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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

EUGENE BURKE,)	No. ED CV 10-00310-VBK
)	
Plaintiff,)	MEMORANDUM OPINION
)	AND ORDER
v.)	
)	(Social Security Case)
MICHAEL J. ASTRUE,)	
Commissioner of Social)	
Security,)	
)	
Defendant.)	
_____)	

This matter is before the Court for review of the decision by the Commissioner of Social Security denying Plaintiff's application for disability benefits. Pursuant to 28 U.S.C. §636(c), the parties have consented that the case may be handled by the Magistrate Judge. The action arises under 42 U.S.C. §405(g), which authorizes the Court to enter judgment upon the pleadings and transcript of the record before the Commissioner. The parties have filed the Joint Stipulation ("JS"), and the Commissioner has filed the certified Administrative Record ("AR").

Plaintiff raises the following issues:

1. Whether the Administrative Law Judge ("ALJ") erred in

1 ("RFC" as light work with certain non-exertional limitations:

2 "... occasionally climb ramps and stairs, but never climb
3 ladders, ropes, or scaffolds; he can occasionally balance,
4 stoop, kneel, crouch, and crawl; he should avoid
5 concentrated exposure to extreme heat, even moderate
6 exposure to hazards, and working at unprotected height."

7 (AR 13.)

8
9 It is Plaintiff's contention that the non-exertional impairments,
10 while correctly assessed, would significantly erode the occupational
11 base of light work and thus preclude the ALJ from reliance on the
12 grids.

13 The question presented to the Court is whether, in fact, the
14 particular non-exertional impairments identified do erode the
15 occupational base for light work. Non-exertional limitations do not
16 automatically preclude application of the grids. See Desrosiers v.
17 Secretary of HHS, 846 F.2d 573, 577 (9th Cir. 1988); Burkhart v. Bowen,
18 856 F.2d 1335, 1340 (9th Cir. 1988). As Desrosiers instructs, the ALJ
19 must first determine if a claimant's non-exertional limitations
20 "significantly limit the range of work permitted by his exertional
21 limitations." (Desrosiers, 846 F.2d at 577.)

22 The impact of such non-exertional limitations is significantly
23 dealt with in Social Security Ruling ("SSR") 85-15. A specific
24 section is devoted to the non-exertional limitations which are
25 applicable in this case, which consist of stooping, kneeling,
26 crouching and crawling. (See SSR 85-15(2)(b).) It is there stated
27 that stooping, kneeling, crouching and crawling are "progressively
28 more strenuous forms of bending parts of the body, with crawling as a

1 form of locomotion involving bending." It has been stated that "some
2 stooping ... is required to do almost any kind of work, ..." Further,
3 "if a person can stoop occasionally ... the sedentary and light
4 occupational base is virtually intact."

5 As to environmental restrictions, which are not specifically
6 addressed by Plaintiff, but are included in the non-exertional
7 limitations found by the ALJ, SSR 85-15 indicates that the types of
8 environmental restrictions assessed against Plaintiff in this case do
9 not have a significant effect on work that exists at all exertional
10 levels. Similarly, limitations on climbing and balancing "would not
11 ordinarily have a significant impact on the broad world of work."

12 Although Social Security rulings do not have the same force and
13 effect as statute or regulation, they are binding on all components of
14 the Social Security Administration and are to be relied upon as
15 precedents in adjudicating cases. See Orn v. Astrue, 495 F.3d 625,
16 636 (9th Cir. 2007), citing 67 Fed. Reg. at 57860. As stated by the
17 Ninth Circuit in Chavez v. Department of Health and Human Services,
18 103 F.3d 849 (9th Cir. 1996),

19 "Social Security rulings constitute the Social Security
20 Administration's interpretations of the statutes it
21 administers and of its own regulations. (Citation omitted.)
22 These rulings are interpretive rulings and do not have the
23 force of law. (Citation omitted.) We defer to Social
24 Security Rulings, unless they are plainly erroneous or
25 inconsistent with the [Social Security] Act or regulations.
26 (Citation omitted.)"

27
28 In Plaintiff's Reply regarding the issue raised in this case, he

