because the ALJ provided specific, clear, and convincing reasons supported by substantial evidence, including inconsistency with objective medical evidence, conservative or limited treatment, and daily activities inconsistent with the alleged degree of impairment.
2. The ALJ did not err in finding the opinions of Dr. Wilson and Dr. Dixit only partially persuasive because the ALJ adequately addressed supportability and consistency and supported the evaluation with substantial evidence.
3. The ALJ's isolated reference to light work was a harmless typographical error because the decision consistently found Plaintiff limited to sedentary work and the ALJ's step-five analysis expressly relied on a sedentary residual functional capacity.
4. The ALJ did not err at step five because the vocational expert identified 28,000 jobs in the national economy that Plaintiff could perform, a number sufficient under Ninth Circuit precedent, and the incorrect DOT code for the touch-up screener position was harmless in context.
5. The post-decision evaluation by Physician Assistant Hubbard did not warrant remand because it post-dated the relevant period, was not shown to be retroactive, and did not create a reasonable probability of changing the outcome.

## KEY QUOTATIONS

*“The ALJ’s credibility finding must be properly supported and sufficiently specific “an ALJ is not required to believe every allegation of disabling pain, or else disability benefits would be available for the asking, a result plainly contrary to the Social Security Act.”” (Analysis § VI.1)*

*“The Court has considered the ALJ’s decision and Plaintiff’s arguments and finds the ALJ’s decision is supported by substantial evidence.” (Conclusion)*

## FACTUAL BACKGROUND

Gonzalez alleged disability beginning March 11, 2019, based principally on lower-back and left-knee pain following a workplace fall. The record included degenerative lumbar and knee conditions, chronic obstructive pulmonary disorder, and morbid obesity, but examinations frequently showed normal gait, strength, sensation, and range of motion, and an MRI showed mild-to-moderate degenerative changes without significant spinal stenosis or central root compression. She testified that she could perform personal care, drive for short periods, shop, and stand, walk, and sit for limited periods. The ALJ found that she could perform sedentary work with restrictions and that jobs existed in significant numbers that she could perform.

## PROCEDURAL HISTORY

Plaintiff applied for disability insurance benefits in July 2021. Her application was denied initially and on reconsideration. Following a September 29, 2022 administrative hearing, the ALJ issued an unfavorable decision on February 10, 2023, and the Appeals Council denied review on September 18, 2023. Plaintiff then filed this action, and the district court denied her motion for summary judgment, granted the Commissioner's cross-motion, and ordered entry of judgment for the Commissioner.

## DISPOSITION

other

## CASES CITED

- Howard ex rel. Wolff v. Barnhart, 341 F.3d 1006, 1011 (9th Cir. 2003)
- Andrews v. Shalala, 53 F.3d 1035, 1039 (9th Cir. 1995)
- Molina v. Astrue, 674 F.3d 1104, 1111 (9th Cir. 2012)
- Richardson v. Perales, 402 U.S. 389, 401 (1971)
- Widmark v. Barnhart, 454 F.3d 1063, 1066 (9th Cir. 2006)
- Desrosiers v. Secretary of HHS, 846 F.2d 573, 576 (9th Cir. 1988)
- Jones v. Heckler, 760 F.2d 993, 995 (9th Cir. 1985)
- Edlund v. Massanari, 253 F.3d 1152, 1156 (9th Cir. 2001)
- Thomas v. Barnhart, 278 F.3d 947, 954, 958-59 (9th Cir. 2002)
- Orn v. Astrue, 495 F.3d 625, 630 (9th Cir. 2007)
- Connett v. Barnhart, 340 F.3d 871, 874 (9th Cir. 2003)
- Robbins v. Social Security Administration, 466 F.3d 880, 885 (9th Cir. 2006)

- Stout v. Commissioner, 454 F.3d 1050, 1055 (9th Cir. 2006)
- Burch v. Barnhart, 400 F.3d 676, 679 (9th Cir. 2005)
- Bowen v. Yuckert, 482 U.S. 137, 140, 146 n.5 (1987)
- Barnhart v. Thomas, 540 U.S. 20, 24-25 (2003)
- Hill v. Astrue, 698 F.3d 1153, 1161 (9th Cir. 2012)
- Garrison v. Colvin, 759 F.3d 995, 1014 (9th Cir. 2014)
- Smartt v. Kijakazi, 53 F.4th 489, 498-500 (9th Cir. 2022)
- Parra v. Astrue, 481 F.3d 742, 746, 751 (9th Cir. 2007)
- Tommasetti v. Astrue, 533 F.3d 1035, 1039-40 (9th Cir. 2008)
- Ahearn v. Saul, 988 F.3d 1111, 1117 (9th Cir. 2021)
- Woods v. Kijakazi, 32 F.4th 785, 787, 792 (9th Cir. 2022)
- Ford v. Saul, 950 F.3d 1141, 1155 (9th Cir. 2020)
- Lewis v. Berryhill, 722 F. App'x 660, 661 (9th Cir. 2018)
- McKenzie v. Kijakazi, 2021 WL 4279015, at \*15 (E.D. Cal. Sept. 21, 2021)
- Meanel v. Apfel, 172 F.3d 1111, 1115 (9th Cir. 1999)
- Shaibi v. Berryhill, 883 F.3d 1102, 1109-10 (9th Cir. 2017)
- Gutierrez v. Commissioner of Social Security, 740 F.3d 519, 529 (9th Cir. 2014)
- Brewes v. Commissioner of Social Security, 682 F.3d 1157, 1159-60, 1162 (9th Cir. 2012)
- Bruton v. Massanari, 268 F.3d 824, 827 (9th Cir. 2001)
- Petersen v. Berryhill, 737 F. App'x 329, 332 (9th Cir. 2018)
- Biestek v. Berryhill, 587 U.S. 97, 103 (2019)