

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Germese James v. Commissioner of Social Security

James · No. 23-cv-3688 (NRM) · Decided February 5, 2026

SUMMARY

The United States District Court for the Eastern District of New York reviewed the Commissioner of Social Security’s denial of Germese James’s disability benefits claim. The court denied James’s motion for judgment on the pleadings and granted the Commissioner’s cross-motion, concluding that the administrative law judge properly evaluated the medical evidence and that the residual functional capacity determination was supported by substantial evidence.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Nina R. Morrison
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	February 5, 2026
DOCKET	23-cv-3688 (NRM)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying Social Security Disability benefits. Both parties moved for judgment on the pleadings.
STANDARD OF REVIEW	The court reviewed the Commissioner's decision for legal error and substantial evidence. It did not decide de novo whether Plaintiff was disabled or answer the five-step disability inquiries in the first instance. Factual findings supported by substantial evidence were treated as conclusive under 42 U.S.C. § 405(g).
PRECEDENTIAL VALUE	unpublished
PARTIES	Germese James v. Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- motion for judgment on the pleadings
- civil procedure

PRACTICE AREAS

Social Security disability

administrative law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the ALJ properly evaluated and partially credited the medical opinions of examining physician Dr. Checo.
2. Whether the ALJ's residual functional capacity determination was supported by substantial evidence and free of legal error.
3. Whether Plaintiff was entitled to a closed period of disability based on limitations following her surgeries.
4. Whether the ALJ was required to recontact Dr. Checo after finding portions of his opinion unpersuasive.

HOLDINGS

1. An ALJ may find a medical opinion persuasive in part and unpersuasive in part when the determination is supported by the medical examinations, the claimant's activities, and the record as a whole.
2. An ALJ satisfies the applicable regulations when the ALJ explicitly evaluates the supportability and consistency of a medical opinion and explains the evidentiary basis for the persuasiveness determination.
3. The ALJ's sedentary-work RFC, including the specified postural, reaching, sitting, off-task, and absenteeism limitations, was supported by substantial evidence and was free of legal error.
4. The ALJ was not required to recontact Dr. Checo merely because the ALJ found part of his opinion unpersuasive; recontact is required when a consultative-examination report is inadequate or incomplete, not whenever the ALJ disagrees with it.
5. Plaintiff was not entitled to a closed period of disability because the evidence did not show that any disabling limitations lasted for the required twelve-month period.

KEY QUOTATIONS

"considering the claimant's age, education, work experience, and residual functional capacity, the claimant is capable of making a successful adjustment to other work that exists in significant numbers in the national economy. A finding of 'not disabled' is therefore appropriate under the framework of the above-cited rule."
(AR 20)

FACTUAL BACKGROUND

Plaintiff applied for Social Security Disability benefits in March 2021, alleging disability beginning in July 2020 because of back, neck, and left shoulder injuries sustained in an automobile accident. She underwent back surgery in February 2021 and shoulder surgery in July 2021. Plaintiff returned to light-duty work with the United States Postal Service in November 2021 and sought a closed disability period through that month. The ALJ found that she could perform sedentary work with additional limitations, and the district court upheld that determination.

PROCEDURAL HISTORY

After the Social Security Administration denied Plaintiff's application, an Administrative Law Judge held a hearing and found that Plaintiff was not disabled under the Social Security Act. The Appeals Council denied review on May 8, 2023, making the ALJ's decision the Commissioner's final decision. Plaintiff timely commenced this action, and the district court denied her motion for judgment on the pleadings and granted the Commissioner's cross-motion.

DISPOSITION

affirmed

CASES CITED

- Melville v. Apfel, 198 F.3d 45, 52 (2d Cir. 1999)
- Shaw v. Chater, 221 F.3d 126, 131 (2d Cir. 2000)
- Biestek v. Berryhill, 587 U.S. 97, 102-03, 108 (2019)
- Cichocki v. Astrue, 729 F.3d 172, 175-76 (2d Cir. 2013)
- Carter v. Comm'r of Soc. Sec., 2023 WL 3997262, at *2 (E.D.N.Y. June 14, 2023)
- Veino v. Barnhart, 312 F.3d 578, 588 (2d Cir. 2002)
- Schillo v. Kijakazi, 31 F.4th 64, 70, 78 (2d Cir. 2022)
- Matta v. Astrue, 508 F. App'x 53, 56 (2d Cir. 2013)
- Snell v. Apfel, 177 F.3d 128, 133 (2d Cir. 1999)
- Ayala v. Kijakazi, 620 F. Supp. 3d 6, 30 (S.D.N.Y. 2022)

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