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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

KAREN COATS,	)	CASE NO. SA CV 08-00276 (RZ)
	)	
Plaintiff,	)	
	)	MEMORANDUM OPINION
vs.	)	AND ORDER
	)	
MICHAEL J. ASTRUE, Commissioner of Social Security,	)	
	)	
Defendant.	)	
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The Administrative Law Judge found that, although Plaintiff had a learning disability, Plaintiff did not suffer a severe mental impairment, but she did have knee and back discomfort. [AR 14] Finding, however, that Plaintiff nevertheless retained the residual capacity to work, the Administrative Law Judge determined that she was not disabled. In this Court, Plaintiff challenges the decision on four grounds.

Plaintiff first argues that the Administrative Law Judge did not identify particular statements that he found questionable, and thus that his finding that Plaintiff was not credible does not comport with cases requiring him to give specific and cogent reasons for disbelieving Plaintiff. The Court disagrees. An administrative law judge may use ordinary techniques for evaluating a witness' credibility, *Fair v. Bowen*, 885 F.2d 597, 604 n.5 (1989), and the specific finding that Plaintiff was a malingerer [AR 17] is sufficient reason to doubt Plaintiff's version of the facts. As Social Security cases indicate, a fact-

1 finder can disbelieve a witness based on the witness' previous falsehoods. *Fair, supra*  
2 ("For example, if a claimant has a reputation as a liar, or has made prior statements  
3 inconsistent with his claim of pain, or is found to have been less than candid in other  
4 aspects of his testimony, that may be properly taken into account in determining whether  
5 or not his claim of disabling pain should be believed."). Furthermore, the obligation under  
6 Social Security cases to provide specific, clear and convincing reasons for rejecting a  
7 claimant's testimony arises only if there has been no malingering, *Vasquez v. Astrue*, \_\_\_  
8 F.3d \_\_\_, 2008 WL 4791860, slip opinion, No. 06-16817 (9th Cir. November 5, 2008)  
9 (citing *Lingengelter v. Astrue*, 508 F.3d 1028, 1035-36 (9th Cir. 2007)), and here the  
10 Administrative Law Judge specifically found that Plaintiff had been malingering. [AR 17]

11           Plaintiff next argues that the Administrative Law Judge should have addressed  
12 the comments of Plaintiff's mother. Plaintiff's mother testified that Plaintiff could not hold  
13 a job because she could not fill out applications and would get frustrated, and could not  
14 handle her own money. An administrative law judge, however, is not required to address  
15 each piece of evidence. *Howard ex rel. Wolff v. Barnhart*, 343 F.3d 1006, 1012 (9th Cir.  
16 2003). Even under the most stringent reading of the lay witness testimony cases, the failure  
17 to discuss the testimony here was harmless error, because it could not have affected the  
18 finding as to disability. *See Stout v. Commissioner*, 454 F.3d 1050, 1056 (9th Cir. 2006).  
19 Plaintiff previously had performed housekeeping work, and the contention that she would  
20 have gotten frustrated, particularly at filling out an application, could not gainsay that fact.  
21 Moreover, Plaintiff's mother testified that she herself had helped Plaintiff fill out the  
22 applications [AR 340], so the applications could have been prepared. This testimony  
23 simply does not belie the Administrative Law Judge's non-disability finding.


24           Plaintiff's third argument is that the Administrative Law Judge should have  
25 developed the record, and determined why Plaintiff had received Social Security benefits  
26 in the past. Plaintiff evidently received Social Security benefits, and then lost them when  
27 she went to prison. The obligation to develop the record further, however, only arises if  
28 there is some ambiguity which makes further development appropriate. *Tonapetyan v.*

1 *Halter*, 242 F.3d 1144, 1150 (9th Cir. 2001). Plaintiff identifies no ambiguity in the record  
2 as presented, and makes no legal argument that the receipt of benefits in the past somehow  
3 entitled her to receive benefits currently.

4 Plaintiff's last argument is that the Administrative Law Judge erred in finding  
5 Plaintiff capable of performing her past relevant work as a housekeeper. The  
6 Administrative Law Judge's finding was quite sketchy, a mere three sentences. [AR 17-18]  
7 However, the Administrative Law Judge *did* find that Plaintiff was capable of most light  
8 work [AR 15] and the testimony of the vocational expert established that such work is light  
9 and unskilled, and the vocational expert opined that a person with Plaintiff's profile could  
10 perform such work. The Administrative Law Judge would have done better to elucidate  
11 the specific duties involved, but his finding was that Plaintiff could perform the duties of  
12 the position as it is generally performed, and Plaintiff gives no indication as to how that is  
13 erroneous. Although the question on this point is close, the Court cannot find error  
14 justifying a remand.

15 In accordance with the foregoing, the Commissioner's decision is affirmed.

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17 DATED: November 13, 2008

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19 \_\_\_\_\_  
20 RALPH ZAREFSKY  
21 UNITED STATES MAGISTRATE JUDGE  
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