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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

KEVIN HARDIMAN,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner  
of Social Security,

Defendant.

CASE NO. ED CV 10-00939 RZ

MEMORANDUM OPINION  
AND ORDER

This matter comes before the Court on Plaintiff Kevin Hardiman's action to review the Commissioner's denial of his disability benefits application. Plaintiff has a bad back, with previous sprains of his right ankle and right wrist, all resulting from an accident at work. The Administrative Law Judge ruled that Plaintiff had the residual functional capacity to perform light work, with certain restrictions. Finding that there were sufficient jobs in the economy that Plaintiff was qualified to perform, the Administrative Law Judge determined that Plaintiff was not disabled.

Substantial evidence supports this determination, and substantial evidence is all that the law requires. 42 U.S.C. § 405(g); *Drouin v. Sullivan*, 966 F.2d 1255, 1257 (9th Cir. 1992). The consulting physician reached a similar conclusion about Plaintiff's impairments as did the physician who examined Plaintiff as an agreed examiner in the Worker's Compensation proceedings. In this Court, however, Plaintiff complains that the

1 Administrative Law Judge did not adequately address the limitation of the Worker's  
2 Compensation physician that, due to disk problems in the cervical spine, Plaintiff should  
3 do no repetitive and prolonged upward or downward gazing or repetitive rotation of the  
4 neck. [AR 157] All of Plaintiff's claims in this Court derive from this supposed failure  
5 of the Administrative Law Judge.

6 The Administrative Law Judge did not state that Plaintiff could perform an  
7 unlimited range of work. Instead, he placed a limit on lifting, climbing, balancing,  
8 bending, stooping, kneeling, crouching and crawling. Plaintiff's argument is that there  
9 should have been a separate limit completely prohibiting Plaintiff from upward or  
10 downward gazing or repetitive rotation of the neck. The Court does not agree.

11 Plaintiff puts too much stock in this condition; the Worker's Compensation  
12 examining physician did not emphasize the condition, nor did he prohibit *any* looking  
13 downward or upward or any rotation of the neck. It is fair to say, rather, that at most he  
14 thought that *prolonged* stress — "gazing" — should be avoided, as well as "repetitive"  
15 rotation of the neck, as in swinging the neck back and forth. Contrary to Plaintiff's  
16 arguments, jobs that he was deemed qualified for do not require the kind of prolonged  
17 stress on the neck, through gazing or repetitive neck motion, that even the Worker's  
18 Compensation physician addressed. Virtually any work requires *some* movement of the  
19 neck and head, and the Dictionary of Occupational Titles description of the job of  
20 electronics assembly, for example, does not require the kind of prolonged stress on the  
21 neck that even the Worker's Compensation physician restricted.

22 The Court thus finds that there was no error in the description of the residual  
23 functional capacity that the Administrative Law Judge gave, and that there was substantial  
24 evidence to back his findings. The Commissioner's decision is affirmed.

25 DATED: September 7, 2011

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RALPH ZAREFSKY  
UNITED STATES MAGISTRATE JUDGE