

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
WEST VIRGINIA, HUNTINGTON DIVISION

Pamela P. v. Frank Bisignano

Pamela P. · No. 3:25-CV-00699 · Decided March 26, 2026

SUMMARY

The United States Magistrate Judge recommends remand of a Social Security disability-benefits action challenging the Commissioner’s denial of Disability Insurance Benefits. The recommendation concludes that the ALJ did not adequately evaluate the claimant’s neurogenic bladder impairment, its duration, and its potential effects on the residual functional capacity and vocational testimony. The recommended disposition is reversal and remand under the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                        |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Southern District of West Virginia, Huntington Division                                                                                                                                                                                           |
| JURISDICTION       | United States District Court for the Southern District of West Virginia, Huntington Division                                                                                                                                                                                           |
| DECIDED            | March 26, 2026                                                                                                                                                                                                                                                                         |
| DOCKET             | 3:25-CV-00699                                                                                                                                                                                                                                                                          |
| DISPOSITION        | reversed_and_remanded                                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE | Proposed findings and recommendation on judicial review of the Commissioner of Social Security's denial of Disability Insurance Benefits under Title II of the Social Security Act.                                                                                                    |
| STANDARD OF REVIEW | The court reviews whether the Commissioner's decision is supported by substantial evidence and reflects an appropriate application of law. The court must scrutinize the record as a whole but may not reweigh conflicting evidence or substitute its judgment for the Commissioner's. |
| PRECEDENTIAL VALUE | nonprecedential                                                                                                                                                                                                                                                                        |
| PARTIES            | Pamela P. v. Frank Bisignano, Commissioner of Social Security                                                                                                                                                                                                                          |

TOPICS

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

## PRACTICE AREAS

Social Security disability

administrative law

federal civil procedure

judicial review of agency action

remedies

## QUESTIONS PRESENTED

1. Whether the ALJ's finding that Pamela P.'s neurogenic bladder was not a severe impairment was supported by substantial evidence.
2. Whether the ALJ adequately considered the functional effects of neurogenic bladder, including catheterization and possible off-task time, in the residual-functional-capacity assessment and hypothetical question to the vocational expert.
3. Whether the record required an award of benefits or instead warranted remand for further administrative proceedings.

## HOLDINGS

1. The ALJ's finding that Pamela P.'s neurogenic bladder was non-severe was not supported by substantial evidence because the evidence showed a medically determinable impairment lasting at least twelve months and potentially affecting basic work activities, including walking.
2. The ALJ's failure to adequately explain the functional effects of neurogenic bladder resulted in a flawed RFC assessment and hypothetical question, and the error was not harmless because the vocational expert testified that being off task for more than fifteen percent of the workday would preclude competitive employment.
3. The proper remedy was remand for further administrative proceedings rather than an immediate award of benefits because the record did not establish that a properly explained denial could not be supported by substantial evidence.

## KEY QUOTATIONS

*"In short, these medical records appear to demonstrate the Plaintiff's neurogenic bladder was a medically determinable impairment that met the twelve month durational threshold, and was "severe" to the point that it impacted her physical work abilities, including "walking" under Sections 404.1509, 404.1520(a)(4)(ii) and 404.1522(b)(1)." (at 13)*

*"Thus, under the circumstances presented here, the undersigned is unable to find that substantial evidence supports the ALJ's findings as to this impairment under step two, let alone supports the resulting RFC given this evidentiary gap – in other words, the lack of adequate explanation here precludes meaningful review, and the Court is "left to guess about how the ALJ arrived at his conclusions." (at 13-14)*

## FACTUAL BACKGROUND

Pamela P. alleged disability beginning June 1, 2022 based on multiple physical and mental conditions, including neurogenic bladder, urinary retention, and incontinence. Before placement of an InterStim device in September and October 2023, she self-catheterized from two to six times daily and experienced urinary symptoms. The ALJ

found neurogenic bladder non-severe, assessed a residual functional capacity for a restricted range of medium work, and relied on vocational-expert testimony to find that she could perform other work.

#### PROCEDURAL HISTORY

The ALJ denied Pamela P.'s application for Disability Insurance Benefits on March 13, 2025, and the Appeals Council denied review on September 26, 2025, making the ALJ's decision the Commissioner's final decision. Pamela P. filed this action under 42 U.S.C. § 405(g), and the parties submitted briefs. The magistrate judge recommended granting the request for remand, reversing the Commissioner's decision, and remanding for further administrative proceedings.

#### DISPOSITION

reversed\_and\_remanded

#### REMAND INSTRUCTIONS

Remand to the Commissioner under the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the proposed findings and recommendation, including adequate evaluation of the severity and functional effects of neurogenic bladder during the relevant period and a properly supported RFC and vocational hypothetical.

#### CASES CITED

- Blalock v. Richardson, 483 F.2d 773, 774 (4th Cir. 1972)
- Hall v. Harris, 658 F.2d 260, 264 (4th Cir. 1981)
- McLain v. Schweiker, 715 F.2d 866, 868-69 (4th Cir. 1983)
- McLamore v. Weinberger, 538 F.2d 572, 574 (4th Cir. 1976)
- Evans v. Heckler, 734 F.2d 1012, 1014 (4th Cir. 1984)
- Spurlock v. Berryhill, No. 3:17-cv-02240, 2018 WL 1956119, at \*14 (S.D.W. Va. Apr. 2, 2018)
- Cook v. Colvin, No. 2:15-cv-07181, 2016 WL 5661348, at \*9 (S.D.W. Va. Sept. 29, 2016)
- Brown v. Colvin, No. 1:12CV1081, 2015 WL 1143139, at \*6 (M.D.N.C. Mar. 13, 2015)
- Ramon M. v. Berryhill, 2019 WL 2436938, at \*6-7 (D. Md. June 10, 2019)
- Mascio v. Colvin, 780 F.3d 632, 637 (4th Cir. 2015)
- Carr v. Kijakazi, 2022 WL 301540, at \*4-5 (4th Cir. Feb. 1, 2022)
- Johnson v. Barnhart, 434 F.3d 650, 653 (4th Cir. 2005)
- Oppenheim v. Finch, 495 F.2d 396, 397 (4th Cir. 1974)
- Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989)
- Thomas v. Arn, 474 U.S. 140, 155 (1985)
- Wright v. Collins, 766 F.2d 841, 846 (4th Cir. 1985)
- United States v. Schronce, 727 F.2d 91, 94 (4th Cir.), cert. denied, 467 U.S. 1208 (1984)
- Laws v. Celebrezze, 368 F.2d 640, 642 (4th Cir. 1966)

