

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ROSA M. SUAREZ SANCHEZ,

Plaintiff,

v.

CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,^{1/}

Defendant.

Case No. CV 12-0532 JCG

**MEMORANDUM OPINION AND
ORDER**

Rosa M. Suarez Sanchez (“Plaintiff”) challenges the Social Security Commissioner’s (“Defendant”) decision denying her application for disability benefits. Specifically, Plaintiff contends that the ALJ improperly rejected her credibility. (*See* Joint Stip. at 4-13, 16.) The Court disagrees.

An ALJ can reject a claimant’s subjective complaints by expressing clear and convincing reasons for doing so. *Benton v. Barnhart*, 331 F.3d 1030, 1040 (9th Cir. 2003). “General findings are insufficient; rather, the ALJ must identify what testimony is not credible and what evidence undermines the claimant’s complaints.”

^{1/} Carolyn W. Colvin is substituted as the proper defendant herein. *See* Fed. R. Civ. P. 25(d).

1 *Lester v. Chater*, 81 F.3d 821, 834 (9th Cir. 1995).

2 Here, the ALJ presented *two* reasons^{2/} in support of his credibility
3 determination.

4 First, the ALJ observed that, though Plaintiff certainly had hypertension and
5 asthma, the results from her cardiovascular stress test indicated that those conditions
6 were not as severe as she alleged them to be. (AR at 40-41); *see Rollins v.*
7 *Massanari*, 261 F.3d 853, 857 (9th Cir. 2001) (inconsistencies with objective
8 evidence, when combined with other factors, is a valid reason for rejecting a
9 claimant’s testimony). Specifically, the test results revealed that Plaintiff had a
10 “fair” exercise capacity, and terminated the test only due to fatigue, not shortness of
11 breath. (AR at 940.)

12 Similarly, the ALJ noted that Plaintiff’s complaints of a “gradually worsening
13 polyarthralgias” – joint pain that first affected her hands, wrists, and shoulders, but
14 then expanded to her neck and knees – are inconsistent with the medical record,
15 which suggested milder symptoms. (AR at 40; *see* AR at 324.) An x-ray of
16 Plaintiff’s right hand, for instance, demonstrated no abnormalities. (AR at 311.)
17 Likewise, an examination noted that her knees were normal, except for an
18 “incidental finding of a bipartite left patella.” (AR at 763.) A spinal MRI revealed
19 only “mild degenerative changes.” (AR at 313.) Indeed, Plaintiff’s physical
20 examinations indicated, at most, only mild to moderate joint tenderness throughout
21 her body. (AR at 325, 517-19, 982-83.) Given such inconsistencies, the ALJ
22 committed no error here.

23 Second, the ALJ observed that Plaintiff’s allegedly disabling foot pain
24

25
26 ^{2/} Both Plaintiff and Defendant discuss various reasons for the ALJ’s credibility
27 determination that are not actually stated by the ALJ. (*See* Joint Stip. at 4-16.) The
28 Court limits its discussion here, as it must, to only those reasons asserted by the ALJ
in his decision. *See Connett v. Barnhart*, 340 F.3d 871, 874 (9th Cir. 2003).

1 appeared to be resolved with minimal treatment.^{3/} (AR at 39); *see Fair v. Bowen*,
2 885 F.2d 597, 604 (9th Cir. 1989) (ALJ properly considered discrepancies between
3 claimant’s allegations of pain, and the nature and extent of treatment obtained). In
4 November 2006, an x-ray of Plaintiff’s feet exhibited a “un-united fracture.” (AR at
5 40; *see* AR at 310.) After initial treatment with a cast, Plaintiff underwent surgery in
6 March 2008, and subsequently complained of only “occasional mild discomfort.”
7 (AR at 327.) By September 2008, the condition appeared to be resolved, as Dr.
8 Scott Forman, Plaintiff’s treating orthopedic surgeon, found “no objective factors of
9 impairment” in her left lower extremity. (AR at 616.) In light of such compelling
10 evidence of recovery, the ALJ thus properly rejected the severity of pain alleged by
11 Plaintiff.

12 Accordingly, the Court finds that substantial evidence supported the ALJ’s
13 decision that Plaintiff was not disabled. *See Mayes v. Massanari*, 276 F.3d 453,
14 458-59 (9th Cir. 2001).

15 Based on the foregoing, IT IS ORDERED THAT judgment shall be entered
16 **AFFIRMING** the decision of the Commissioner denying benefits.

17
18 Dated: March 28, 2013



20 Hon. Jay C. Gandhi
21 United States Magistrate Judge

23 ^{3/} The ALJ also cited evidence from Dr. Grant Williams regarding Plaintiff’s
24 participation in an outpatient pain management program, where she made
25 “significant improvement in both physical and emotional areas.” (AR at 40.) This
26 reason does not appear to be tied to any *specific* complaints by Plaintiff, and thus
27 fails to demonstrate any inconsistencies that may discredit her. *See Lester v. Chater*,
28 81 F.3d at 834. Regardless, considering the adequacy of the other reasons provided
by the ALJ, this error is harmless. *Batson v. Comm’r of Soc. Sec. Admin.*, 359 F.3d
1190, 1195 (9th Cir. 2004).