

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Hector R.S. v. Leland Dudek, Acting Commissioner of Social Security
Administration

Hector R.S. · No. 2:23-cv-07047-SP · Decided March 24, 2025

SUMMARY

The United States District Court for the Central District of California reviewed the denial of Hector R.S.'s application for disability insurance benefits. The court held that the administrative law judge improperly evaluated treating physician Dr. Barry Rosenblum's opinion and plaintiff's subjective symptom testimony, reversed the Commissioner's decision, and remanded for further administrative proceedings.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Sheri Pym
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 24, 2025
DOCKET	2:23-cv-07047-SP
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the Commissioner's final decision denying his application for a period of disability and disability insurance benefits. The court reversed the Commissioner's decision and remanded for further administrative proceedings.
STANDARD OF REVIEW	The court reviewed the Commissioner's decision for legal error and substantial evidence. Substantial evidence is more than a mere scintilla but less than a preponderance and is relevant evidence a reasonable person might accept as adequate to support a conclusion. The court must review the administrative record as a whole, considering both evidence supporting and detracting from the ALJ's conclusion.
PRECEDENTIAL VALUE	Unknown; district-court memorandum opinion and order

PARTIES

Hector R.S. v. Leland Dudek, Acting Commissioner of Social Security Administration

TOPICS

judicial review of agency action

administrative law

agency adjudication

remedies

PRACTICE AREAS

Social Security disability

administrative law

federal judicial review

QUESTIONS PRESENTED

1. Whether the ALJ adequately evaluated the supportability and consistency of treating physician Dr. Barry Rosenblum's medical opinion under 20 C.F.R. § 404.1520c.
2. Whether the ALJ provided legally sufficient, clear, and convincing reasons supported by substantial evidence for discounting plaintiff's subjective symptom testimony.
3. Whether the appropriate remedy was remand for further administrative proceedings or an immediate award of benefits.

HOLDINGS

1. The ALJ erred in evaluating Dr. Rosenblum's opinion because the supportability analysis improperly characterized plaintiff's extensive treatment history as limited and conservative and therefore did not adequately evaluate the opinion under the governing supportability and consistency requirements.
2. The ALJ erred in discounting plaintiff's subjective symptom testimony because the asserted reliance on conservative treatment was erroneous and the remaining reliance on a lack of objective corroboration was insufficient standing alone.
3. Remand for further administrative proceedings, rather than an immediate award of benefits, was appropriate because the record contained unresolved issues concerning the proper evaluation of the medical opinion and subjective symptoms.

KEY QUOTATIONS

“Substantial evidence is more than a mere scintilla, but less than a preponderance.” (slip op. at 3)

“An ALJ “may not reject a claimant’s subjective complaints based solely on a lack of objective medical evidence to fully corroborate the alleged severity of pain.”” (slip op. at 9)

“Judgment shall be entered REVERSING the decision of the Commissioner denying benefits, and REMANDING the matter to the Commissioner for further administrative action consistent with this decision.” (slip op. at 12)

FACTUAL BACKGROUND

Plaintiff alleged disability beginning March 31, 2020, based primarily on lumbar spine pain and lumbar radiculopathy. He had degenerative disc disease, obesity, an abnormal lumbar MRI, lumbar radiculopathy with denervation, limited range of motion, an unstable gait, and persistent pain despite epidural injections, physical therapy, chiropractic care, acupuncture, NSAIDs, gabapentin, and tramadol. Treating physician Dr. Barry Rosenblum opined that plaintiff needed a cane, frequent unscheduled breaks, had substantial sitting and standing or walking limitations, and would be off task or absent from work at significant rates. The ALJ instead assessed a sedentary RFC and found plaintiff capable of returning to his past work as a mechanical drafter.

PROCEDURAL HISTORY

Plaintiff applied for disability insurance benefits based on a lumbar disc ailment. The Commissioner denied the application initially and on reconsideration. After a hearing, the ALJ denied benefits, finding at step four that plaintiff could perform his past relevant work as a mechanical drafter. The Appeals Council denied review, making the ALJ's decision the Commissioner's final decision. The district court found errors in the ALJ's evaluation of a treating physician's medical opinion and plaintiff's subjective symptom testimony.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Commissioner must reassess Dr. Rosenblum's opinion, including its supportability and consistency; reconsider plaintiff's subjective complaints and either credit his testimony or provide clear and convincing reasons supported by substantial evidence for rejecting it; and proceed through steps two, three, four, and five of the sequential evaluation to determine what work, if any, plaintiff can perform.

CASES CITED

- Mayes v. Massanari, 276 F.3d 453, 458-59 (9th Cir. 2001) (as amended)
- Aukland v. Massanari, 257 F.3d 1033, 1035 (9th Cir. 2001)
- Tonapetyan v. Halter, 242 F.3d 1144, 1147 (9th Cir. 2001)
- Reddick v. Chater, 157 F.3d 715, 720 (9th Cir. 1998)
- Woods v. Kijakazi, 32 F.4th 785, 792 (9th Cir. 2022)
- Ford v. Saul, 950 F.3d 1141, 1155 (9th Cir. 2020)
- Molina v. Astrue, 674 F.3d 1104 (9th Cir. 2012)
- Garrison v. Colvin, 759 F.3d 995, 1015 n.20, 1020-21 (9th Cir. 2014)
- Christine G. v. Saul, 402 F. Supp. 3d 913, 921, 926 (C.D. Cal. 2019)
- Trevizo v. Berryhill, 871 F.3d 664, 678 & n.5 (9th Cir. 2017)
- Smolen v. Chater, 80 F.3d 1273, 1281, 1283-84 (9th Cir. 1996)
- Burrell v. Colvin, 775 F.3d 1133, 1136-37 (9th Cir. 2014)
- Jones v. Commissioner of Social Security, 2014 WL 228590, at *7 (E.D. Cal. Jan. 21, 2014)
- Veliz v. Colvin, 2015 WL 1862924, at *8 (C.D. Cal. Apr. 23, 2015)

- *Gonzales v. Colvin*, 2015 WL 685347, at *11 (C.D. Cal. Feb. 18, 2015)
- *Virginia M. v. Saul*, 2019 WL 13071985, at *8 (C.D. Cal. Aug. 5, 2019)
- *Rawa v. Colvin*, 672 Fed. App'x 664, 667 (9th Cir. 2016)
- *Veronica S. v. Commissioner of Social Security*, 2023 WL 5208803, at *6 (C.D. Cal. Aug. 14, 2023)
- *Bunnell v. Sullivan*, 947 F.2d 341, 345 (9th Cir. 1991)
- *Burch v. Barnhart*, 400 F.3d 676, 680 (9th Cir. 2005)
- *McAllister v. Sullivan*, 888 F.2d 599, 603 (9th Cir. 1989)
- *Treichler v. Commissioner of Social Security Administration*, 775 F.3d 1090, 1099 (9th Cir. 2014)
- *Benecke v. Barnhart*, 379 F.3d 587, 595-96 (9th Cir. 2004)
- *Harman v. Apfel*, 211 F.3d 1172, 1179-80 (9th Cir. 2000)

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