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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AMANDA RACHEL BRADSHAW, Plaintiff-Appellant, v. KILOLO KIJAKAZI, Acting Commissioner of Social Security, Defendant-Appellee.	No. 21-36014 D.C. No. 3:20-cv-00434-BR MEMORANDUM[*]

Appeal from the United States District Court
for the District of Oregon
Anna J. Brown, District Judge, Presiding

Submitted December 5, 2022[**]
Seattle, Washington

Before: McKEOWN, MILLER, and H.A. THOMAS, Circuit Judges.

Amanda Bradshaw appeals from the district court's order affirming the Commissioner of Social Security's denial of her application for disability insurance benefits. We review the district court's decision de novo, and we must

[*] This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

[**] The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

uphold the agency's decision unless it "contains legal error or is not supported by substantial evidence." *Tommasetti v. Astrue*, 533 F.3d 1035, 1038 (9th Cir. 2008) (quoting *Orn v. Astrue*, 495 F.3d 625, 630 (9th Cir. 2007)). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

1. The administrative law judge (ALJ) did not err in discounting Bradshaw's testimony that her symptoms were fully disabling. Although Bradshaw testified that her medications cause severe drowsiness and that her anxiety can make it impossible for her to "get out the front door," Bradshaw also stated that she successfully attends to parenting and household tasks most days. She once undertook a twelve-hour drive while stopping only twice and may have periodically done house cleaning for other families. When a claimant daily engages in housework, parenting, and errands—even when the record is "somewhat equivocal about how regularly she [is] able to keep up with all of these activities"—the ALJ has substantial evidence for concluding that she does not have fully disabling symptoms. *Rollins v. Massanari*, 261 F.3d 853, 857 (9th Cir. 2001).

Bradshaw's medical records also supported the ALJ's decision to discount Bradshaw's testimony. A practitioner noted in January 2018 that Bradshaw was "doing fairly well." In early 2019, Bradshaw self-assessed her anxiety as 3/10 and her depression as 0/10. As for Bradshaw's irritable bowel syndrome, Bradshaw sought no treatment for the condition after 2017, which was reason enough for the

ALJ to discount her testimony about the severity of that impairment. *Cf. Burch v. Barnhart*, 400 F.3d 676, 681 (9th Cir. 2005).

Because the ALJ had substantial evidence for discounting Bradshaw's testimony, the ALJ did not commit reversible error by ignoring the testimony of Bradshaw's husband. David Bradshaw's testimony largely overlapped with Amanda Bradshaw's. Because "the ALJ's well-supported reasons for rejecting the claimant's testimony apply equally well to the lay witness testimony," any error in ignoring David Bradshaw's testimony was harmless. *Molina v. Astrue*, 674 F.3d 1104, 1117 (9th Cir. 2012).

2. The ALJ also had substantial evidence for the decision to discount the opinion of mental health provider Alicia Sager. "'[T]he most important factors' that the agency considers when evaluating the persuasiveness of medical opinions are 'supportability' and 'consistency.'" *Woods v. Kijakazi*, 32 F.4th 785, 791 (9th Cir. 2022) (quoting 20 C.F.R. § 404.1520c(a)). Sager's testimony lacked supportability because she said that the sole basis for her medical evaluation was Bradshaw's "self-reported" symptoms. The testimony also lacked consistency. For example, it indicated that Bradshaw was "unable to meet competitive standards" in the area of "accept[ing] instructions and respond[ing] appropriately to criticism from supervisors," even though Bradshaw testified that she got along with authority figures "wonderful[ly]."

3. The ALJ did not err in determining that Bradshaw could perform jobs in the national economy requiring Reasoning Level 2. Reasoning Level 2 entails following "detailed but uninvolved . . . instructions." U.S. Dep't of Labor, Dictionary of Occupational Titles app. C (4th ed. rev. 1991), 1991 WL 688702. The ALJ also found that Bradshaw could not perform jobs with "detailed *or* complex tasks." (emphasis added). But this finding does not undermine the determination that Bradshaw met Reasoning Level 2.

"[E]ven when an agency explains its decision with 'less than ideal clarity,' a reviewing court will not upset the decision on that account 'if the agency's path may reasonably be discerned.'" *Alaska Dep't of Env't Conservation v. EPA*, 540 U.S. 461, 497 (2004) (quoting *Bowman Transp., Inc. v. Arkansas-Best Freight System, Inc.*, 419 U.S. 281, 286 (1974)). Had the ALJ found that Bradshaw was unable to perform "detailed *and* complex" tasks, instead of "detailed *or* complex" tasks, the ALJ's decision would harmonize fully. And, aside from the use of "or" instead of "and" in this one comment, the record provides no indication that the ALJ intended to find that Bradshaw could not follow detailed but uninvolved instructions. The ALJ determined that Bradshaw could perform "simple and routine work tasks," a formulation that courts have held corresponds to Level 2 Reasoning and the "detailed but uninvolved" work it entails. *E.g.*, *Zavalin v. Colvin*, 778 F.3d 842, 847 (9th Cir. 2015). Moreover, the psychologist on whom

the ALJ relied in determining that Bradshaw could not perform "detailed or complex tasks" also opined that Bradshaw was "not significantly limited" in her "ability to complete a normal workday and workweek."

4. Because the ALJ appropriately discounted Bradshaw's testimony and the medical opinions of Alicia Sager, the ALJ had no obligation to inform the vocational expert of the limitations on Bradshaw's functioning expressed in their testimony. *See Stubbs-Danielson v. Astrue*, 539 F.3d 1169, 1175–76 (9th Cir. 2008).

AFFIRMED.