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

RODOLFO AYALA,  
Plaintiff,  
v.  
CAROLYN W. COLVIN, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION,<sup>1/</sup>  
Defendant.

) Case No. SA CV 12-0607 JCG

) **MEMORANDUM OPINION AND  
ORDER**

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Rodolfo Ayala (“Plaintiff”) challenges the Social Security Commissioner’s (“Defendant”) decision denying his application for disability benefits. Specifically, Plaintiff contends that the Administrative Law Judge (“ALJ”) improperly rejected the opinions of his treating physicians. (Joint Stip. at 3-10, 12.) The Court agrees with Plaintiff for the reasons stated below.

A. An ALJ Must Provide Specific and Legitimate Reasons to Reject the Contradicted Opinion of a Treating Physician

“As a general rule, more weight should be given to the opinion of a treating

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<sup>1/</sup> Carolyn W. Colvin is substituted as the proper defendant herein. See Fed. R. Civ. P. 25(d).

1 source than to the opinion of doctors who do not treat the claimant.” *Lester v.*  
2 *Chater*, 81 F.3d 821, 830 (9th Cir. 1995); *accord Benton ex rel. Benton v. Barnhart*,  
3 331 F.3d 1030, 1036 (9th Cir. 2003). This is so because a treating physician “is  
4 employed to cure and has a greater opportunity to know and observe the patient as  
5 an individual.” *Sprague v. Bowen*, 812 F.2d 1226, 1230 (9th Cir. 1987).

6 Where the “treating doctor’s opinion is contradicted by another doctor, the  
7 [ALJ] may not reject this opinion without providing specific and legitimate reasons  
8 supported by substantial evidence in the record[.]” *Lester*, 81 F.3d at 830 (internal  
9 quotation marks and citation omitted). The ALJ can meet the requisite specific and  
10 legitimate standard “by setting out a detailed and thorough summary of the facts and  
11 conflicting clinical evidence, stating his interpretation thereof, and making findings.”  
12 *Magallanes v. Bowen*, 881 F.2d 747, 751 (9th Cir. 1989) (internal quotation marks  
13 and citation omitted).

14 B. The ALJ Failed to Provide Specific and Legitimate Reasons for  
15 Rejecting the Opinions of Plaintiff’s Treating Physicians

16 Here, the ALJ provided a single reason for rejecting the opinions of Plaintiff’s  
17 treating physicians: they all exceeded their roles by “opin[ing] that [Plaintiff] was  
18 disabled at various times.”<sup>2/</sup> (AR at 16.) This reason alone, however, is insufficient  
19 to discredit a treating opinion, much less multiple ones.<sup>3/</sup>

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21 <sup>2/</sup> While the *substance* of Plaintiff’s treating records was discussed at length, the  
22 ALJ’s *assessment* of those records was limited to this single reason. (*Compare* AR  
23 at 14-16 *with* AR at 14.) Though Defendant alludes two additional reasons for the  
24 ALJ’s assessment (*i.e.*, Plaintiff’s “infrequent” treatment history and the lack of any  
25 referrals to pain management), both are cited out of context. (Joint Stip. at 12.)  
26 Those two reasons serve to discredit Plaintiff’s statements, not the treating  
27 physicians’. (*See* AR at 14.)

27 <sup>3/</sup> Curiously, in making this credibility assessment, the ALJ spoke of Plaintiff’s  
28 treating physicians as a single class without differentiating exactly which opinions  
were being discredited. (*See* AR at 16 (“[t]he claimant’s treatment providers had

1 True, the issue of disability is a legal one, and a treating physician’s beliefs  
2 regarding it are not entitled to any deference. 20 C.F.R. § 404.1527(e). At the same  
3 time, however, such beliefs bear little weight on the validity of an accompanying  
4 medical assessment, which must be addressed separately. *Boardman v. Astrue*, 286  
5 F. App’x 397, 399 (9th Cir. 2008). The ALJ wholly failed to discuss the *medical*  
6 value of the treating physicians’ opinions, and thus a finding of error is appropriate.<sup>4/</sup>

7 Accordingly, for the reasons stated above, the Court determines that the ALJ  
8 improperly discredited the opinions of his treating physicians. The Court thus  
9 determines that the ALJ’s decision is not supported by substantial evidence. *Mayer*  
10 *v. Massanari*, 276 F.3d 453, 458-59 (9th Cir. 2001).

11 C. Remand is Warranted

12 With error established, this Court has discretion to remand or reverse and  
13 award benefits. *McAllister v. Sullivan*, 888 F.2d 599, 603 (9th Cir. 1989). Where no  
14 useful purpose would be served by further proceedings, or where the record has been  
15 fully developed, it is appropriate to exercise this discretion to direct an immediate  
16 award of benefits. *See Benecke v. Barnhart*, 379 F.3d 587, 595-96 (9th Cir. 2004).  
17 But where there are outstanding issues that must be resolved before a determination  
18 can be made, or it is not clear from the record that the ALJ would be required to find  
19 plaintiff disabled if all the evidence were properly evaluated, remand is appropriate.  
20 *See id.* at 594.

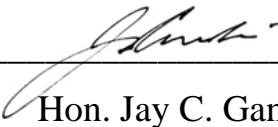
21 \_\_\_\_\_  
22 opined the claimant was disabled at various times since his initial injury to his right  
23 knee.”.)

24 <sup>4/</sup> Contrary to Defendant’s suggestions, this conclusion does not change simply  
25 because the ALJ also gave significant weight to the opinions of the consultative  
26 examiner and state agency consultant. (Joint Stip. at 10-11.) Under the specific and  
27 legitimate standard, the ALJ must “set forth his own interpretations [of conflicting  
28 medical evidence] and explain why they, rather than the doctors’, are correct.”  
*Embrey v. Bowen*, 849 F.2d 418, 421-22 (9th Cir. 1988). No discussion of  
conflicting *medical* evidence was made here.

1 Here, in light of the ALJ's error, the credibility of the treating physicians'  
2 opinions must be properly assessed. Therefore, on remand, the ALJ shall reevaluate  
3 their opinions and either credit them as true, or provide valid reasons for any portion  
4 that is rejected.

5 Based on the foregoing, IT IS ORDERED THAT judgment shall be entered  
6 **REVERSING** the decision of the Commissioner denying benefits and  
7 **REMANDING** the matter for further administrative action consistent with this  
8 decision.<sup>5/</sup>

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10 Dated: July 29, 2013

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13 Hon. Jay C. Gandhi  
14 United States Magistrate Judge  
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28 <sup>5/</sup> In light of the Court's remand instructions, it is unnecessary to address  
Plaintiff's remaining contentions. (See Joint Stip. at 12-16, 18-23, 26.)