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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CONSUELO DEL CARMEN)	Case No. CV 16-3443-JPR
PERDOMO,)	
)	
Plaintiff,)	MEMORANDUM DECISION AND ORDER
)	AFFIRMING COMMISSIONER
v.)	
)	
NANCY A. BERRYHILL, Acting)	
Commissioner of Social)	
Security,)	
)	
Defendant.)	

I. PROCEEDINGS

Plaintiff seeks review of the Commissioner’s final decision denying her applications for Social Security disability insurance benefits (“DIB”) and supplemental security income benefits (“SSI”). The parties consented to the jurisdiction of the undersigned U.S. Magistrate Judge under 28 U.S.C. § 636(c). The matter is before the Court on the parties’ Joint Stipulation, filed February 22, 2017, which the Court has taken under submission without oral argument. For the reasons stated below, the Commissioner’s decision is affirmed.

1 **II. BACKGROUND**

2 Plaintiff was born in 1962. (Administrative Record ("AR")
3 72.) She completed third grade in El Salvador and worked in this
4 country cleaning hotel and motel rooms. (AR 39.)

5 On July 31, 2012, Plaintiff filed applications for DIB and
6 SSI, alleging in each that she had been unable to work since
7 January 4, 2011, because of headaches, blurred vision, and back,
8 neck, and left-arm pain. (AR 61-62, 83-84.)¹ After her
9 applications were denied initially and on reconsideration (AR 58,
10 60, 61-71, 83-93, 94-107, 122-35, 137-38), she requested a
11 hearing before an Administrative Law Judge (AR 172). A hearing
12 was held on November 3, 2014, at which Plaintiff, who was
13 represented by counsel, testified through an interpreter; a
14 vocational expert also testified. (AR 35-57.) In a written
15 decision issued January 30, 2015, the ALJ found Plaintiff not
16 disabled. (AR 9-34.) Plaintiff requested review from the
17 Appeals Council, and on May 3, 2016, it denied review. (AR 1-3.)
18 This action followed.

19 **III. STANDARD OF REVIEW**

20 Under 42 U.S.C. § 405(g), a district court may review the
21 Commissioner's decision to deny benefits. The ALJ's findings and
22 decision should be upheld if they are free of legal error and
23 supported by substantial evidence based on the record as a whole.
24 See id.; Richardson v. Perales, 402 U.S. 389, 401 (1971); Parra

26
27 ¹ Plaintiff's concurrently filed application for widow's
28 insurance benefits based on a "prescribed period" ending on
August 31, 2013, was denied by the ALJ (AR 15-16), and that
ruling is not challenged by Plaintiff here.

1 v. Astrue, 481 F.3d 742, 746 (9th Cir. 2007). Substantial
2 evidence means such evidence as a reasonable person might accept
3 as adequate to support a conclusion. Richardson, 402 U.S. at
4 401; Lingenfelter v. Astrue, 504 F.3d 1028, 1035 (9th Cir. 2007).
5 It is more than a scintilla but less than a preponderance.
6 Lingenfelter, 504 F.3d at 1035 (citing Robbins v. Soc. Sec.
7 Admin., 466 F.3d 880, 882 (9th Cir. 2006)). To determine whether
8 substantial evidence supports a finding, the reviewing court
9 "must review the administrative record as a whole, weighing both
10 the evidence that supports and the evidence that detracts from
11 the Commissioner's conclusion." Reddick v. Chater, 157 F.3d 715,
12 720 (9th Cir. 1996). "If the evidence can reasonably support
13 either affirming or reversing," the reviewing court "may not
14 substitute its judgment" for the Commissioner's. Id. at 720-21.

15 **IV. THE EVALUATION OF DISABILITY**

16 People are "disabled" for purposes of receiving Social
17 Security benefits if they are unable to engage in any substantial
18 gainful activity owing to a physical or mental impairment that is
19 expected to result in death or has lasted, or is expected to
20 last, for a continuous period of at least 12 months. 42 U.S.C.
21 § 423(d)(1)(A); Drouin v. Sullivan, 966 F.2d 1255, 1257 (9th Cir.
22 1992).

23 A. The Five-Step Evaluation Process

24 The ALJ follows a five-step sequential evaluation process to
25 assess whether a claimant is disabled. 20 C.F.R.
26 §§ 404.1520(a)(4), 416.920(a)(4); Lester v. Chater, 81 F.3d 821,
27 828 n.5 (9th Cir. 1995) (as amended Apr. 9, 1996). In the first
28 step, the Commissioner must determine whether the claimant is

1 currently engaged in substantial gainful activity; if so, the
2 claimant is not disabled and the claim must be denied.

3 §§ 404.1520(a)(4)(i), 416.920(a)(4)(i).

4 If the claimant is not engaged in substantial gainful
5 activity, the second step requires the Commissioner to determine
6 whether the claimant has a "severe" impairment or combination of
7 impairments significantly limiting her ability to do basic work
8 activities; if not, the claimant is not disabled and her claim
9 must be denied. §§ 404.1520(a)(4)(ii), 416.920(a)(4)(ii).

10 If the claimant has a "severe" impairment or combination of
11 impairments, the third step requires the Commissioner to
12 determine whether the impairment or combination of impairments
13 meets or equals an impairment in the Listing of Impairments set
14 forth at 20 C.F.R. part 404, subpart P, appendix 1; if so,
15 disability is conclusively presumed. §§ 404.1520(a)(4)(iii),
16 416.920(a)(4)(iii).

17 If the claimant's impairment or combination of impairments
18 does not meet or equal an impairment in the Listing, the fourth
19 step requires the Commissioner to determine whether the claimant
20 has sufficient residual functional capacity ("RFC")² to perform
21 her past work; if so, she is not disabled and the claim must be
22 denied. §§ 404.1520(a)(4)(iv), 416.920(a)(4)(iv). The claimant
23 has the burden of proving she is unable to perform past relevant
24 work. Drouin, 966 F.2d at 1257. If the claimant meets that
25 burden, a prima facie case of disability is established. Id.

26
27 ² RFC is what a claimant can do despite existing exertional
28 and nonexertional limitations. §§ 404.1545, 416.945; see Cooper
v. Sullivan, 880 F.2d 1152, 1155 n.5 (9th Cir. 1989).

1 If that happens or if the claimant has no past relevant
2 work, the Commissioner then bears the burden of establishing that
3 the claimant is not disabled because she can perform other
4 substantial gainful work available in the national economy.
5 §§ 404.1520(a)(4)(v), 416.920(a)(4)(v); Drouin, 966 F.2d at 1257.
6 That determination comprises the fifth and final step in the
7 sequential analysis. §§ 404.1520(a)(4)(v), 416.920(a)(4)(v);
8 Lester, 81 F.3d at 828 n.5; Drouin, 966 F.2d at 1257.

9 B. The ALJ's Application of the Five-Step Process

10 At step one, the ALJ found that Plaintiff had not engaged in
11 substantial gainful activity since January 4, 2011, the alleged
12 onset date. (AR 18.) At step two, she found that Plaintiff had
13 severe impairments of osteoarthritis of the neck, obesity, mild
14 carpal tunnel syndrome "on the left," and depression. (Id.) At
15 step three, she determined that Plaintiff's impairments did not
16 meet or equal a listing. (Id.)

17 At step four, the ALJ found that Plaintiff had the RFC to
18 perform light work except that she was literate but not fluent in
19 English and was limited to simple tasks with no more than
20 occasional contact with the public, coworkers, and supervisors.
21 (AR 19-20.)

22 Based on Plaintiff's RFC and the VE's testimony, the ALJ
23 found that she could perform her past relevant work as a "hotel
24 housekeeper," DOT 323.687-014, 1991 WL 672783. (AR 27.) The ALJ
25 noted that Plaintiff "actually performed" the light, unskilled
26 job at the "light to medium level." (Id.) Referencing the VE's
27 testimony, the ALJ compared Plaintiff's RFC to the physical and
28 mental demands of the job and found that she could perform her

1 past work only as it was "generally performed." (Id.)
2 Accordingly, the ALJ found her not disabled, ending the
3 sequential evaluation process without reaching step five. (AR
4 27-28.)

5 **V. THE ALJ'S FINDING THAT PLAINTIFF COULD PERFORM HER PAST**
6 **RELEVANT WORK WAS SUPPORTED BY SUBSTANTIAL EVIDENCE**

7 Plaintiff argues that the ALJ erred in finding her capable
8 of performing her past relevant work. (See J. Stip. at 3-8.)
9 Specifically, Plaintiff argues that the ALJ mischaracterized her
10 past relevant work as "housekeeper," DOT 323.687-014, 1991 WL
11 672783, a light-work job, when her actual job duties were more
12 closely aligned with the DOT description of "housecleaner," DOT
13 323.687-018, 1991 WL 672784, a heavy-work job. (Id. at 5-6.)
14 For the reasons stated below, the ALJ did not err.

15 A. Relevant Background

16 Plaintiff's past job duties are described in relevant part
17 in an initial disability report dated August 22, 2012 (AR 257-
18 64), and a work-history report dated August 27, 2013 (AR 319-20).
19 The initial disability report was completed by a Social Security
20 field-office case worker who interviewed Plaintiff over the phone
21 (see AR 253-55 (Aug. 22, 2012 disability report noting
22 "teleclaim" interview conducted with Plaintiff)); the work-
23 history report was completed by Plaintiff's counsel (AR 28, 253;
24 see also J. Stip. at 4).

25 In the initial disability report, Plaintiff described her
26 past work as hotel "cleaning maintenace [sic]." (AR 259.) The
27 job purportedly required eight hours of walking; eight hours of
28 standing; one hour each of sitting, climbing, stooping, and

1 crouching; three hours each of kneeling and crawling; and two
2 hours of reaching each day. (AR 260.) Plaintiff was required to
3 lift and carry towels and sheets; the heaviest weight she lifted
4 was 20 pounds and she frequently lifted 10 pounds. (Id.)

5 In the work-history report, Plaintiff described her past
6 work as "housekeeping - hotel" (AR 319), which involved cleaning
7 hotel rooms, making beds, changing sheets, cleaning bathrooms and
8 showers, and vacuuming carpets (AR 320). The job involved using
9 "machines, tools, or equipment"; "frequent" walking, standing,
10 climbing, stooping, kneeling, crouching, reaching; "frequent"
11 handling, grabbing, or grasping big objects; "occasional"
12 crawling and writing, typing, or handling small objects; and
13 lifting less than 10 pounds frequently. (Id.) The heaviest
14 weight Plaintiff lifted was 50 pounds. (Id.) The "lifting and
15 carrying" duties of the job required that she "load [a] supply
16 cart with cleaning items," including sheets and towels, and "push
17 [a] supply cart to rooms to be cleaned." (Id.)

18 At the November 3, 2014 hearing, Plaintiff's counsel argued
19 that the initial disability report had an "incorrect description"
20 of Plaintiff's work history. (AR 37.) In her opening statement,
21 she described Plaintiff's past relevant work as "a hotel maid or
22 housekeeper" and alleged that she had to lift "as much as 10/20
23 pounds all the way up to 50 pounds." (AR 39.) Plaintiff
24 testified that she worked "cleaning rooms" in "houses and
25 hotels." (AR 42.) She either walked or stood and did not sit at
26 all during the workday. (AR 44.) Her job required her to "take
27 a cart filled with soap, various things" or "go to the storage or
28 to the laundry room to get towels." (Id.) Both the linens and

1 the cart were "very heavy," requiring that Plaintiff lift up to
2 40 or 50 pounds and push "60 to 80 pounds" when the cart was
3 full. (Id.)

4 The VE characterized Plaintiff's past relevant work as
5 "hotel housekeeper, Code 323.687-014," "generally performed" as a
6 light, unskilled job but performed by Plaintiff at the "light to
7 medium" exertional level.³ (AR 51-52 (referencing "Exhibit 13-
8 E," Plaintiff's Aug. 2013 work-history report).) The ALJ asked
9 the VE whether there was any conflict between that job "at light"
10 exertion and the way it is typically performed and the VE
11 responded that there was not. (Id.) The VE testified that a
12 hypothetical individual with Plaintiff's RFC could perform her
13 past relevant work of "hotel housekeeper" as it is "generally
14 performed" but not as she actually performed it. (Id.) When
15 questioned by Plaintiff's counsel, the VE testified that she had
16 "done a lot of job analysis for [the housekeeper] job," and an
17 individual limited to "six hours of standing and walking" could
18 perform the job as "generally performed." (AR 53-55.)

19 In a posthearing brief, Plaintiff's counsel objected to the
20 VE's classification of Plaintiff's past work as "housekeeper" and
21 requested a supplemental hearing, arguing that "[p]ler the
22 claimant's description of her regular work duties," her past work
23 was that of a "housecleaner," DOT 323.687-018, a heavy-work,
24 unskilled job. (AR 386.) The ALJ denied Plaintiff's request for
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27 ³ The VE contrasted Plaintiff's past relevant work of "hotel
28 housekeeper" with her past job "cleaning houses," which was not
performed at a substantial gainful level and therefore not
considered by the VE in her analysis. (See AR 51.)

1 a supplemental hearing to address the issue. (AR 28.)

2 An individual performing the job of "cleaner, housekeeper,"
3 DOT 323.687-014, 1991 WL 672783, the light-work job the VE

4 identified and the ALJ found to be Plaintiff's past work,

5 [c]leans rooms and halls in commercial establishments,
6 such as hotels, restaurants, clubs, beauty parlors, and
7 dormitories, performing any combination of [the]
8 following duties: Sorts, counts, folds, marks, or
9 carries linens. Makes beds. Replenishes supplies, such
10 as drinking glasses and writing supplies. Checks wraps
11 and renders personal assistance to patrons. Moves
12 furniture, hangs drapes, and rolls carpets. Performs
13 other duties as described under CLEANER (any industry) I
14 Master Title.

15 1991 WL 672783. The "alternate title" for the job is "maid," and
16 it can be designated according to type of establishment or area
17 cleaned, such as "[m]otel [c]leaner (hotel & rest.)." Id.

18 An individual performing the job of "housecleaner," DOT
19 323.687-018, 1991 WL 672784, the heavy-work job Plaintiff claims
20 better describes her past work,

21 [p]erforms any combination of [the] following duties to
22 maintain hotel premises in [a] clean and orderly manner:
23 Moves and arranges furniture. Turns mattresses. Hangs
24 draperies. Dusts venetian blinds. Polishes metalwork.
25 Prepares sample rooms for sales meetings. Arranges
26 decorations, apparatus, or furniture for banquets and
27 social functions. Collects soiled linens for laundering,
28 and receives and stores linen supplies in linen closet.

1 Performs other duties as described under CLEANER (any
2 industry) I Master Title. May deliver television sets,
3 ironing boards, baby cribs, and rollaway beds to guests
4 rooms. May clean swimming pool with vacuum. May clean
5 and remove debris from driveway and garage areas.

6 1991 WL 672784. The "alternate titles" for the job are "hall
7 cleaner," "mover," and "night cleaner," and it can be designated
8 according to specialization, such as "curtain cleaner," "linen-
9 room worker," "porter, lobby," or "vacuum worker." Id.

10 In her January 30, 2015 decision, the ALJ characterized
11 Plaintiff's past work as that of a "hotel housekeeper," DOT
12 323.687-014, which Plaintiff "actually performed at the light to
13 medium level." (AR 27.) Noting the VE's testimony that an
14 individual with Plaintiff's RFC could perform the past work as it
15 was "generally performed," the ALJ so found. (Id.) The ALJ
16 noted Plaintiff's objections to the accuracy of the initial
17 disability report and overruled them, finding that Plaintiff
18 "provided the responses to the questions" in the report and that
19 her "testimony about the amount of weight she lifted in her past
20 work changed" after her attorney completed the work-history
21 report. (AR 28.) The ALJ gave "great weight" to the VE's
22 opinion. (Id.)

23 B. Applicable Law

24 At step four of the five-step disability analysis, a
25 claimant has the burden of proving that she cannot return to her
26 past relevant work, as both actually and generally performed in
27 the national economy. Pinto v. Massanari, 249 F.3d 840, 844 (9th
28 Cir. 2001); §§ 404.1520(f), 416.920(f). Although the burden of

1 proof lies with the claimant at step four, the ALJ still has a
2 duty to make factual findings to support her conclusion. Pinto,
3 249 F.3d at 844. In particular, the ALJ must make "specific
4 findings of fact" as to "the individual's RFC," "the physical and
5 mental demands of the past job/occupation," and whether "the
6 individual's RFC would permit a return to his or her past job or
7 occupation." Ocequeda v. Colvin, 630 F. App'x 676, 677 (9th Cir.
8 2015) (citing SSR 82-62, 1982 WL 31386, at *4 (1982)).

9 Although the claimant is the "primary source for vocational
10 documentation," the ALJ may use the VE to assist in the step-four
11 determination as to whether the claimant is able to perform her
12 past relevant work. Id.; see §§ 404.1560(b)(2), 416.960(b)(2)
13 (at step four, VE's testimony "may be helpful in supplementing or
14 evaluating the accuracy of the claimant's description of his past
15 work"). "Adequate documentation of past work includes factual
16 information about those work demands," and "[d]etailed
17 information about strength, endurance, manipulative ability,
18 mental demands and other job requirements must be obtained . . .
19 . from the claimant, employer, or other informed source." SSR
20 82-62, 1982 WL 31386, at *3.

21 Lastly, the ALJ can properly discharge her responsibility by
22 comparing the specific physical and mental demands of the
23 claimant's past relevant work with her actual RFC. Pinto, 249
24 F.3d at 844-45; see SSR 82-62, 1982 WL 31386, at *2 (step four
25 "requires careful consideration of the interaction of the
26 limiting effects of the person's impairment(s) and the physical
27 and mental demands of his or her [past relevant work] to
28 determine whether the individual can still do that work").

1 To ascertain the requirements of occupations as generally
2 performed in the national economy, the ALJ may rely on VE
3 testimony or information from the DOT. SSR 00-4P, 2000 WL
4 1898704, at *2 (Dec. 4, 2000) (at steps four and five, SSA relies
5 "primarily on the DOT (including its companion publication, the
6 SCO) for information about the requirements of work in the
7 national economy" and "may also use VEs . . . at these steps to
8 resolve complex vocational issues"); SSR 82-61, 1982 WL 31387, at
9 *2 (Jan. 1, 1982) ("The [DOT] descriptions can be relied upon -
10 for jobs that are listed in the DOT - to define the job as it is
11 usually performed in the national economy." (emphasis in
12 original)). "Neither the DOT nor the VE . . . automatically
13 'trumps' when there is a conflict." SSR 00-4P, 2000 WL 1898704,
14 at *2; see also Johnson v. Shalala, 60 F.3d 1428, 1435 (9th Cir.
15 1995) (noting that DOT "is not the sole source of admissible
16 information concerning jobs" (alteration and citations omitted)).

17 When a VE provides evidence at step four or five about the
18 requirements of a job, the ALJ has a responsibility to ask about
19 "any possible conflict" between that evidence and the DOT. See
20 SSR 00-4p, 2000 WL 1898704, at *4; Massachi v. Astrue, 486 F.3d
21 1149, 1152-54 (9th Cir. 2007) (holding that application of SSR
22 00-4p is mandatory). When such a conflict exists, the ALJ may
23 accept VE testimony that contradicts the DOT only if the record
24 contains "persuasive evidence to support the deviation." Pinto,
25 249 F.3d at 846 (citing Johnson, 60 F.3d at 1435); see also
26 Tommasetti v. Astrue, 533 F.3d 1035, 1042 (9th Cir. 2008)
27 (finding error when "ALJ did not identify what aspect of the VE's
28 experience warranted deviation from the DOT").

1 Jobs are classified as "sedentary, light, medium, heavy, and
2 very heavy" according to their "physical exertion requirements."
3 §§ 404.1567, 416.967. "Light work" generally involves "lifting
4 no more than 20 pounds at a time with frequent lifting or
5 carrying of objects weighing up to 10 pounds," though "the weight
6 lifted may be very little." §§ 404.1567(b), 416.967(b). "Medium
7 work" involves "lifting no more than 50 pounds at a time with
8 frequent lifting or carrying of objects weighing up to 25
9 pounds." §§ 404.1567(c), 416.967(c). "Heavy work" involves
10 "lifting no more than 100 pounds at a time with frequent lifting
11 or carrying of objects weighing up to 50 pounds."
12 §§ 404.1567(d), 416.967(d).

13 C. Analysis

14 The ALJ's classification of Plaintiff's past relevant work
15 as "hotel housekeeper," DOT 323.687-014, and her finding that
16 Plaintiff was "capable of performing" that job "as generally
17 performed" are supported by substantial evidence. (AR 27.)

18 The ALJ properly relied on the VE's characterization of
19 Plaintiff's past work. Plaintiff argues that the ALJ improperly
20 rejected her work-history report and hearing testimony and
21 instead relied on the description of her past work from the
22 August 22, 2012 initial disability report, which was, according
23 to Plaintiff, "completed by an unidentified individual" with "no
24 indication" that it was "translated to Plaintiff who is not
25 fluent in English" or that "she was given an opportunity to
26 review, correct and sign" it. (J. Stip. at 4-5.) In relevant
27 part, the August 2012 report described Plaintiff's past work as
28 "cleaning maintenace [sic]," requiring her to lift up to 20

1 pounds occasionally and 10 pounds frequently. (AR 259-60.)
2 Instead of crediting that report, Plaintiff argues, the ALJ
3 should have relied on her work-history report – which, in
4 relevant part, labeled her past work as “hotel housekeeping,”
5 described work activities of cleaning hotel rooms, making beds,
6 changing sheets, cleaning bathrooms and showers, and vacuuming
7 carpets, and noted that she was required to lift less than 10
8 pounds frequently and up to 50 pounds – and her hearing
9 testimony, which labeled her past work as “hotel maid or
10 housekeeper,” described work activities of cleaning rooms,
11 loading and pushing a cart of supplies, and retrieving clean
12 towels and linens and noted that she was required to lift “up to
13 40 or 50 pounds” and push “60 to 80 pounds.” (AR 39-44.)

14 After listening to her testimony and specifically
15 considering her work-history report, the VE classified
16 Plaintiff’s past work as a “hotel housekeeper,” performed by
17 Plaintiff as a “light to medium” job. (AR 51-52 (citing “Exhibit
18 13-E,” Plaintiff’s Aug. 2013 work-history report).) Contrary to
19 Plaintiff’s argument, the VE apparently did not rely on the
20 August 22, 2012 report: she based her findings on Plaintiff’s
21 later work-history report and hearing testimony. (AR 52.)
22 Indeed, the VE’s opinion that Plaintiff performed her past work
23 at the “light to medium” level clearly indicates that she at
24 least partially credited Plaintiff’s later description of lifting
25 up to 50 pounds. And although the ALJ overruled Plaintiff’s
26 objection that the August 2012 report was incorrect (see AR 28),
27 she nonetheless gave “great weight” to the VE’s opinion, which
28 did not rely on the earlier report.

1 Further, there is no apparent conflict between Plaintiff's
2 hearing testimony and work-history report and the "cleaner,
3 housekeeping" job as performed at the "light to medium" exertion
4 level. Plaintiff described lifting 50 pounds at most (see AR 44,
5 320); the VE testified that she performed the "housekeeper" job
6 at a "light to medium" exertional level, which by definition
7 would involve "lifting no more than 50 pounds at a time with
8 frequent lifting or carrying of objects weighing up to 25
9 pounds," see §§ 404.1567(c), 416.967(c). Plaintiff reported that
10 she cleaned hotel rooms, made beds and changed sheets, cleaned
11 bathrooms, vacuumed carpets, loaded a cart with cleaning
12 supplies, pushed the cart to and between rooms, lifted linens,
13 and retrieved towels and linens from a storage location (see AR
14 39-44, 320); an individual performing the "cleaner, housekeeping"
15 job "cleans rooms . . . such as hotels," "[m]akes beds,"
16 "[r]eplenishes supplies," and "carries linens," see DOT 323.687-
17 014, 1991 WL 672783.

18 The job description suggested by Plaintiff, "housecleaner,"
19 has almost no overlap with Plaintiff's reported past job duties:
20 it is a "heavy work" job, involving "lifting no more than 100
21 pounds at a time with frequent lifting or carrying of objects
22 weighing up to 50 pounds." See §§ 404.1567(d), 416.967(d). But
23 Plaintiff does not allege that she was required to lift 50 pounds
24 frequently or lift more than that amount even occasionally. The
25 job duties of "housecleaner" include moving and arranging
26 furniture; turning mattresses; hanging draperies; dusting blinds;
27 polishing metalwork; preparing rooms for meetings; arranging
28 rooms for banquets and social functions; delivering large items

1 such as televisions, cribs, and roll-away beds to guest rooms;
2 cleaning swimming pools; and cleaning and removing debris from
3 outside areas. See DOT 323.687-018, 1991 WL 672784. But
4 Plaintiff does not describe her past work as including any of
5 those activities. And although the "housecleaner" job also
6 involves "collect[ing] soiled linens for laundering" and
7 "receiv[ing] and stor[ing] linen supplies in linen closet,"
8 activities that somewhat overlap with Plaintiff's purported past
9 duties of loading a supply cart with sheets (AR 320) and going to
10 the laundry room to get towels (AR 42), those activities are
11 sufficiently covered by the "housekeeper" duties of "carr[ying]
12 linens" and "replenish[ing] supplies."⁴

13 Finally, substantial evidence supported the ALJ's finding
14 that Plaintiff could perform the "cleaner, housekeeping" job as
15 generally performed. The ALJ asked the VE whether any conflict
16 existed between that job "at light" exertion and the way it is
17 typically performed, and the VE responded no. (AR 52.) The ALJ
18 compared Plaintiff's RFC, to which she does not object, to the
19 "physical and mental demands" of the "hotel housekeeper" job and
20 found that Plaintiff was able to perform it as "generally
21 performed." (AR 27.) Indeed, no apparent conflict exists
22 between Plaintiff's RFC and the DOT job description for "cleaner,

23
24 ⁴ To the extent any conflict existed between the
25 "housekeeper" job and Plaintiff's description of her past work
26 duties, the ALJ discredited her later statements regarding the
27 "amount of weight she lifted in her past work" and found her
28 statements "concerning the intensity, persistence and limiting
effects" of her symptoms "not entirely credible," a finding that
Plaintiff does not challenge. (See AR 20, 28; J. Stip. at 5.)
Thus, no error occurred even were Plaintiff's argument that the
ALJ relied on the initial disability report true.

1 housekeeping." Plaintiff has the RFC for light work with certain
2 nonexertional limitations (AR 20); the job of housekeeper is a
3 light-work job. She is limited to simple tasks (id.); the job of
4 housekeeper requires "level-one" reasoning, which is "the lowest
5 rung on the development scale," requiring "only the slightest bit
6 of rote reasoning." Meissl v. Barnhart, 403 F. Supp. 2d 981, 984
7 (C.D. Cal. 2005); DOT, app. C, 1991 WL 688702. She is limited to
8 no more than occasional contact with the public, coworkers, and
9 supervisors (AR 20); other than "render[ing] personal assistance
10 to patrons," all of the activities performed by a housekeeper
11 appear to be performed away from other people. She is literate
12 but not fluent in English (id.); the housekeeper job requires
13 level-one language skills, which is the lowest level of language
14 development contemplated by the DOT, see DOT, app. C, 1991 WL
15 688702; cf. Meza v. Astrue, No. C-09-1402-EDL, 2011 WL 11499, at
16 *21 (N.D. Cal. Jan. 4, 2011) (rejecting argument that illiterate
17 Spanish-speaking plaintiff was incapable of performing work
18 requiring level-one language development, and collecting cases).
19 Substantial evidence derived from Plaintiff's own work-history
20 report and testimony supports the finding that she can perform
21 the job of hotel housekeeper as it is described in the DOT.

22 Plaintiff cites Pinto and Carmickle v. Commissioner, Social
23 Security Administration, 533 F.3d 1155 (9th Cir. 2008), for the
24 proposition that an ALJ may not rely on a "generic" occupational
25 classification of work to find a claimant capable of performing
26 her past work. (J. Stip. at 6-7.) That argument lacks merit.
27 Here, unlike in Pinto and Carmickle, the VE provided a specific
28 job description and classification directly applicable to

1 Plaintiff's past work cleaning hotel rooms and found that she
2 could perform the job as it is generally performed in the
3 national economy. Although it is correct, as Plaintiff claims,
4 that reliance on a "generic occupational classification" is not
5 likely to be a reliable source for finding a claimant able to
6 perform her past work, reliance on a DOT job description to
7 determine "[w]hether the claimant retains the capacity to perform
8 the functional demands and job duties of the job as ordinarily
9 required by employers throughout the national economy" is. SSR
10 82-61, 1982 WL 31387, at *2.

11 Here, the VE testified that Plaintiff's past relevant work
12 was as a "hotel housekeeper, Code 323.687-014," which corresponds
13 to the "cleaner, housekeeping" job description in the DOT. (AR
14 51.) The "alternate title" for the job is "maid," and it can be
15 designated according to type of establishment cleaned. DOT
16 323.687-014, 1991 WL 672783. "Hotel housekeeper" is not a
17 "generic classification"; the VE even tailored the "cleaner,
18 housekeeping" job to the type of establishment Plaintiff cleaned.
19 See Pinto, 249 F.3d at 846 (noting that definition of "Packager,
20 Hand" in DOT "contains more than two dozen different possible
21 jobs"); Carmickle, 533 F.3d at 1167 (finding error in part
22 because VE "failed to specify a DOT classification, instead
23 generically referring to the position as a 'counter sales
24 position' or 'customer service job'"). In fact, the VE testified
25 that she had "done a lot of job analysis" for the "housekeeper"
26 job and had performed "job analysis in smaller hotel settings
27 like a motel and then in larger settings such as the Hilton
28 setting." (AR 53, 55.) The ALJ properly relied on the VE's

1 specific expertise. Bayliss v. Barnhart, 427 F.3d 1211, 1218
2 (9th Cir. 2005).⁵

3 Accordingly, remand is not warranted.

4 **VI. CONCLUSION**

5 Consistent with the foregoing and under sentence four of 42
6 U.S.C. § 405(g),⁶ IT IS ORDERED that judgment be entered
7 AFFIRMING the decision of the Commissioner, DENYING Plaintiff's
8 request for remand, and DISMISSING this action with prejudice.

9
10 DATED: June 19, 2017

JEAN ROSENBLUTH

JEAN ROSENBLUTH
U.S. Magistrate Judge

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⁵ Plaintiff also argues that the VE improperly classified her past work "based on the least demanding functions of her past work." (J. Stip. at 7.) But as explained above, Plaintiff's own descriptions of her work in the work-history report and her hearing testimony match the job description of "cleaner, housekeep[er]" as performed at a light to medium level.

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⁶ That sentence provides: "The [district] court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing."