

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Jennifer M. Ellsworth v. Commissioner of Social Security Administration

Ellsworth · No. CV-25-00114-TUC-RM · Decided March 18, 2026

SUMMARY

The United States District Court for the District of Arizona reviews objections to a magistrate judge’s Report and Recommendation in a Social Security disability benefits case. The court adopts the recommendation in substantial part, reverses the Commissioner’s decision because the ALJ failed to provide clear and convincing reasons for discounting testimony about migraines, and remands for a new hearing and decision. The court also directs further evaluation of the claimant’s foot impairment and residual functional capacity.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Rosemary Márquez
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 18, 2026
DOCKET	CV-25-00114-TUC-RM
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review of the Commissioner's denial of disability insurance benefits and objected to a magistrate judge's Report and Recommendation recommending reversal and remand for further administrative proceedings.
STANDARD OF REVIEW	The district court reviews objected-to portions of a magistrate judge's report and recommendation de novo under 28 U.S.C. § 636(b)(1). The Commissioner's decision must be affirmed if supported by substantial evidence and based on correct legal standards. The court reviews the record as a whole, considers evidence supporting and detracting from the ALJ's conclusions, and may not affirm on grounds not relied upon by the ALJ. An ALJ rejecting symptom testimony after the claimant establishes a medically determinable impairment capable of producing the symptoms, absent malingering, must provide specific, clear, and convincing reasons.

PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.
PARTIES	Jennifer M. Ellsworth v. Commissioner of Social Security Administration

TOPICS

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 provided legally sufficient, clear, and convincing reasons for discounting Plaintiff's symptom testimony concerning her migraines.
2. Whether the ALJ was required to consider Plaintiff's non-severe foot impairment when formulating the residual functional capacity.
3. Whether the record warranted remand for an immediate award of benefits under the credit-as-true rule or remand for further administrative proceedings.
4. Whether the ALJ's evaluations of Plaintiff's hand, neck, back, and other impairment-related testimony were supported by substantial evidence.

HOLDINGS

1. The ALJ failed to provide specific, clear, and convincing reasons for discounting Plaintiff's testimony concerning the severity of her migraines.
2. Even though Plaintiff's foot impairments were found non-severe at Step Two, the ALJ was required to consider them when formulating the residual functional capacity and specifically evaluate the related symptom testimony.
3. Because the ALJ found the foot impairments non-severe at Step Two, and Plaintiff forfeited a challenge to that finding, the ALJ was not required to evaluate the foot impairments under Listing 1.18 at Step Three.
4. Remand for further administrative proceedings, rather than an immediate award of benefits, was appropriate.

KEY QUOTATIONS

“If an ALJ finds that a “claimant has presented objective medical evidence of an underlying impairment which could reasonably be expected to produce the pain or other symptoms alleged,” and “there is no evidence of malingering, the ALJ can reject the claimant’s testimony about the severity of symptoms only by offering specific, clear and convincing reasons for doing so.”” (Order at 7)

“Even though a non-severe impairment standing alone may not significantly limit an individual's ability to do basic work activities, it may—when considered with limitations or restrictions due to other impairments—be critical to the outcome of a claim.” (Order at 11)

FACTUAL BACKGROUND

Plaintiff applied for disability insurance benefits alleging disability beginning August 13, 2019. The ALJ found severe impairments including rheumatoid arthritis, fibromyalgia, bilateral thumb osteoarthritis, degenerative disc disease, and headaches, but found Plaintiff capable of sedentary work with limitations and able to perform other jobs existing in significant numbers in the national economy. Plaintiff testified that migraines could incapacitate her for an entire day, that her hands were almost nonfunctional, that neck and back pain required her to recline for four to five hours daily, and that foot pain limited walking. The district court concluded that the ALJ inadequately explained the rejection of the migraine testimony and did not adequately address the foot impairment in the residual-functional-capacity analysis.

PROCEDURAL HISTORY

The Social Security Administration denied Plaintiff's application initially and on reconsideration. After an administrative hearing, the ALJ found Plaintiff not disabled, and the Appeals Council denied review. Magistrate Judge Maria S. Aguilera recommended reversing and remanding for a new hearing and decision. The district court reviewed the objected-to portions de novo, adopted the R&R with a modification concerning the foot impairment, reversed the Commissioner's final decision, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter is remanded to the Commissioner for a new hearing and decision. The agency must further develop the record concerning Plaintiff's headache disorder, reevaluate the headache disorder under SSR 19-4p, reassess the residual functional capacity, consider limitations imposed by the headache disorder and all severe and non-severe impairments, and specifically evaluate the credibility of Plaintiff's symptom testimony concerning her foot impairments and whether those impairments affect the residual functional capacity.

CASES CITED

- Johnson v. Zema Systems Corp., 170 F.3d 734, 739 (7th Cir. 1999)
- Prior v. Ryan, CV 10-225-TUC-RCC, 2012 WL 1344286, at *1 (D. Ariz. Apr. 18, 2012)
- Carmickle v. Commissioner of Social Security Administration, 533 F.3d 1155, 1159 (9th Cir. 2008)
- Thomas v. Barnhart, 278 F.3d 948, 954 (9th Cir. 2002)
- Gutierrez v. Commissioner of Social Security, 740 F.3d 519, 523 (9th Cir. 2014)
- Hill v. Astrue, 698 F.3d 1153, 1159 (9th Cir. 2012)
- Revels v. Berryhill, 874 F.3d 648, 654 (9th Cir. 2017)

- *Lingenfelter v. Astrue*, 504 F.3d 1028, 1036 (9th Cir. 2007)
- *Stout v. Commissioner, Social Security Administration*, 454 F.3d 1050, 1054-56 (9th Cir. 2006)
- *Smartt v. Kijakazi*, 53 F.4th 489, 498 n.1 (9th Cir. 2022)
- *Bunnell v. Sullivan*, 947 F.2d 341, 346-47 (9th Cir. 1991)
- *Batson v. Commissioner of Social Security Administration*, 359 F.3d 1190, 1194 (9th Cir. 2004)
- *Garrison v. Colvin*, 759 F.3d 995, 1019-21 (9th Cir. 2014)
- *Treichler v. Commissioner of Social Security*, 775 F.3d 1090, 1101 (9th Cir. 2014)

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