

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Vertner v. Commissioner of Social Security

No. 1:24-cv-00454-HBK (E.D. Cal. May 9, 2025) · No. 1:24-cv-00454-HBK · Decided May 9, 2025

SUMMARY

The United States District Court for the Eastern District of California reviews the Commissioner of Social Security’s denial of Angell Vertner’s application for supplemental security income. The court concludes that the ALJ failed to provide clear, convincing, and specific reasons supported by substantial evidence for discounting Vertner’s symptom testimony and remands the case for further administrative proceedings.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 9, 2025
DOCKET	1:24-cv-00454-HBK
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review of the Commissioner's final decision denying supplemental security income. The parties filed cross-motions for summary judgment, and the matter was decided without oral argument.
STANDARD OF REVIEW	Under 42 U.S.C. § 405(g), the court reviews the Commissioner's decision for substantial evidence and legal error, considers the entire record as a whole, may not substitute its judgment for the Commissioner's, and disregards harmless error.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status unknown
PARTIES	Angell Vertner v. Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- disability definition

PRACTICE AREAS

Social Security disability

administrative law

judicial review of agency action

QUESTIONS PRESENTED

1. Whether the ALJ provided legally sufficient, clear, convincing, and specific reasons supported by substantial evidence for discounting Vertner's subjective symptom testimony.
2. Whether the ALJ properly evaluated the severity and limiting effects of Vertner's migraine headaches and sensorineural hearing loss.
3. Whether the ALJ adequately considered the exacerbating impact of Vertner's obesity.
4. Whether the appropriate remedy was remand for further administrative proceedings or an immediate award of benefits.

HOLDINGS

1. The ALJ failed to provide clear, convincing, and specific reasons supported by substantial evidence for rejecting Vertner's symptom testimony.
2. The ALJ must reconsider the effects of Vertner's headaches and hearing loss because the findings that those conditions were well-managed or successfully addressed were not supported by substantial evidence.
3. Remand for further administrative proceedings, rather than an immediate award of benefits, was appropriate.

KEY QUOTATIONS

"The scope of review under § 405(g) is limited; the Commissioner's decision will be disturbed "only if it is not supported by substantial evidence or is based on legal error." (at 3)

"Second, "[i]f the claimant meets the first test and there is no evidence of malingering, the ALJ can only reject the claimant's testimony about the severity of the symptoms if [the ALJ] gives 'specific, clear and convincing reasons' for the rejection." (at 6)

"The Court concludes that the ALJ did not provide clear and convincing reasons, supported by substantial evidence, for rejecting Plaintiff's symptom claims." (at 14)

FACTUAL BACKGROUND

Vertner applied for supplemental security income, alleging disability based on lupus, back pain, hearing difficulties, hand limitations, memory problems, and headaches. She testified that she had significant restrictions on standing, walking, lifting, hand use, sitting, and lying down during an eight-hour day. The ALJ found severe impairments of systemic lupus erythematosus, degenerative joint disease, and obesity, assessed a light-work residual functional capacity with additional postural and manipulative limitations, and found that Vertner could perform several jobs existing in significant numbers in the national economy.

PROCEDURAL HISTORY

Vertner applied for supplemental security income, and the application was denied initially and on reconsideration. After a telephonic hearing, an administrative law judge issued an unfavorable decision, and the Appeals Council denied review. The district court granted Plaintiff's motion for summary judgment, denied the Commissioner's cross-motion, reversed the Commissioner's decision under sentence four of 42 U.S.C. § 405(g), and remanded for further administrative proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The ALJ must reevaluate Vertner's symptom claims and all relevant medical evidence, including medical opinions; reconsider the effects of her headaches, hearing loss, and obesity; conduct a new sequential analysis; reassess her residual functional capacity; and, if necessary, obtain additional consultative examinations, medical-expert testimony, and vocational-expert testimony incorporating all limitations credited by the ALJ.

CASES CITED

- Hill v. Astrue, 698 F.3d 1153, 1158-59 (9th Cir. 2012)
- Tommasetti v. Astrue, 533 F.3d 1035, 1038, 1040 (9th Cir. 2008)
- Shinseki v. Sanders, 556 U.S. 396, 409-10 (2009)
- Tackett v. Apfel, 180 F.3d 1094, 1098 (9th Cir. 1999)
- Beltran v. Astrue, 700 F.3d 386, 389 (9th Cir. 2012)
- Lingenfelter v. Astrue, 504 F.3d 1028, 1035-36 (9th Cir. 2007)
- Vasquez v. Astrue, 572 F.3d 586, 591 (9th Cir. 2009)
- Ghanim v. Colvin, 763 F.3d 1154, 1163-64 (9th Cir. 2014)
- Lester v. Chater, 81 F.3d 821, 834 (9th Cir. 1995)
- Thomas v. Barnhart, 278 F.3d 947, 958-59 (9th Cir. 2002)
- Garrison v. Colvin, 759 F.3d 995, 1015-16 (9th Cir. 2014)
- Moore v. Commissioner of Social Security Administration, 278 F.3d 920, 924 (9th Cir. 2002)
- Rollins v. Massanari, 261 F.3d 853, 857 (9th Cir. 2001)
- Bunnell v. Sullivan, 947 F.2d 341, 346-47 (9th Cir. 1991)
- Fair v. Bowen, 885 F.2d 597, 601 (9th Cir. 1989)
- Parra v. Astrue, 481 F.3d 742, 751 (9th Cir. 2007)
- Johnson v. Shalala, 60 F.3d 1428, 1434 (9th Cir. 1995)
- Revels v. Berryhill, 874 F.3d 648, 667 (9th Cir. 2017)
- Lapeirre-Gutt v. Astrue, 382 Fed. App'x 662, 664 (9th Cir. 2010)
- Holohan v. Massanari, 246 F.3d 1195, 1205, 1208 (9th Cir. 2001)
- Block v. Berryhill, 2018 WL 1567814, at *5 (E.D. Cal. Mar. 31, 2018)
- Moon v. Colvin, 139 F. Supp. 3d 1211, 1220 (D. Or. 2015)

- Orn v. Astrue, 495 F.3d 625, 638-39 (9th Cir. 2007)
- A.M.H. v. Saul, 2019 WL 11795561, at *8 (Dec. 5, 2019)
- Catriona B. v. Commissioner of Social Security Administration, 2024 WL 1193003, at *4 (D. Or. Mar. 20, 2024)
- Vertigan v. Halter, 260 F.3d 1044, 1050 (9th Cir. 2001)
- Trevizo v. Berryhill, 871 F.3d 664, 681 (9th Cir. 2017)
- Suzanne M. v. Saul, 2020 WL 13931887, at *7 (E.D. Wash. Apr. 6, 2020)
- Rangel v. Colvin, 2013 WL 3456975, at *7 (E.D. Cal. July 9, 2013)
- Bray v. Commissioner of Social Security Administration, 554 F.3d 1219, 1226 (9th Cir. 2009)
- Treichler v. Commissioner of Social Security Administration, 775 F.3d 1090, 1101, 1103-04 (9th Cir. 2014)

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