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

HELEN CASTILLO,
Plaintiff,
v.
CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,^{1/}
Defendant.

Case No. ED CV 12-0897 JCG

**MEMORANDUM OPINION AND
ORDER**

Helen Castillo (“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. (Joint Stip. at 2-9, 12.) 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 at least three reasons in support of his credibility
3 determination.

4 First, the ALJ observed that Plaintiff reported three different years – 1990,
5 2000, and 2006 – as the last time she used drugs. (AR at 17, 379); *see Thomas v.*
6 *Barnhart*, 278 F.3d 947, 958-59 (9th Cir. 2002) (inconsistent statements may
7 properly discredit a claimant). Plaintiff mistakenly contends that these dates are
8 irrelevant because they all occurred well before the April 2008 onset date. (Joint
9 Stip. at 7.) Though *disability* is assessed from the alleged onset date, *credibility* is
10 subject to no such limitations. The inquiry is broad, simply concerning “the degree
11 to which the [claimant’s] statements can be believed and accepted as true.” Social
12 Security Ruling (“SSR”) 96-7P, 1996 WL 374186, at *4. Thus, as to this point, the
13 ALJ made no error in his credibility determination.^{2/}

14 Second, the ALJ noted the opinion of the consultative examiner, Dr. Kent
15 Jordan, who found that Plaintiff appeared to “‘highly embellish’ her psychiatric
16 symptomatology.” (AR at 16, 377); *see Thomas*, 278 F.3d at 958-59 (credibility
17 may be assessed via physician reports that address “the nature, severity, and effect
18 of” a claimant’s alleged symptoms). According to Dr. Jordan, Plaintiff presented “a
19 big discrepancy between [her alleged] psychiatric symptoms . . . and [the] reasons
20 that [she] cannot work.” (AR at 377.) These findings are significant, and weigh
21 heavily against Plaintiff’s veracity.

22 Third, the ALJ cited Plaintiff’s sporadic work history before her alleged onset
23 date as raising “a question as to whether [her] continuing unemployment is actually
24 due to medical impairments.” (AR at 18); *see Strauss v. Apfel*, 246 F.3d 676 (9th

25
26 ^{2/} Plaintiff also hints, without any further explanation, that the ALJ relied upon
27 an “isolated line of testimony” in observing her inconsistent statements. (Joint Stip.
28 at 7.) This contention is without basis, as Plaintiff made these inconsistent
statements on three different occasions. (*See* AR at 379.)

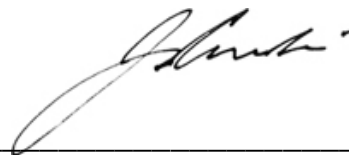
1 Cir. 2000) (“spotty work history” is a valid reason for discrediting a claimant).
2 Remarkably, the Certified Earnings Report noted numerous “possible gaps” in
3 Plaintiff’s earnings, including from 1993 to 1996, and from 2001 to 2003. (See AR
4 at 127.) No reason exists to upset the ALJ’s determination here.

5 Thus, for the reasons stated above, the ALJ’s credibility determination is
6 valid.^{3/}

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

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

12
13 Dated: April 29, 2013



14
15 Hon. Jay C. Gandhi
16 United States Magistrate Judge

17
18 ^{3/} The Court does, however, recognize that the ALJ erroneously found that
19 Plaintiff’s daily activities were “not limited to the extent one would expect, given
20 [her] complaints of disabling symptoms and limitations.” (AR at 17.) These
21 activities included traveling by bus “every other day” and “walk[ing] for exercise.”
(*Id.*)

22 True, a claimant’s credibility may be rejected when their daily activities are
23 “inconsistent with [their] alleged symptoms.” *Molina v. Astrue*, 674 F.3d 1104,
24 1112 (9th Cir. 2012). But the activities cited by the ALJ here are not so physically
25 or mentally demanding that any inconsistencies are apparent. Indeed, under the
26 “clear and convincing” standard, there must be some explanation as to how these
activities undermine the specific limitations alleged by Plaintiff. See *Lester*, 81 F.3d

27 In any event, this error is harmless given the ALJ’s other valid reasons
28 discussed above. See *Carmickle v. Comm’r, Soc. Sec. Admin.*, 533 F.3d 1155, 1162
(9th Cir. 2008).