

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Latasha Nicole Morgan v. Commissioner of Social Security

Morgan · No. 2:24-cv-00340-CSK · Decided March 17, 2025

SUMMARY

The United States District Court for the Eastern District of California reviewed the Commissioner of Social Security’s denial of Latasha Nicole Morgan’s application for supplemental security income. The court held that the evidence concerning available jobs was sufficient to support the step-five determination and that the ALJ provided adequate reasons for discounting Morgan’s symptom testimony. Plaintiff’s motion for summary judgment was denied, the Commissioner’s cross-motion was granted, and the decision was affirmed.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 17, 2025
DOCKET	2:24-cv-00340-CSK
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying supplemental security income. The parties filed cross-motions for summary judgment.
STANDARD OF REVIEW	The district court may reverse the Commissioner's decision only for legal error or lack of substantial evidence. Substantial evidence is more than a mere scintilla but less than a preponderance, and the court must uphold the decision when the evidence is susceptible to more than one rational interpretation or any error is harmless.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown
PARTIES	Latasha Nicole Morgan v. Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- agency adjudication

PRACTICE AREAS

Social Security disability

administrative law

federal judicial review

QUESTIONS PRESENTED

1. Whether the evidence submitted to the Appeals Council concerning the number of jobs available in the national economy undermined the ALJ's step-five finding.
2. Whether the ALJ gave legally sufficient specific, clear, and convincing reasons for discounting the more severe aspects of Morgan's subjective symptom testimony.

HOLDINGS

1. The evidence estimating 21,215 jobs in the national economy did not require remand because that number constitutes a significant number of jobs, and any discrepancy between the vocational expert's estimate and the later evidence was harmless.
2. The ALJ provided specific, clear, and convincing reasons supported by substantial evidence for discounting the more severe aspects of Morgan's subjective symptom testimony.

KEY QUOTATIONS

“A qualified vocational expert’s testimony about the number of jobs existing in the national economy that a claimant can perform is ordinarily sufficient by itself to support the ALJ’s step-five finding, and can count as substantial evidence even when not accompanied by supporting data.” (Discussion, Part IV.A.2)

“If the claimant satisfies the first step of this analysis, and there is no evidence of malingering, the ALJ can reject the claimant’s testimony about the severity of her symptoms only by offering specific, clear and convincing reasons for doing so.” (Discussion, Part IV.B.1)

FACTUAL BACKGROUND

Morgan alleged disability based principally on irritable bowel syndrome with constipation, abdominal pain, bloating, and related limitations, along with depression and obesity. The ALJ found severe IBS with constipation, obesity, and depression, but determined that Morgan retained the residual functional capacity for light work with specified environmental, postural, and social restrictions. Although Morgan could not perform past relevant work, the vocational expert identified three jobs totaling approximately 365,000 national jobs. Morgan later submitted evidence to the Appeals Council estimating only 21,215 available jobs, and the district court concluded that number was nevertheless significant.

PROCEDURAL HISTORY

Morgan applied for supplemental security income under Title XVI in September 2021. The application was denied initially and on reconsideration; an ALJ held a hearing on February 16, 2023, and found Morgan not disabled on March 20, 2023. The Appeals Council denied review on December 11, 2023, making the ALJ's decision the Commissioner's final decision. The district court denied Morgan's motion for summary judgment, granted the Commissioner's cross-motion, affirmed the final agency decision, and closed the case.

DISPOSITION

affirmed

CASES CITED

- Lester v. Chater, 81 F.3d 821, 828 n.5 (9th Cir. 1995)
- Ford v. Saul, 950 F.3d 1141, 1148, 1154 (9th Cir. 2020)
- Brewes v. Comm'r, 682 F.3d 1157, 1161-63 (9th Cir. 2012)
- Mata v. Colvin, 2014 WL 5472784, at *4 (E.D. Cal. Oct. 28, 2014)
- Independent Towers of Wash. v. Washington, 350 F.3d 925, 929 (9th Cir. 2003)
- Luther v. Berryhill, 891 F.3d 872, 875 (9th Cir. 2018)
- Tackett v. Apfel, 180 F.3d 1094, 1101 (9th Cir. 1999)
- Kilpatrick v. Kijakazi, 35 F.4th 1187, 1192-94 (9th Cir. 2022)
- Buck v. Berryhill, 869 F.3d 1040, 1051-52 (9th Cir. 2017)
- Beltran v. Astrue, 700 F.3d 386, 389-90 (9th Cir. 2012)
- Gutierrez v. Comm'r of Soc. Sec., 740 F.3d 519, 529 (9th Cir. 2014)
- Elizabeth M. v. Saul, 2021 WL 1060232, at *2 (C.D. Cal. Mar. 19, 2021)
- Anna F. v. Saul, 2020 WL 7024924, at *6 (C.D. Cal. Nov. 30, 2020)
- Shaw v. Saul, 2020 WL 13582509, at *6 (D. Ariz. Oct. 16, 2020)
- Molina v. Astrue, 674 F.3d 1104, 1111-13 (9th Cir. 2012)
- Tommasetti v. Astrue, 533 F.3d 1035, 1038 (9th Cir. 2008)
- Treichler v. Comm'r, 775 F.3d 1090, 1099, 1106 (9th Cir. 2014)
- Parra v. Astrue, 481 F.3d 742, 750-51 (9th Cir. 2007)
- Burch v. Barnhart, 400 F.3d 676, 680-81 (9th Cir. 2005)
- Rollins v. Massanari, 261 F.3d 853, 857 (9th Cir. 2001)
- Bunnell v. Sullivan, 947 F.2d 341, 346 (9th Cir. 1991)
- Fair v. Bowen, 885 F.2d 597, 604 n.5 (9th Cir. 1989)
- Brown-Hunter v. Colvin, 806 F.3d 487, 493 (9th Cir. 2015)
- Smartt v. Kijakazi, 53 F.4th 489, 498 (9th Cir. 2022)
- Marshall v. Saul, 830 F. App'x 179, 181 (9th Cir. 2020)