

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

James P. v. Frank Bisignano

James P. · No. 25-cv-1078 (SGE) · Decided February 26, 2026

SUMMARY

The United States District Court for the District of Minnesota remanded a Social Security disability benefits case for further administrative proceedings. The court held that the Administrative Law Judge failed to resolve an apparent conflict between vocational-expert testimony and the Dictionary of Occupational Titles under Social Security Ruling 00-4p. The court also found it unclear whether the Appeals Council considered a new vocational report submitted by the plaintiff.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Shannon G. Elkins
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	February 26, 2026
DOCKET	25-cv-1078 (SGE)
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying Plaintiff's application for disability insurance benefits.
STANDARD OF REVIEW	The court reviews whether the ALJ's decision complies with applicable legal standards and is supported by substantial evidence in the record as a whole. The court may not reverse merely because it would have reached a different conclusion, so long as the decision falls within the available zone of choice.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	James P. v. Frank Bisignano, Acting Commissioner of Social Security

TOPICS

- judicial review of agency action
- agency adjudication
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the ALJ violated Social Security Ruling 00-4p by relying on vocational-expert testimony without inquiring into and resolving the apparent conflict between that testimony and the Dictionary of Occupational Titles.
2. Whether the Appeals Council was required to review the new and material Starr vocational report and whether remand was required because the record did not establish that the Appeals Council considered it.

HOLDINGS

1. The ALJ erred by failing to inquire on the record about, obtain a reasonable explanation for, and resolve the conflict between the vocational expert's testimony that school-bus-driver work required only frequent reaching and handling and the Dictionary of Occupational Titles' description of that work as requiring constant reaching and handling.
2. The Appeals Council was required to review the Starr Report because it was new, material, related to the period on or before the ALJ's decision, and presented a reasonable probability of changing the outcome; remand was required because the court could not determine whether the Appeals Council had considered the report.

KEY QUOTATIONS

“When there is an apparent unresolved conflict between [VE] evidence and the DOT, the adjudicator must elicit a reasonable explanation for the conflict before relying on the VE's testimony.” (R. 86)

“If this question were enough to resolve an inconsistency, it would render SSR 00-4p's requirements to inquire about inconsistencies and obtain a reasonable explanation meaningless.” (R. 86)

“Because Ms. Warren's testimony was not consistent with the DOT, and the ALJ failed to inquire about and resolve the conflict, he cannot rely on Ms. Warren's testimony in the disability determination.” (R. 87)

FACTUAL BACKGROUND

Plaintiff alleged disability beginning January 1, 2022, based principally on osteoarthritis of the right knee and obesity. The ALJ limited Plaintiff to medium work with frequent reaching, handling, fingering, and feeling, but found that he could perform past work as a school bus driver even though the Dictionary of Occupational Titles describes that job as requiring constant reaching and handling. Plaintiff later submitted the Starr Report to the Appeals Council, which contradicted the vocational expert's testimony concerning all three jobs identified in the ALJ's alternative step-five finding. The Appeals Council denied review without making clear whether it considered the Starr Report.

PROCEDURAL HISTORY

Plaintiff applied for disability insurance benefits, and the application was denied initially and on reconsideration. After a January 9, 2024 hearing, the ALJ found that Plaintiff was not disabled because he could perform past relevant work and, alternatively, other work existing in significant numbers. The Appeals Council denied review on January 24, 2025, after Plaintiff submitted a vocational report, and Plaintiff filed this action on March 24, 2025. The district court granted Plaintiff's request for relief and remanded under sentence four of 42 U.S.C. § 405(g) for further administrative proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter is remanded to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. On remand, the ALJ should reconsider the prior decision in light of the Starr Report and reassess Plaintiff's ability to perform past relevant work at step four in accordance with SSR 00-4p.

CASES CITED

- Medved v. Kijakazi, 855 F. App'x 311 (8th Cir. 2021)
- Purdy v. Berryhill, 887 F.3d 7, 14 n.10 (1st Cir. 2018)
- Svendsen v. Kijakazi, No. 1:21-cv-1029 (CBK), 2022 WL 2753163, at *15 (D.S.D. July 14, 2022)
- Poole v. Kijakazi, 28 F.4th 792, 795 (7th Cir. 2022)
- Chavez v. Berryhill, 895 F.3d 962, 965 (7th Cir. 2018)
- Lucas v. Saul, 960 F.3d 1066, 1068 (8th Cir. 2020)
- Halverson v. Astrue, 600 F.3d 922, 929 (8th Cir. 2010)
- Kraus v. Saul, 988 F.3d 1019, 1024 (8th Cir. 2021)
- Phillips v. Astrue, 671 F.3d 699, 702 (8th Cir. 2012)
- Perks v. Astrue, 687 F.3d 1086, 1091 (8th Cir. 2012)
- Pearsall v. Massanari, 274 F.3d 1211, 1217 (8th Cir. 2001)
- Bradley v. Astrue, 528 F.3d 1113, 1115 (8th Cir. 2008)
- Nicola v. Astrue, 480 F.3d 885, 886 (8th Cir. 2007)
- Sullivan v. Zebley, 493 U.S. 521, 530 n.9 (1990)
- Lori A. H. v. Bisignano, No. 24-CV-2262 (JMB/JFD), 2025 WL 2374304, at *5-*6 (D. Minn. July 23, 2025)
- A-H v. Bisignano, 2025 WL 2374305 (D. Minn. Aug. 15, 2025)
- Thor S. v. Berryhill, No. 18-CV-538 (NEB/KMM), 2018 WL 7141873, at *5-*6 (D. Minn. Dec. 13, 2018)
- 2019 WL 368459 (D. Minn. Jan. 30, 2019)
- Angela R. M. v. Colvin, No. 23-CV-03033 (JMB/JFD), 2025 WL 554020 (D. Minn. Jan. 22, 2025)
- Angela R. M. v. King, 2025 WL 553616, at *3 (D. Minn. Feb. 19, 2025)
- Lamp v. Astrue, 531 F.3d 629, 632-33 (8th Cir. 2008)
- Bergmann v. Apfel, 207 F.3d 1065, 1069-70 (8th Cir. 2000)

- Mackey v. Shalala, 47 F.3d 951, 953 (8th Cir. 1995)
- Duran v. O'Malley, 754 F. Supp. 3d 251, 263-64 (D. Mass. 2024)
- Craig M. v. Berryhill, No. 18-CV-908 (NEB/DTS), 2019 WL 2648029, at *3 (D. Minn. June 10, 2019)
- 2019 WL 2644199 (D. Minn. June 26, 2019)
- B.L.B. v. Kijakazi, No. 4:21-CV-04222 (VLD), 2022 WL 14812595, at *27-*28 (D.S.D. Oct. 26, 2022)
- Torrey v. Astrue, No. 4:10-CV-2271 (LMB), 2012 WL 886828, at *17-*18 (E.D. Mo. Mar. 15, 2012)
- Nelson v. Sullivan, 966 F.2d 363, 366 (8th Cir. 1992)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-district-of-minnesota/2026/james-p-v-frank-bisignano-xrw2o5es>