

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

McRoberts v. Bowen

21 Soc. Sec. Rep. Serv. 52 (11th Cir. 1988) · No. No. 87-3014 · Decided April 5, 1988

SUMMARY

The Eleventh Circuit affirmed the district court’s reversal of the Secretary of Health and Human Services’ denial of Social Security disability benefits. The court held that substantial evidence did not support the finding that McRoberts could perform sedentary work, particularly in light of medical evidence concerning chronic knee pain and functional limitations. The court also concluded that the Medical-Vocational Guidelines were improperly applied because they did not account for McRoberts’s nonexertional limitations.

CASE DETAILS

COURT	United States Court of Appeals for the Eleventh Circuit
WRITING FOR THE COURT	Hatchett; Vance; O’Kelley
JURISDICTION	Federal
DECIDED	April 5, 1988
DOCKET	No. 87-3014
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Secretary of Health and Human Services appealed from the Middle District of Florida’s reversal of the Secretary’s denial of Social Security disability benefits.
STANDARD OF REVIEW	The court reviews the Secretary’s findings to determine whether they are supported by substantial evidence in the record as a whole.
PRECEDENTIAL VALUE	Published Eleventh Circuit opinion
PARTIES	Otis Bowen, Secretary of Health and Human Services v. Scott McRoberts

TOPICS

- health law
- administrative law
- judicial review of agency action
- standard of review
- appellate procedure

PRACTICE AREAS

- Social Security disability benefits
- administrative law
- appellate review

QUESTIONS PRESENTED

1. Whether the district court applied an improper standard of review in reversing the Secretary's denial of disability benefits.
2. Whether substantial evidence supported the Secretary's finding that McRoberts was not disabled.
3. Whether the Secretary properly evaluated McRoberts's subjective complaints of pain.
4. Whether the ALJ properly applied the Medical-Vocational Guidelines to a claimant with limitations not fully reflected in the applicable residual functional capacity.

HOLDINGS

1. The district court articulated and applied the proper substantial-evidence standard, or, in any event, the record independently established that the Secretary's decision was unsupported by substantial evidence.
2. Substantial evidence did not support the Secretary's finding that McRoberts was not disabled.
3. The Secretary must consider a claimant's testimony concerning pain when there is an underlying medical condition and either objective medical evidence confirming the severity of the alleged pain or an objectively established condition of a severity reasonably expected to produce the pain.
4. The ALJ improperly applied the Medical-Vocational Guidelines because the grid rules did not account for McRoberts's individual nonexertional and exertional limitations, including his inability to sit or stand for prolonged periods because of chronic pain.
5. The ALJ improperly relied in part on McRoberts's failure to appear to be in pain at the hearing; so-called 'sit and squirm' jurisprudence has no place in the Eleventh Circuit.

KEY QUOTATIONS

"Substantial evidence is "more than a scintilla, and must do more than create a suspicion of the existence of the fact to be established; it means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."" (841 F.2d at 1078)

"This court has held that "sit and squirm" jurisprudence has no place in this circuit." (841 F.2d at 1080)

FACTUAL BACKGROUND

McRoberts suffered serious bilateral knee injuries in an automobile accident, underwent multiple knee surgeries, and continued to experience chronic pain, arthritis, chondromalacia, and muscle atrophy. Several physicians concluded that his condition restricted prolonged standing, walking, climbing, kneeling, squatting, or sustained sitting and recommended retraining for sedentary work. The ALJ nevertheless found that he could perform sedentary work and was not disabled.

PROCEDURAL HISTORY

The Secretary denied McRoberts's application for disability benefits. An administrative law judge found that McRoberts had a severe impairment but retained the capacity for sedentary work, and the Appeals Council affirmed. The district court reversed, concluding that the evidence supported McRoberts's allegations of chronic pain and inability to adapt to other employment. The Secretary appealed to the Eleventh Circuit.

DISPOSITION

affirmed

CASES CITED

- Richardson v. Perales, 402 U.S. 389, 390, 401 (1971)
- Bloodsworth v. Heckler, 703 F.2d 1233 (11th Cir. 1983)
- Walden v. Schweiker, 672 F.2d 835, 838 (11th Cir. 1982)
- Hillsman v. Bowen, 804 F.2d 1179, 1181 (11th Cir. 1986)
- Landry v. Heckler, 782 F.2d 1551, 1553 (11th Cir. 1986)
- Hand v. Heckler, 761 F.2d 1545, 1548 (11th Cir. 1985)
- Cowart v. Schweiker, 662 F.2d 731, 736 (11th Cir. 1981)
- Gibson v. Heckler, 762 F.2d 1516, 1520-21 (11th Cir. 1985)
- Heckler v. Campbell, 461 U.S. 458, 462 n.5 (1983)
- Johns v. Bowen, 821 F.2d 551, 557 (11th Cir. 1987)